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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>
Community & Technical College Education (135-40)	Equal Opportunity and Affirmative Action Procedural	§§18B-1-6 and 18B-1B-5	Written Comments Only September 27, 2013, 4:00 pm James L. Skidmore, Chancellor WV Council for Comm. & Tech. College Education 1018 Kanawha Blvd. E, Suite 700 Charleston, WV 25301

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>DATE NOTICE FOR HEARING</u>



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Meeting Notices

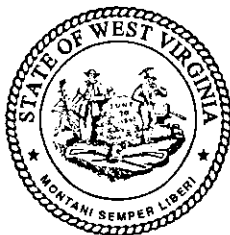
Due to the Passage of House Bill 2747, effective July 12, 2013, meeting notices are no longer required to be published in the State Register. The Secretary of State's online meeting notice database is now the official source for noticing and listing meeting information. Please use this link to view current, future and historical meeting notices:

<http://apps.sos.wv.gov/adlaw/meetingnotices/>

In addition, compliance with the Open Governmental Proceedings Act, WV Code §6-9A, is no longer based on publication in the State Register. To be compliant, a notice must be approved and listed on the online meeting notice database for 5 business days. Please use this link to view HB 2747:

http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=HB2747%20SUB%20ENR.htm&yr=2013&sesstype=RS&i=2747

	<u>PRICE LIST</u>	<u>AMOUNT</u>
<u>AGENCY</u>	<u>RULE/ORDER</u>	
Community & Technical College Ed. (135-40)	Equal Opportunity and Affirmative Action	\$3.40



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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

-
- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
 - Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
 - If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
 - If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
 - Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 13	OCCUPATIONAL THERAPY
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 20	SANITARIANS
TITLE 24	OSTEOPATHY
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE 33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE 35	OFFICE OF OIL AND GAS
TITLE 36	COAL MINE HEALTH & SAFETY
TITLE 38	MINING & RECLAMATION
TITLE 42	LABOR
TITLE 45	OFFICE OF AIR QUALITY
TITLE 47	OFFICE OF WATER RESOURCES
TITLE 48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 63	CONSERVATION AGENCY
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 69	HEALTH & HUMAN RESOURCES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 82	CULTURE AND HISTORY
TITLE 85	WORKERSCOMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 172	STATE RAIL AUTHORITY
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY
TITLE 184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 191	FAMILY PROTECTION SERVICES BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE 205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE 207	COALFIELD COMMUNITY DEVELOPMENT
TITLE 210	GOHELP

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-3)	State Owned Vehicles \$5.80 Legislative	6/25/2013	7/25/2013		7/25/2013				
Administrative Hearings (105-1)	Appeal Procedures \$6.00 Legislative	6/25/2013	7/25/2013		7/26/2013				
Agriculture (61-5)	Commercial Feed \$9.40 Legislative	6/18/2013	7/18/2013		7/19/2013				
Agriculture (61-8B)	Schedule of Charges for Inspection Services Fruit \$4.20 Legislative	6/26/2013	7/26/2013		7/26/2013				
Agriculture (61-11B)	Auctioneers \$5.40 Legislative	6/18/2013	7/18/2013		7/24/2013				
Agriculture (61-16)	Inspection of Meat and Poultry \$3.80 Legislative	6/5/2013	7/8/2013	6/5/2013 \$2 Only Effective 7/17/2013	7/23/2013				
Agriculture (61-23D)	Inspection of Nontraditional, Domesticated Animals \$3.80 Legislative	6/5/2013	7/8/2013		7/23/2013				
Air Quality (45-8)	Ambient Air Quality Standards \$4.00 Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013			
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality \$12.80 Legislative	6/6/2013	7/8/2013		7/22/2013	Modified & Approved 8/26/2013			
Air Quality (45-16)	Standards of Performance for New Stationary Sources \$4.00 Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste \$16.40 Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	I.R.G.I.S	FINAL FILE	EFFECTIVE
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas \$12.60 Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities \$7.60 Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants \$4.40 Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013			
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing \$8.40 Legislative	6/19/2013	7/19/2013		7/26/2013				
Alcohol Beverage Control Comm. (175-3)	Farm Wineries \$6.60 Legislative	6/19/2013	7/19/2013		7/26/2013				
Alcohol Beverage Control Comm. (175-4)	Sale of Wine \$14.40 Legislative	6/19/2013	7/19/2013		7/26/2013				
Alcohol Beverage Control Comm-Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures \$11.00 Legislative	6/19/2013	7/19/2013		7/26/2013				
Child Support Enforcement (97-1)	The Bureau for Child Support Enforcement \$6.80 Legislative	6/25/2013	7/25/2013		7/29/2013				
Child Support Enforcement (97-2)	Services Available From the Bureau for Child Support Enforcement \$8.60 Legislative	6/25/2013	7/25/2013		7/29/2013				
Child Support Enforcement (97-3)	Repeal of Obtaining Support From Federal and State Tax Refunds \$8.40 Legislative	6/25/2013	7/25/2013		7/29/2013				
Child Support Enforcement (97-4)	Repeal of Interstate Income Withholding \$4.40 Legislative	6/25/2013	7/25/2013		7/29/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Child Support Enforcement (97-5)	Establishing and Enforcing Paternity and Support Obligations for Children in the Legal Custody of the Department \$5.40 Legislative	6/25/2013	7/25/2013		7/29/2013				
Child Support Enforcement (97-6)	Support Enforcement Activities Undertaken by the Bureau for Child Support Enforcement \$12.70 Legislative	6/25/2013	7/25/2013		7/29/2013				
Child Support Enforcement (97-7)	Distribution of Support Payments \$18.50 Legislative	6/25/2013	7/25/2013		7/29/2013				
Child Support Enforcement (97-8)	Establishment of Paternity and Support and Modification of Support Obligations \$10.00 Legislative	6/25/2013	7/25/2013		7/29/2013				
Child Support Enforcement (97-9)	Redirection of Support When There is a Change in the Person With Whom the Minor Child Resides \$4.60 Legislative	6/25/2013	7/15/2013		7/29/2013				
Chiropractic Examiners (4-1)	Regulation of Chiropractic Practice \$5.40 Legislative	6/19/2013	7/22/2013		7/25/2013				
Chiropractic Examiners (4-6)	Fees Pertaining to the Practice of Chiropractic \$4.00 Legislative	6/21/2013	7/21/2013		7/25/2013				
Coal Mine Health and Safety (36-54)	Rules Governing Machine Mounted Methane Monitors in Underground Coal Mines \$3.80 Legislative Exempt							8/22/2013	11/1/2013
Community & Technical College Ed. (135-28)	Standards for the Administration of the WV Earn a Degree, Graduate Early (EDGE) Program \$5.80 Legislative	6/21/2012	7/23/2012		8/21/2012	Approved 10/9/2012			
Community & Technical College Ed. (135-40)	Equal Opportunity and Affirmative Action \$3.40 Procedural	8/27/2013	9/27/2013						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System \$5.80 Legislative	6/12/2013	7/12/2013		7/25/2013	Modified & Approved 8/26/2013			
Corrections (90-9)	Inmate Grievance Procedures \$5.60 Procedural	6/17/2013	7/17/2013						
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards \$12.50 Legislative	6/25/2013	7/25/2013		7/26/2013				
Dental Examiners (5-1)	Rule for the WV Bd. of Dental Examiners \$4.80 Legislative	6/6/2013	7/12/2013		7/22/2013				
Dental Examiners (5-2)	Formation and Approval of Professional Limited Liability Companies \$3.40 Legislative	6/6/2013	7/12/2013		7/22/2013				
Dental Examiners (5-3)	Fees Established by the Board \$7.00 Legislative	6/6/2013	7/12/2013		7/24/2013				
Dental Examiners (5-6)	Formation and Approval of Dental Corporations and Dental Practice Ownership \$3.40 Legislative	6/6/2013	7/12/2013		7/22/2013				
Dental Examiners (5-8)	Dental Advertising \$3.40 Legislative	6/6/2013	7/12/2013		7/22/2013				
Dental Examiners (5-10)	Practitioner Requirements for Accessing the WV Controlled Substance Monitoring Program Database \$3.80 Legislative	6/6/2013	7/12/2013		7/22/2013				
Dental Examiners (5-11)	Continuing Education Requirements \$6.00 Legislative	6/6/2013	7/12/2013		7/24/2013				
Dental Examiners (5-12)	Administration of Anesthesia by Dentists \$9.20 Legislative	6/6/2013	7/12/2013	7/23/2013 Approved 8/19/2013	7/24/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dental Examiners (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants \$4.80 Legislative	6/6/2013	7/12/2013		7/22/2013				
Dental Examiners (5-14)	Mobile Dental Facilities & Portable Dental Units \$9.00 Legislative	6/6/2013	7/12/2013		7/24/2013				
Development Office (145-14)	County Economic Opportunity Development Districts \$4.20 Procedural	7/15/2013	8/30/2013						
Education (126-4)	Rules of Procedure for Administrative Hearings and Appeals (1340) \$3.60 Legislative Exempt	3/14/2013	4/15/2013					5/10/2013	7/1/2013
Education (126-14)	WV Measures of Academic Progress (2340) \$10.80 Legislative Exempt	8/16/2013	9/16/2013						
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma \$6.00 Legislative Exempt	4/11/2013	5/13/2013						
Education (126-44A)	21 st Century Reading and English Language Arts Content Standards and Objectives for WV Schools (2520.1) \$15.90 Legislative Exempt	6/14/2013	7/15/2013					8/16/2013	9/16/2013
Education (126-44B)	21 st Century Mathematics Content Standards and Objectives for WV Schools (2520.2) \$19.60 Legislative Exempt	6/14/2013	7/15/2013					8/16/2013	9/16/2013
Education (126-44R)	21 st Century Science 9-12 Content Standards and Objectives for WV Schools (2520.35) \$19.30 Legislative Exempt	7/12/2013	8/12/2013						
Education (126-94)	Procedures for the Collection, Maintenance and Disclosure of Student Data (4350) \$8.40 Legislative Exempt	8/16/2013	9/16/2013						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	I.LEGIS	FINAL FILE	EFFECTIVE
Education (126-114)	Approval of Educational Preparation Programs (5100) \$20.60 Legislative Exempt	5/10/2013	6/10/2013						
Education (126-126)	Procedures for Designated Hiring and Transfer of School Personnel (5000) \$4.60 Legislative Exempt	6/14/2013	7/15/2013	6/14/2013 Effective 6/14/2013 Amendment 7/17/2013 Effective 7/17/2013				8/16/2013	9/16/2013
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) \$19.10 Legislative Exempt	5/10/2013	6/10/2013					7/17/2013	8/19/2013
Education (126-142)	Performance Evaluation of School Personnel (5310) \$6.80 Legislative Exempt	6/14/2013	7/15/2013	6/14/2013 Effective 6/14/2013				8/16/2013	9/16/2013
Education (126-149)	Professional Development for WV Educators (5500) \$4.20 Legislative Exempt	5/10/2013	6/10/2013	5/10/2013 Effective 5/10/2013					
Election Commission (146-5)	WV Supreme Court of Appeals Public Campaign Financing Pilot Program \$8.00 Legislative	5/31/2013	7/1/2013		7/11/2013	Modified & Approved 7/24/2013 Filed 8/6/2013			
Environmental Protection, Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule \$16.40 Legislative	6/19/2013	7/22/2013		7/26/2013				
Fire Commission (87-1)	State Fire Code \$17.40 Legislative	3/1/2013	4/1/2013		6/19/2013				
Fire Commission (87-4)	State Building Code \$3.00 Legislative	4/2/2012	5/2/2012		7/18/2012	Modified & Approved 12/12/2012 Filed 12/21/2012	SB 251 HB 2660 Bundled HB 2626	6/3/2013	9/1/2013
Fire Commission (87-5)	Certification of Home Inspectors \$12.20 Legislative	3/1/2013	4/1/2013		6/19/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-8)	Volunteer Firefighters' Training, Equipment and Operating Standards \$7.00 Legislative	7/25/2012	8/24/2012		8/31/2012	Modified & Approved 12/12/2012 Filed 12/21/2012	SB 252 HB 2661 Bundled HB 2626	6/10/2013	9/6/2013
Fire Marshal (103-1)	Certification of Electrical Inspectors \$6.80 Legislative	6/19/2013	7/24/2013		7/25/2013				
Health (64-7)	Reportable Diseases, Events and Conditions \$9.60 Legislative	7/30/2012	8/29/2012		8/31/2012	Modified & Approved 12/12/2012 Filed 1/10/2013	SB 267 HB 2672 Bundled SB 265	7/12/2013	8/12/2013
Health (64-18)	General Sanitation \$6.00 Legislative	5/3/2012	6/4/2012	4/5/2012 Approved Section \$64-18-6 Only 4/23/2012	6/29/2012	Modified & Approved 9/10/2012 Filed 11/15/2012	SB 264 HB 2670 Bundled SB 265	7/12/2013	8/12/2013
Health (64-34)	Grade "A" Pasteurized Milk \$48.90 Legislative	7/5/2012	8/6/2012		8/27/2012	Approved 9/10/2012	SB 265 HB 2627 Bundled SB 265	7/12/2013	8/12/2013
Health (64-51)	Fees for Services \$6.60 Legislative	7/23/2012	8/24/2012		8/31/2012	Modified & Approved 12/12/2012 Filed 1/10/2013	SB 266 HB 2671 Bundled SB 265	7/12/2013	8/12/2013
Health (64-57)	Clinical Laboratory Technician and Technologist Licensure and Certification \$5.40 Legislative	5/30/2013	7/1/2013		7/24/2013				
Health (64-60)	Medication Administration by Unlicensed Personnel \$6.80 Legislative	6/24/2013	7/24/2013		7/29/2013				
Health (64-64)	Aids-Related Medical Testing and Confidentiality \$9.80 Legislative	6/19/2013	7/19/2013		7/25/2013				
Health (64-68)	Cancer Registry \$4.20 Legislative	6/19/2013	7/19/2013		7/24/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-84)	Medical Examiner Rule for Postmortem Inquiries \$8.40 Legislative	6/19/2013	7/19/2013		7/24/2013				
Health (64-90)	Regulation of Opioid Treatment Programs \$9.60 Legislative	8/27/2012	9/27/2012		10/11/2012	Approved 1/7/2013 Filed 1/10/2013 Modified Withdrawn 2/5/2013	SB 268 HB 2628 Bundled SB 265	7/12/2013	8/12/2013
Health (64-100)	Pulse Oximetry Newborn Testing \$2.60 Legislative	6/29/2012	7/29/2012		8/27/2012	Modified & Approved 12/12/2012 Filed 1/10/2013	SB 263 HB 2669 Bundled SB 265	7/12/2013	8/12/2013
Health & Human Resources (69-7)	Regulations of Opioid Treatment Programs \$15.30 Legislative	7/31/2012	8/30/2012	7/31/2012 Approved 8/9/2012	8/31/2012	Modified & Approved 1/7/2013 Filed 2/5/2013	SB 257 HB 2665 Bundled SB 265	7/12/2013	8/12/2013
Health & Human Resources (69-8)	Chronic Pain Management Clinic License \$16.90 Legislative	12/3/2012	1/2/2013		1/7/2013	Recommend Withdraw 2/13/2013	SB 258 HB 2714 Bundled SB 265	7/12/2013	8/12/2013
Health Care Authority (65-28)	WV Health Information Network Rule \$9.00 Legislative	12/12/2011 2/8/2012	1/11/2012 3/9/2012	2/8/2012 Approved 2/16/2012	5/14/2012	Modified & Approved 6/26/2012 Filed 7/19/2012	SB 262 HB 2668 Bundled SB 265	7/12/2013	8/12/2013
Health Care Authority (65-28)	WV Health Information Network Rule \$7.20 Legislative	6/14/2013	7/15/2013		7/26/2013	Modified & Approved 8/26/2013			
Higher Education Policy Comm. (133-40)	Equal Opportunity and Affirmative Action \$3.40 Procedural	8/16/2013	9/16/2013						
Highways (157-7)	Transportation of Hazardous Wastes Upon the Roads and Highways \$4.80 Legislative	6/25/2013	7/25/2013		7/26/2013				
Human Services (78-1)	Child Care Centers Licensing \$24.50 Legislative	5/30/2013	7/1/2013		7/29/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-3)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in WV \$20.20 Legislative	7/27/2012	8/28/2012		8/30/2012	Modified & Approved 1/7/2013 Filed 1/15/2013	SB 260 HB 2667 Bundled SB 265	7/12/2013	8/12/2013
Infrastructure & Jobs Development Council (167-1)	Infrastructure & Jobs Dev. Council \$5.80 Legislative	5/8/2013	6/18/2013		7/9/2013	Modified & Approved 7/24/2013 Filed 7/29/2013			
Insurance Commission (114-95)	Utilization Review and Benefit Determination \$11.00 Legislative	6/19/2013	7/19/2013		7/26/2013				
Insurance Commission (114-96)	Health Plan Issuer Internal Grievance Procedure \$8.60 Legislative	6/19/2013	7/19/2013		7/26/2013				
Insurance Commission (114-97)	External Review of Adverse Health Insurance Determinations \$11.80 Legislative	6/19/2013	7/19/2013		7/26/2013				
Labor (42-5)	Wage Payment and Collection Act \$4.60 Legislative	6/19/2013	7/19/2013		7/23/2013				
Labor (42-33)	Employer Wage Bonds \$4.40 Legislative	6/19/2013	7/19/2013		7/23/2013				
Licensed Practical Nurses (10-2)	Policies Regulating Licensure of the Licensed Practical Nurse \$5.60 Legislative	3/4/2013	4/12/2013		4/29/2013				
Licensed Practical Nurses (10-4)	Fees for Services Rendered by the Bd. and Supplemental Renewal Fee for the Center for Nursing \$2.60 Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 7/24/2013 Filed 7/26/2013			
Licensed Practical Nurses (10-6)	Continuing Competence \$4.80 Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 8/26/2013			
Massage Therapy Licensure Board (194-4)	Schedule of Fees \$3.20 Legislative	6/13/2013	7/13/2013		7/23/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC-ACTION	L.F.G.I.S	FINAL FILE	EFFECTIVE
Miners' Health, Safety and Training (56-12)	Assessing Health and Safety Violation Penalties \$4.80 Legislative	2/5/2013	3/8/2013		3/26/2013				
Miners' Health, Safety and Training (56-18)	Rules Governing the Program for the Sharing of Information Between Employers \$4.00 Legislative	6/26/2013	7/26/2013		7/26/2013				
Miners' Health, Safety and Training (56-19)	Rules Governing Substance Abuse Screening, Standards and Procedure \$11.80 Legislative	12/27/2012	1/28/2013	12/27/2012 Approved 2/6/2013 Amendment 4/8/2013 ERD by 5/20/2013	3/26/2013				
Municipal Pensions Oversight Board (211-1)	Policemen's and Firemen's Pensions Disability Calculation \$4.40 Legislative	6/3/3012	7/8/2013		7/26/2013				
Natural Resources (58-27)	Special Motorboating Regulations \$2.60 Legislative	8/1/2012	8/31/2012		8/31/2012	Modified & Approved 10/10/2012 Filed 10/18/2012	SB 283 HB 2685 Bundled SB 250	6/6/2013	6/6/2013
Natural Resources (58-27)	Special Motorboating Rules \$3.80 Legislative	6/26/2013	7/26/2013		7/25/2013	Approved 8/26/2013			
Natural Resources (58-72)	Electronic Registration of Wildlife \$3.80 Legislative	6/26/2013	7/26/2013		7/25/2013				
Pharmacy (15-3)	Bd. of Pharmacy Rules for Continuing Education for Licensure of Pharmacists \$4.80 Legislative	7/16/2013	8/21/2013	7/16/2013 Approved 8/19/2013					
Pharmacy (15-8)	Controlled Substances Monitoring \$4.40 Legislative	7/16/2013	8/21/2013	7/16/2013 Approved 8/19/2013					
Professional Surveyors (23-1)	Examination & Licensing of Professional Surveyors in WV \$5.40 Legislative	5/17/2013	6/21/2013		7/23/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Comm. (150-36)	Rules Governing Stormwater Utilities \$10.80 Legislative Exempt	8/21/2013	9/20/2013						
Racing Commission (178-1)	Thoroughbred Racing \$22.30 Legislative	7/11/2012	8/13/2012		8/27/2012	Modified with certain amendments 11/27/2012 Filed 12/4/2012	SB 299 HB 2712 Bundled SB 270	5/16/2013	8/14/2013
Racing Commission (178-1)	Thoroughbred Racing \$26.00 Legislative	6/19/2013	7/19/2013		7/26/2013				
Racing Commission (178-2)	Greyhound Racing \$13.20 Legislative	7/11/2012	8/13/2012		8/27/2012	Approved 11/27/2012	SB 300 HB 2636 Bundled SB 270	5/16/2013	8/14/2013
Racing Commission (178-5)	Par-Mutuel Wagering \$15.50 Legislative	7/3/2012	8/3/2012		8/27/2012	Approved 11/27/2012	SB 301 HB 2637 Bundled SB 270	5/16/2013	8/14/2013
Racing Commission (178-8)	Racing Interpretive Rule \$3.40 Interpretive	5/24/2013	6/25/2013					8/6/2013	9/5/2013
Real Estate Appraiser Licensing & Cert. Bd. (190-2)	Requirements for Licensure and Certification \$12.20 Legislative	6/21/2013	7/22/2013	6/27/2013 Effective 8/8/2013	7/26/2013				
Real Estate Appraiser Licensing & Cert. Bd. (190-3)	Renewal of Licensure or Certification \$4.80 Legislative	6/21/2013	7/22/2013		7/26/2013				
Real Estate Appraiser Licensing & Cert. Bd. (190-4)	Investigative and Hearing Procedures \$4.40 Procedural	6/21/2013	7/22/2013						
Real Estate Comm. (174-1)	Requirements in Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business \$6.00 Legislative	6/19/2013	7/22/2013	6/19/2013 Effective 7/31/2013	7/25/2013				
Real Estate Comm. (174-2)	Schedule of Fees \$5.20 Legislative	5/10/2013	6/11/2013		6/24/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LJ-CIS	FINAL FILE	EFFECTIVE
Regional Jail & Correctional Facility Authority (94-7)	Criteria and Procedures for Determination of Projected Cost Per Day for Inmates Incarcerated in Regional Jails Operated by the Authority \$4.20 Legislative	6/26/2013	7/26/2013		7/26/2013				
Rehabilitation Services (198-1)	Ron Yost Personal Assistance Services Act Board \$4.20 Legislative	6/12/2013	7/15/2013		7/19/2013				
Sanitarians (20-4)	Rules Governing the Practice of Public Health Sanitation \$4.60 Legislative	5/13/2013	6/12/2013		7/24/2013				
Secondary School Activities Comm. (127-2)	Athletics, Provisions Governing Eligibility \$5.80 Legislative Exempt	8/19/2013	9/19/2013		8/16/2013 Effective 8/16/2013				
Secondary School Activities Comm. (127-3)	Provisions Governing Contests \$7.40 Legislative	5/10/2013	6/10/2013					7/12/2013	9/10/2013
Secretary of State (153-21)	Election Law Violations Complaint Process \$4.40 Procedural	6/26/2013	7/30/2013						
Senior Services (76-2)	In-Home Care Worker Registry \$3.20 Legislative	7/13/2012	8/13/2012		8/31/2012	Modified & Approved 1/9/2013 Filed 1/17/2013	SB 312 HB 2705 Bundled SB 265	7/12/2013	8/12/2013
Senior Services (76-2)	In-Home Care Worker Registry \$4.80 Legislative	6/24/2013	7/24/2013		7/26/2013	Approved 8/26/2013			
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology & Audiology \$9.60 Legislative	6/17/2013	7/18/2013	6/17/2013 ERD by 7/29/2013 Withdrawn 7/25/2013	7/25/2013				
Speech-Language Pathology & Audiology (29-2)	Rule Governing Speech-Language Pathology & Audiology Assistants \$4.80 Legislative	6/17/2013	7/18/2013		7/25/2013				
Speech-Language Pathology & Audiology (29-3)	Contested Case Hearing Procedure \$4.80 Legislative	6/17/2013	7/18/2013		7/25/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech-Language Pathology & Audiology (29-4)	Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology \$4.40 Legislative	6/17/2013	7/18/2013		7/25/2013				
Speech-Language Pathology & Audiology (29-5)	WV Bd. of Exam. for Speech-Language Pathology & Audiology Code of Ethics \$4.40 Legislative	6/17/2013	7/18/2013		7/25/2013				
Tax Department (110-1Q)	Assessment of Property for Purpose of Calculating Local Share \$3.40 Interpretive	6/28/2013	7/28/2013						
Tax Department (110-28)	Municipal Sales and Service and Use Tax Administration \$12.20 Legislative	6/25/2013	7/25/2013		7/26/2013				
Tax Department (110-29)	Special Reclamation Tax Credit \$6.00 Legislative	6/19/2013	7/19/2013		7/26/2013				
Tax Department (110-40)	Withholding or Denial of Personal Income Tax Refunds from Taxpayers Who Owe Municipal or Magistrate Court Costs \$4.20 Legislative	6/19/2013	7/19/2013		7/26/2013				
Treasurer's Office (112-1)	Repeat of Procedure for Deposit of Funds in the Treasurer's Office by State Agencies \$4.40 Legislative	6/24/2013	7/24/2013		7/26/2013				
Treasurer's Office (112-4)	Procedure for Deposit of Monies with the Office by State Agencies \$7.20 Legislative	6/25/2013	7/25/2013		7/26/2013				
Treasurer's Office (112-6)	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding \$7.20 Legislative	6/24/2013	7/24/2013		7/26/2013				
Treasurer's Office (112-7)	Selection of State Depositories for Receipt Accounts \$7.00 Legislative	6/24/2013	7/24/2013		7/26/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LRG/IS	FINAL FILE	EFFECTIVE
Treasurer's Office (112-9)	Repeal of Rules for the Reporting of Debt Capacity \$4.40 Legislative	6/24/2013	7/24/2013		7/26/2013				
Treasurer's Office (112-10)	Reporting Debt \$6.80 Legislative	6/24/2013	7/24/2013		7/26/2013				
Treasurer's Office (112-12)	Procedures for Fees in Collection by Charge, Credit or Debit Card or by Electronic Payment \$5.60 Legislative	6/24/2013	7/24/2013		7/26/2013				
Treasurer's Office (112-13)	Providing Services to Political Subdivisions \$4.60 Legislative	6/24/2013	7/24/2013		7/26/2013				
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians \$5.20 Legislative	6/28/2012	7/30/2012		7/30/2012	Modified & Approved 10/10/2012 Filed 10/25/2012	SB 321 HB 2710 Bundled HB 2689	6/13/2013	9/9/2013
Veterinary Medicine (26-3)	Registration of Veterinary Technicians \$4.80 Legislative	6/26/2013	7/26/2013		7/26/2013				
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians \$5.40 Legislative	6/26/2013	7/26/2013		7/26/2013				
Veterinary Medicine (26-6)	Schedule of Fees \$2.80 Legislative	6/28/2012	7/30/2012		7/30/2012	Modified & Approved 10/10/2012 Filed 10/25/2012	SB 322 HB 2711 Bundled HB 2689	6/13/2013	9/9/2013
Veterinary Medicine (26-6)	Schedule of Fees \$4.20 Legislative	6/26/2013	7/26/2013		7/26/2013				
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards \$13.40 Legislative	2/6/2013 6/12/2013	3/27/2013 7/29/2013	1/30/2013 Approved 3/12/2013	4/30/2013 Withdrawn 7/26/2013 7/26/2013				
Water Resources, Div. of Water & Waste Mgmt. (47-5A)	Regulations for State Certification of Activities Requiring Federal Licenses and Permits \$12.90 Legislative	6/17/2013	7/22/2013		7/26/2013				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources, Div. of Water & Waste Mgmt. (47-26)	Water Pollution Control Permit Fee Schedules \$6.40 Legislative	6/27/2012	8/7/2012		8/30/2012	Approved 12/10/2012	SB 248 HB 2623 Bundled SB 243		

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

Do Not Mark In This Box

LEGISLATIVE

2013 JUN 22 PM 4:19

Form #5

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

CITE AUTHORITY: 22A-2-30f; 22A-6-1; 22A-6-3; 22A-6-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

22A-6-4

AMENDMENT TO AN EXISTING RULE: YES _____ NO ✓

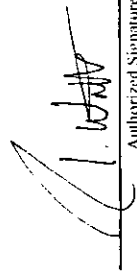
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 54

TITLE OF RULE BEING PROPOSED: Rules Governing Machine Monitors in Underground Coal Mines

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS 1 AUG 2013



Authorized Signature

83.60

PROCEDURAL

Do Not Mark In This Box

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

2013 SEP 27 AM 11:20

STATE OF WEST VIRGINIA

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Council for Community & Technical College Education TITLE NUMBER: 135
 RULE TYPE: Procedural CITE AUTHORITY: 18B-1-6 and 18B-1B-5
 AMENDMENT TO AN EXISTING RULE: YES ✓ NO
 IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 40
 TITLE OF RULE BEING AMENDED: Equal Opportunity and Affirmative Action

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____
 TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 27, 2013 AT 4:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

James L. Skidmore, Chancellor
 WV Council for Community and Technical College Education
 1018 Kanawha Blvd., East, Suite 700
 Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

James L. Skidmore
 Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL.

B3.40



LRMRC

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Herb Snyder, Co-Chair
Delegate Mysha Poore, Co-Chair
Debra A. Graham, Chief Counsel
Jared Wyrick, Legislative Analyst
Mark White, Legislative Analyst
Trina Hartley, Committee Clerk

Jay Lucell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Hatfield, Associate Counsel

Jay Lucell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Hatfield, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Registrar
TO: Kristin A. Boggis
DEP - Air Quality
601 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee

Proposed Rule: Permits for Construction and Major Modification of Major Stationary Sources for the Prevention

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

45-~~14~~14

1. Authorize the agency to promulgate the Legislative rule

- (A) as originally filed
- (B) as modified by the agency

X

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

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



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Herb Snyder, Co-Chair
Delegate Mysha Poore, Co-Chair
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Mark White, Legislative Analyst
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Jay Lucell, Associate Counsel
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Sarah Stewart, Associate Counsel
Brandon Hatfield, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Registrar
TO: Kristin A. Boggis
DEP - Air Quality
601 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee

Proposed Rule: Ambient Air Quality Standards, 45CSR8

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

X

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

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

LRMRC



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Herb Snyder, Co-Chair
Debra A. Graham, Chief Counsel
Jared Hynick, Legislative Analyst
Mark White, Legislative Analyst
Trina Hartley, Committee Clerk

Joy Laczell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Huffield, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Kristin A. Boggs
DEP - Air Quality
601 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee
Proposed Rule: Standards of Performance for New Stationary Sources, 45CSR16

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 the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislature rule be withdrawn; a statement of reasons for the recommendation is attached.

Building 1, Room 318-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: debra.graham@wvlegislature.gov; jared.hynick@wvlegislature.gov



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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Mark White, Legislative Analyst
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Sarah Stewart, Associate Counsel
Brandon Huffield, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Kristin A. Boggs
DEP - Air Quality
601 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee
Proposed Rule: Control of Air Pollution from Combustion of Solid Waste, 45CSR18

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 the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislature rule be withdrawn; a statement of reasons for the recommendation is attached.

Building 1, Room 318-49 1900 Kanawha Boulevard, East Charleston, WV 25305
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Herb Snyder, Co-Chair
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Mark White, Legislative Analyst
Tina Hartley, Committee Clerk

Jay Leach, Associate Counsel
Brian Skinner, Associate Counsel
Kerin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Halford, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Kristin A. Boggs
DEP - Air Quality
601 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee

Proposed Rule: Permits for Construction and Major Modification of Major Stationary Sources Which Cause or

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
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2. Authorize the agency to promulgate the Legislative rule with certain amendments, amendments and a statement of reasons for such recommendation is attached
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments, amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislature rule be withdrawn, a statement of reasons for the recommendation is attached.

Building 1, Room MB-19 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: debra.graham@legislatore.gov; jared.byrck@legislatore.gov

LRMRC



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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Mark White, Legislative Analyst
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Kerin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Halford, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Kristin A. Boggs
DEP - Air Quality
601 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee

Proposed Rule: Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities.

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 the Legislative rule with certain amendments, amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments, amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislature rule be withdrawn, a statement of reasons for the recommendation is attached.

Building 1, Room MB-19 1900 Kanawha Boulevard, East Charleston, WV 25305
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45-25

45-19



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

LRMRC



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

2013 AUG 26 AM 10:02

Senator Herb Snyder, Co-Chair
Delegated Meba Poirer, Co-Chair
Debra A. Graham, Chief Counsel
Jared Byrnick, Legislative Analyst
Mark White, Legislative Analyst
Trina Hartley, Committee Clerk

Senator Herb Snyder, Co-Chair
Delegated Meba Poirer, Co-Chair
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Jared Byrnick, Legislative Analyst
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Trina Hartley, Committee Clerk

Jay Lazell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Spawars, Associate Counsel
Brandon Hatfield, Associate Counsel

Jay Lazell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Spawars, Associate Counsel
Brandon Hatfield, Associate Counsel

August 26, 2013

August 26, 2013

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

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

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Kristin A. Boggs
DEP - Air Quality
601 57th Street, SE
Charleston, WV 25304

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Jeffrey Fleck
Consolidated Public Retirement Board
4101 MacCorkle Ave, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Committee
Proposed Rule: Emission Standards for Hazardous Air Pollutants, 45CSR34

FROM: Legislative Rule-Making Committee
Proposed Rule: Public Employees Retirement System, 162CSR5

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

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 the Legislative rule with certain amendments, amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

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

X

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LRMRC

2013 JUL 26 AM 10:34

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Jay Lazell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Hatfield, Associate Counsel

Senator Herb Snyder, Co-Chair
Delegate Melba Poore, Co-Chair
Debra A. Graham, Chief Counsel
Jared Hysick, Legislative Analyst
Mark White, Legislative Analyst
Trina Harber, Committee Clerk

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register

TO: Lynette L. Anderson
Licensed Practical Nurses, WV State Board of Examiners for
101 Dove Drive, Suite 100
Charleston, WV 25311

FROM: Legislative Rule-Making Committee
Proposed Rule: Continuing Competence, 10CSR6

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 **X**
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommend that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.



2013 JUL 26 AM 10:32

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register

TO: Denise Hershey
Health Care Authority, WV Health Information Network WV
100 Dee Drive
Charleston, WV 25311-1600

FROM: Legislative Rule-Making Committee
Proposed Rule: West Virginia Health Information Network Rule, 65CSR28

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 **X**
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommend that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

Building 1, Room 318-19 1909 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-1840 Fax: (304) 347-4901 email: debra.graham@wvlegislature.gov; jared.hysick@wvlegislature.gov

Building 1, Room 318-19 1909 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-1840 Fax: (304) 347-4901 email: debra.graham@wvlegislature.gov; jared.hysick@wvlegislature.gov

LRMRC



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

August 26, 2013

Senator Herb Snyder, Co-Chair
Delegate Mosha Poore, Co-Chair
Debra A. Graham, Chief Counsel
Jared Hynick, Legislative Analyst
Mark White, Legislative Analyst
Trina Hartley, Committee Clerk

Joy Lazell, Associate Counsel
Brian Skinner, Associate Counsel
Kevin Baker, Associate Counsel
Robert Williams, Associate Counsel
Jeff Johnson, Associate Counsel
Sarah Stewart, Associate Counsel
Brandon Huffield, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Curtis I. Taylor
Natural Resources, WV Division of
324 4th Avenue
South Charleston, WV 25303

FROM: Legislative Rule-Making Committee
Proposed Rule: Special Motorboating Rules, 58CSR27

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 the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments, amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislature rule be withdrawn; a statement of reasons for the recommendation is attached.

X

Building 1, Room MB-49 1909 Kanawha Boulevard, East Charleston, WV 25305
Phone: (804) 347-4839 Fax: (804) 347-4901 email: debra.grahama@legislature.gov; jared.hynick@wvstate.gov



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

August 26, 2013

Senator Herb Snyder, Co-Chair
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Sarah Stewart, Associate Counsel
Brandon Huffield, Associate Counsel

August 26, 2013

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

TO: Natalie E. Tennant, Secretary of State, State Register
TO: Lee Rodgers
Senior Services, WV Bureau of
1900 Kanawha Blvd East
Charleston, WV 25305

FROM: Legislative Rule-Making Committee
Proposed Rule: In-Home Care Worker Registry, 76CSR2

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 the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislature rule be withdrawn; a statement of reasons for the recommendation is attached.

X

Building 1, Room MB-49 1909 Kanawha Boulevard, East Charleston, WV 25305
Phone: (804) 347-4839 Fax: (804) 347-4901 email: debra.grahama@legislature.gov; jared.hynick@wvstate.gov

Orders Report

Docket Number	Agency	Respoident	Data Rendered
13-2-19-C	Health Care Authority	Logan Regional Medical Center	8/1/2013
13-1-13-C	Health Care Authority	Bluefield Regional Medical Center	7/8/2013
13-6-24-C	Health Care Authority	Monongalia General Hospital	8/20/2013
12-1-9797-X	Health Care Authority	Beckley Surgery Center Inc	8/23/2013
13-6-9982-X	Health Care Authority	Genesis Youth Crisis Center Inc	8/21/2013
13-2-9984-X	Health Care Authority	Logan-Mingo Area Mental Health Inc	8/21/2013
11-WV-9467-P	Health Care Authority	OnSite Digital Radiology Services LLC	8/21/2013
13-WV-9983-X	Health Care Authority	Sensus Healthcare	8/23/2013
13-7-9915-H	Health Care Authority	Stonewall Jackson Memorial Hospital	8/21/2013
13-AP-MCSI-02003	Insurance Commission	Alex Energy, Inc.	8/21/2013
12-AP-MCSI-02018	Insurance Commission	City of Charleston	8/20/2013
13-AP-PRLC-02094	Insurance Commission	Jeremiah Scott Miller	8/8/2013
13-AP-PRLC-02085	Insurance Commission	Danielle Malone	8/14/2013
13-AP-PRLC-02057	Insurance Commission	Ilene Patsy Fuller	8/14/2013
2013-33	Osteopathy, West Virginia Board Of	Allen G. Saoud, D.O.	8/22/2013

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2013-0076-DVA	James William Doran	Veterans Assistance	8/2/2013
2011-1333-DEP	Sherry Wilkins	Department Of Environmental Protection Personnel	8/2/2013
John Daniel Bennett	John Daniel Bennett	Tucker County Board Of Education	8/5/2013
2012-1355-WVU	Elizabeth A. Kyber	West Virginia University	8/6/2013
2012-0686-DHHR	Samantha Heflin	Health And Human Resources	8/8/2013
		William R. Sharpe, Jr. Hospital	8/8/2013
2012-0981-MonED	Arlie Myers	Monongalia County Board Of Education	8/14/2013
2013-1289-BroED	Melissa A. Cornell	Brooke County Board Of Education	8/15/2013
2013-0968-DOA	Buffy Payne	Administration	8/15/2013
		Finance Division	8/15/2013
2013-0600-CONS	Marvin R. Woods	Nicholas County Board Of Education	8/15/2013
2012-1296-DEP	Paul Franz	Department Of Environmental Protection	8/15/2013

OTHER

PUBLIC NOTICE
WEST VIRGINIA MEDICAID PROGRAM
STATE PLAN AMENDMENT
REGARDING
SINGLE STREAMLINED APPLICATION

2013 AUG 28 PM 2: 24

STATE

Pursuant to the Patient Protection Affordable Care Act the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("Bureau") provides notice of the single streamlined application that will be utilized for Medicaid eligibility.

Documents detailing these proposed actions will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning September 4, 2013 to October 4, 2013 and on the web at: www.dhhr.wv.gov/bms then Public Notices.

The West Virginia Bureau for Medical Services (BMS) has posted draft versions of the updated applications that will be used to apply for Medicaid, CHIP, and other programs beginning on October 1, 2013. These materials contain draft versions of both the paper applications and the screenshots of draft screens that will be used for applications through the iROADS self-service portal. BMS will schedule a meeting with the Medical Services Fund Advisory Committee to formally introduce these materials. The Bureau wishes to provide time for public review prior to the submission of these materials to the Centers for Medicare and Medicaid Services (CMS), and therefore chose to release them ahead of the meeting.

Written comments may be sent by email to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706 or submitted through the previously referenced website. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m., beginning September 4, 2013 through October 4, 2013.

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Dee Drive
Charleston, West Virginia 25311-1600

2013 AUG 26 PM 2: 12

STATE

August 26, 2013

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending August 23, 2013.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

August 22, 2013 – Derm One PLLC, Princeton, Mercer County, CON File #13-1-9985-E, for purchase of an SRT-100 superficial radiotherapy machine to treat certain basal cell and squamous cell carcinomas that are in locations that are not amenable for surgical treatment; capital expenditure: \$232,000.

DECISION ON REQUEST FOR RULING ON REVIEWABILITY

August 23, 2013 – Beckley Surgery Center, Beckley, Raleigh County, CON File #12-1-9797-X, Beckley Surgery Center may not properly provide procedures with an overnight stay. Patients must be admitted and discharged on the same date.

PROJECTS DETERMINED NOT REVIEWABLE

August 21, 2013 – Genesis Youth Crisis Center, Inc., Clarksburg, Harrison County, CON File #13-6-9982-X, for the expansion of foster care services in the northern part of West Virginia. The target population is young children/youth at risk of out-of-home/out-of-state placement in the counties within the Department's Region I area; no capital expenditure.

August 21, 2013 – Logan-Mingo Area Medical Health, Inc., Logan, Logan County, CON File #13-2-9984-X, for the complete relocation of its Community Alternative Living Module facility located at 174 LAMMH Center Road, Lando, to its outpatient center located at 2954 Buffalo Creek Road, Chattaroy, both in Mingo County; capital expenditure: \$15,000.

August 23, 2013 – Sensus Healthcare, Boca Raton, Florida, CON File #13-WV-9983-X, to become a small business medical device vendor that sells and installs low cost, low energy, superficial X-ray systems to physicians for the treatment of skin cancer; no capital expenditure.

CERTIFICATE OF NEED APPROVAL ISSUED

August 21, 2013 – Stonewall Jackson Memorial Hospital, Weston, Lewis County,

OTHER



STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
Acting State Tax Commissioner

CON File #13-7-9915-H, for the relocation of all outpatient physical therapy services off campus, to leased space in Weston, Lewis County; capital expenditure: \$170,000.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance and the case file is now closed:

August 21, 2013 – OnSite Digital Radiology Services, LLC, Huntington, Cabell County, CON File #11-WV-9467-P, for the provision of mobile Digital Radiology wireless services, EKG, Holter monitoring and pacemaker check services to residents in nursing homes, home health, hospice, assisted living and correctional facilities throughout West Virginia; capital expenditure: \$972,571.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.

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August 28, 2013

2013 AUG 28 10:59
DEPARTMENT OF REVENUE
STATE

The Honorable Natalie Tennant
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Dear Secretary Tennant:

Attached are final natural resource property valuation variables for the 2014 Tax Year that have been developed by the State Tax Department for use in appraising oil and gas, managed timberland, coal and other natural resource properties for ad valorem tax purposes.

In accordance with requirements of §§ 110 CSR 1-4-1-J, and 1-K, tentative variables were made available for public comments on June 27, 2013. The Department received six comments on the tentative variables. Four comments concerned the new expense allowance and decline rates allowed on Marcellus oil and gas wells. One comment was regarding the computation of the managed timberland variables. None of those comments required a revision to the tentative variables. The last comment came from the Tucker County Assessor who suggested we had a reserve oil and gas value of \$20 per acre in a municipality where there was no oil and gas activity and it should be \$1 per acre. This change has been made.

The final valuation variables are being filed for inclusion in the State Register.

Sincerely,

Mark W. Matkovich
Acting State Tax Commissioner

MWM/jaj
Attachment
cc: All County Assessors

Property Tax Division
P.O. Box 2189
Charleston, WV 25321-2189
Phone 304-558-5940 FAX 304-558-1843

