WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 199

(Senator Snyder, original sponsor)

[Passed March 14, 2015; in effect from passage.]
AN ACT to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by miscellaneous agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; 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 certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications; authorizing Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice for professional
engineers; authorizing Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee; authorizing Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapists and physical therapist assistants; authorizing Board of Osteopathic Medicine to promulgate a legislative rule relating to fees for services rendered by the board; authorizing Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists; authorizing Board of Pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians; authorizing Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy; authorizing Board of Dental Examiners to promulgate a legislative rule relating to formation and approval of professional limited liability companies; authorizing Board of Dental Examiners to promulgate a legislative rule relating to the board; authorizing Board of Dental Examiners to promulgate a legislative rule relating to dental recovery networks; authorizing Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations and dental practice ownership; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to frozen desserts and
imitation frozen desserts; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to fee structure for the Pesticide Control Act of 1990; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Plant Pest Act; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Spay Neuter Assistance Program; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to equine rescue facilities; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Loan Program; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to aquaculture importation; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to dangerous wild animals; authorizing Secretary of State to promulgate a legislative rule relating to the procedures for recount of election results; authorizing Secretary of State to promulgate a legislative rule relating to the standards and guidelines for electronic notarization; authorizing Secretary of State to promulgate a legislative rule relating to notaries public; authorizing Secretary of State to promulgate a legislative rule relating to a schedule of fees for notaries public; authorizing Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure; authorizing Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards; authorizing Family Protection
Services Board to promulgate a legislative rule relating to the 
Monitored Parenting and Exchange Program certification; 
authorizing Family Protection Services Board to promulgate a 
legislative rule relating to the operation of the board; and 
authorizing Family Protection Services Board to promulgate a 
legislative rule relating to perpetrator intervention programs 
licensure for correctional institutions.

Be it enacted by the Legislature of West Virginia:

That article 9, chapter 64 of the Code of West Virginia, 1931, 
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. Board of Registration for Professional Engineers.

1 The legislative rule filed in the State Register on March 
2 27, 2014, authorized under the authority of section nine, 
3 article thirteen, chapter thirty of this code, relating to the 
4 Board of Registration for Professional Engineers 
5 (examination, licensure and practice for professional 
6 engineers, 7 CSR 1), is not authorized.

§64-9-2. Governor's Committee on Crime, Delinquency and Correction.

1 The legislative rule filed in the State Register on 
2 September 9, 2014, authorized under the authority of section 
3 two, article twenty-nine, chapter thirty of this code, modified 
4 by the Governor's Committee on Crime, Delinquency and 
5 Correction to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State Register 
7 on October 29, 2014, relating to the Governor's Committee 
8 on Crime, Delinquency and Correction (law-enforcement 
9 training and certification standards, 149 CSR 2), is 
10 authorized.
§64-9-3. Real Estate Appraiser Licensing and Certification Board.

The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section seven, article thirty-eight, chapter thirty of this code, modified by the Real Estate Appraiser Licensing and Certification Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2014, relating to the Real Estate Appraiser Licensing and Certification Board (requirements for registration and renewal of appraisal management companies, 190 CSR 5), is authorized.

§64-9-4. Board of Medicine.

The legislative rule filed in the State Register on July 22, 2014, authorized under the authority of section three, article three-e, chapter thirty 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 November 20, 2014, relating to the Board of Medicine (licensure, disciplinary and complaint procedures, continuing education and physician assistants, 11 CSR 1B), is authorized.


The legislative rule filed in the State Register on June 26, 2014, authorized under the authority of section two, article six-d, chapter twelve of this code, relating to the Enterprise Resource Planning Board (enterprise resource planning system user fee, 213 CSR 1), is authorized.


The legislative rule filed in the State Register on May 9, 2014, authorized under the authority of section six, article
twenty, chapter thirty of this code, relating to the Board of Physical Therapy (fees for physical therapists and physical therapist assistants, 16 CSR 4), is authorized.


(a) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section six, article one, chapter thirty of this code, relating to the Board of Osteopathic Medicine (fees for services rendered by the board, 24 CSR 5), is authorized.

(b) The legislative rule filed in the State Register on July 31, 2014, authorized under the authority of section three, article fourteen-a, chapter thirty of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 25, 2014, relating to the Board of Osteopathic Medicine (osteopathic physician assistants, 24 CSR 2), is authorized.

§ 64-9-8. Board of Pharmacy.

(a) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section seven, article five, 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 January 8, 2015, relating to the Board of Pharmacy (immunizations administered by pharmacists, 15 CSR 12), is authorized.

(b) The legislative rule filed in the State Register on August 1, 2013, authorized under the authority of section seven, article five, 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 January 8, 2015, relating to the Board of Pharmacy (registration of pharmacy technicians, 15 CSR 7), is authorized with the amendment set forth below:

On page 11, subsection 5.3, by striking out the word “four” and inserting in lieu thereof the word “four”.

(c) The legislative rule filed in the State Register on August 1, 2013, authorized under the authority of section seven, article five, 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 January 8, 2015, relating to the Board of Pharmacy (controlled substances monitoring, 15 CSR 8), is authorized.

(d) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section seven, article five, 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 January 8, 2015, relating to the Board of Pharmacy (licensure and the practice of pharmacy, 15 CSR 1), is authorized.


(a) The legislative rule filed in the State Register on July 25, 2014, authorized under the authority of section one thousand three hundred four, article thirteen, chapter thirty-one-b of this code, relating to the Board of Dental Examiners (formation and approval of professional limited liability companies, 5 CSR 2), is authorized.
(b) The legislative rule filed in the State Register on July 25, 2014, authorized under the authority of section six, 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 December 17, 2014, relating to the Board of Dental Examiners (rule for the West Virginia Board of Dental Examiners, 5 CSR 1), is authorized.

(c) The legislative rule filed in the State Register on July 25, 2014, authorized under the authority of section six, 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 December 17, 2014, relating to the Board of Dental Examiners (dental recovery networks, 5 CSR 15), is authorized.

(d) The legislative rule filed in the State Register on July 25, 2014, authorized under the authority of section six, article four, chapter thirty of this code, relating to the Board of Dental Examiners (formation and approval of dental corporations; and dental practice ownership, 5 CSR 6), is authorized.


(a) The legislative rule filed in the State Register on July 29, 2014, authorized under the authority of section ten, article eleven-b, 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 October 30, 2014, relating to the Commissioner of Agriculture (frozen desserts and imitation frozen desserts, 61 CSR 4B), is authorized.
(b) The legislative rule filed in the State Register on August 1, 2014, 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 November 19, 2014, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 1), is authorized.

(c) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section three-a, article two-c, 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 November 19, 2014, relating to the Commissioner of Agriculture (auctioneers, 61 CSR 11B), is authorized.

(d) The legislative rule filed in the State Register on July 29, 2014, authorized under the authority of section four, article sixteen-a, 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 October 30, 2014, relating to the Commissioner of Agriculture (fee structure for the Pesticide Control Act of 1990, 61 CSR 12), is authorized.

(e) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section three, article twelve, 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 October 30, 2014, relating to the Commissioner of Agriculture (West Virginia Plant Pest Act, 61 CSR 14), is authorized.
(f) The legislative rule filed in the State Register on July 22, 2013, authorized under the authority of section three, article two-b, chapter nineteen of this code, relating to the Commissioner of Agriculture (inspection of meat and poultry, 61 CSR 16), is authorized.

(g) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section three, article twenty-c, 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 November 19, 2014, relating to the Commissioner of Agriculture (West Virginia Spay Neuter Assistance Program, 61 CSR 24), is authorized.

(h) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article one-c, 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 November 19, 2014, relating to the Commissioner of Agriculture (livestock care standards, 61 CSR 31), is authorized.

(i) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section one, article thirty-three, 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 December 23, 2014, relating to the Commissioner of Agriculture (equine rescue facilities, 61 CSR 32), is authorized with the following amendment:
On page 4, subsection 6.3, by striking the words '*, and the standards in the AAEP Care Guidelines for Equine Rescue and Retirement Facilities *.

(j) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section three, article twelve, 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 November 20, 2014, relating to the Commissioner of Agriculture (Rural Rehabilitation Loan Program, 61 CSR 33), is authorized with the following amendment:

On page 3, by striking out all of subsection 4.2, and by renumbering the remaining subsections.

(k) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section four, article thirty-two, 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 November 19, 2014, relating to the Commissioner of Agriculture (aquaculture importation, 61 CSR 35), is authorized.

(l) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section seven, article twelve-e, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 30, 2014, relating to the Commissioner of Agriculture (industrial hemp, 61 CSR 29), is authorized.
(m) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section three, article thirty-four, 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 November 20, 2014, relating to the Commissioner of Agriculture (dangerous wild animals, 61 CSR 30), is authorized with the following amendments:

On page 2, Paragraph 3.1.g.3., after the words “mountain lions;” by adding the word “and”;

On page 2, Paragraph 3.1.g.4., after the word “caracals”, by changing the semicolon to a period and striking out the remainder of Paragraph 3.1.g.4;

On page 2, Paragraph 3.1.g.5., by striking out all of Paragraph 3.1.g.5.;

On page 2, Subdivision 3.1.o, by striking out all of subdivision 3.1.o.;

On page 2, Subdivision 3.1.p, by striking out all of subdivision 3.1.p.;

On page 2, Subdivision 3.1.q, by striking out all of subdivision 3.1.q.;

On page 2, Subdivision 3.1.r, by striking out all of subdivision 3.1.r.;

On pages 2 and 3, Subdivision 3.1.t, by striking out all of subdivision 3.1.t.;
128 On page 3, Subdivision 3.1.u., by striking out all of Paragraph 3.1.u.;

129 On page 3, Subdivision 3.1.v., by striking out all of subdivision 3.1.v.;

130 On pages 3 and 4, Subdivision 3.1.w., by striking out all of subdivision 3.1.w.;

131 On page 4, Subdivision 3.1.x., by striking out all of subdivision 3.1.x.;

132 On page 4, Subdivision 3.1.y., by striking out all of subdivision 3.1.y.;

133 And,

134 On page 4, Subdivision 3.1.z., by striking out all of subdivision 3.1.z..

§64-9-11. Secretary of State.

(a) The legislative rule filed in the State Register on July 22, 2014, 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 September 9, 2014, relating to the Secretary of State (procedures for recount of election results, 153 CSR 20), is authorized.

(b) The legislative rule filed in the State Register on August 1, 2014, authorized under the authority of section twenty-five, article four, chapter thirty-nine of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled
14 in the State Register on September 9, 2014, relating to the
15 Secretary of State (standards and guidelines for electronic
16 notarization, 153 CSR 45), is authorized with the
17 amendments set forth below:

18 On page 3, by deleting all of section 8;

19 And,

20 By renumbering the remaining subsections.

21 (c) The legislative rule filed in the State Register on
22 August 1, 2014, authorized under the authority of section
23 twenty-five, article four, chapter thirty-nine of this code,
24 modified by the Secretary of State to meet the objections of
25 the Legislative Rule-Making Review Committee and refiled
26 in the State Register on September 9, 2014, relating to the
27 Secretary of State (notaries public, 153 CSR 46), is
28 authorized.

29 (d) The legislative rule filed in the State Register on
30 August 1, 2014, authorized under the authority of section
31 twenty-five, article four, chapter thirty-nine of this code,
32 modified by the Secretary of State to meet the objections of
33 the Legislative Rule-Making Review Committee and refiled
34 in the State Register on September 9, 2014, relating to the
35 Secretary of State (schedule of fees for notaries public, 153
36 CSR 50), is authorized.

§64-5-12. Family Protection Services Board.

1 (a) The legislative rule filed in the State Register on July
2 30, 2014, authorized under the authority of section four
3 hundred three, article twenty-six, chapter forty-eight of this
4 code, modified by the Family Protection Services Board to
5 meet the objections of the Legislative Rule-Making Review
Committee and refiled in the State Register on December 17, 2014, relating to the Family Protection Services Board (perpetrator intervention programs licensure, 191 CSR 3), is authorized.

(b) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section four hundred three, article twenty-six, 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 December 17, 2014, relating to the Family Protection Services Board (domestic violence program licensure standards, 191 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section four hundred three, article twenty-six, 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 December 17, 2014, relating to the Family Protection Services Board (Monitored Parenting and Exchange Program Certification, 191 CSR 4), is authorized.

(d) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section four hundred three, article twenty-six, 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 December 30, 2014, relating to the Family Protection Services Board (Operation of the Family Protection Services Board, 191 CSR 1), is authorized.
(e) The legislative rule filed in the State Register on July 30, 2014, authorized under the authority of section four hundred three, article twenty-six, 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 December 17, 2014, relating to the Family Protection Services Board (perpetrator intervention programs licensure for correctional institutions, 191 CSR 5), is authorized.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 2nd
Day of April, 2015.

Governor
PRESENTED TO THE GOVERNOR

MAR 20 2015

Time 4:05 PM