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2005 MAY -4 P 11: 25

OFFICE WEST VIRGINIA  
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# WEST VIRGINIA LEGISLATURE

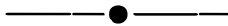
FIRST REGULAR SESSION, 2005



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 2669**

(By Delegates Mahan, Palumbo, Cann, Pino,  
Armstead and Overington)



Passed April 9, 2005

In Effect from Passage

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**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 2669**

(BY DELEGATES MAHAN, PALUMBO,  
CANN, PINO, ARMSTEAD AND OVERINGTON)

[Passed April 9, 2005; in effect from passage]

AN ACT to amend and reenact article 9, chapter 64 of the code of West Virginia, 1931, 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 or 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 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 as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and

recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; disapproving the promulgation of certain legislative rules; disapproving the promulgation of a legislative rule by the Board of Acupuncture relating to the dispensing of materia medica, formulary and legend drugs; authorizing the Department of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection of meat and poultry; authorizing the Department of Agriculture to promulgate a legislative rule relating to commercial feed; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to the chiropractic practice; authorizing the Contractor Licensing Board to promulgate a legislative rule relating to the West Virginia contractor licensing act; relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the Board; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of professional limited liability companies; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to fees; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations; authorizing the Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure for correctional institutions; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training standards; 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; disapproving the promulgation of a legislative rule by the Governor's Committee on Crime, Delinquency and Correction relating to motor vehicle stop data collection standards for the study of racial profiling; authorizing the Hatfield-McCoy Regional Recreation Authority to promulgate a legislative rule

relating to use of facilities; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to minimum standards for the practice of land surveying in West Virginia; authorizing the Board of Examiners for Licensed Practical Nurses to promulgate a legislative rule relating to fees for services rendered by the Board; authorizing the Public Service Commission to promulgate a legislative rule relating to statewide telephone information and referral 211 service; authorizing the Radiologic Technology Board of Examiners to promulgate a legislative rule relating to the Board; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the Board; authorizing the Secretary of State to promulgate a legislative rule relating to agencies designated to provide voter registration services; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants; authorizing the State Treasurer to promulgate a legislative rule relating to procedures for fees in collections by charge, credit or debit card or by electronic payment; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees.

*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 Acupuncture.**

1 The legislative rule filed in the state register on the second  
2 day of September, two thousand three, under the authority of  
3 section seven, article thirty-six, chapter thirty, of this code,  
4 modified by the Board of Acupuncture to meet the objections  
5 of the Legislative Rule-Making Review Committee and refiled  
6 in the state register on the fourteenth day of October, two  
7 thousand four, relating to the Board of Acupuncture (dispensing  
8 of materia medica, formulary and legend drugs, 32 CSR 2), is  
9 disapproved and not authorized.

**§64-9-2. Department of Agriculture.**

1 (a) The legislative rule filed in the state register on the  
2 twenty-seventh day of August, two thousand four, under the  
3 authority of section two, article nine, chapter nineteen, of this  
4 code, modified by the Department of Agriculture to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the state register on the nineteenth day of Novem-  
7 ber, two thousand four, relating to the Department of Agricul-  
8 ture (animal disease control, 61 CSR 1), is authorized, with the  
9 following amendments:

10 On page twelve, paragraph 6.19.b.C., after the words  
11 'pullorum/typhoid' by changing the period to a semicolon and  
12 inserting the word 'and';

13 and

14 On page twelve, paragraph 6.19.b.D. by striking out the  
15 entire paragraph and inserting in lieu thereof the following: 'a  
16 United States Department of Agriculture Form 9-3 stating that  
17 a minimum of 20 birds per flock or the entire flock of 20 birds  
18 or less had a negative test for avian influenza within 10 days  
19 prior to import. The test shall be a NPIP approved procedure.'

20 (b) The legislative rule filed in the state register on the  
21 fourth day of August, two thousand four, under the authority of

22 section three, article two-b, chapter nineteen, of this code,  
23 relating to the Department of Agriculture (inspection of meat  
24 and poultry, 61 CSR 16), is authorized.

25 (c) The legislative rule filed in the state register on the  
26 twenty-seventh day of August, two thousand four, under the  
27 authority of section three, article fourteen, chapter nineteen, of  
28 this code, modified by the Department of Agriculture to meet  
29 the objections of the Legislative Rule-Making Review Commit-  
30 tee and refiled in the state register on the twenty-fourth day of  
31 November, two thousand four, relating to the Department of  
32 Agriculture (commercial feed, 61 CSR 5), is authorized.

#### **§64-9-3. Board of Chiropractic Examiners.**

1 The legislative rule filed in the state register on the twenty-  
2 sixth day of August, two thousand four, under the authority of  
3 section five, article sixteen, chapter thirty, of this code, modi-  
4 fied by the Board of Chiropractic Examiners to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the state register on the first day of February, two  
7 thousand five, relating to the Board of Chiropractic Examiners  
8 (chiropractic practice, 4 CSR 1), is authorized, with the  
9 following amendments:

10 On page two, paragraph 3.1.d.1, after the word “ subdivi-  
11 sion”, by striking the reference “ 3.1.c.2” and inserting in lieu  
12 thereof the reference “ 3.1.d.3”;

13 On page two, paragraph 3.1.d.3, subparagraph 2, after the  
14 words “ set forth in”, by striking the code reference “ W. Va.  
15 Code §30-16-6(a)(5)” and inserting in lieu thereof the code  
16 reference “ W. Va. Code §30-16-6(b)(5)”;

17 On page seven, subsection 11.2, after the words “The  
18 Board”, by striking the word “my” and inserting in lieu thereof  
19 the word “ may”;

20 And,

21 On page nine, subsection 15.5., by striking out the words  
22 “That upon” and inserting in lieu thereof the word “Upon” ’.

**§64-9-4. Contractor Licensing Board.**

1 The legislative rule filed in the state register on the twenty-  
2 seventh day of August, two thousand four, under the authority  
3 of section five, article eleven, chapter twenty-one, of this code,  
4 modified by the Contractor Licensing Board to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the state register on the twenty-fifth day of  
7 January, two thousand five, relating to the Contractor Licensing  
8 Board (West Virginia contractor licensing act, 28 CSR 2), is  
9 authorized, with the following amendments:

10 On page two, subdivision 3.9.a, after the word “ five” by  
11 inserting the word “ hundred”;

12 On page seven, subdivision 3.30., after the word “ repair.”  
13 by inserting the words “A residential contractor is considered  
14 licensed for all crafts required in the construction, repair or  
15 improvement of a residential structure, as that term is defined  
16 in subsection 3.33 of this rule, except those crafts for which  
17 local ordinance or state law other than W. Va. Code § 21-11-1,  
18 *et seq.*, require licensure, such as the electrician’s license  
19 required by the Office of the State Fire Marshal under the  
20 provisions of W. Va. Code §29-3b-1, *et seq.*”;

21 On page fifteen, subdivision 8.1, after the word “ person.”  
22 by striking out the word “ The” and inserting in lieu thereof the  
23 words “ After an administrative hearing, as provided for in  
24 Section 9 of this rule, the”;

25 On page fifteen, subdivision 8.1, after the word “ license.”  
26 by striking out the remainder of the subdivision;

27 and

28 On page fifteen, after subdivision 8.3, by inserting a new  
29 subdivision, designated subdivision 8.4, to read as follows:  
30 “The Board shall, in accordance with Section 9 of this rule,  
31 provide for an administrative hearing before a penalty is  
32 assessed.”

**§64-9-5. Board of Dental Examiners.**

1 (a) The legislative rule filed in the state register on the  
2 twenty-fifth day of August, two thousand four, under the  
3 authority of section six, article four, chapter thirty, of this code,  
4 modified by the Board of Dental Examiners to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the state register on the fifteenth day of February,  
7 two thousand five, relating to the Board of Dental Examiners  
8 (rule for the board of dental examiners, 5 CSR 1), is authorized.

9 (b) The legislative rule filed in the state register on the  
10 twenty-fifth day of August, two thousand four, under the  
11 authority of section thirteen hundred four, article thirteen,  
12 chapter thirty-one-b, of this code, modified by the Board of  
13 Dental Examiners to meet the objections of the Legislative  
14 Rule-Making Review Committee and refiled in the state register  
15 on the fifteenth day of February, two thousand five, relating to  
16 the Board of Dental Examiners (formation and approval of  
17 professional limited liability companies, 5 CSR 2), is autho-  
18 rized, with the following amendment:

19 On page one, subsection 3.4., line four, after the words  
20 “filing fee” by inserting the words “of \$200”, and after the  
21 words “renewal fee” by striking out the words “ as set forth in  
22 the Board’s fee schedule 5CSR3” and inserting in lieu thereof  
23 the words “of \$150”.



24 (c) The legislative rule filed in the state register on the  
25 twenty-fifth day of August, two thousand four, under the  
26 authority of section six, article four, chapter thirty, of this code,  
27 modified by the Board of Dental Examiners to meet the  
28 objections of the Legislative Rule-Making Review Committee  
29 and refiled in the state register on the fifteenth day of February,  
30 two thousand five, relating to the Board of Dental Examiners  
31 (formation and approval of dental corporations, 5 CSR 6), is  
32 authorized.

**§64-9-6. Family Protection Services Board.**

1 The legislative rule filed in the state register on the twenty-  
2 seventh day of August, two thousand four, under the authority  
3 of section four hundred four, article twenty-six, chapter forty-  
4 eight, of this code, modified by the Family Protection Services  
5 Board to meet the objections of the Legislative Rule-Making  
6 Review Committee and refiled in the state register on the  
7 eighteenth day of February, two thousand five, relating to the  
8 Family Protection Services Board (perpetrator intervention  
9 programs licensure for correctional institutions, 191 CSR 5), is  
10 authorized, with the following amendments:

11 On page eight, subsection 4.6., by striking out the word  
12 “shall”, and inserting in lieu thereof the word “may” and after  
13 the word “subdivision” by striking out the letter “d” and  
14 inserting in lieu thereof the letter “c”.

**§64-9-7. Governor’s Committee on Crime, Delinquency and  
Correction.**

1 (a) The legislative rule filed in the state register on the  
2 fifteenth day of June, two thousand four, under the authority of  
3 section three, article twenty-nine, chapter thirty, of this code,  
4 modified by the Governor’s Committee on Crime, Delinquency  
5 and Correction to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the state register on

7 the twenty-sixth day of July, two thousand four, relating to the  
8 Governor's Committee on Crime, Delinquency and Correction  
9 (law enforcement training standards, 149 CSR 2), is authorized.

10 (b) The legislative rule filed in the state register on the  
11 ninth day of August, two thousand four, under the authority of  
12 section one thousand one hundred two, article twenty-seven,  
13 chapter forty-eight, of this code, relating to the Governor's  
14 Committee on Crime, Delinquency and Correction (protocol for  
15 law enforcement response to domestic violence, 149 CSR 3), is  
16 authorized.

17 (c) The legislative emergency rule filed in the state register  
18 on the twenty-third day of November, two thousand four, under  
19 the authority of section three, article two, chapter seventeen-G,  
20 of this code, relating to the Governor's Committee on Crime,  
21 Delinquency and Correction (motor vehicle stop data collection  
22 standards for the study of racial profiling, 149 CSR 5), is  
23 disapproved and not authorized.

#### **§64-9-8. Hatfield-McCoy Regional Recreation Authority.**

1 The legislative rule filed in the state register on the eighth  
2 day of April, two thousand four, under the authority of section  
3 one, article fourteen, chapter twenty, of this code, modified by  
4 the Hatfield-McCoy Regional Recreation Authority to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the state register on the twenty-fifth of January,  
7 two thousand five, relating to the Hatfield-McCoy Regional  
8 Recreation Authority (use of facilities, 204 CSR 1), is autho-  
9 rized, with the following amendments:

10 On page four, after subsection 3.5, by adding a new  
11 subsection, designated subsection 3.6, to read as follows:

12 "3.6. No person may operate an ATV on any road or  
13 highway with a center line or more than two lanes within the

14 Hatfield-McCoy enforcement area except for the purpose of  
15 crossing the road or highway at an angle of approximately  
16 ninety degrees to the direction of the highway and at a place  
17 where no obstruction prevents a quick and safe crossing. An  
18 ATV operator is permitted to crossing the road or highway if:

19 a. The vehicle is brought to a complete stop before crossing  
20 the shoulder or main traveled way of the highway;

21 b. The operator yields his or her right-of-way to all oncom-  
22 ing traffic that constitutes an immediate potential hazard; and

23 c. Both the headlight and taillight are illuminated when the  
24 crossing is made if the vehicle is so equipped.”;

25 On page four, by redesignating subsection 3.6. as subsec-  
26 tion 3.7. and by renumbering the remaining subsections  
27 accordingly;

28 On page six, after subsection 4.1., by inserting a new  
29 subsection, designated subsection 4.2., to read as follows:

30 “4.2. No person under the age of eighteen may operate an  
31 ATV without a written statement, signed by the minor’s parent  
32 or guardian certifying that:

33 a. Any machine operated by the minor will be of a model  
34 that is recommended by the manufacturer as appropriate to the  
35 minor’s age and size;

36 b. All rules governing the use of the Area have been  
37 reviewed by the parent or guardian and explained to the minor  
38 in sufficient detail to enable the minor to abide by the rules; and

39 c. Any minor under the age of sixteen will remain under the  
40 supervision of and within the sight of the parent or guardian at  
41 all times.”;

42 On page six, by redesignating subsection 4.2. as subsection  
43 4.3.;

44 On page six, by redesignating subsection 4.3. as subsection  
45 4.4., and at the end of the subsection, by inserting the follow-  
46 ing: “No person may operate an ATV with a passenger under  
47 the age of eighteen unless the operator has, at a minimum, a  
48 level two intermediate driver’s license or its equivalent or is  
49 eighteen years of age or older.”;

50 On page six, by redesignating subsection 4.4. as subsection  
51 4.6. and by renumbering the remaining subsections accordingly;

52 And,

53 On page seven, subsection 5.2., after the words “When  
54 operated from”, by striking out the words “one-half hour after”  
55 and after the words “sunset to”, by striking out the words “one-  
56 half hour before”.

#### **§64-9-9. Board of Examiners of Land Surveyors.**

1 The legislative rule filed in the state register on the seven-  
2 tenth day of May, two thousand four, under the authority of  
3 section four, article thirteen-a, chapter thirty, of this code,  
4 modified by the Board of Examiners of Surveyors to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the state register on the fourth day of February,  
7 two thousand five, relating to the Board of Examiners of Land  
8 Surveyors (minimum standards for the practice of land survey-  
9 ing in West Virginia, 23 CSR 1), is authorized, with the  
10 following amendments:

11 On page four, by striking out subdivisions 5.3.1. and 5.3.2  
12 and by inserting in lieu thereof two new subdivisions to read as  
13 follows:

14       “5.3.a. To be eligible for ‘retired’ status, a licensee must  
15 have an active or inactive license and certify that he or she is no  
16 longer practicing surveying or supervising any employees who  
17 perform surveying activities in West Virginia.

18       5.3.a.1. A licensee on retired status may not affix his or her  
19 P.S. seal to any surveying documents.

20       5.3.a.2. A licensee on retired status is not required to pay an  
21 annual license renewal fee or to complete Professional Development  
22 Hours (PDHs).

23       5.3.a.3. The Board will issue to each licensee on retired  
24 status a certificate noting the honorific title of ‘Professional  
25 Surveyor, Retired.’

26       5.3.a.4. Before returning to the active practice of surveying  
27 a licensee on retired status must complete delinquent Professional  
28 Development Hours (PDHs) for each year on retired  
29 status up to a maximum of 16 PDHs and must pay the current  
30 license renewal fee.

31       5.3.b. Any licensee may apply for ‘inactive’ status.

32       5.3.b.1. A licensee on inactive status may not provide  
33 surveying services or receive any compensation for any type of  
34 surveying activities conducted in West Virginia.

35       5.3.b.2. A licensee on inactive status is not required to  
36 complete the required number of Professional Development  
37 Hours (PDHs).

38       5.3.b.3. A licensee on inactive status is required to pay the  
39 annual license renewal fee and any required late fees accrued  
40 for the license period unless the licensee applies to the Board  
41 and is granted an exemption. A licensee may request an

42 exemption from the renewal fee if he or she can demonstrate  
43 with supporting documentation that during the license year he  
44 or she will be serving on active duty in the Armed Forces of the  
45 United States for a period of more than 120 consecutive days or  
46 experiencing physical disability, illness or other extenuating  
47 circumstances.

48 5.3.b.4. The Board will issue to each licensee who is  
49 granted inactive status an annual license card noting 'Inactive  
50 Status'.

51 5.3.b.5. A licensee on inactive status who elects to return to  
52 the active practice of surveying must complete Professional  
53 Development Hours (PDHs) for each year on inactive status up  
54 to a maximum of 16 PDHs.”]

#### **§64-9-10. Board of Examiners of Licensed Practical Nurses.**

1 The legislative rule filed in the state register on the eigh-  
2 tenth day of August, two thousand four, under the authority of  
3 section seven-a, article seven-a, chapter thirty, of this code,  
4 relating to the Board of Examiners of Licensed Practical Nurses  
5 (fees for services rendered by the Board, 10 CSR 4), is autho-  
6 rized.

#### **§64-9-11. Public Service Commission.**

1 The legislative rule filed in the state register on the fourth  
2 day of March, two thousand four, under the authority of section  
3 two, article eight, chapter twenty-four, of this code, modified by  
4 the Public Service Commission to meet the objections of the  
5 Legislative Rule-Making Review Committee and refiled in the  
6 state register on the twenty-first day of January, two thousand  
7 five, relating to the Public Service Commission (statewide  
8 telephone information and referral 211 service, 150 CSR 29),  
9 is authorized.

**§64-9-12. Radiologic Technology Board of Examiners.**

1 The legislative rule filed in the state register on the tenth  
2 day of June, two thousand four, under the authority of section  
3 five, article twenty-three, chapter thirty, of this code, modified  
4 by the Radiologic Technology Board of Examiners to meet the  
5 objections of the Legislative Rule-Making Review Committee  
6 and refiled in the state register on the twenty-sixth day of July,  
7 two thousand four, relating to the Radiologic Technology Board  
8 of Examiners (Board rule, 18 CSR 1), is authorized.

**§64-9-13. Board of Examiners for Registered Professional Nurses.**

1 The legislative rule filed in the state register on the seven-  
2 teenth day of August, two thousand four, under the authority of  
3 section eight-a, article seven, chapter thirty, of this code,  
4 modified by the Board of Examiners for Registered Profes-  
5 sional Nurses to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the state register on  
7 the twenty-ninth day of September, two thousand four, relating  
8 to the Board of Examiners for Registered Professional Nurses  
9 (fees for services rendered by the Board, 19 CSR 12), is  
10 authorized, with the following amendments:

11 On page one, subsection 2.9., by striking out the subsection  
12 in its entirety and inserting in lieu thereof the following:

13 “2.9. Reinstatement of Lapsed License . . . . . \$50.00”;

14 And,

15 On page two, by striking out subsections 2.23. and 2.24., in  
16 their entirety and inserting in lieu thereof the following:

17 “2.23. Midwife License . . . . . \$20.00

18 2.24. Midwife License Renewal . . . . . \$10.00”.

**§64-9-14. Secretary of State.**

1       The legislative rule filed in the state register on the twenty-  
2 seventh day of August, two thousand four, authorized under the  
3 authority of section thirteen, article two, chapter three, of this  
4 code, relating to the Secretary of State (agencies designated to  
5 provide voter registration services, 153 CSR 28), is authorized.

**§64-9-15. Board of Examiners for Speech-Language Pathology and Audiology.**

1       The legislative rule filed in the state register on the ninth  
2 day of August, two thousand four, under the authority of section  
3 ten, article thirty-two, chapter thirty, of this code, modified by  
4 the Board of Examiners for Speech-Language Pathology and  
5 Audiology to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the state register on  
7 the thirteenth day of December, two thousand four, relating to  
8 the Board of Examiners for Speech-Language Pathology and  
9 Audiology (speech-language pathology and audiology assis-  
10 tants, 29 CSR 2), is authorized, with the following amendment:

11       On page one, subsection 2.5., after the word “licensure”,  
12 by inserting the words “and who assumes legal responsibility  
13 for services provided by an assistant”.

**§64-9-16. State Treasurer.**

1       The legislative rule filed in the state register on the eigh-  
2 teenth day of August, two thousand four, under the authority of  
3 section six, article three-a, chapter twelve, of this code, modi-  
4 fied by the State Treasurer to meet the objections of the  
5 Legislative Rule-Making Review Committee and refiled in the  
6 state register on the seventh day of February, two thousand five,  
7 relating to the State Treasurer (procedures for fees in collec-  
8 tions by charge, credit or debit card or by electronic payment,  
9 112 CSR 12), is authorized.



**§64-9-17. Board of Veterinary Medicine.**

1 (a) The legislative rule filed in the state register on the  
2 eleventh day of August, two thousand three, under the authority  
3 of section four, article ten, chapter thirty, of this code, modified  
4 by the Board of Veterinary Medicine to meet the objections of  
5 the Legislative Rule-Making Review Committee and refiled in  
6 the state register on the fourteenth day of June, two thousand  
7 four, relating to the Board of Veterinary Medicine (organization  
8 and operation, 26 CSR 1), is authorized, with the following  
9 amendments:

10 On page two, subsection 3.4., the last line, by striking out  
11 the words “or upon the written request of any three (3) mem-  
12 bers of the Board”;

13 On page two, subsection 3.6., by striking out “\$150.00”  
14 and inserting in lieu thereof “\$100.00”;

15 On page four, subsection 4.7., line four, after the words  
16 “not qualified to take the examination, the” by striking out the  
17 word “Board” and inserting in lieu thereof the words  
18 “Secretary- Treasurer”;

19 On page four, subsection 4.7., after the words “The Board  
20 shall refund”, by striking out the words “fifty percent of the”;

21 On page four, subsection 5.4., after the word “The” at the  
22 beginning of the subsection, by striking out the word “Board”  
23 and inserting in lieu thereof the words “Secretary-Treasurer”;

24 And,

25 On page six, subsection 7.1., after the words “On or”, by  
26 striking out the word “about” and inserting in lieu thereof the  
27 word “before”.

28 (b) The legislative rule filed in the state register on the  
 29 eleventh day of August, two thousand three, under the authority  
 30 of section nine, article ten-a, chapter thirty, of this code,  
 31 modified by the Board of Veterinary Medicine to meet the  
 32 objections of the Legislative Rule-Making Review Committee  
 33 and refiled in the state register on the fourteenth day of June,  
 34 two thousand four, relating to the Board of Veterinary Medicine  
 35 (certified animal euthanasia technicians, 26 CSR 5), is autho-  
 36 rized.

37 (c) The legislative rule filed in the state register on the ninth  
 38 day of August, two thousand three, under the authority of  
 39 section four, article ten, chapter thirty, of this code, modified by  
 40 the Board of Veterinary Medicine to meet the objections of the  
 41 Legislative Rule-Making Review Committee and refiled in the  
 42 state register on the twenty-first day of January, two thousand  
 43 five, relating to the Board of Veterinary Medicine (schedule of  
 44 fees, 26 CSR 6), is authorized, with the following amendments:

45 On page one, by striking out all of subsections 2.1 through  
 46 2.8, and inserting in lieu thereof the following:

47 “2.1 Veterinarian application and examination fee .. \$295.00  
 48 2.2 Veterinarian license fee ..... \$5.00  
 49 2.3 Duplicate license ..... \$15.00  
 50 2.4 Annual renewal fee ..... \$225.00  
 51 2.5 Temporary permit ..... \$100.00  
 52 2.6 Temporary permit renewal fee ..... \$25.00  
 53 2.7 Written confirmation of licensure, registration or  
 54 certification by West Virginia ..... \$25.00  
 55 2.8 North American Veterinary License Exam (NAVLE)  
 56 eligibility processing fee ..... \$50.00”.

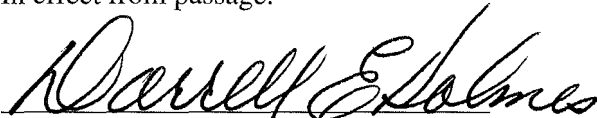
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

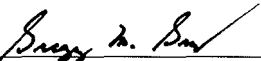
  
Chairman Senate Committee

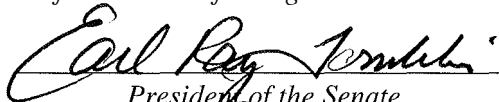
  
Chairman House Committee

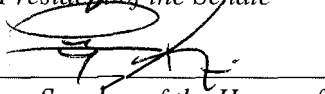
Originating in the House.

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 4th  
day of May, 2005.

  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 2 2005

Time 9:55 am