

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2010 JUL 29 AM 11:37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: DHHR/BPH on behalf of THE STATE BOARD OF SANITARIANS TITLE NUMBER: 20

CITE AUTHORITY: §30-17-6.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 03

TITLE OF RULE BEING AMENDED: INTERIM FEE SCHEDULE

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Patsy A. Hardy
Authorized Signature

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The estimated total revenue was based on approximately 225 sanitarians who are required to register with the State Board of Sanitarians to legally practice Public Health Sanitation. Based on an annual fee of \$35.00, any person being issued a permit, certificate, or license shall pay a one-time 18 month prorated fee of \$52.50. This is an increase from the current \$20 fee.

225×52.50 (\$35 fee prorated for 18 months) – 30 (\$20 fee prorated for 18 months) = \$5,062.50.

Memorandum

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This estimated revenue for this rule is revised from the Emergency Rule submission in May 2010.

Date

July 30, 2010

Agency

Department of Health and Human Resources

Authorized Representative

Patsy A. Hardy

Patsy A. Hardy
Cabinet Secretary

State Board of Sanitarians

Legislative Rule, 20CSR03, Interim Fee Increase

Office of Environmental Health Services

Bureau for Public Health

Department of Health and Human Resources

BRIEF SUMMARY

The West Virginia Legislature had under consideration for several years a substantial revision to Article 17 in Chapter 30, governing the Board of Sanitarians. In 2010, a bill was passed, HB 4142. One particular section of the new law recognized the immediate need for additional revenue to assist with the administration of the Board. The bill authorized an Emergency rule to raise the annual fees by a modest amount for Sanitarians in three classes.

The Interim fee increase sought by this rule will be replaced by a permanent fee structure to be outlined in a separate legislative rule, Rules Governing the Practice of Public Health Sanitation, 20CSR04, also required by the provisions of the new law. The interim fee increases from \$20 to \$35 the annual cost of a new or renewed license, permit or certificate for Sanitarians. Since this rule only covers an 18 month period, from July 1, 2010 to December 31, 2011 the maximum total amount due from each individual is \$52.50.

STATEMENT OF CIRCUMSTANCES

The state of the finances of the State Board of Sanitarians is dire. The program desperately needs the additional revenue. The legislature recognized this need and enacted WV Code §30-17-6(c), to allow the board to begin collecting additional fees in July of 2010. This legislative filing follows the filing of this rule as an Emergency Rule on May 18, 2010.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 30, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Ann A. Goldberg
WV DHHR - Bureau for Public Health
350 Capitol Street, Rm 702
Charleston, WV 35301
304 558-2971 phone
304 558-1035 fax

LEGISLATIVE RULE TITLE: _____
INTERIM FEE INCREASE

1. Authorizing statute(s) citation _____
WV CODE §30-17-6(c)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 2010

b. What other notice, including advertising, did you give of the hearing?
n/a

c. ~~Date of Public Hearing(s) or~~ Public Comment Period ended:
JULY 19th, 2010

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Ann A Goldberg, Director
Public Health Regulations
WV DHHR - Bureau for Public Health
350 Capitol Street, Rm 702
Charleston, WV 25301
304 558-2971 phone
304 558-1035 fax
ann.a.goldberg@wv.gov

g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Brad Cochran, Director
Public Health Sanitation
350 Capitol Street, 3rd floor
Charleston, WV 25301
304 558-2981 phone
304 558-1071 fax
brad.j.cochran@wv.gov

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

n/a

b. Date of hearing or comment period:

JUNE 17th, 2010 to JULY 19th, 2010

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

n/a

d. Attach findings and determinations and reasons:

Attached n/a

TITLE 20

FILED

LEGISLATIVE RULE
STATE BOARD OF SANITARIANS

2010 JUL 29 AM 11:38

SERIES 3

OFFICE WEST VIRGINIA
SECRETARY OF STATE

INTERIM FEE SCHEDULE

§20-3-1. General.

1.1. Scope. -- This rule authorizes the State Board of Sanitarians to charge a fee for the issuance or renewal of a permit, certificate, or license to all Sanitarians governed by WV Code §30-17-1, et seq. The fees shall cover the time period commencing July 1, 2010, and expiring December 31, 2011. This rule applies to all persons practicing public health sanitation and holding a permit, certificate, or license to engage in that occupation.

1.2. Authority. -- WV Code §30-17-6(c).

1.3. Filing Date. --

1.4. Effective Date --

§20-3-2. Application for a permit, certificate, or license.

2.1 A person applying to the Board of Sanitarians for a permit, certificate or license shall:

2.1.1. Submit to the Board a completed application on forms prescribed by the Board;

2.1.1. Pay to the Board the appropriate application fee; and

2.1.2. Include any additional documentation required by the Board.

§20-3-3. Fee Required

Based on an annual fee of \$35.00, any person issued a permit, certificate, or license in accordance with this Emergency rule shall pay a one-time fee of \$52.50 which shall be valid for the 18 month period from July 1, 2010 to December 31, 2011.