WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

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ENROLLED

Committee Substitute for
SENATE BILL NO. 209

(By Senator 

PASSED APRIL 12, 1997
In Effect From Passage
AN ACT to amend and reenact sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the
form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; disapproving the promulgation of a legislative rule; authorizing the commissioner of agriculture to promulgate a legislative rule relating to animal disease control; authorizing the secretary of state to promulgate a legislative rule relating to agencies designated to provide registration services; authorizing the secretary of state to promulgate a legislative rule relating to procedures for the recount of election returns; authorizing the secretary of state to promulgate a legislative rule relating to trademarks and service marks; authorizing the governor’s committee on crime, delinquency and correction to promulgate a legislative rule relating to the protocol for law-enforcement response to domestic violence; authorizing the governor’s committee on crime, delinquency and correction to promulgate a legislative rule relating to the basic training academy and annual in-service and biennial in-service training standards; authorizing the cable television advisory board to promulgate a legislative rule relating to implementing regulations; authorizing and directing the cable television advisory board to amend and promulgate a legislative rule relating to the calculation and collection of late fees; authorizing the auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the auditor; authorizing the commission for the deaf and hard of hearing to promulgate a legislative rule relating to fees for qualified interpreters; authorizing the board of dental examiners to promulgate a legislative rule relating to rules of the board; authorizing the board of licensed practical nurses to promulgate a legislative rule relating to legal standards of nursing practice for the licensed practical nurse; authorizing the board of medicine to promulgate a legislative rule relating to the formation and approval of professional limited liability companies; authorizing the nursing home administrators licensing board to promulgate a legislative rule
relating to the board; authorizing the board of pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians; authorizing the board of pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing the board of accountancy to promulgate a legislative rule relating to the board and rules of professional conduct; authorizing the board of barbers and cosmetologists to promulgate a legislative rule relating to a schedule of fees; authorizing the board of barbers and cosmetologists to promulgate a legislative rule relating to procedures, criteria and curricula for the examination and licensure of barbers, cosmetologists, manicurists and aestheticians; authorizing the board of examiners of psychologists to promulgate a legislative rule relating to qualifications for licensure as a psychologist or school psychologist; disapproving the promulgation of a legislative rule of the board of examiners of psychologists relating to fees; authorizing the public service commission to promulgate a legislative rule relating to use of the number “911”; authorizing the real estate appraiser licensure and certification board to promulgate a legislative rule relating to the requirements for licensure and certification; authorizing the real estate appraiser licensure and certification board to promulgate a legislative rule relating to the renewal of licensure or certification; authorizing the board of respiratory care to promulgate a legislative rule relating to procedures for the licensure application process; authorizing the board of respiratory care to promulgate a legislative rule relating to the establishment of fees; authorizing the board of respiratory care to promulgate a legislative rule relating to continuing education requirement; authorizing the economic development authority to promulgate a legislative rule relating to the general administration of the West Virginia capital company act: establishment of the application procedures to implement the act; and authorizing the family protection services board to promulgate a legislative rule relating to the operation of the board and the licensure and funding of domestic violence programs.

Be it enacted by the Legislature of West Virginia:
That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-1. Commissioner of agriculture.

The legislative rule filed in the state register on the twenty-third day of April, one thousand nine hundred ninety-six, authorized under the authority of section two, article nine, chapter nineteen of this code, modified by the commissioner of agriculture to meet the objections of the legislative rule-making review committee and refiled in the state register on the fourth day of October, one thousand nine hundred ninety-six, relating to the commissioner of agriculture (animal disease control, 61 CSR 1), is authorized.

§64-9-2. Secretary of state.

(a) The legislative rule filed in the state register on the twenty-sixth day of August, one thousand nine hundred ninety-six, authorized under the authority of section thirteen, article two, chapter three of this code, relating to the secretary of state (agencies designated to provide voter registration services, 153 CSR 28), is authorized.

(b) The legislative rule filed in the state register on the twenty-eighth day of August, one thousand nine hundred ninety-six, authorized under the authority of section six, article one-a, chapter three of this code, modified by the secretary of state to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fifth day of October, one thousand nine hundred ninety-six, relating to the secretary of state (procedures for recount of election returns, 153 CSR 20), is authorized.

(c) The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, authorized under the authority of section ten,
article two, chapter forty-seven of this code, modified by
the secretary of state to meet the objections of the legisla-
tive rule-making review committee and refiled in the state
register on the twenty-fourth day of October, one thou-
sand nine hundred ninety-six, relating to the secretary of
state (trademarks and service marks, 153 CSR 29), is
authorized.

§64-9-3. Governor’s committee on crime, delinquency and
correction.

(a) The legislative rule filed in the state register on the
twenty-eighth day of August, one thousand nine hundred
ninety-six, authorized under the authority of section nine,
article two-a, chapter forty-eight of this code, modified by
the governor’s committee on crime, delinquency and
correction to meet the objections of the legislative
rule-making review committee and refiled in the state
register on the twenty-fourth day of October, one thou-
sand nine hundred ninety-six, relating to the governor’s
committee on crime, delinquency and correction (protocol
for law-enforcement response to domestic violence, 149
CSR 3), is authorized.

(b) The legislative rule filed in the state register on the
twenty-eighth day of August, one thousand nine hundred
ninety-six, under the authority of section three, article
twenty-nine, chapter thirty of this code, modified by the
governor’s committee on crime, delinquency and corre-
tion to meet the objections of the legislative rule-making
review committee and refiled in the state register on the
twenty-fifth day of February, one thousand nine hundred
ninety-seven, relating to the governor’s committee on
crime, delinquency and correction (basic training acad-
emy, annual in-service and biennial in-service training
standards, 149 CSR 2), is authorized.

§64-9-4. Cable television advisory board.

(a) The legislative rule filed in the state register on the
twenty-seventh day of August, one thousand nine hundred
ninety-six, authorized under the authority of section
twenty-six, article eighteen, chapter five of this code,
modified by the cable television advisory board to meet
the objections of the legislative rule-making review
committee and refiled in the state register on the eight-
teenth day of October, one thousand nine hundred
ninety-six, relating to the cable television advisory board
(implementation regulations, 187 CSR 2), is authorized.

(b) The Legislature hereby authorizes and directs the
cable television advisory board to amend and promulgate
the legislative rule promulgated and final filed in the state
register on the seventh day of June, one thousand nine
hundred ninety-six, under the authority of section twenty-
six, article eighteen, chapter five of this code, relating to
the cable television advisory board (calculation and
collection of late fees, 187 CSR 6), is authorized with the
following amendment:

"On page one, by striking out all of section three and
inserting in lieu thereof the following:

3.1. Cable operators electing to charge late fees may
charge a fixed fee of not more than two dollars on the
unpaid balance after the scheduled due date."

§64-9-5. Auditor.

The legislative rule filed in the state register on the
thirtieth day of August, one thousand nine hundred
ninety-six, under the authority of section ten, article
three, chapter twelve of this code, modified by the auditor
to meet the objections of the legislative rule-making
review committee and refiled in the state register on the
fourth day of December, one thousand nine hundred
ninety-six, relating to the auditor (standards for requisitions
for payment issued by state officers on the auditor,
155 CSR 1), is authorized.


The legislative rule filed in the state register on the
twenty-ninth day of August, one thousand nine hundred
ninety-six, under the authority of section nine, article
fourteen-a, chapter five of this code, modified by the
commission for the deaf and hard of hearing to meet the
objections of the legislative rule-making review committee and refiled in the state register on the twenty-sixth day of February, one thousand nine hundred ninety-seven, relating to the commission for the deaf and hard of hearing (fees for qualified interpreters, 192 CSR 1), is authorized.


The legislative rule filed in the state register on the twenty-first day of June, one thousand nine hundred ninety-six, under the authority of section four-a, article four, chapter thirty of this code, modified by the board of dental examiners to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of October, one thousand nine hundred ninety-six, relating to the board of dental examiners (rules for the West Virginia board of dental examiners, 5 CSR 1), is authorized.

§64-9-8. Board of licensed practical nurses.

The legislative rule filed in the state register on the fifteenth day of July, one thousand nine hundred ninety-six, under the authority of section five, article seven-a, chapter thirty of this code, modified by the board of licensed practical nurses to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-fourth day of September, one thousand nine hundred ninety-six, relating to the board of licensed practical nurses (legal standards of nursing practice for the licensed practical nurse, 10 CSR 3), is authorized.


The legislative rule filed in the state register on the ninth day of September, one thousand nine hundred ninety-six, under the authority of section one thousand three hundred four, article thirteen, chapter thirty-one-c of this code, modified by the board of medicine to meet the objections of the legislative rule-making review committee
and refiled in the state register on the thirteenth day of February, one thousand nine hundred ninety-seven, relating to the board of medicine (formation and approval of professional limited liability companies, 11 CSR 7), is authorized.

§64-9-10. Nursing home administrators licensing board.

The legislative rule filed in the state register on the twenty-first day of May, one thousand nine hundred ninety-six, under the authority of section seven, article twenty-five, chapter thirty of this code, modified by the nursing home administrators licensing board to meet the objections of the legislative rule-making review committee and refiled in the state register on the fourteenth day of November, one thousand nine hundred ninety-six, relating to the nursing home administrators licensing board (rules of the nursing home administrators licensing board, 21 CSR 1), is authorized.


(a) The legislative rule filed in the state register on the seventh day of January, one thousand nine hundred ninety-seven, under the authority of section five-a, article three, chapter thirty of this code, modified by the board of pharmacy to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-sixth day of February, one thousand nine hundred ninety-seven, relating to the board of pharmacy (registration of pharmacy technicians, 15 CSR 7), is authorized.

(b) The legislative rule filed in the state register on the eighth day of August, one thousand nine hundred ninety-six, under the authority of section six, article nine, chapter sixty-a of this code, modified by the board of pharmacy to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-second day of November, one thousand nine hundred ninety-six, relating to the board of pharmacy (controlled substances monitoring, 15 CSR 8),
§64-9-12. Board of accountancy.

The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, under the authority of section three, article nine, chapter thirty, of this code, modified by the board of accountancy to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of February, one thousand nine hundred ninety-seven, relating to the board of accountancy (board rules and rules of professional conduct, 1 CSR 1), is authorized.


(a) The legislative rule filed in the state register on the twenty-ninth day of August, one thousand nine hundred ninety-six, under the authority of section one, article twenty-seven, chapter thirty of this code, modified by the board of barbers and cosmetologists to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of December, one thousand nine hundred ninety-six, relating to the board of barbers and cosmetologists (schedule of fees, 3 CSR 6), is authorized.

(b) The legislative rule filed in the state register on the twenty-ninth day of August, one thousand nine hundred ninety-six, under the authority of section one, article twenty-seven, chapter thirty of this code, modified by the board of barbers and cosmetologists to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-seventh day of December, one thousand nine hundred ninety-six, relating to the board of barbers and cosmetologists (procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, manicurists and aestheticians, 3 CSR 1), is authorized.

§64-9-14. Board of examiners of psychologists.
(a) The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, under the authority of section six, article twenty-one, chapter thirty of this code, modified by the board of examiners of psychologists to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-eighth day of February, one thousand nine hundred ninety-seven, relating to the board of examiners of psychologists (qualifications for licensure as a psychologist or school psychologist, 17 CSR 3), is authorized.

(b) The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, authorized under the authority of section six, article twenty-one, chapter thirty of this code, relating to the board of examiners of psychologists (fees, 17 CSR 1), is disapproved, and not authorized for promulgation.


The legislative rule filed in the state register on the twenty-sixth day of August, one thousand nine hundred ninety-six, under the authority of section ten, article six, chapter twenty-four of this code, modified by the public service commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the eighth day of January, one thousand nine hundred ninety-seven, relating to the public service commission (rules and regulations for the use of the number “911”, 150 CSR 15), is authorized.

§64-9-16. Real estate appraiser licensure and certification board.

(a) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-six, under the authority of section thirty, article fourteen, chapter thirty of this code, modified by the real estate appraiser licensure and certification board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-
third day of December, one thousand nine hundred ninety-six, relating to the real estate appraiser licensure and certification board (requirements for licensure and certification, 190 CSR 2), is authorized.

(b) The legislative rule filed in the state register on the thirty-first day of July, one thousand nine hundred ninety-six, under the authority of section six, article fourteen, chapter thirty of this code, modified by the real estate appraiser licensure and certification board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-third day of December, one thousand nine hundred ninety-six, relating to the real estate appraiser licensure and certification board (renewal of licensure or certification, 190 CSR 3), is authorized.

§64-9-17. Board of respiratory care.

(a) The legislative rule filed in the state register on the twenty-fifth day of July, one thousand nine hundred ninety-six, under the authority of section six, article thirty-four, chapter thirty of this code, modified by the board of respiratory care to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-ninth day of October, one thousand nine hundred ninety-six, relating to the board of respiratory care (procedures for licensure application process, 30 CSR 1), is authorized.

(b) The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, under the authority of section six, article thirty-four, chapter thirty of this code, modified by the board of respiratory care to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-ninth day of October, one thousand nine hundred ninety-six, relating to the board of respiratory care (establishment of fees, 30 CSR 2), is authorized.

(c) The legislative rule filed in the state register on the
In the thirty-first day of August, one thousand nine hundred ninety-six, under the authority of section five, article thirty-four, chapter thirty of this code, modified by the board of respiratory care to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-ninth day of October, one thousand nine hundred ninety-six, relating to the board of respiratory care (continuing education requirements, 30 CSR 3), is authorized with the following amendment:

“On page two, section 4.3, line two, after the word ‘subsection’ by striking out ‘2.5’ and inserting in lieu thereof ‘2.1’.”


The legislative rule filed in the state register on the thirteenth day of February, one thousand nine hundred ninety-six, under the authority of section five, article one, chapter five-e of this code, modified by the economic development authority to meet the objections of the legislative rule-making review committee and refiled in the state register on the thirteenth day of December, one thousand nine hundred ninety-six, relating to the economic development authority (general administration of the West Virginia capital company act: establishment of the application procedures to implement the act, 117 CSR 1), is authorized.


The legislative rule filed in the state register on the thirtieth day of August, one thousand nine hundred ninety-six, under the authority of section thirteen, article two-c, chapter forty-eight of this code, modified by the family protection services board to meet the objections of the legislative rule-making review committee and refiled in the state register on the twenty-sixth day of February, one thousand nine hundred ninety-seven, relating to the family protection services board (operation of family protection services board and licensure and funding of domestic violence programs, 191 CSR 1), is authorized.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the Senate.

In effect from passage.

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

[Signature]

The within is approved this the day of , 1997.

Governor

[Signature]