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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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July 10, 2000

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: James G. Anderson, III
Board of Dental Examiners
PO Drawer 1459
Beckley, WV 25802

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Fees Established by the Board, 5CSR3**

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 Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Dental Examiners

Subject: Fees Established by the Board, 5CSR3

PERTINENT DATES

Filed for public comment: May 2, 2000
Public comment period ended: June 9, 2000
Filed following public comment period: June 26, 2000
Filed LRMRC: June 26, 2000
Filed as emergency:

Fiscal Impact: \$60,000 increase

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ABSTRACT

The proposed rule is new. It would increase the statutory fee of \$75 for annual information and renewal set forth in W.Va. Code §30-4-17b to \$125. W.Va. Code §30-1-6 allows Boards to set, by rule, fees relating to the licensing or registering of individuals which are sufficient to enable the Boards to carry out effectively their responsibilities of licensure or registration and discipline of individuals subject to their authority.

AUTHORITY

Statutory authority: W.Va. Code, §30-1-6, which provides, in part, as follows:

...(c) Boards may set by rule fees relating to the licensing or registering of individuals, which shall be sufficient to enable the boards to carry out effectively their responsibilities of licensure or registration and discipline of individuals subject to their authority: *Provided*, That when any board proposes to promulgate a rule regarding fees for licensing or registration, that board shall notify its membership of the proposed rule by mailing a copy of the proposed rule to the membership at the time that the proposed rule is filed with the secretary of state for publication in the state register in accordance with section

five, article three, chapter twenty-nine-a of
this code...

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