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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

2002 DEC 17 A 9 58

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SECRETARY OF STATE

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December 16, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Wanda Goodwin
Veterinary Medicine, WV Board of
Capitol Complex
Building 12, Room 201

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Schedule of Fees, 26CSR6**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Veterinary Medicine

Subject: Schedule of Fees, 26CSR6

PERTINENT DATES

Filed for public comment: June 26, 2002

Public comment period ended: July 26, 2002

Filed following public comment period: July 26, 2002

Filed LRMRC: July 26, 2002

Filed as emergency:

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Fiscal Impact: Revenue from fee increase of \$30,000

ABSTRACT

The proposed rule amends a current legislative rule. The proposed rule would increase fees as follows:

	Old Fee	New Fee
Veterinarian application, examination and license fee	\$150	\$200
Annual Renewal Fee	\$125	\$150
Veterinary Medical Corporation annual registration fee	\$50	\$75
Professional Limited Liability Company annual registration fee	\$50	\$75
Veterinary Technician application, exam and registration fee	\$40	\$60
Veterinary Technician annual renewal fee	\$25	\$40

Inspection of a facility employing a Certified Animal Euthanasia Technician	\$200	\$250
Facility inspection fee	\$200	\$250
Facility re-inspection fee	\$250	\$300

Three new fees have been added. The fee for the veterinary technician national examination is \$175. The fee for a roster of certified animal euthanasia technicians is \$10 and for registered veterinary facilities is \$25.

AUTHORITY

Statutory authority: W.Va. Code, §30-10-4, which provides, in part, as follows:

The board shall have the power to:

...(c) Establish and publish annually a schedule of reasonable fees for the licensing and registration of veterinarians, such fee schedule to be based on the board's anticipated financial requirements for the year...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER