

WEST VIRGINIA LEGISLATURE
2016 FIRST EXTRAORDINARY SESSION

Introduced

Senate Bill 1017

BY SENATORS COLE (MR. PRESIDENT) AND KESSLER

(BY REQUEST OF THE EXECUTIVE)

[Introduced June 14, 2016]

1 A BILL 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; repealing the Department of Agriculture legislative rule relating to
25 tobacco; repealing the Department of Agriculture legislative rule relating to the conduct of
26 beef industry self-improvement assessment program referendums; repealing the

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

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

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

Be it enacted by the Legislature of West Virginia:

1 That article 9, chapter 64 of the Code of West Virginia, 1931, as amended, be amended
2 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 legislative rule effective on November 14, 1967, authorized under the authority of
24 article two, chapter nineteen of this code, relating to the Department of Agriculture (tobacco, 61
25 CSR 11A), is repealed.

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

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

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

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

38 (j) The procedural rule effective on September 23, 1989, authorized under the authority of
39 section one, article twenty-six, chapter nineteen of this code, relating to the Department of
40 Agriculture (conduct of tree fruit industries self-improvement assessment program referendums,
41 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. 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.

§64-9-18. 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.

§64-9-19. 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.

§64-9-20. 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.

§64-9-21. 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.

§64-9-22. 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.

§64-9-23. 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.

§64-9-24. 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.

§64-9-25. 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.

§64-9-26. 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”.”

NOTE: The purpose of this bill is to authorize various licensing boards and other public entities to promulgate proposed legislative rules and to repeal obsolete rules.