

## Legislative Rule-Making Review Committee

### Senate Judiciary Committee Room

Minutes for Wednesday, September 13, 2023

9:00 a.m. to 9:00 p.m.

#### Senate

Woodrum, Chair	Present
Caputo	Present
Jeffries	Present
Queen	Present
Roberts	Present
Weld	
Blair, Nonvoting	Present

#### House

Smith, Chair	Present
Fehrenbacher	Present
Hornby	Present
Jeffries	Present
Kelly	Present
Rowe	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Wednesday, September 13, 2023. The meeting was called to order by the Chair, Delegate Smith. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Jeff Johnson, Senate Counsel; D. J. Morgan, House Counsel; Mark McOwen, House Counsel; Anita Valentino, House Counsel; Liz Schindzielorz, Senate Counsel; Will Valentino, House Counsel; Robert Akers, House Counsel; Brian Casto, House Counsel; Carl Fletcher, Senate Counsel; Mindy Parsely, Senate Counsel; Phillip Childs, Joint Committee Counsel; Adair Burgess, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

Chairman Smith recognized Senator Woodrum for the purpose of a motion to approve the minutes from August 9, 2023. The motion was adopted.

1. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Osteopathic Medicine, *Licensing Procedures for Osteopathic Physicians*, [24 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

2. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Osteopathic Medicine, *Osteopathic Physician Assistants*, [24 CSR 02](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

3. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Licensure and Practice of Pharmacy*, [15 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

4. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Continuing Education for Licensure for Pharmacists*, [15 CSR 03](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

5. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Registration of Pharmacy Technicians*, [15 CSR 07](#)**, and responded to questions from the Committee.

On motion of Senator Woodrum, the rule was approved as filed.

6. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians*, [15 CSR 12](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

7. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Centralized Prescription Processing*, [15 CSR 14](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

8. Jeff Johnson, Senate Counsel, explained his abstract on the proposed rule by the **Board of Pharmacy, *Regulations Governing Pharmacy Permits*, [15 CSR 15](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

9. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Real Estate Commission, *Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business*, [174 CSR 01](#)**.

Senator Woodrum moved for a Rule 41 ruling. Chairman Smith instructed Senator Woodrum to vote based on a class of people.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

- 10.D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Real Estate Commission, *Schedule of Fees*, [174 CSR 02](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

- 11.D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **Real Estate Commission, *Requirements for Real Courses, Course Providers and Instructors*, [174 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

12. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the **Office of the Insurance Commissioner, *Health Benefit Plan Network Access, and Adequacy*, [114 CSR 100](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

13. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the **Office of the Insurance Commissioner, *Bail Bondsmen in Criminal Cases*, [114 CSR 103](#)**, and responded to questions from the Committee.

Delegate Hornby moved to amend the rule on page 3, paragraph 3.2.1.h., following the words "felony crime", by striking out the remainder of the paragraph and inserting a semi-colon.

And,

On page 6, subsection 3.11., by inserting a new subsection to read as follows:

"3.12. Any person who has been convicted of a felony is not qualified to be licensed as a bail bondsman and the Commissioner shall not license any such person. The Commissioner shall revoke or non-renew the license of a bail bondsman who is convicted of a felony, after licensure, and shall non-renew the license of a bail bondsman who was previously convicted of a felony, and who was issued a license prior to the enactment of this subsection."

The amendment was adopted.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified and amended.

14. Mark McOwen, House Counsel, explained his abstract on the proposed rule by the **Racing Commission, *Thoroughbred Racing*, [178 CSR 01](#)**.

On motion of Senator Woodrum, the technical amendment by counsel was adopted.

On motion of Senator Woodrum, the rule was approved as amended.

15. Anita Valentino, House Counsel, explained her abstract on the proposed rule by the **Board of Acupuncture, *Applications for Licensure to Practice Acupuncture*, [32 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

16. Anita Valentino, House Counsel, explained her abstract on the proposed rule by the **Board of Dentistry, *Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database*, [5 CSR 10](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

17. Anita Valentino, House Counsel, explained her abstract on the proposed rule by **Massage Therapy Licensure Board, *General Provisions*, [194 CSR 01](#)**.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

18. Anita Valentino, House Counsel, explained her abstract on the proposed rule **Massage Therapy Licensure Board, *Schedule of Fees*, [194 CSR 04](#)**, and responded to questions from the Committee.

On motion of Senator Queen, the agency agreed to modifications were adopted.

On motion of Senator Queen, the rule was approved as modified.

19. Anita Valentino, House Counsel, explained her abstract on the proposed rule by the **Massage Therapy Licensure Board, *Establishment Licensure*, [194 CSR 07](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

20. Anita Valentino, House Counsel, explained her abstract on the proposed rule by the **Board of Professional Surveyors, *Examination and Licensing of Professional Surveyors in West Virginia*, [23 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

21. Anita Valentino, House Counsel, explained her abstract on the proposed rule by the **Board of Examiners of Psychologists, *Disciplinary and Complaint Procedures for Psychologists*, [17 CSR 04](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

22. Anita Valentino, House Counsel, explained her abstract on the proposed rule by the **Board of Examiners of Psychologists, *Contested Case Hearing Procedure*, [17 CSR 05](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

23. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the **Election Commission, *Corporate and Membership Organization Political Activity*, [146 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

24. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the **Election Commission, *Application and Approval Process for Secretary of State Expenditures from the County Assistance Voting Equipment Fund*, [146 CSR 07](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

25. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the **Secretary of State, *Guidelines for the Use of Nicknames and Other Designations on the Ballot*, [153 CSR 14](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

26. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the **Secretary of State, *Combined Voter Registration and Driver Licensing Fund*, [153 CSR 25](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

27. Liz Schindzielorz, Senate Counsel, explained her abstract on the proposed rule by the **Secretary of State, *Election Administration, Infrastructure, and Security Minimum Standards and Reserve Funding*, [153 CSR 55](#)**, and responded to questions from the Committee..

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

28. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **Governor's Committee on Crime, Delinquency, and Correction, *Law Enforcement Training and Certification Standards*, [149 CSR 02](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

29. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **Governor's Committee on Crime, Delinquency, and Correction, Protocol for Law Enforcement Response to Domestic Violence, [149 CSR 03](#)**, and responded to questions from the Committee.

With leave of the Committee, Jess Gundy, Director of the Law Enforcement Professional Standards, responded to questions from the Committee.

With leave of the Committee, Joyce Yedlosky, Team Coordinator with the West Virginia Coalition Against Domestic Violence, responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

30. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **Fire Commission, Fire Code, [87 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

31. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **Fire Commission, Certification and Evaluation of Local Fire Departments, [87 CSR 06](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.



32. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **Fire Commission, *Certification of Fire Chiefs*, [87 CSR 13](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

33. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **State Fire Marshal, *Certification of Electrical Inspectors*, [103 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

34. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **State Fire Marshal, *Supervision of Fire Protection Work*, [103 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

35. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **State Fire Marshal, *Electrician Licensing Rules*, [103 CSR 05](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

36. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **State Fire Marshal, *Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners*, [103 CSR 06](#)**.

With leave of the Committee, Ken Tyree, State Fire Marshal, responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

37. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **State Fire Marshal, *Certification of Home Inspectors*, [103 CSR 07](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

38. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **State Police, *West Virginia State Police Member Grievance Procedure*, [81 CSR 08](#)**, and responded to questions from the Committee.

On motion of Senator Woodrum, the rule was approved as filed.

39. D. J. Morgan, House Counsel, explained his abstract on the proposed rule by the **State Police, *Motor Vehicle Inspections*, [81 CSR19](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

40. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Division of Forestry, *Sediment Control During Commercial Timber-Harvesting Operations-Licensing*, [22 CSR 02](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

41. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Division of Forestry, *Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification*, [22 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

42. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Water and Waste Management, *Hazardous Waste Management System*, [33 CSR 20](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

43. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Water and Waste Management, *Underground Injection Control*, [47 CSR 13](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

44. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection - Secretary's Office, *Drinking Water Treatment Revolving Fund*, [60 CSR 12](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

45. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, *To Prevent and Control Air Pollution from the Emission of Sulfur Oxides*, [45 CSR 10](#)**, and responded to questions from the Committee.

On With leave of the Committee, Laura Jennings, Assistant Director of the Division of Air Quality, responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

46. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, *Standards of Performance for New Stationary Sources*, [45 CSR 16](#).**

On motion of Senator Woodrum, the rule was approved as filed.

47. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, *Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds*, [45 CSR 21](#).**

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

48. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, *Emission Standards for Hazardous Air Pollutants*, [45 CSR 34](#).**

On motion of Senator Woodrum, the rule was approved as filed.

49. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, *Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units*, [45 CSR 44](#).**

On motion of Senator Woodrum, the rule was approved as filed.

50. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, *Alternative Emission Limitations During Startup, Shutdown, and Maintenance Operations*, [45 CSR 01](#).**

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

51. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchanges**, [45 CSR 02](#).

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

52. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plant**, [45 CSR 03](#).

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

53. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas**, [45 CSR 05](#).

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

54. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, Control of Air Pollution from Combustion of Refuse**, [45 CSR 06](#).

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

55. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection – Division of Air Quality, To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations, [45 CSR 07](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

56. Brian Casto, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection - Air Quality, Ambient Air Quality Standards, [45 CSR 08](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

57. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, Frozen Desserts and Imitation Frozen Desserts, [61 CSR 04B](#)**, and responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

58. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, Certified Pesticide Applicator Rules, [61 CSR 12A](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

59. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, Licensing to Pesticide Businesses, [61 CSR 12B](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

60. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, *West Virginia Shellfish Rule*, [61 CSR 23B](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

61. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Division of Emergency Management, *Industrial Accident Rapid Response Rule*, [170 CSR 02](#)**, and responded to questions from the Committee.

On With leave of the Committee, Lonnie Bryson, Chief of Preparedness and Response with the Division of Emergency Management, responded to questions from the Committee.

On motion of Senator Woodrum, the rule was approved as filed.

62. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Division of Labor, *Minimum Wage, Maximum Hours, and Overtime Compensation*, [42 CSR 08](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

63. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Division of Labor, *Licensing of Elevator Mechanics and Technicians and Registration of Apprentices*, [42 CSR 21A](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

64. Mindy Parsley, Senate Counsel, explained her abstract on the proposed rule by the **Department of Economic Development, *Rule Governing the Operation of Motorsports Complexes and Events*, [145 CSR 19](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

65. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Division of Highways, *Construction and Reconstruction of State Roads*, [157 CSR 03](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

66. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Division of Highways, *Traffic and Safety Rules*, [157 CSR 05](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

67. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Department of Transportation – Division of Multimodal Transportation Faculties, *Valuation of Used Rolling Stock and Equipment*, [220 CSR 01](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

68. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Office of Miners' Health, Safety and Training, *Safety Provisions for Clearing Crews*, [56 CSR 02](#)**.



On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

69. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Office of Miners' Health, Safety and Training, *Rule Governing Protective Clothing and Equipment*, [56 CSR 04](#)**, and responded to questions from the Committee.

With leave of the Committee, John Boothroyd, Assistant Attorney General assigned to the Office of Miners' Health, Safety and Training, responded to questions from the Committee.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

70. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Office of Miners' Health, Safety and Training, *Rule Governing Reporting Requirements for Independent Contractors*, [56 CSR 10](#)**.

On motion of Senator Woodrum, the rule was approved as filed.

71. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Office of Miners' Health, Safety and Training, *Rule Governing Assessing Health and Safety Violation Penalties*, [56 CSR 12](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

72. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Office of Miners' Health, Safety and Training, *Rule Pertaining to the Office of Miners' Health, Safety and Training Application Process for the West Virginia Innovative Mine Safety Technology Tax Credit Act*, [56 CSR 14](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

73. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Office of Miners' Health, Safety and Training, *Rule Governing the Program for the Sharing of Information Between Employers*, [56 CSR 18](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

74. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Office of Miners' Health, Safety and Training, *Substance Abuse Screening, Standards and Procedures*, [56 CSR 19](#)**.

On motion of Senator Woodrum, the agency agreed to modifications were adopted.

On motion of Senator Woodrum, the rule was approved as modified.

Chairman Smith announced that the next Legislative Rule-Making Review Committee meetings will be held on November 1<sup>st</sup> and November 2<sup>nd</sup>.

With no further business to come before the Committee, Senator Woodrum moved to adjourn. The motion was adopted.