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OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2006

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**ENROLLED**

Committee Substitute for  
SENATE BILL NO. 299

(By Senator Minard, et al )

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PASSED March 11, 2006

In Effect from Passage

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2006 APR -5 P 3: 10

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 299**

(SENATORS MINARD, FANNING, PREZIOSO, UNGER,  
BOLEY AND MINEAR, *original sponsors*)

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[Passed March 11, 2006; in effect from passage.]

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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; 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 certified pesticide applicators; authorizing the Department of Agriculture to promulgate a legislative rule relating to integrated pest management programs in schools and day care centers/facilities; authorizing the Department of Agriculture to promulgate a legislative rule relating to voluntary farmland protection program; authorizing the State Auditor to promulgate a legislative rule relating to state purchasing card program; 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 dental advertising; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to motor vehicle stop data collection standard for study of racial profiling; authorizing the Board of Examiners for Licensed Practical Nurses to promulgate a rule relating to policies regulating licensure of the licensed practical nurse; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to administrative rule of the Board of Occupational Therapy and licensure of occupational therapists and occupational therapy assistants; authorizing the Board of Optometry to promulgate a legislative rule relating to rules for the West Virginia Board of Optometry; authorizing the Board of Optometry to promulgate a legislative rule relating to schedule of fees; authorizing the Board of Osteopathy to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to ephedrine and pseudoephedrine control; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to qualifications for licensure as a psychologist or a school psychologist; authorizing the

Radiologic Technology Board of Examiners to promulgate a legislative rule relating to the board; authorizing the Radiologic Technology Board of Examiners to promulgate a legislative rule relating to standards of ethics; authorizing the Real Estate Appraiser Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Appraiser Board to promulgate a legislative rule relating to renewal of licensure and certification; authorizing the Secretary of State to promulgate a legislative rule relating to loan program for purchase of voting equipment, software and services; authorizing the Secretary of State to promulgate a legislative rule relating to public testing of ballot-marking voting systems and precinct ballot-scanning devices; authorizing the Secretary of State to promulgate a legislative rule relating to use of digital signatures, state certificate authority and state repository; authorizing the Statewide Addressing and Mapping Board to promulgate a legislative rule relating to final distribution and use of the statewide addressing and mapping fund; authorizing the Statewide Addressing and Mapping Board to promulgate a legislative rule relating to standard fees for planimetric elevation data; 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. Commissioner of Agriculture.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-eighth day of July, two thousand five, authorized  
3 under the authority of section two, article nine, chapter  
4 nineteen of this code, modified by the Department of  
5 Agriculture to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the State Regis-  
7 ter on the twenty-third day of December, two thousand  
8 five, relating to the Department of Agriculture (animal  
9 disease control, 61 CSR 1), is authorized.

10 (b) The legislative rule filed in the State Register on the  
11 twenty-ninth day of July, two thousand five, authorized  
12 under the authority of section four, article sixteen-a,  
13 chapter nineteen of this code, modified by the Department  
14 of Agriculture to meet the objections of the Legislative  
15 Rule-Making Review Committee and refiled in the State  
16 Register on the sixteenth day of December, two thousand  
17 five, relating to the Department of Agriculture (certified  
18 pesticide applicators, 61 CSR 12A), is authorized.

19 (c) The legislative rule filed in the State Register on the  
20 twenty-ninth day of July, two thousand five, authorized  
21 under the authority of section four, article sixteen-a,  
22 chapter nineteen of this code, modified by the Department  
23 of Agriculture to meet the objections of the Legislative  
24 Rule-Making Review Committee and refiled in the State  
25 Register on the sixteenth day of December, two thousand  
26 five, relating to the Department of Agriculture (integrated  
27 pest management programs in schools and day care  
28 centers/facilities, 61 CSR 12J), is authorized.

29 (d) The legislative rule filed in the State Register on the  
30 twenty-second day of December, two thousand five,  
31 authorized under the authority of section twenty, article  
32 twelve, chapter eight-a of this code, modified by the  
33 Department of Agriculture to meet the objections of the  
34 Legislative Rule-Making Review Committee and refiled in  
35 the State Register on the thirteenth day of January, two

36 thousand six, relating to the Department of Agriculture  
37 (voluntary farmland protection program, 61 CSR 26), is  
38 authorized.

**§64-9-2. State Auditor.**

1 The legislative rule filed in the State Register on the  
2 twenty-ninth day of July, two thousand five, authorized  
3 under the authority of section ten-a, article three, chapter  
4 twelve of this code, modified by the Auditor to meet the  
5 objections of the Legislative Rule-Making Review Com-  
6 mittee and refiled in the State Register on the twenty-first  
7 day of December, two thousand five, relating to the  
8 Auditor (state Purchasing Card Program, 155 CSR 7), is  
9 authorized.

**§64-9-3. State Conservation Committee.**

1 The legislative rule filed in the State Register on the  
2 twenty-ninth day of July, two thousand five, authorized  
3 under the authority of section four, article twenty-one-a,  
4 chapter nineteen of this code, modified by the State  
5 Conservation Committee to meet the objections of the  
6 Legislative Rule-Making Review Committee and refiled in  
7 the State Register on the fourth day of January, two  
8 thousand six, relating to the State Conservation Commit-  
9 tee (State Conservation Committee, 63 CSR 1), is autho-  
10 rized.

**§64-9-4. Board of Dental Examiners.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-eighth day of July, two thousand five, authorized  
3 under the authority of section six, article four, chapter  
4 thirty of this code, relating to the Board of Dental Exam-  
5 iners (fees established by the board, 5 CSR 3), is autho-  
6 rized.

7 (b) The legislative rule filed in the State Register on the  
8 twenty-eighth day of July, two thousand five, authorized  
9 under the authority of section six, article four, chapter

10 thirty of this code, modified by the Board of Dental  
11 Examiners to meet the objections of the Legislative Rule-  
12 Making Review Committee and refiled in the State Regis-  
13 ter on the sixth day of January, two thousand six, relating  
14 to the Board of Dental Examiners (dental advertising, 5  
15 CSR 8), is authorized.

**§64-9-5. Governor's Committee on Crime, Delinquency and  
Correction.**

1 The legislative rule filed in the State Register on the  
2 twenty-third day of November, two thousand four,  
3 authorized under the authority of section three, article  
4 two, chapter seventeen-g of this code, modified by the  
5 Governor's Committee on Crime, Delinquency and Correc-  
6 tion to meet the objections of the Legislative Rule-Making  
7 Review Committee and refiled in the State Register on the  
8 thirteenth day of January, two thousand six, relating to  
9 the Governor's Committee on Crime, Delinquency and  
10 Correction (motor vehicles stop data collection standards  
11 for the study of racial profiling, 149 CSR 5), is authorized  
12 with the following amendment:

**TITLE 149  
LEGISLATIVE RULE  
GOVERNOR'S COMMITTEE ON CRIME,  
DELINQUENCY AND CORRECTION**

**SERIES 5  
MOTOR VEHICLE STOP DATA COLLECTION  
STANDARDS FOR THE STUDY OF RACIAL PROFILING**

**§149-5-1. General.**

1 1.1. Scope. - This legislative rule establishes standards  
2 for the collection, reporting, compilation and analysis of  
3 data, for the purpose of studying the possible practice of  
4 racial profiling by law enforcement in West Virginia.

5 1.2. Authority. - W. Va. Code §17G-2-3.

6 1.3. Filing Date. -

7 1.4. Effective Date. –

§149-5-2. Definitions.

1 2.1. “Chief executive” means the Superintendent of the  
2 State Police; the Chief Conservation Officer of the Divi-  
3 sion of Natural Resources; the sheriff of any West Virginia  
4 county; any administrative deputy appointed by the Chief  
5 Conservation Officer of Natural Resources; the chief of  
6 any West Virginia municipal law-enforcement agency; or  
7 the duly authorized designee of any chief executive.

8 2.2. “Composition of patrol area” means the demo-  
9 graphic description of the population in the patrol area to  
10 include elements of ethnicity, national origin, gender and  
11 age.

12 2.3. “County” means any one of the fifty-five major  
13 political subdivisions of the state.

14 2.4. “Driver” or “operator” means the person who drives  
15 or is in actual physical control of a motor vehicle upon a  
16 highway or who is exercising control over or steering a  
17 vehicle being towed by a motor vehicle.

18 2.5. “Governor’s Committee on Crime, Delinquency and  
19 Correction” or “Governor’s committee” means the com-  
20 mittee established as a state planning agency pursuant to  
21 W. Va. Code §15-9-1.

22 2.6. “Gross data” means aggregate data regarding the  
23 information obtained pursuant to section 3 of this rule.

24 2.7. “Law-enforcement agency” means every West  
25 Virginia state, county or municipal agency with officers  
26 who are authorized to direct or regulate traffic or to make  
27 arrests or issue citations or warnings for violations of  
28 traffic laws and ordinances.

29 2.8. “Law-enforcement officer” or “officer” means any  
30 duly authorized member of a law-enforcement agency who  
31 is authorized to maintain public peace and order, prevent

32 and detect crime, make arrests and enforce the laws of the  
33 state or any county or municipality of the state, including  
34 persons employed as campus police officers at state  
35 institutions of higher education and those persons em-  
36 ployed as rangers by the Hatfield-McCoy Regional Recre-  
37 ation Authority.

38 2.9. "Minority group" means individuals of any ethnic  
39 descent, including, but not limited to, African-American,  
40 Hispanic, Native American, Middle Eastern, Asian or  
41 Pacific Islander.

42 2.10. "Municipality" means any incorporated town,  
43 village or city whose boundaries lie within the geographic  
44 boundaries of the state.

45 2.11. "Originating Agency Identifier, or ORI Number"  
46 means the standard identification number assigned by the  
47 Federal Bureau of Investigation to law-enforcement and  
48 other agencies that submit data required for criminal  
49 justice purposes.

50 2.12. "Patrol area" means a clearly defined geographic  
51 area, identified by a number assigned by the chief law-  
52 enforcement official, that is established for the general  
53 purpose of providing a visible law-enforcement presence  
54 in the area, in order to: (1) Secure property and to protect  
55 the public from the risks of damage or injury arising from  
56 criminal activity; (2) respond to emergency and non-  
57 emergency demands of citizens in a timely manner; (3)  
58 conduct prevention and other proactive patrol tasks  
59 effectively; and (4) conduct all other patrol tasks effec-  
60 tively, including traffic control and special missions work.

61 2.13. "West Virginia Motor Vehicle Stop Form", or  
62 "MVSF", means the form developed by the Division of  
63 Motor Vehicles for collecting and reporting data for the  
64 study of racial profiling.

**§149-5-3. Data collection.**

1 3.1. Operator Information Collected.

2 3.1.a. Beginning January 1, 2007, each time a law-  
3 enforcement officer stops the operator of a motor vehicle  
4 for a violation of any motor vehicle statute or ordinance,  
5 the officer shall record, on the West Virginia Motor Vehicle  
6 Stop Form appended to this rule, the information required  
7 to be collected pursuant to subsection 5 of this section.  
8 The officer may complete the Motor Vehicle Stop Form  
9 during or immediately after the stop, but must file the  
10 completed form with his or her law-enforcement agency  
11 before the officer goes off duty.

12 3.1.b. A law-enforcement officer is required to record the  
13 information required to be collected pursuant to subsec-  
14 tion 5 of this section only when the operator has been  
15 stopped for violating a motor vehicle statute or ordinance.  
16 A law-enforcement officer is not required to record such  
17 information as a result of a nonviolation stop, even if the  
18 initial nonviolation stop results in a citation or arrest.

19 3.2. Passenger Information Collected.

20 3.2.a. Beginning January 1, 2007, each time a law-  
21 enforcement officer stops the operator of a motor vehicle  
22 for a violation of any motor vehicle statute or ordinance,  
23 and as a result, conducts a search of a passenger in the  
24 vehicle, the officer shall record, on the West Virginia  
25 Motor Vehicle Stop Form appended to this rule, the  
26 information required to be collected pursuant to subsec-  
27 tion 5 of this section. The officer may complete the Motor  
28 Vehicle Stop Form during or immediately after the stop,  
29 but shall file the completed form with his or her law-  
30 enforcement agency before the officer goes off duty.

31 3.2.b. A law-enforcement officer is required to record  
32 the information required to be collected pursuant to  
33 subsection 5 of this section with regard to a passenger who  
34 has been searched only when the operator of the vehicle  
35 has been stopped for violating a motor vehicle statute or

36 ordinance. A law-enforcement officer is not required to  
37 record such information as a result of a nonviolation stop,  
38 even if the initial nonviolation stop results in a citation or  
39 arrest.

40 3.3. West Virginia Motor Vehicle Stop Form (MVSF). –  
41 The MVSF shall allow for the recording of all of the  
42 information required to be collected by subsection 4 of this  
43 section and at a minimum be developed in hard copy  
44 format; however, nothing in this rule prohibits a law-  
45 enforcement agency from completing and/or submitting  
46 the information required to be collected in an electronic  
47 format, if a protocol for electronic filing is developed by  
48 the Division of Motor Vehicles. This form shall:

49 3.4. MVSF Components. – The MVSF shall allow a law-  
50 enforcement officer to collect and record the following  
51 information.

52 3.4.a. A unique identifier (i.e. numeric, alphanumeric,  
53 barcode, etc.) which will distinguish one from all others.

54 3.4.b. The law-enforcement agency's complete Originat-  
55 ing Agency Identifier (ORI number), or an abbreviated  
56 version of that identifier singularly unique to that particu-  
57 lar law-enforcement agency.

58 3.4.c. The identity of each individual law-enforcement  
59 officer within his or her law-enforcement agency. The  
60 chief executive of the law-enforcement agency shall assign  
61 a unique four (4) digit identifier to each law-enforcement  
62 officer within his or her agency for this purpose.

63 3.4.d. The month, day and year of the stop.

64 3.4.e. The approximate hour and minute of the stop.

65 3.4.f. The approximate duration of the stop in hours and  
66 minutes.

67 3.4.i. The county in which the stop took place.

68 3.4.j. The location of stop by patrol area.

69 3.4.k. The traffic violation that was the primary reason  
70 for the stop to be indicated as follows:

71 3.4.k.1. Code violations:

72 3.4.k.1.A. Red light/stop sign;

73 3.4.k.1.B. Speeding (<10mph over);

74 3.4.k.1.C. Speeding (>10mph over);

75 3.4.k.1.D. Lane violation/failure to signal;

76 3.4.k.1.E. Other moving violation; or,

77 3.4.k.1.F. Other nonmoving violation.

78 3.4.k.2. Penal code violations:

79 3.4.k.2.A. Nuisance/vice;

80 3.4.k.2.B. Suspicious circumstances;

81 3.4.k.2.C. Be on the lookout (BOLO)/wanted persons;

82 3.4.k.2.D. Property crime;

83 3.4.k.2.E. Violent crime; or,

84 3.4.k.2.F. Local ordinance.

85 3.4.l. Disposition. – One of the following dispositions of  
86 the stop:

87 3.4.l.1. Citation

88 3.4.l.2. Warning

89 3.4.l.3. No action

90 3.4.m. The perceived identifying characteristics of the  
91 operator stopped, including:

92 3.4.m.1. The age of the operator

- 93 3.4.m.2. Whether the operator was male or female.
- 94 3.4.m.3. Whether the operator was:
- 95 3.4.m.3.A. White (W);
- 96 3.4.m.3.B. Black/African American (B/AA);
- 97 3.4.m.3.C. Asian/Pacific Islander (A/PI);
- 98 3.4.m.3.D. Native American (NA);
- 99 3.4.m.3.E. Middle Eastern (ME); or,
- 100 3.4.m.3.F. Other (Oth).
- 101 3.4.m.4. Whether the operator was:
- 102 3.4.m.4.A. Hispanic/Latino (H/L); or,
- 103 3.4.m.4.B. Non-Hispanic/Latino (NH/L).
- 104 3.4.n. Whether a search was performed as a result of the
- 105 stop and, if so:
- 106 3.4.n.1. The authority for the search to be indicated as
- 107 follows:
- 108 3.4.n.1.A. Consent;
- 109 3.4.n.1.B. Reasonable Suspicion/Weapon;
- 110 3.4.n.1.C. Incident to Arrest;
- 111 3.4.n.1.D. Inventory;
- 112 3.4.n.1.E. Probable Cause;
- 113 3.4.n.1.F. Plain View;
- 114 3.4.n.1.G. Probation/Parole Waiver; and,
- 115 3.4.n.1.H. Other.
- 116 3.4.n.2. Whether the search involved:
- 117 3.4.n.2.A. Officer;

- 118 3.4.n.2.B. Canine Unit;
- 119 3.4.n.2.C. Portable Breath Analyzer;
- 120 3.4.n.2.D. Drug Test Kit;
- 121 3.4.n.2.E. Warrant Check; and,
- 122 3.4.n.2.F. Other.
- 123 3.4.n.3. The persons/items searched, to be indicated as:
- 124 3.4.n.3.A. Vehicle;
- 125 3.4.n.3.B. Driver;
- 126 3.4.n.3.C. Passenger(s);
- 127 3.4.n.3.D. Personal Effects; and,
- 128 3.4.n.3.E. No Search Conducted.
- 129 3.4.n.4. The type of any contraband discovered or seized
- 130 as a result of the search, to be indicated as follows:
- 131 3.4.n.4.A. None;
- 132 3.4.n.4.B. Illegal Drugs;
- 133 3.4.n.4.C. Drug Paraphernalia;
- 134 3.4.n.4.D. Alcohol;
- 135 3.4.n.4.E. Firearm(s);
- 136 3.4.n.4.F. Other Weapon(s);
- 137 3.4.n.4.G. Currency;
- 138 3.4.n.4.H. Stolen Property; and,
- 139 3.4.n.4.I. Other.
- 140 3.4.n.5. If the search was of a passenger in the motor
- 141 vehicle, the age, gender and perceived race and ethnicity
- 142 of the passenger searched.

143 3.5. Instructions detailing how an individual law-  
144 enforcement officer should complete and submit the form  
145 may be included on the MVSF itself, or provided to law-  
146 enforcement agencies or officers as an attachment.

**§149-5-4. Designation of patrol area.**

1 4.1. Patrol area of stop. The chief executive of every  
2 law-enforcement agency in the state shall establish one or  
3 more "patrol areas" as defined in section 2.9A of this rule.  
4 The boundaries shall be easily recognizable to the law-  
5 enforcement officer and the designation of the patrol area  
6 shall be identified by up to a three digit number that shall  
7 be entered by the officer on the Motor Vehicle Stop Form.  
8 The boundaries and designations of patrol areas shall be  
9 provided to all officers under the control of the agency and  
10 forwarded to the Governor's Committee on Crime Delin-  
11 quency and Correction for utilization in preparing the  
12 report to the legislature required by West Virginia Code.

13 4.2. Requirements for boundaries of patrol areas. The  
14 boundaries of the patrol areas shall be drawn to allow the  
15 determination of population demographics of the Patrol  
16 Area as a whole. Patrol areas may include whole or partial  
17 census tracts and whole census blocks. The maps provided  
18 to officers need not show this specific information, but  
19 only the boundaries of the patrol area using natural  
20 landmarks such as streets, streams, railroad tracks, or  
21 other boundaries as may be generally known to a commu-  
22 nity. Maps of patrol areas shall be forwarded to the  
23 Governor's committee for approval of conformance to this  
24 subsection.

25 4.3. County level law-enforcement agencies in counties  
26 with a population of 20,000 or fewer may designate the  
27 entire county as one patrol area. Law-enforcement  
28 agencies in cities or towns with a population of 5,000 or  
29 fewer may designate the entire city or town as one patrol  
30 area. Law-enforcement agencies with statewide jurisdic-

31 tion shall utilize patrol areas established by the county of  
32 the stop.

**§149-5-5. Training.**

1 The chief executive officer of an law-enforcement  
2 agency shall, prior to January 1, 2007, provide to each law-  
3 enforcement officer of his or her agency appropriate  
4 training on the proper completion of the Motor Vehicle  
5 Stop Form. All training shall be based on the instructions  
6 developed by the Division of Motor Vehicles pursuant to  
7 subsection 3 of this rule. Additional and or ongoing  
8 training may be required by the law-enforcement agency  
9 if improper reporting is identified.

**§149-5-6. Data reporting.**

1 6.1. Beginning January 1, 2007, each law-enforcement  
2 agency in this state shall submit completed MVSFs to the  
3 Division of Motor Vehicles, via United States Postal  
4 Service or by any other reputable mail delivery service,  
5 hand-delivery or by electronic means, if authorized by the  
6 Division of Motor Vehicles. MVSFs must be received by  
7 the Division of Motor Vehicles no later than close of  
8 business, normal operating hours, on the fifteenth (15th)  
9 day following the end of the reporting calendar month  
10 during which the information recorded on the form was  
11 collected.

12 6.2. All MVSFs shall be completed correctly, be free of  
13 dirt and debris and be submitted in usable condition for  
14 the purposes outlined in this rule. Incomplete or rejected  
15 MVSFs will be returned to the law-enforcement agency for  
16 completion, correction and resubmission.

17 6.3. In furtherance of his or her responsibility to ensure  
18 that the requirements of this section are met, the chief  
19 executive shall periodically audit and review MVSFs  
20 submitted by law-enforcement officers within his or her  
21 agency to ensure that the facts surrounding traffic stops  
22 are not being intentionally misrepresented.

23 6.4. Failure to comply with the requirements of this  
24 section may subject a law-enforcement agency to the  
25 sanctions provided in West Virginia Code §17G-2-2.

**§149-5-7. Receipt and retention of MVSF.**

1 MVSF Receiving and Retaining. – The Division of Motor  
2 Vehicles shall establish a written policy designed to  
3 address the reasonably foreseeable complications which  
4 may arise as a result of receiving and retaining MVSFs  
5 submitted by a law-enforcement agency, whether in hard  
6 copy or electronic format. This policy may change, from  
7 time to time, and at the discretion of the Division of Motor  
8 Vehicles, as necessity dictates. This policy shall include,  
9 but not be limited to:

10 6.1. A mechanism for identifying the time, day, date and  
11 year the MVSF was received by the Division of Motor  
12 Vehicles;

13 6.2. A mechanism for maintaining accurate and easily  
14 accessible data regarding the reporting habits of individ-  
15 ual law-enforcement agencies; and,

16 6.3. The identification of an appropriate and logistically  
17 feasible time period to retain MVSFs submitted in hard  
18 copy format; as well as any data stored electronically as a  
19 result of this rule.

**§149-5-8. Data limitations and confidentiality.**

1 7.1. Any and all data collected, reported, compiled and  
2 analyzed pursuant to this rule may be used only for the  
3 purposes outlined in this rule.

4 7.2. Except as provided for in section 8 of this rule, no  
5 official of the Division of Motor Vehicles, the Governor's  
6 committee or a law-enforcement agency may release  
7 information from an MVSF regarding the identity of any  
8 individual law-enforcement officer. The Governor's  
9 committee and the chief executive of a law-enforcement  
10 agency shall make appropriate safeguards to protect the

11 identity of individual law-enforcement officers collecting  
12 data required by this rule at all times.

**§149-5-9. Individual law-enforcement agency data request and release.**

1 8.1. The chief executive of a law-enforcement agency  
2 may request from the Division of Motor Vehicles release of  
3 data regarding his or her law-enforcement agency and  
4 law-enforcement officers. The request must be in writing  
5 and must be received by the Division of Motor Vehicles no  
6 sooner than thirty (30) days after the end of the calendar  
7 month for which the data is being requested.

8 8.2. At a minimum, the data shall be organized in such  
9 a manner as to allow the chief executive to review the  
10 information collected from the MVSF by his or her partic-  
11 ular agency and officers for a period of at least one  
12 calendar month.

**§149-5-10. Division of Motor Vehicles responsibilities.**

1 The Division of Motor Vehicles and the Governor's  
2 Committee on Crime, Delinquency and Correction have  
3 reduced to writing in a memorandum of understanding the  
4 duties required of the DMV pursuant to §17G-2-3. This  
5 memorandum contains the protocols by which the Division  
6 of Motor vehicles will collect the data required and by  
7 which the data will be conveyed to the Governor's commit-  
8 tee for analysis and preparation of its annual report.

**§149-5-11. Governor's Committee on Crime, Delinquency and Correction Annual Report.**

1 The Governor's committee shall analyze and report its  
2 finding pursuant to West Virginia Code §17G-2-3. The  
3 Criminal Justice Statistical Analysis Center, a unit of the  
4 Governor's committee, shall use its discretion to determine  
5 the methodology necessary to meet the analytic reporting  
6 requirements of §17G-2-3 consistent with the data made  
7 available to it.

**§64-9-6. Board of Examiners for Licensed Practical Nurses.**

1 The legislative rule filed in the State Register on the fifth  
2 day of July, two thousand five, authorized under the  
3 authority of section five, article seven-a, chapter thirty of  
4 this code, modified by the State Board of Examiners for  
5 Licensed Practical Nurses to meet the objections of the  
6 Legislative Rule-Making Review Committee and refiled in  
7 the State Register on the first day of November, two  
8 thousand five, relating to the State Board of Examiners for  
9 Licensed Practical Nurses (policies regulating licensure of  
10 the licensed practical nurse, 10 CSR 2), is authorized, with  
11 the following amendments:

12 On page two, section 8, at the beginning of the second  
13 sentence in the section, by striking out the words "If the  
14 board participates" and inserting in lieu thereof the words  
15 "Should the board participate"; and,

16 On page three, subsection 11.2, in the second sentence,  
17 by striking out the words "marriage certificate or divorce  
18 decree" and inserting in lieu thereof the words "marriage  
19 certificate, divorce decree or an order of a court of compe-  
20 tent jurisdiction".

**§64-9-7. Board of Occupational Therapy.**

1 The legislative rule filed in the State Register on the  
2 twenty-seventh day of June, two thousand five, authorized  
3 under the authority of section six, article twenty-eight,  
4 chapter thirty of this code, modified by the Board of  
5 Occupational Therapy to meet the objections of the  
6 Legislative Rule-Making Review Committee and refiled in  
7 the State Register on the twenty-first day of November,  
8 two thousand five, relating to the Board of Occupational  
9 Therapy (administrative rule of the Board of Occupational  
10 Therapy and licensure of occupational therapists and  
11 occupational therapy assistants, 13 CSR 1), is authorized,  
12 with the following amendments:

13 On page two, subdivision 2.8.b, after the words “direct  
14 line of” by striking out the word “site” and inserting in  
15 lieu thereof the word “sight”;

16 On page three, subsection 3.4, by striking out the words  
17 “one hundred dollars (\$100.00)” and inserting in lieu  
18 thereof the words “fifty dollars (\$50.00)”;

19 On page six, subsection 9.2.a.1, by striking out the words  
20 “for ninety (90) days from date of issuance of the limited  
21 permit” and inserting in lieu thereof the words “until the  
22 date on which the results of the next qualifying examina-  
23 tion have been made public”;

24 On page six, subsection 9.2.b.1, by striking out the words  
25 “for ninety (90) days from the date of issuance of the  
26 limited permit” and inserting in lieu thereof the words  
27 “one (1) year or until eligibility to sit for the certification  
28 exam is withdrawn or the results of the certification exam  
29 have been made public”; and,

30 On page twelve, subsection 13.3, after the words “li-  
31 censed Occupational Therapist supervising” by striking  
32 out the word “and” and inserting in lieu thereof the word  
33 “an”.

**§64-9-8. Board of Optometry.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-ninth day of July, two thousand five, authorized  
3 under the authority of section three, article eight, chapter  
4 thirty of this code, relating to the Board of Optometry  
5 (rules for the West Virginia Board of Optometry, 14 CSR  
6 1), is authorized.

7 (b) The legislative rule filed in the State Register on the  
8 twenty-ninth day of July, two thousand five, authorized  
9 under the authority of section three, article eight, chapter  
10 thirty of this code, relating to the Board of Optometry  
11 (schedule of fees, 14 CSR 5), is authorized.

**§64-9-9. Board of Osteopathy.**

1 The legislative rule filed in the State Register on the  
2 twenty-ninth day of July, two thousand five, authorized  
3 under the authority of section one, article fourteen-a,  
4 chapter thirty of this code, modified by the Board of  
5 Osteopathy to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the State Regis-  
7 ter on the twenty-third day of January, two thousand six,  
8 relating to the Board of Osteopathy (osteopathic physician  
9 assistants, 24 CSR 2), is authorized with the following  
10 amendments:

11 On page four, subdivision 2.6.1, by striking the words  
12 “three (3) physician assistants” and inserting in lieu  
13 thereof the following “two (2) physician assistants”;

14 On page eleven, subdivision 2.12.8., line one, after the  
15 word “assistant”, by inserting the word “not”;

16 On page sixteen, subdivision 2.14.1, by striking the  
17 subdivision in its entirety and inserting in lieu thereof the  
18 following:

19 “2.14.1 Each osteopathic physician assistant, as a  
20 condition of biennial renewal of osteopathic physician  
21 assistant license, shall provide written documentation of  
22 participation in and successful completion of a minimum  
23 of twenty (20) hours of continuing education, during each  
24 year of the two year period, in courses approved by the  
25 Board for the purposes of continuing education of osteo-  
26 pathic physician assistants.”.

**§64-9-10. Board of Pharmacy.**

1 The legislative rule filed in the State Register on the  
2 seventh day of July, two thousand five, authorized under  
3 the authority of sections six and seven, article ten, chapter  
4 sixty-a of this code, modified by the Board of Pharmacy to  
5 meet the objections of the Legislative Rule-Making Review  
6 Committee and refiled in the State Register on the elev-  
7 enth day of October, two thousand five, relating to the

8 Board of Pharmacy (ephedrine and pseudoephedrine  
9 control, 15 CSR 11), is authorized.

**§64-9-11. Board of Examiners of Psychologists.**

1 The legislative rule filed in the State Register on the  
2 twenty-eighth day of July, two thousand five, authorized  
3 under the authority of section six, article twenty-one,  
4 chapter thirty of this code, modified by the Board of  
5 Examiners of Psychologists to meet the objections of the  
6 Legislative Rule-Making Review Committee and refiled in  
7 the State Register on the fourth day of January, two  
8 thousand six, relating to the Board of Examiners of  
9 Psychologists (qualifications for licensure as a psycholo-  
10 gist or a school psychologist, 17 CSR 3), is authorized, with  
11 the following amendments:

12 On page one, subsection 2.2., by striking out the word  
13 "institute" and inserting in lieu thereof the word "institu-  
14 tion";

15 On page five, subsection 8.4., after the word "as" by  
16 striking out the word "a";

17 On page seven, paragraph 12.1.d., by striking out "@"  
18 and inserting in lieu thereof a quotation mark;

19 And,

20 On page seven, section 12.7., by striking out the word  
21 "loner" and inserting in lieu thereof the word "longer".

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

1 (a) The legislative rule filed in the State Register on the  
2 twenty-first day of July, two thousand five, authorized  
3 under the authority of section five, article twenty-three,  
4 chapter thirty of this code, relating to the Radiologic  
5 Technology Board of Examiners (rule of the West Virginia  
6 Radiologic Technology Board of Examiners, 18 CSR 1), is  
7 authorized.

8 (b) The legislative rule filed in the State Register on the  
9 twenty-eighth day of July, two thousand five, authorized  
10 under the authority of section five, article twenty-three,  
11 chapter thirty of this code, modified by the Radiologic  
12 Technology Board of Examiners to meet the objections of  
13 the Legislative Rule-Making Review Committee and  
14 refiled in the State Register on the twenty-eighth day of  
15 December, two thousand five, relating to the Radiologic  
16 Technology Board of Examiners (standard of ethics, 18  
17 CSR 5), is authorized, with the following amendments:

18 On page two, at the end of section 4.1, after the words  
19 "comfort of patients." by inserting the words "The indi-  
20 vidual shall:";

21 On page two, subsection 4.1.1, by striking the words  
22 "The individual shall";

23 On page two, subsection 4.1.1, after the words "in a  
24 professional manner," by striking out the word "responds"  
25 and inserting in lieu thereof the word "respond";

26 On page two, subsection 4.1.1, after the words "to  
27 patient needs and" by striking out the word "supports"  
28 and inserting in lieu thereof the word "support";

29 On page two, subsection 4.1.4, after the words "theoreti-  
30 cal knowledge and concepts," by striking out the word  
31 "uses" and inserting in lieu thereof the word "use";

32 On page two, subsection 4.1.4, after the words "they  
33 were designed, and" by striking out the word "employs"  
34 and inserting in lieu thereof the word "employ";

35 On page two, subsection 4.1.5, after the words "assess  
36 situations;" by striking out the word "exercises" and  
37 inserting in lieu thereof the word "exercise";

38 On page two, subsection 4.1.5, after the words "discre-  
39 tion and judgment;" by striking out the word "assumes"  
40 and inserting in lieu thereof the word "assume";

41 On page two, subsection 4.1.5, after the words “profes-  
42 sional decisions; and” by striking out the word “acts” and  
43 inserting in lieu thereof the word “act”;

44 On page two, subsection 4.1.6, after the words “treat-  
45 ment of the patient and” by striking out the word “recog-  
46 nizes” and inserting in lieu thereof the word “recognize”;

47 On page two, subsection 4.1.7, by striking out the first  
48 word “uses” and inserting in lieu thereof the word “use”;

49 On page two, subsection 4.1.7, after the words “equip-  
50 ment and accessories,” by striking out the word “employs”  
51 and inserting in lieu thereof the word “employ”;

52 On page two, subsection 4.1.7, after the words “tech-  
53 niques and procedures,” by striking out the word “per-  
54 forms” and inserting in lieu thereof the word “perform”;

55 On page two, subsection 4.1.7, after the words “standard  
56 of practice, and” by striking out the word “demonstrates”  
57 and inserting in lieu thereof the word “demonstrate”;

58 On page two, subsection 4.1.8, after the words “appro-  
59 priate to the profession and” by striking out the word  
60 “protects” and inserting in lieu thereof the word “pro-  
61 tect”;

62 On page two, subsection 4.1.9, after the words “course of  
63 professional practice,” by striking out the word “respects”  
64 and inserting in lieu thereof the word “respect”;

65 On page three, section 5.1, after the words “for all  
66 present Licensees,” by striking out the word “Permittee”s”  
67 and inserting in lieu thereof the word “Permittees”;

68 On page three, at the end of section 5.1, after the words  
69 “An individual” by striking out the word “shall” and  
70 inserting in lieu thereof the word “may”;

71 On page three, subdivision 5.1.2(a), after the words  
72 “examination of the Board;” and before the words  
73 “disclosing information” by striking out the word “or”;

74 On page three, subdivision 5.1.2(a), after the words  
75 "understood by the recipient as" by striking out the  
76 comma and the words "any portion of or";

77 On page four, subdivision 5.1.2(c), after the word  
78 "impersonating" by striking out the word "a" and insert-  
79 ing in lieu thereof the word "an";

80 On page four, subdivision 5.1.5(a), after the words "rule  
81 or regulation exists," by inserting the words "a departure  
82 from or failure to conform";

83 On page four, subdivision 5.1.5(b), after the words  
84 "danger to a" by striking out the word "patient's" and  
85 inserting in lieu thereof the word "patient's";

86 On page five, subsection 5.1.7, after the words "reason-  
87 able skill and safety" by striking out the words "to  
88 patients";

89 On page five, subsection 5.1.7, after the words "any  
90 other material" by striking out the semicolon inserting in  
91 lieu thereof a comma;

92 On page five, subsection 5.1.9, after the words "harm the  
93 public; or" by striking out the word "demonstrating" and  
94 inserting in lieu thereof the word "demonstrate";

95 On page five, subsection 5.1.10, after the words "de-  
96 meaning to a patient" by striking out the semicolon and  
97 inserting in lieu thereof a comma;

98 On page five, subsection 5.1.10, after the words "to a  
99 patient, or" by striking out the word "engaging" and  
100 inserting in lieu thereof the word "engage";

101 On page five, in the last sentence of subsection 5.1.10  
102 after the word "This" by inserting the word "subsection";

103 On page five, subsection 5.1.12, after the words "or  
104 otherwise" by striking out the word "participating" and  
105 inserting in lieu thereof the word "participate";

106 On page five, subsection 5.1.14, after the words “assist,  
107 advise or” by striking out the word “allowing” and  
108 inserting in lieu thereof the word “allow”;

109 On page five, subsection 5.1.14, after the words “appro-  
110 priate state permit” by striking out the comma;

111 On page six, section 5.2, by striking the words “Convic-  
112 tions, criminal proceedings or military court-martials.”  
113 and inserting in lieu thereof the words “An individual  
114 must report convictions, criminal proceedings or military  
115 court-martials as set forth in this section:”;

116 On page six, subsection 5.2.1, after the words “abuse  
117 related violations” by striking out the words “must be  
118 reported”;

119 On page six, subsection 5.2.2, after the words “nolo  
120 contendere” by striking out the words “must be reported”;  
121 and,

122 On page six, subsection 5.2.3, after the words “patient-  
123 related infractions” by striking out the words “must be  
124 reported”.

**§64-9-13. Real Estate Appraiser Licensure and Certification  
Board.**

1 (a) The legislative rule filed in the State Register on the  
2 eleventh day of July, two thousand five, authorized under  
3 the authority of section seven, article thirty-eight, chapter  
4 thirty of this code, modified by the Real Estate Appraiser  
5 Licensure and Certification Board to meet the objections  
6 of the Legislative Rule-Making Review Committee and  
7 refiled in the State Register on the eighteenth day of  
8 January, two thousand six, relating to the Real Estate  
9 Appraiser Licensure and Certification Board (require-  
10 ments for licensure and certification, 190 CSR 2), is  
11 authorized.

12 (b) The legislative rule filed in the State Register on the  
13 eleventh day of July, two thousand five, authorized under

14 the authority of section nine, article thirty-eight, chapter  
15 thirty of this code, relating to the Real Estate Appraiser  
16 Licensure and Certification Board (renewal of licensure  
17 and certification, 190 CSR 3), is authorized.

**§64-9-14. Secretary of State.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-ninth day of July, two thousand five, authorized  
3 under the authority of section forty-eight, article one,  
4 chapter three of this code, modified by the Secretary of  
5 State to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the State Regis-  
7 ter on the tenth day of January, two thousand six, relating  
8 to the Secretary of State (loan program for purchase of  
9 voting equipment, software and services, 153 CSR 10), is  
10 authorized, with the following amendments:

11 On page one, subsection 1.1., line one, after the words  
12 "administration of the", by inserting the words "County  
13 Assistance Voting Equipment Fund ('Fund')";

14 On page one, subsection 1.1., by striking out the words  
15 "S. B. 3002" and inserting in lieu thereof the words "W.  
16 Va. Code §3-1-48";

17 On page one, section 2., by striking out the words  
18 "County commissions" and inserting in lieu thereof the  
19 words "A county commission";

20 On page one, section 2., after the word "loan", by  
21 inserting the words "from the Fund";

22 On page one, section 2., after the words "related ser-  
23 vices", by inserting a comma;

24 On page one, subsection 3.1., after the words "requesting  
25 a loan", by striking out the comma and inserting the words  
26 "from the Fund";

27 On page one, subdivision 3.2.a., by striking out the word  
28 "County" and inserting in lieu thereof the word "county";

29 On page one, subdivision 3.2.c., after the word “funds”,  
30 by inserting a comma;

31 On page two, section 4.1, by striking out the words  
32 “County commissions” and inserting in lieu thereof the  
33 words “A county commission”;

34 On page two, section 4.1, after the words “obtain a  
35 loan”, by inserting the words “from the Fund”;

36 On page two, subsection 4.2., after the words “fifty  
37 percent” by inserting “(50%)”;

38 On page two, subsection 4.2., by striking out the words  
39 “required by the county commission”;

40 On page two, subsection 4.2., after the words “Commis-  
41 sion that” by striking out the word “it” and inserting in  
42 lieu thereof the words “the county commission”;

43 On page two, section 4.3, by striking out the words  
44 “County commissions” and inserting in lieu thereof the  
45 words “A county commission”;

46 On page two, section 5., by striking out the word “only”;

47 On page two, section 5., after the words “approved by  
48 the State Election Commission”, by inserting the word  
49 “only”;

50 On page two, section 5., after the word “services”, by  
51 inserting the words “and only”;

52 On page two, section 5., after the words “if certified”, by  
53 inserting a comma and the words “when necessary,”;

54 On page two, section 5., by striking out the words “if  
55 applicable”;

56 On page two, section 6., by striking out the word  
57 “contracted” and inserting in lieu thereof the word  
58 “contract”;

59 On page three, section 6., after the word "county", by  
60 inserting a period, striking out the words "and the" and  
61 inserting in lieu thereof the word "The";

62 On page three, subsection 7.1., after the words "forty-  
63 five days", by striking out the words "of receipt";

64 On page three, subsection 7.1., after the words "a  
65 denial", by striking out the words "shall have" and  
66 inserting in lieu thereof the word "has";

67 On page three, subsection 7.2., after the word "loan" by  
68 striking out the colon and the words "Provided that" and  
69 inserting in lieu thereof the word "if";

70 On page three, subsection 7.3., by striking out the words  
71 "a period not to exceed five years or";

72 On page three, subsection 7.3., after the words "length of  
73 the contract", by inserting a comma and the words "not to  
74 exceed five years";

75 On page three, subsection 7.3., after the word "services",  
76 by inserting a period and striking out the remainder of the  
77 sentence;

78 On page three, subsection 7.4., after the words "basis  
79 for", by striking out the word "repayment";

80 On page three, subsection 7.4., after the word "allow",  
81 by inserting the word "a";

82 On page three, subsection 7.4., by striking out the words  
83 "continuation for a period of" and inserting in lieu thereof  
84 the words "to continue for";

85 On page three, subsection 7.4., by striking out the word  
86 "total";

87 On page three, section 8., after the words "one request"  
88 by striking out the comma and the words "will be" and  
89 inserting in lieu thereof the word "is";

90 On page three, section 8., after the words "time of the  
91 request" by changing the comma to a period, striking out  
92 the word "the" and inserting in lieu thereof the word  
93 "The";

94 On page three, section 8., line five, after the words  
95 "presidential election", by changing the colon to a period  
96 and by striking out the remainder of the section;

97 On page three, section 9., after the words "The loan", by  
98 striking out the word "shall" and inserting in lieu thereof  
99 the word "may";

100 On page three, section 9., after the words "apply for", by  
101 striking out the words "matching funds" and inserting in  
102 lieu thereof the words "a loan";

103 On page four, section 10., after the words "voting  
104 system" by striking out the comma and the words "shall  
105 be" and inserting in lieu thereof the word "is";

106 On page four, section 10., after the words "loan pro-  
107 ceeds", by striking out the comma and the words "that  
108 will be available to such counties under this loan program  
109 according to section 8 of this rule" and inserting in lieu  
110 thereof the words "available to any such county";

111 On page four, subsection 11.3., by placing quotation  
112 marks around the words "Nonpayment of the loan install-  
113 ments" and by striking out the words "shall mean" and  
114 inserting in lieu thereof the word "means";

115 On page four, subsection 11.4., by striking out the word  
116 "Any" inserting in lieu thereof the word "The Secretary of  
117 State will cease any";

118 On page four, subsection 11.4., after the words "legal  
119 action", by striking out the words "will cease"; and,

120 On page four, subsection 11.4., by striking out the words  
121 "shall be" and inserting in lieu thereof the word "is".

122 (b) The legislative rule filed in the State Register on the  
123 twenty-ninth day of July, two thousand five, authorized  
124 under the authority of sections nine-a and nine-b, article  
125 four-a, chapter three of this code, modified by the Secre-  
126 tary of State to meet the objections of the Legislative  
127 Rule-Making Review Committee and refiled in the State  
128 Register on the tenth day of January, two thousand six,  
129 relating to the Secretary of State (public testing of ballot-  
130 marking voting systems and precinct ballot-scanning  
131 devices, 153 CSR 11), is authorized, with the following  
132 amendments:

133 On page one, subsection 1.1., after the words “ballot  
134 scanning”, by striking out the words “the approval and use  
135 of various types of vote recording devices” and inserting  
136 in lieu thereof the word “systems”;

137 On page one, subdivision 2.1.a., after the words “system  
138 ballot”, by striking out the comma;

139 On page one, section 3., by striking out the word “will”  
140 and inserting in lieu thereof the word “shall”; and,

141 On page one, subsection 5.1., by striking out the word  
142 “annually” and inserting in lieu thereof the words “every  
143 two years”.

144 (c) The legislative rule filed in the State Register on the  
145 twenty-first day of June, two thousand five, authorized  
146 under the authority of section three, article three, chapter  
147 thirty-nine-a of this code, modified by the Secretary of  
148 State to meet the objections of the Legislative Rule-  
149 Making Review Committee and refiled in the State Regis-  
150 ter on the tenth day of January, two thousand six, relating  
151 to the Secretary of State (use of digital signatures, state  
152 certificate authority and state repository, 153 CSR 30), is  
153 authorized.

**§64-9-15. Statewide Addressing and Mapping Board.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-ninth day of July, two thousand five, authorized

3 under the authority of section five, article one, chapter  
4 twenty-four-e of this code, modified by the Statewide  
5 Addressing and Mapping Board to meet the objections of  
6 the Legislative Rule-Making Review Committee and  
7 refiled in the State Register on the seventeenth day of  
8 October, two thousand five, relating to the Statewide  
9 Addressing and Mapping Board (final distribution and use  
10 of the statewide addressing and mapping fund, 169 CSR  
11 3), is authorized, with the following amendment:

12 On page two, subsection 2.1, following the words “in the  
13 fund” and the comma by striking the words “in the same  
14 proportions and manner as wireless enhanced 911 fees are  
15 distributed to county commissions under W.Va. Code §24-  
16 6-6b for the year in which the remaining amounts from the  
17 fund are distributed” and inserting the words “according  
18 to the formula contained in W.Va. Code §24-6-6b(d)(1):  
19 *Provided*, That the provisions of §24-6-6b(d)(1) by which  
20 a county may receive a special eight and one half tenths of  
21 one percent because of the date upon which it enacted its  
22 911 ordinance are not applicable to the apportionment of  
23 funds transferred pursuant to this rule.”.

24 (b) The legislative rule filed in the State Register on the  
25 twenty-ninth day of July, two thousand five, authorized  
26 under the authority of section nine, article one, chapter  
27 twenty-four-e of this code, modified by the Statewide  
28 Addressing and Mapping Board to meet the objections of  
29 the Legislative Rule-Making Review Committee and  
30 refiled in the State Register on the eleventh day of Octo-  
31 ber, two thousand five, relating to the Statewide Address-  
32 ing and Mapping Board (standard fees for planimetric  
33 elevation data, 169 CSR 4), is authorized, with the follow-  
34 ing amendments:

35 On page three, subdivision 2.2.a., following the word  
36 “Fund” and the period, by striking out the remainder of  
37 subdivision 2.2.a.; and,

38 On page three, subdivision 2.2.b., following the word  
39 “purposes” and the period, by striking out the remainder  
40 of subdivision 2.2.b.

**§64-9-16. Board of Veterinary Medicine.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-ninth day of July, two thousand five, authorized  
3 under the authority of section four, article ten, chapter  
4 thirty of this code, modified by the Board of Veterinary  
5 Medicine to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the State Regis-  
7 ter on the seventh day of October, two thousand five,  
8 relating to the Board of Veterinary Medicine (organization  
9 and operation, 26 CSR 1), is authorized, with the following  
10 amendments:

11 On page ten, subsection 9.4, by striking out the under-  
12 lined words “or any authorized reporting agent”;

13 On page eleven, subsection 9.5, by striking out the word  
14 “investigation” and striking out the underlined words  
15 “legal fees”; and,

16 On page eleven, subsection 9.5, by striking out the words  
17 “to the veterinarian who was the subject of disciplinary  
18 action” and inserting in lieu thereof the words “to a  
19 veterinarian against whom disciplinary action was  
20 taken.”.

21 (b) The legislative rule filed in the State Register on the  
22 twenty-ninth day of July, two thousand five, authorized  
23 under the authority of section nine, article ten-a, chapter  
24 thirty of this code, modified by the Board of Veterinary  
25 Medicine to meet the objections of the Legislative Rule-  
26 Making Review Committee and refiled in the State Regis-  
27 ter on the seventh day of October, two thousand five,  
28 relating to the Board of Veterinary Medicine (certified  
29 animal euthanasia technicians, 26 CSR 5), is authorized.

30 (c) The legislative rule filed in the State Register on the  
31 twenty-ninth day of July, two thousand five, authorized  
32 under the authority of section four, article ten, chapter  
33 thirty of this code, relating to the Board of Veterinary  
34 Medicine (schedule of fees, 26 CSR 6), is authorized.

Enr. Com. Sub. for S. B. No. 299] 34

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

*Randy White*  
.....  
Chairman Senate Committee

*R. Breen*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Russell E. Eberhart*  
.....  
Clerk of the Senate

*Sam M. Smith*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*Robert L. Taylor*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *4<sup>th</sup>* .....  
Day of *April* ....., 2006.

*Paul M. Hancock*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2006

Time 9:50am