

WEST VIRGINIA LEGISLATURE FILED

2016 REGULAR SESSION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

SB159 (veto)

**Enrolled
Committee Substitute
for**

Senate Bill 159

BY SENATOR MAYNARD, *original sponsor*

[Passed March 12, 2016; in effect from passage]

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1 AN ACT to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as
2 amended, relating generally to the promulgation of administrative rules by various
3 executive or administrative agencies of the state; authorizing certain of the agencies to
4 promulgate certain legislative rules in the form that the rules were filed in the State
5 Register; authorizing certain of the agencies to promulgate certain legislative rules with
6 various modifications presented to and recommended by the Legislative Rule-Making
7 Review Committee; authorizing certain agencies and commissions to repeal certain
8 legislative, procedural or interpretative rules that are no longer authorized or are obsolete;
9 directing various agencies to amend and promulgate certain legislative rules; authorizing
10 the Board of Examiners in Counseling to promulgate a legislative rule relating to licensing;
11 authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating
12 to licensed professional counselor license renewal and continuing professional education
13 requirements; authorizing the Board of Examiners in Counseling to promulgate a
14 legislative rule relating to marriage and family therapists licensing; authorizing the Board
15 of Examiners in Counseling to promulgate a legislative rule relating to marriage and family
16 license renewal and continuing professional education requirements; authorizing the
17 Board of Accountancy to promulgate a legislative rule relating to board rules and rules of
18 professional conduct; authorizing the Department of Agriculture to promulgate a legislative
19 rule relating to the inspection of nontraditional domesticated animals; authorizing the
20 Department of Agriculture to promulgate a legislative rule relating to poultry litter and
21 manure movement into primary poultry breeder rearing areas; authorizing the Department
22 of Agriculture to promulgate a legislative rule relating to livestock care standards;
23 authorizing the Department of Agriculture to promulgate a legislative rule relating to
24 captive cervid farming; directing the Department of Agriculture to amend and promulgate
25 a legislative rule relating to industrial hemp; repealing the Department of Agriculture
26 legislative rule relating to tobacco; repealing the Department of Agriculture legislative rule

27 relating to the conduct of beef industry self-improvement assessment program
28 referendums; repealing the Department of Agriculture legislative rule relating to the
29 conduct of beef self-improvement assessment program referendums; repealing the
30 Department of Agriculture legislative rule relating to West Virginia seal of quality; repealing
31 the Department of Agriculture legislative rule relating to aquaculture farm rules; repealing
32 the Department of Agriculture procedural rule relating to the conduct of tree fruit industries
33 self-improvement assessment program referendums; authorizing the State Conservation
34 Committee to promulgate a legislative rule relating to the West Virginia Conservation
35 Agency Financial Assistance Program; authorizing the Board of Dentistry to promulgate a
36 legislative rule relating to continuing education requirements; authorizing the Board of
37 Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists
38 and dental assistants; authorizing the State Election Commission to promulgate a
39 legislative rule relating to the regulation of campaign finance; authorizing the State
40 Election Commission to promulgate a legislative rule relating to the West Virginia Supreme
41 Court of Appeals public campaign financing program; authorizing the State Board of
42 Registration for Professional Engineers to promulgate a legislative rule relating to the
43 examination, licensure and practice of professional engineers; authorizing the Governor's
44 Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating
45 to law enforcement training and certification standards; authorizing the Medical Imaging
46 and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule
47 relating to the board; authorizing the Board of Medicine to promulgate a legislative rule
48 relating to the establishment and regulation of limited license to practice medicine and
49 surgery at certain state veterans nursing home facilities; directing the Board of Medicine
50 to promulgate a legislative rule relating to licensing and disciplinary procedures of
51 Physicians and Podiatrists; authorizing the Nursing Home Administrators Licensing Board
52 to promulgate a legislative rule relating to nursing home administrators; authorizing the

53 Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice
54 of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating
55 to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to
56 promulgate a legislative rule relating to record keeping and automated data processing
57 systems; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the
58 licensure of wholesale drug distributors, third-party logistics providers and manufacturers;
59 authorizing the Property Valuation and Procedures Commission to promulgate a
60 legislative rule relating to tax map sales; authorizing the Board of Social Work to
61 promulgate a legislative rule relating to qualifications for the profession of social work;
62 authorizing the Secretary of State to promulgate a legislative rule relating to registration
63 forms and receipts; authorizing the Secretary of State to promulgate a legislative rule
64 relating to the elimination of precinct registration books; authorizing the Secretary of State
65 to promulgate a legislative rule relating to absentee voting by military voters who are
66 members of reserve units called to active duty; authorizing the Secretary of State to
67 promulgate a legislative rule relating to the Freedom of Information Act database;
68 repealing the Secretary of State legislative rule relating to matters relating to corporations
69 and other business entity filing; repealing the Secretary of State legislative rule relating to
70 matters relating to official election forms and vendor authorization; authorizing the Board
71 of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative
72 rule relating to the licensure of speech pathology and audiology; and authorizing the Board
73 of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative
74 rule relating to speech-language pathology and audiology assistants; authorizing the
75 Enterprise Resource Planning Board to promulgate a legislative rule relating to the
76 enterprise resource planning system user fee; repealing the Cable TV Advisory Board
77 legislative rule relating to franchising procedures; repealing the Cable TV Advisory Board
78 legislative rule relating to implementing regulations; repealing the Cable TV Advisory

79 Board legislative rule relating to calculation and collection of late fee; repealing the Cable
80 TV Advisory Board procedural rule relating to administrative procedures for consumer
81 complaint resolution under the West Virginia Cable TV Systems Act; repealing the Cable
82 TV Advisory Board procedural rule relating to rate regulation procedures; repealing the
83 Cable TV Advisory Board procedural rule relating to form and service of notice under
84 section eight, article eighteen-a, chapter five of this code; repealing the Contractor
85 Licensing Board legislative rule relating to consumer complaints; repealing the Respiratory
86 Care Board legislative rule relating to the procedure for licensure applications; repealing
87 the Attorney General procedural rule relating to freedom of information; repealing the
88 Municipal Bond Commission procedural rule relating to rules of procedure covering board
89 and executive committee meetings of the Municipal Bond Commission; repealing the
90 Housing Development Fund legislative rule relating to refiling of administrative rules
91 pertaining to administration of single-family mortgage loans; repealing the Public Service
92 Commission legislative exempt rule relating to rules and regulations for carrier access to
93 the lines and facilities of other carriers; repealing the Public Service Commission
94 legislative exempt rule relating to rules and regulations for shipper access to the lines and
95 facilities of rail carriers; repealing the Infrastructure and Jobs Development Council
96 procedural rule relating to establishing procedures to provide public notice of date, time,
97 place, agenda and purpose of meetings of the West Virginia Infrastructure and Jobs
98 Development Council and manner in which meetings are to be conducted; repealing the
99 Water Development Authority procedural rule new procedures in relation to providing
100 public notice of date, time, place and purpose of meetings of the West Virginia Water
101 Development Authority and manner in which meetings are to be conducted; and directing
102 the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing
103 procedures for osteopathic physicians.

Be it enacted by the Legislature of West Virginia:

104 That article 9, chapter 64 of the Code of West Virginia, 1931, as amended, be amended
105 and reenacted to read as follows:

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS
TO PROMULGATE LEGISLATIVE RULES AND REPEALING
UNAUTHORIZED AND OBSOLETE RULES OF MISCELLANEOUS
AGENCIES AND BOARDS.**

§64-9-1. Board of Examiners in Counseling.

1 (a) The legislative rule filed in the State Register on July 28, 2015, authorized under the
2 authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of
3 Examiners in Counseling to meet the objections of the Legislative Rule-Making Review
4 Committee and refiled in the State Register on October 20, 2015, relating to the Board of
5 Examiners in Counseling (licensing, 27 CSR 1), is authorized with the following amendment:

6 On page three, subdivision 5.2.a after the words "applicant for endorsement" by striking
7 out the words "in section 5.2 of this rule".

8 (b) The legislative rule filed in the State Register on July 28, 2015, authorized under the
9 authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of
10 Examiners in Counseling to meet the objections of the Legislative Rule-Making Review
11 Committee and refiled in the State Register on September 29, 2015, relating to the Board of
12 Examiners in Counseling (licensed professional counselor license renewal and continuing
13 professional education requirements, 27 CSR 3), is authorized.

14 (c) The legislative rule filed in the State Register on July 28, 2015, authorized under the
15 authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of
16 Examiners in Counseling to meet the objections of the Legislative Rule-Making Review
17 Committee and refiled in the State Register on October 20, 2015, relating to the Board of

18 Examiners in Counseling (marriage and family therapists licensing, 27 CSR 8), is authorized with
19 the following amendments:

20 On page three, subdivision 5.1 immediately following the words “shall be” by striking out
21 the words “greater than or equal “ and inserting in lieu thereof the words “substantially equivalent”;

22 On page three, subsection 5.2, after the words “license to practice”, by striking out the
23 words “mental health counselor” and inserting in lieu thereof the words “marriage and family
24 therapy”;

25 On page three, subdivision 5.2.a after the words “applicant for endorsement” by striking
26 out the words “in section 5.2 of this rule”;

27 On page four, subdivision 5.2.a.4, after the words “licensed as” by inserting the words
28 “marriage and family therapists”;

29 On page four, subsection 5.3 after the words “actively practiced” by striking out the words
30 “mental health counseling as licensed professional counselor” and inserting in lieu thereof the
31 words “marriage and family therapy as a licensed marriage and family therapist”;

32 On page four, paragraph 5.3.a.1, after the words “passed the” by striking out the words
33 “national counselor examination (NCE) or the national clinical mental health counseling
34 examination (NCMHCE) or other certification examination in counseling approved by the board”
35 and inserting in lieu thereof the words “Examination in Marital and Family Therapy or other
36 certification examination in marriage and family therapy approved by the board”; and

37 On page four, paragraph 5.3.a.2 after the words “license to practice” by striking out the
38 words “mental health counselor” and inserting in lieu thereof the following: “marriage and family
39 therapy”.

40 (d) The legislative rule filed in the State Register on July 28, 2015, authorized under the
41 authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of
42 Examiners in Counseling to meet the objections of the Legislative Rule-Making Review
43 Committee and refiled in the State Register on September 29, 2015, relating to the Board of

44 Examiners in Counseling (marriage and family license renewal and continuing professional
45 education requirements, 27 CSR 10), is authorized.

§64-9-2. Board of Accountancy.

1 The legislative rule filed in the State Register on Friday, July 24, 2015, authorized under
2 the authority of section five, article nine, chapter thirty of this code, modified by the Board of
3 Accountancy to meet the objections of the Legislative Rule-Making Review Committee and refiled
4 in the State Register on Thursday, November 5, 2015, relating to the Board of Accountancy (board
5 rules and rules of professional conduct, 1 CSR 1), is authorized.

§64-9-3. Department of Agriculture.

1 (a) The legislative rule filed in the State Register on July 30, 2015, authorized under the
2 authority of section four, article twenty-nine, chapter nineteen of this code, modified by the
3 Department of Agriculture to meet the objections of the Legislative Rule-Making Review
4 Committee and refiled in the State Register on November 3, 2015, relating to the Department of
5 Agriculture (inspection of nontraditional domesticated animals, 61 CSR 23D), is authorized.

6 (b) The legislative rule filed in the State Register on July 31, 2015, authorized under the
7 authority of section two, article nine, chapter nineteen of this code, modified by the Department
8 of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled
9 in the State Register on November 5, 2015, relating to the Department of Agriculture (poultry litter
10 and manure movement into primary poultry breeder rearing areas, 61 CSR 28), is authorized.

11 (c) The legislative rule filed in the State Register on July 31, 2015, authorized under the
12 authority of section four, article one-c, chapter nineteen of this code, modified by the Department
13 of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled
14 in the State Register on November 5, 2015, relating to the Department of Agriculture (livestock
15 care standards, 61 CSR 31), is authorized.

16 (d) The legislative rule filed in the State Register on July 28, 2015, authorized under the
17 authority of section twelve, article two-h, chapter nineteen of this code, modified by the
18 Department of Agriculture to meet the objections of the Legislative Rule-Making Review
19 Committee and refiled in the State Register on November 5, 2015, relating to the Department of
20 Agriculture (captive cervid farming, 61 CSR 34), is authorized with the following amendment:

21 On page nine, subdivision 13.1.a., by striking the words “two hundred (200) acres” and
22 inserting in lieu thereof the words “one hundred fifty (150) acres”.

23 (e) The Legislature directs the Department of Agriculture to promulgate the legislative
24 rule filed in the State Register on April 4, 2015, authorized under the authority of section seven,
25 article twelve-e, chapter nineteen, of this code, relating to the Department of Agriculture (industrial
26 hemp, 61 CSR 29), with the amendments set forth below:

27 On page one, section one, by striking out all of subsection 1.1 and inserting in lieu thereof
28 a new subsection 1.1 to read as follows:

29 1.1. Scope.- This rule establishes requirements for the licensing, cultivating, testing,
30 supervision, production and processing of industrial hemp in West Virginia through the issuance
31 of Research Program Licenses as designated generally in Section 7606 of the Agricultural Farm
32 Act of 214 (the Farm Bill).;

33 On page one, section two, by striking out all of subsection 2.6 and inserting in lieu thereof
34 a new subsection 2.6 to read as follows:

35 2.6. “License” or licensed” means the applicant has been issued a research Program
36 License by the Commissioner, following a successful application and review process and may
37 possess, grow, harvest, produce, distribute or deliver industrial hemp within West Virginia. The
38 Department is duly licensed to engage in research and development programs initiated by the
39 Commissioner.;

40 On page one, section two, by striking out all of subsection 2.7 and inserting in lieu thereof
41 a new subsection 2.7 to read as follows:

42 2.7. “Licensee” or “applicant” means the Department or state institute of higher learning
43 who has been issued a research Program License by the Department.

44 On page two, section two, subsection 2.9 after the word “Research” by striking out the
45 words “and Marketing Cultivation”;

46 On page two, section two, subsection 2.9 after the word “Commissioner” by striking out
47 the words “or affiliated”;

48 On page two, section two, subsection 3.1, by striking out all of subdivision 3.1.b. and
49 inserting in lieu thereof a new subdivision 3.1.b. to read as follows:

50 3.1.b. A research proposal that authorizes the purposes of the research, the scientific
51 methods to be employed and the use of the product outcomes.;

52 And,

53 On page three, section four, subdivision 4.1.b., after the word “planted” by changing the
54 semicolon to a period and striking out all of subdivision 4.1.c.

55 (f) The legislative rule effective on November 14, 1967, authorized under the authority of
56 article two, chapter nineteen of this code, relating to the Department of Agriculture (tobacco, 61
57 CSR 11A), is repealed.

58 (g) The legislative rule effective on May 31, 1985, authorized under the authority of section
59 four, article one, chapter nineteen of this code, relating to the Department of Agriculture (conduct
60 of beef industry self-improvement assessment program referendums, 61 CSR 11C), is repealed.

61 (h) The legislative rule effective on May 31, 1985, authorized under the authority of section
62 four-j, article one, chapter nineteen of this code, relating to the Department of Agriculture (conduct
63 of beef self-improvement assessment program referendums, 61 CSR 11G), is repealed.

64 (i) The legislative rule effective on August 21, 1959, authorized under the authority of
65 article two, chapter nineteen of this code, relating to the Department of Agriculture (West Virginia
66 seal of quality, 61 CSR 15), is repealed.

67 (j) The legislative rule effective on May 1, 1995, authorized under the authority of section
68 one, article twenty-nine, chapter nineteen of this code, relating to the Department of Agriculture
69 (aquaculture farm rules , 61 CSR 23), is repealed.

70 (k) The procedural rule effective on September 23, 1989, authorized under the authority
71 of section one, article twenty-six, chapter nineteen of this code, relating to the Department of
72 Agriculture (conduct of tree fruit industries self-improvement assessment program referendums,
73 61 CSR 20), is repealed.

§64-9-4. State Conservation Committee.

1 The legislative rule filed in the State Register on June 3, 2015, authorized under the
2 authority of section four-a, article twenty-one-a, chapter nineteen of this code, modified by the
3 State Conservation Committee to meet the objections of the Legislative Rule-Making Review
4 Committee and refiled in the State Register on September 16, 2015, relating to the State
5 Conservation Committee (West Virginia Conservation Agency Financial Assistance Program, 63
6 CSR 2), is authorized.

§64-9-5. Board of Dentistry.

1 (a) The legislative rule filed in the State Register on July 23, 2015, authorized under the
2 authority of section six, article four, chapter thirty of this code, modified by the Board of Dentistry
3 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
4 Register on September 23, 2015, relating to the Board of Dentistry (continuing education
5 requirements, 5 CSR 11), is authorized.

6 (b) The legislative rule filed in the State Register on July 23, 2015, authorized under the
7 authority of section six, article four, chapter thirty of this code, modified by the Board of Dentistry
8 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
9 Register on September 23, 2015, relating to the Board of Dentistry (expanded duties of dental
10 hygienists and dental assistants, 5 CSR 13), is authorized.

§64-9-6. State Election Commission.

1 (a) The legislative rule filed in the State Register on July 31, 2015, authorized under the
2 authority of section five, article one-a, chapter three of this code, modified by the State Election
3 Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled
4 in the State Register on December 22, 2015, relating to the State Election Commission (regulation
5 of campaign finance, 146 CSR 3), is authorized with the amendments set forth below:

6 On page 11, by striking all of subdivision 6.3.e;

7 On page 11, subsection 6.7, after the word "ballot", by striking the remainder of subsection
8 6.7;

9 On page 12, subdivision 7.2.b, by striking the words "by making a contribution to one or
10 more political party committees or candidates";

11 On page 18, by striking all of subdivision 10.7.a;

12 And,

13 On page 18 by striking all of subdivision 10.7.b.

14 (b) The legislative rule filed in the State Register on July 31, 2015, authorized under the
15 authority of section fourteen, article twelve, chapter three of this code, modified by the State
16 Election Commission to meet the objections of the Legislative Rule-making Review Committee
17 and refiled in the State Register on December 22, 2015, relating to the State Election Commission
18 (West Virginia Supreme Court of Appeals Public Campaign Financing Program, 146 CSR 5), is
19 authorized.

§64-9-7. State Board of Registration for Professional Engineers.

1 The legislative rule filed in the State Register on May 11, 2015, authorized under the
2 authority of section nine, article thirteen, chapter thirty of this code, modified by the State Board
3 of Registration for Professional Engineers to meet the objections of the Legislative Rule-Making
4 Review Committee and refiled in the State Register on September 22, 2015, relating to the State
5 Board of Registration for Professional Engineers (examination, licensure and practice of
6 professional engineers, 7 CSR 1), is authorized.

§64-9-8. Governor's Committee on Crime, Delinquency and Correction.

1 The legislative rule filed in the State Register on July 27, 2015, authorized under the
2 authority of section three, article twenty-nine, chapter thirty of this code, modified by the
3 Governor's Committee on Crime, Delinquency and Correction to meet the objections of the
4 Legislative Rule-Making Review Committee and refiled in the State Register on November 5,
5 2015, relating to the Governor's Committee on Crime, Delinquency and Correction (law-
6 enforcement training and certification standards, 149 CSR 2), is authorized.

§64-9-9. Medical Imaging and Radiation Therapy Technology Board of Examiners.

1 The legislative rule filed in the State Register on June 8, 2015, authorized under the
2 authority of section six, article twenty-three, chapter thirty of this code, relating to the Medical
3 Imaging and Radiation Therapy Technology Board of Examiners (rules of the Board, 18 CSR 1),
4 is authorized.

§64-9-10. Board of Medicine.

1 (a) The legislative rule filed in the State Register on July 27, 2015, authorized under the
2 authority of section eleven-b, article three, chapter thirty of this code, modified by the Board of
3 Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in
4 the State Register on October 23, 2015, relating to the Board of Medicine (establishment and
5 regulation of limited license to practice medicine and surgery at certain state veterans' nursing
6 home facilities, 11 CSR 11), is authorized.

7 (b) The Legislature directs the West Virginia Board of Medicine to promulgate the
8 legislative rule filed in the State Register on April 6, 2007, authorized under the authority of section
9 seven, article three, chapter thirty of this code relating to the Board of Medicine (licensing and
10 disciplinary procedures. Physicians; Podiatrists, 11 CSR 1A), is authorized with the following
11 amendments:

12 'On Subsection 12.1, subdivision ee, paragraph A, after the word, "narcolepsy" and
13 inserting the words, "binge eating disorder";

§64-9-11. Nursing Home Administrators Licensing Board.

1 The legislative rule filed in the State Register on July 17, 2017, authorized under the
2 authority of section six, article twenty-five, chapter thirty of this code, modified by the Nursing
3 Home Administrators Licensing Board to meet the objections of the Legislative Rule-Making
4 Review Committee and refiled in the State Register on November 2, 2015, relating to the Nursing
5 Home Administrators Licensing Board (nursing home administrators, 21 CSR 1), is authorized.

§64-9-12. Board of Pharmacy.

1 (a) The legislative rule filed in the State Register on July 16, 2015, authorized under the
2 authority of section seven, article five, chapter thirty of this code, modified by the Board of
3 Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in
4 the State Register on December 17, 2015, relating to the Board of Pharmacy (licensure and
5 practice of pharmacy, 15 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on July 16, 2015, authorized under the
7 authority of section three hundred one, article three, chapter sixty-a of this code, modified by the
8 Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and
9 refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (Uniform
10 Controlled Substances Act, 15 CSR 2), is authorized.

11 (c) The legislative rule filed in the State Register on July 16, 2015, authorized under the
12 authority of section seven, article five, chapter thirty of this code, modified by the Board of
13 Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in
14 the State Register on December 17, 2015, relating to the Board of Pharmacy (record keeping and
15 automated data processing systems, 15 CSR 4), is authorized.

16 (d) The legislative rule filed in the State Register on July 16, 2015, authorized under the
17 authority of section seven, article five, chapter thirty of this code, modified by the Board of
18 Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in
19 the State Register on December 17, 2015, relating to the Board of Pharmacy (licensure of

20 wholesale drug distributors, third-party logistics providers and manufacturers, 15 CSR 5), is
21 authorized.

§64-9-13. Property Valuation and Procedures Commission.

1 The legislative rule filed in the State Register on July 29, 2015, authorized under the
2 authority of section five, article ten, chapter eleven of this code and section four-d, article one-c,
3 chapter eleven of this code, modified by the Property Valuation and Procedures Commission to
4 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
5 Register on October 27, 2015, relating to the Property Valuation and Procedures Commission
6 (tax map sales, 189 CSR 5), is authorized.

§64-9-14. Board of Social Work.

1 The legislative rule filed in the State Register on July 21, 2015, authorized under the
2 authority of section six, article thirty, chapter thirty of this code, modified by the Board of Social
3 Work to meet the objections of the Legislative Rule-Making Review Committee and refiled in the
4 State Register on December 4, 2015, relating to the Board of Social Work (qualifications for the
5 profession of social work, 25 CSR 1), is authorized.

§64-9-15. Secretary of State.

1 (a) The legislative rule filed in the State Register on June 30, 2015, authorized under the
2 authority of section six, article one-a, chapter three of this code, relating to the Secretary of State
3 (registration forms and receipts, 153 CSR 3), is authorized.

4 (b) The legislative rule filed in the State Register on July 1, 2015, authorized under the
5 authority of section twenty-one, article two, chapter three of this code, relating to the Secretary of
6 State (elimination of precinct registration books, 153 CSR 9), is authorized.

7 (c) The legislative rule filed in the State Register on June 30, 2015, authorized under the
8 authority of section six, article one-a, chapter three of this code, relating to the Secretary of State
9 (absentee voting by military voters who are members of reserve units called to active duty, 153
10 CSR 23), is authorized.

11 (d) The legislative rule filed in the State Register on June 30, 2015, authorized under the
12 authority of section three-a, article one, chapter twenty-nine-b of this code, modified by the
13 Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and
14 refiled in the State Register on December 22, 2015, relating to the Secretary of State (Freedom
15 of Information Act database, 153 CSR 52), is authorized.

16 (e) The legislative rule effective on April 3, 1998, authorized under the authority of section
17 sixty-seven, article one, chapter thirty-one of this code, relating to the Secretary of State (matters
18 relating to corporations and other business entity filing, 153 CSR 5), is repealed.

19 (f) The legislative rule effective on June 7, 1996, authorized under the authority of section
20 six, article one-a, chapter three of this code, relating to the Secretary of State (matters relating to
21 official election forms and vendor authorization, 153 CSR 26), is repealed.

§64-9-16. Board of Examiners for Speech-Language Pathology and Audiology.

1 (a) The legislative rule filed in the State Register on June 8, 2015, authorized under the
2 authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of
3 Examiners for Speech-Language Pathology and Audiology to meet the objections of the
4 Legislative Rule-Making Review Committee and refiled in the State Register on December 4,
5 2015, relating to the Board of Examiners for Speech-Language Pathology and Audiology
6 (licensure of speech pathology and audiology, 29 CSR 1), is authorized.

7 (b) The legislative rule filed in the State Register on June 8, 2015, authorized under the
8 authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of
9 Examiners for Speech-Language Pathology and Audiology to meet the objections of the
10 Legislative Rule-Making Review Committee and refiled in the State Register on December 4,
11 2015, relating to the Board of Examiners for Speech-Language Pathology and Audiology (speech-
12 language pathology and audiology assistants, 29 CSR 2), is authorized with the following
13 amendments:

14 On page 4, Subdivision 4.1.(y), following the word “than”, by striking the word “two” and
15 inserting in lieu thereof the word “three”;

16 On page 4, section 5, paragraph (8), after the word “pathologists,” by striking out the words
17 “or audiologists,” and in paragraph (11), after the word “pathology,” by striking out the words “or
18 Audiology.”;

19 And

20 On page 5, section (6), subsection (c), after the word “pathologist” by striking out the words
21 “or audiologist,” and in subsection (j), after the word “pathologist,” by striking out the words “or
22 audiology,” and in subsection (m), after the word “pathologist,” by striking out the words “or
23 audiologist.”

§64-9-17. Enterprise Resource Planning Board.

1 The legislative rule contained in title two hundred thirteen, series one, of the code of state
2 rules, filed and effective April 14, 2015, under the authority of section two, article six-d, chapter
3 twelve of this code, relating to the enterprise resource planning system user fee, 213 CSR 1, is
4 reauthorized, with the amendment set forth below:

5 On page two, subsection 3.2, line 4, following the words “of the ERP system” and the
6 period, by adding the following: “The amount of the user fee assessed and imposed upon a
7 spending unit of the state shall not exceed \$200 per FTE per year. The total amount of user fees
8 that may be assessed in any fiscal year shall not exceed \$8,312,200. The authority of the Board
9 to assess a user fee expires on and after January 1, 2018.”

§64-9-18. Cable TV Advisory Board.

1 (a) The legislative rule effective on April 15, 1991, authorized under the authority of section
2 six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (franchising
3 procedures, 187 CSR 1), is repealed.

4 (b) The legislative rule effective on June 1, 1997, authorized under the authority of section
5 twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board
6 (implementing regulations, 187 CSR 2), is repealed.

7 (c) The legislative rule effective on June 30, 1997, authorized under the authority of section
8 twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board
9 (calculation and collection of late fee, 187 CSR 6), is repealed.

10 (d) The procedural rule effective on October 7, 1991, authorized under the authority of
11 section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory
12 Board (administrative procedures for consumer complaint resolution under the West Virginia
13 Cable TV Systems Act, 187 CSR 3), is repealed.

14 (e) The procedural rule effective on August 28, 1993, authorized under the authority of
15 section sixteen, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board
16 (rate regulation procedures, 187 CSR 4), is repealed.

17 (f) The procedural rule effective on March 5, 1994, authorized under the authority of
18 section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory
19 Board (form and service of notice under section eight, article eighteen-a, chapter five of this code,
20 187 CSR 5), is repealed.

§64-9-19. Contractor Licensing Board.

1 The legislative rule effective on November 1, 2002, authorized under the authority of
2 section fourteen, article eleven, chapter twenty-one of this code, relating to the Contractor
3 Licensing Board (consumer complaints, 28 CSR 3), is repealed.

§64-9-20. Respiratory Care Board.

1 The legislative rule effective on June 24, 1997, authorized under the authority of section
2 six, article thirty-four, chapter thirty of this code, relating to the Respiratory Care Board (procedure
3 for licensure applications, 30 CSR 1), is repealed.

§64-9-21. Attorney General.

1 The procedural rule effective on December 21, 1988, authorized under the authority of
2 section three, article one, chapter twenty-nine-b of this code, relating to the Attorney General
3 (freedom of information, 142 CSR 2), is repealed.

§64-9-22. Municipal Bond Commission.

1 The procedural rule effective on March 12, 1984, authorized under the authority of section
2 six, article three, chapter thirteen of this code, relating to the Municipal Bond Commission (rules
3 of procedure covering board and executive committee meetings of the Municipal Bond
4 Commission, 109 CSR 1), is repealed.

§64-9-23. Housing Development Fund.

1 The legislative rule effective on August 15, 1982, authorized under the authority of section
2 one, article eighteen-b, chapter thirty-one of this code, relating to the Housing Development Fund
3 (refiling of administrative rules pertaining to administration of single-family mortgage loans, 88
4 CSR 1) is repealed.

§64-9-24. Public Service Commission.

1 (a) The legislative exempt rule effective on December 12, 1987, authorized under the
2 authority of section one, article one, chapter twenty-four of this code, relating to the Public Service
3 Commission (rules and regulations for carrier access to the lines and facilities of other carriers,
4 150 CSR 18), is repealed.

5 (b) The legislative exempt rule effective on December 12, 1987, authorized under the
6 authority of section one, article one, chapter twenty-four of this code, relating to the Public Service
7 Commission (rules and regulations for shipper access to the lines and facilities of rail carriers,
8 150 CSR 19), is repealed.

§64-9-25. Infrastructure and Jobs Development Council.

1 The procedural rule effective on November 12, 1999, authorized under the authority of
2 section three, article nine-a, chapter six of this code, relating to the Infrastructure and Jobs
3 Development Council (establishing procedures to provide public notice of date, time, place,
4 agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development
5 Council and manner in which meetings are to be conducted, 167 CSR 2), is repealed.

§64-9-26. Water Development Authority.


1 The procedural rule effective on November 4, 1999, authorized under the authority of
2 section three, article nine-a, chapter six of this code, relating to the Water Development Authority
3 (new procedures in relation to providing public notice of date, time, place and purpose of meetings
4 of the West Virginia Water Development Authority and manner in which meetings are to be
5 conducted, 44 CSR 3), is repealed.

§64-9-27. Board of Osteopathic Medicine.

1 The Legislature directs the West Virginia Board of Osteopathic Medicine to promulgate
2 the legislative rule filed in the State Register on May 8, 2013, authorized under the authority of
3 section four, article one, chapter thirty of this code and section six-b, article one, chapter thirty of
4 this code relating to the Board of Osteopathic Medicine (licensing procedures for osteopathic
5 physicians, 24 CSR 1), is authorized with the following amendments:

6 On Subsection 18.1, subdivision dd, paragraph 1, after the word, “narcolepsy” and
7 inserting the words, “binge eating disorder”.”

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

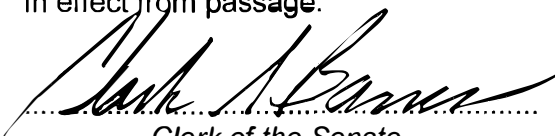

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Chairman, Senate Committee

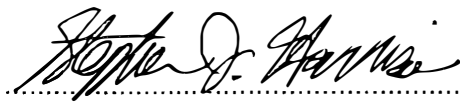
Member

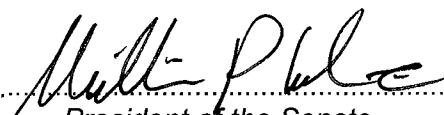

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Chairman, House Committee

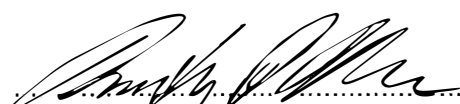
Originated in the Senate.

In effect from passage.

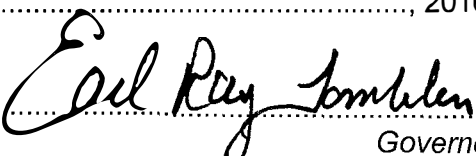

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

The within *is disapproved* this the *1st*.....
Day of *April*....., 2016.


.....
Governor

PRESENTED TO THE GOVERNOR

APR 21 2016

Time 10:25 AM