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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Comm. & Tech. College Education (135-56)	Military Student Withdrawal Policy Procedural	§§18B-1-6 and 18B-4-10	Written Comments Only May 28, 2014, 4:30 pm James L Skidmore, Chancellor WV Council for Comm. & Tech. College Ed. 1018 Kanawha Blvd East, Suite 700 Charleston, WV 25301 skidmore@wvctcs.org
Higher Education Policy Commission (133-19)	Guidelines for the Offering of Early Enrollment courses for High School Students (Procedural)	§18B-1-6	Written Comments Only May 29, 2014, 5:00 pm Chancellor WV Higher Education Policy Commission 1018 Kanawha Boulevard East Charleston, WV 25301
Higher Education Policy Commission (133-56)	Military Student Withdrawal Policy (Procedural)	§18B-1-6	Written Comments Only May 29, 2014, 5:00 pm Chancellor WV Higher Education Policy Commission 1018 Kanawha Boulevard East Charleston, WV 25301
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	§§30-3E-3(a) and (b)	Written Comments Only May 30, 2014, 4:30 pm Robert C. Knittle, Executive Director Robert.C.Knittle@wv.gov WV Board of Medicine 101 Dee Drive, Suite 103 Charleston, WV 25311
Speech-Language Pathology & Audiology (29-3)	Contested Case Hearing Procedure Procedural	§30-32-7	Written Comments Only June 2, 2014, 4:00 pm WV Bd of Examiners for Speech-Language Pathology & Audiology 99 Edmiston Way, Box 11 - Suite 214 Buckhannon, WV 26201 wvbeslpa@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants	§§30-3E-3(a) and (b)	ERD by June 11, 2014	May 30, 2014

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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

TITLE NUMBER		NAME OF AGENCY
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
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TITLE	149	CRIME, DELINQUENCY AND CORRECTION
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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 Legislative	6/25/2013	7/25/2013		7/25/2013	Approved 9/26/2013	SB 181 HB 4016 Bundled SB 181	4/22/2014	6/1/2014
Administrative Hearings (105-1)	Appeal Procedures Legislative	6/25/2013	7/25/2013		7/26/2013	Modified & Approved 12/12/2013 Filed !2/19/2013	SB 165 HB 4046 Bundled SB165	4/10/2014	5/11/2014
Agriculture (61-8B)	Schedule of Charges for Inspection Services Fruit Legislative	6/26/2013	7/26/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 9/30/2013	SB 145 HB 4049 Bundled HB 4039	4/22/2014	5/22/2014
Agriculture (61-11B)	Auctioneers Legislative	6/18/2013	7/18/2013		7/24/2013	Modified & Approved 9/26/2013 Filed 10/2/2013	SB 146 HB 4047 Bundled HB 4039	4/23/2014	5/23/2014
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/5/2013	7/8/2013	6/5/2013 **§2 Only** Effective 7/17/2013	7/23/2013	Approved 9/26/2013	SB 147 HB 4017 Bundled HB 4039	4/16/2014	6/1/2014
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 129 HB 4033 Bundled SB 133	4/4/2014	6/1/2014
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality Legislative	6/6/2013	7/8/2013		7/22/2013	Modified & Approved 8/26/2013 Filed 9/4/2013	SB 130 HB 4062 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 131 HB 4028 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 132 HB 4029 Bundled SB 133		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 133 HB 4030 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 134 HB 4031 Bundled SB 133	4/3/2014	6/1/2014
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2013	7/8/2013		7/22/2013	Approved 8/26/2013	SB 135 HB 4032 Bundled SB 133	4/4/2014	6/1/2014
Alcohol Beverage Control Comm. (175-2) .	Private Club Licensing Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 188 HB 4050 Bundled SB 167		
Alcohol Beverage Control Comm. (175-3)	Farm Wineries Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 189 HB 4051 Bundled SB 167		
Alcohol Beverage Control Comm. (175-4)	Sale of Wine Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 190 HB 4052 Bundled SB 167		
Alcohol Beverage Control Comm-Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 191 HB 4053 Bundled SB 167		
Child Support Enforcement (97-1)	General Procedures Pertaining to Documents and Files Legislative	6/25/2013	7/25/2013		7/29/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 159 HB 4054 Bundled SB 155	4/11/2014	5/11/2014
Child Support Enforcement (97-3)	Repeal of Obtaining Support From Federal and State Tax Refunds Legislative	6/25/2013	7/25/2013		7/29/2013	Approved 12/12/2013	SB 160 HB 4018 Bundled SB 155	4/11/2014	5/11/2014

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Child Support Enforcement (97-4)	Repeal of Interstate Income Withholding Legislative	6/25/2013	7/25/2013		7/29/2013	Approved 12/12/2013	SB 161 HB 4019 Bundled SB 155	4/11/2014	5/11/2014
Child Support Enforcement (97-6)	Support Enforcement Activities Undertaken by the Bureau for Child Support Enforcement Legislative	6/25/2013	7/25/2013		7/29/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 162 HB 4055 Bundled SB 155	4/11/2014	5/11/2014
Child Support Enforcement (97-7)	Distribution of Support Payments Legislative	6/25/2013	7/25/2013		7/29/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 163 HB 4056 Bundled SB 155	4/11/2014	5/11/2014
Chiropractic Examiners (4-1)	Regulation of Chiropractic Practice Legislative	6/19/2013	7/22/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 12/12/2013	SB 101 HB 4057 Bundled HB 4039	4/1/2014	7/1/2014
Chiropractic Examiners (4-6)	Fees Pertaining to the Practice of Chiropractic Legislative	6/21/2013	7/21/2013		7/25/2013	Approved 11/21/2013	SB 102 HB 4020 Bundled HB 4039	4/1/2014	7/1/2014
Coal Mine Health and Safety (36-57)	Rules Governing Haulage Safety Legislative Exempt	1/27/2014 2/7/2014	2/28/2014 3/11/2014					4/23/2014	7/1/2014
Community & Technical College Ed. (135-12)	Capital Project Management Legislative	12/16/2013	1/16/2014		1/28/2014				
Community & Technical College Ed. (135-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Procedural	2/4/2014	3/6/2014					4/28/2014	5/28/2014
Community & Technical College Ed. (135-28)	Standards for the Administration of the WV Earn a Degree, Graduate Early (EDGE) Program Legislative	6/21/2012	7/23/2012		8/21/2012	Approved 10/9/2012	HB 4457	4/15/2014	5/15/2014
Community & Technical College Ed. (135-56)	Military Student Withdrawal Policy Procedural	4/28/2014	5/28/2014						
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System Legislative	6/12/2013	7/12/2013		7/25/2013	Modified & Approved 8/26/2013 Filed 8/30/2013	SB 184 HB 4058 Bundled SB 181		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	6/25/2013	7/25/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 10/10/2013	SB 182 HB 4070 Bundled HB 4067	3/26/2014	4/28/2014
Dental Examiners (5-1)	Rule for the WV Bd. of Dental Examiners Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 11/21/2013	SB 103 HB 4021 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-2)	Formation and Approval of Professional Limited Liability Companies Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 11/21/2013	SB 104 HB 4025 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-3)	Fees Established by the Board Legislative	6/6/2013	7/12/2013		7/24/2013	Modified & Approved 11/21/2013 Filed 11/22/2013	SB 105 HB 4061 Bundled HB 4039	4/1/2014	5/1/2014
Dental Examiners (5-6)	Formation and Approval of Dental Corporations and Dental Practice Ownership Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 10/24/2013	SB 106 HB 4026 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-8)	Dental Advertising Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 11/21/2013	SB 107 HB 4027 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-10)	Practitioner Requirements for Accessing the WV Controlled Substance Monitoring Program Database Legislative	6/6/2013	7/12/2013		7/22/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 108 HB 4059 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-11)	Continuing Education Requirements Legislative	6/6/2013	7/12/2013		7/24/2013	Approved 10/24/2013	SB 109 HB 4022 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-12)	Administration of Anesthesia by Dentists Legislative	6/6/2013	7/12/2013	7/23/2013 Approved 8/19/2013	7/24/2013	Approved 11/21/2013	SB 110 HB 4023 Bundled HB 4039	4/1/2014	6/1/2014
Dental Examiners (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/6/2013	7/12/2013		7/22/2013	Approved 10/24/2013	SB 111 HB 4024 Bundled HB 4039	4/1/2014	6/1/2014

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dental Examiners (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	6/6/2013	7/12/2013		7/24/2013	Modified & Approved 11/21/2013 Filed 11/22/2013	SB 112 HB 4060 Bundled HB 4039	4/1/2014	5/1/2014
Education (126-13)	A Process for Improving Education: Performance Based Accreditation System (2320) Legislative Exempt	4/10/2014	5/12/2014						
Education (126-15)	Programs of Study for Limited English Proficient Students (2417) Legislative Exempt	11/14/2013	12/16/2013					1/8/2014	7/1/2014
Education (126-28)	WV's Universal Access to a Quality Early Education System (2525) Legislative Exempt	4/10/2014	5/12/2014						
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma Legislative Exempt	4/11/2013	5/13/2013						
Education (126-37)	Uniform Grading (2515) Legislative Exempt	12/12/2013	1/13/2014					2/13/2014	7/1/2014
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	12/12/2013 2/13/2014	1/13/2014 3/17/2014						
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	4/10/2014	5/12/2014						
Education (126-51)	Health Promotion and Disease Prevention (2423) Legislative Exempt	3/13/2014	4/14/2014						
Education (126-67)	Comprehensive School Counseling Programs Legislative Exempt	2/13/2014	3/17/2014					4/10/2014	7/1/2014
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) Legislative Exempt	4/10/2014	5/12/2014						
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) Legislative Exempt	4/10/2014	5/12/2014						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Election Commission (146-5)	WV Supreme Court of Appeals Public Campaign Financing Pilot Program Legislative	5/31/2013	7/1/2013		7/11/2013	Modified & Approved 7/24/2013 Filed 8/6/2013	SB 180 HB 4066 Bundled HB 4039	4/1/2014	5/1/2014
Enterprise Resource Planning Board (213-1)	Enterprise Resouce Planning System User Fee Legislative	4/7/2014	5/9/2014	4/7/2014 Approved 4/22/2014					
Environmental Protection, Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule Legislative	6/19/2013	7/22/2013		7/26/2013	Modified & Approved 12/12/2013 Filed 12/17/2013	SB 143 HB 4063 Bundled SB 133		
Fire Commission (87-1)	State Fire Code Legislative	3/1/2013	4/1/2013		6/19/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 156 HB 4067 Bundled HB 4067	5/1/2014	7/1/2014
Fire Commission (87-5)	Certification of Home Inspectors Legislative	3/1/2013	4/1/2013		6/19/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 157 HB 4068 Bundled HB 4067	5/1/2014	7/1/2014
Fire Marshal (103-1)	Certification of Electrical Inspectors Legislative	6/19/2013	7/24/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 164 HB 4069 Bundled HB 4067	5/1/2014	7/1/2014
Health (64-57)	Clinical Laboratory Technician and Technologist Licensure and Certification Legislative	5/30/2013	7/1/2013		7/24/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 148 HB 4074 Bundled SB 155	4/11/2014	5/11/2014
Health (64-60)	Medication Administration by Unlicensed Personnel Legislative	6/24/2013	7/24/2013		7/29/2013	Modified & Approved 10/24/2013 Filed 11/8/2013	SB 149 HB 4071 Bundled SB 155		
Health (64-64)	Aids-Related Medical Testing and Confidentiality Legislative	6/19/2013	7/19/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 12/9/2013	SB 150 HB 4075 Bundled SB 155	4/11/2014	5/11/2014

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-68)	Cancer Registry Legislative	6/19/2013	7/19/2013		7/24/2013	Modified & Approved 9/26/2013 Filed 10/7/2013	SB 151 HB 4076 Bundled SB 155	4/11/2014	5/11/2014
Health (64-84)	Medical Examiner Rule for Postmortem Inquiries Legislative	6/19/2013	7/19/2013		7/24/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 152 HB 4077 Bundled SB 155	4/11/2014	5/11/2014
Health (64-95)	Immunization Requirements and Recommendations for School Children Interpretive	1/2/2014	2/3/2014					4/29/2014	5/29/2014
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative	12/3/2012	1/2/2013		1/7/2013	Recommend Withdraw 2/13/2013	SB 258 HB 2714 Bundled SB 265 (2013)	7/12/2013	As specified by emergency rule when funding is appropriated in 2013 SB 265
Health Care Authority (65-28)	WV Health Information Network Rule Legislative	6/14/2013	7/15/2013		7/26/2013	Modified & Approved 8/26/2013 Filed 9/4/2013	SB 153 HB 4073 Bundled SB 155	4/18/2014	5/18/2014
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	2/24/2014	3/26/2014	2/24/2014 Effective 2/24/2014	4/4/2014				
Higher Education Policy Comm. (133-12)	Capital Project Management Legislative	12/12/2013	1/13/2014		1/24/2014				
Higher Education Policy Comm. (133-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Procedural	4/29/2014	5/29/2014						
Higher Education Policy Comm. (133-56)	Military Student Withdrawal Policy Procedural	4/29/2014	5/29/2014						
Highways (157-7)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/25/2013	7/25/2013		7/26/2013	Approved 10/24/2013	SB 183 HB 4034 Bundled SB 165	3/28/2014	4/28/2014
Human Rights Comm. (77-2)	Rules of Practice & Procedure Before the WV Human Rights Commission Procedural	2/5/2014	3/7/2014					4/7/2014	5/7/2014

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-1)	Child Care Centers Licensing Legislative	5/30/2013	7/1/2013		7/29/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 155 HB 4072 Bundled SB 155	5/1/2014	6/1/2014
Infrastucture & Jobs Development Council (167-1)	Infrastructure & Jobs Dev. Council Legislative	5/8/2013	6/18/2013		7/9/2013	Modified & Approved 7/24/2013 Filed 7/29/2013	SB 185 HB 4078 Bundled HB 4039	3/28/2014	4/28/2014
Insurance Commission (114-95)	Utilization Review and Benefit Determination Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/1/2013	SB 177 HB 4079 Bundled SB 167		
Insurance Commission (114-96)	Health Plan Issuer Internal Grievance Procedure Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/1/2013	SB 178 HB 4080 Bundled SB 167		
Insurance Commission (114-97)	External Review of Adverse Health Insurance Determinations Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/1/2013	SB 179 HB 4081 Bundled SB 167		
Labor (42-5)	Wage Payment and Collection Act Legislative	6/19/2013	7/19/2013		7/23/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 127 HB 4083 Bundled SB 140		
Labor (42-33)	Employer Wage Bonds Legislative	6/19/2013	7/19/2013		7/23/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 128 HB 4082 Bundled SB 140		
Licensed Practical Nurses (10-2)	Policies Regulating Licensure of the Licensed Practical Nurse Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 9/26/2013 Filed 10/1/2013	SB 113 HB 4084 Bundled HB 4039	4/7/2014	5/15/2014
Licensed Practical Nurses (10-4)	Fees for Services Rendered by the Bd. and Supplemental Renewal Fee for the Center for Nursing Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 7/24/2013 Filed 7/26/2013	SB 114 HB 4085 Bundled HB 4039	4/7/2014	5/15/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Licensed Practical Nurses (10-6)	Continuing Competence Legislative	3/4/2013	4/12/2013		4/29/2013	Modified & Approved 8/26/2013 Filed 9/4/2013	SB 115 HB 4086 Bundled HB 4039	4/7/2014	5/15/2014
Massage Therapy Licensure Board (194-4)	Schedule of Fees Legislative	6/13/2013	7/13/2013		7/23/2013	Approved 9/26/2013	SB 195 HB 4035 Bundled HB 4039	4/9/2014	7/1/2014
Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	4/30/2014	5/30/2014	4/30/2014 ERD by 6/11/2014					
Miners' Health, Safety and Training (56-12)	Assessing Health and Safety Violation Penalties Legislative	2/5/2013	3/8/2013		3/26/2013	Approved 9/26/2013	SB 138 HB 4036 Bundled SB 140	4/10/2014	7/1/2014
Miners' Health, Safety and Training (56-18)	Rules Governing the Program for the Sharing of Information Between Employers Legislative	6/26/2013	7/26/2013		7/26/2013	Approved 9/26/2013	SB 139 HB 4037 Bundled SB 140	4/10/2014	5/10/2014
Miners' Health, Safety and Training (56-19)	Rules Governing Substance Abuse Screening, Standards and Procedure Legislative	12/27/2012	1/28/2013	12/27/2012 Approved 2/6/2013 Amendment 4/8/2013 Effective 5/20/2013	3/26/2013	Modified & Approved 12/12/2013 Filed 12/20/2013	SB 140 HB 4087 Bundled SB 140	4/10/2014	5/10/2014
Municipal Pensions Oversight Board (211-1)	Policemen's and Firemen's Pensions Disability Calculation Legislative	6/3/3012	7/8/2013		7/26/2013	Modified & Approved 11/21/2013 Filed 11/25/2013	SB 197 HB 4088 Bundled HB 4039	3/28/2014	4/28/2014
Natural Resources (58-27)	Special Motorboating Rules Legislative	6/26/2013	7/26/2013		7/25/2013	Approved 8/26/2013	SB 141 HB 4038 Bundled SB 140		
Natural Resources (58-72)	Electronic Registration of Wildlife Legislative	6/26/2013	7/26/2013		7/25/2013	Modified & Approved 9/26/2013 Filed 10/8/2013	SB 142 HB 4089 Bundled SB 140		
Oil and Gas (35-8)	Horizontal Well Development (Called up and amended by 2014 Legislature)						Bundled SB 133	4/21/2014	6/1/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-3)	Bd. of Pharmacy Rules for Continuing Educaiton for Licensure of Pharmacists Legislative	7/16/2013	8/21/2013	7/16/2013 Approved 8/19/2013 Expired 10/15/2013	10/18/2013	Modified & Approved 12/12/2013 Filed 12/20/2013	SB 116 HB 4090 Bundled HB 4039	4/29/2014	5/30/2014
Pharmacy (15-8)	Controlled Substances Monitoring Legislative	7/16/2013	8/21/2013	7/16/2013 Approved 8/19/2013 Expired 10/15/2013	10/18/2013	Modified & Approved 12/12/2013 Filed 12/20/2013	SB 117 HB 4091 Bundled HB 4039	4/29/2014	5/30/2014
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapists Assistant Legislative	3/31/2014	5/1/2014						
Professional Engineers (7-1)	Rules Governing the WV Bd. of Reg. for Professional Engineers Legislative	1/27/2014	3/3/2014	12/27/2013 Approved 1/2/2014	3/27/2014				
Professional Surveyors (23-1)	Examination & Licensing of Professional Surveyors in WV Legislative	5/17/2013	6/21/2013		7/23/2013	Approved 12/12/2013	SB 119 HB 4042 Bundled HB 4039	4/29/2014	5/31/2014
Public Service Comm. (150-34)	Rules Governing Alternative and Renewable Energy Portfolio Standard Legislative	11/14/2013	1/30/2014						
Public Service Comm. (150-36)	Rules Governing Stormwater Utilities Legislative Exempt	8/21/2013	9/20/2013						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/31/2013	SB 192 HB 4092 Bundled SB 167		
Racing Commission (178-9)	Reimbursement of Capital Reinvestment Projects Procedural	2/20/2014	3/24/2014						
Real Estate Appraiser Licensing & Cert. Bd. (190-2)	Requirements for Licensure and Certification Legislative	6/21/2013	7/22/2013	6/27/2013 Effective 8/8/2013	7/26/2013	Modified & Approved 12/12/2013 Filed 12/23/2013 Withdrawn 2/4/2014 Filed 2/4/2014	SB 193 HB 4093 Bundled HB 4039 Bundled HB 4039		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Appraiser Licensing & Cert. Bd. (190-3)	Renewal of Licensure or Certification Legislative	6/21/2013	7/22/2013		7/26/2013	Modified & Approved 12/12/2013 Filed 12/23/2013	SB 194 HB 4094 Bundled HB 4039		
Real Estate Appraiser Licensing & Cert. Bd. (190-4)	Investigative and Hearing Procedures 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 Legislative	6/19/2013	7/22/2013	6/19/2013 Effective 7/31/2013	7/25/2013	Modified & Approved 11/21/2013 Filed 12/3/2013	SB 186 HB 4095 Bundled HB 4039	4/21/2014	5/21/2014
Real Estate Comm. (174-2)	Schedule of Fees Legislative	5/10/2013	6/11/2013		6/24/2013	Modified & Approved 10/24/2013 Filed 11/12/2013	SB 187 HB 4096 Bundled HB 4039	4/21/2014	6/30/2014
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 Legislative	6/26/2013	7/26/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 10/30/2013	SB 158 HB 4097 Bundled HB 4067	3/27/2014	4/28/2014
Registered Professional Nurses (19-9)	Disciplinary Action Procedural	4/18/2014	5/21/2014						
Rehabilitation Services (198-1)	Ron Yost Personal Assistance Services Act Board Legislative	6/12/2013	7/15/2013		7/19/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 196 HB 4098 Bundled SB 196	4/9/2014	5/9/2014
Sanitarians (20-4)	Rules Governing the Practice of Public Health Sanitation Legislative	5/13/2013	6/12/2013		7/24/2013	Approved 9/26/2013	SB 118 HB 4039 Bundled HB 4039	3/31/2014	4/30/2014
School Building Authority (164-1)	SBA Policy & Procedure Manual Procedural	1/27/2014	3/3/2014						
Senior Services (76-2)	In-Home Care Worker Registry Legislative	6/24/2013	7/24/2013		7/26/2013	Approved 8/26/2013	SB 154 HB 4040 Bundled HB 4039	4/7/2014	5/7/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology & Audiology Legislative	6/17/2013	7/18/2013	6/17/2013 ERD by 7/29/2013 Withdrawn 7/25/2013 9/12/2013 Disapproved 10/23/2013	7/25/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 123 HB 4000 Bundled HB 4039	4/22/2014	7/1/2014
Speech-Language Pathology & Audiology (29-2)	Rule Governing Speech-Language Pathology & Audiology Assistants Legislative	6/17/2013	7/18/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 124 HB 4100 Bundled HB 4039	4/22/2014	7/1/2014
Speech-Language Pathology & Audiology (29-3)	Contested Case Hearing Procedure Procedural	4/29/2014	6/2/2014						
Speech-Language Pathology & Audiology (29-4)	Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology Legislative	6/17/2013	7/18/2013		7/25/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 125 HB 4101 Bundled HB 4039	4/22/2014	7/1/2014
Speech-Language Pathology & Audiology (29-5)	WV Bd. of Exam. for Speech-Language Pathology & Audiology Code of Ethics Legislative	6/17/2013	7/18/2013		7/25/2013	Approved 12/12/2013	SB 126 HB 4041 Bundled HB 4039	4/22/2014	7/1/2014
Tax Department (110-28)	Municipal Sales and Service and Use Tax Administration Legislative	6/25/2013	7/25/2013		7/26/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 166 HB 4102 Bundled SB 167		
Tax Department (110-29)	Special Reclamation Tax Credit Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 167 HB 4103 Bundled SB 167		
Tax Department (110-40)	Withholding or Denial of Personal Income Tax Refunds from Taxpayers Who Owe Municipal or Magistrate Court Costs Legislative	6/19/2013	7/19/2013		7/26/2013	Modified & Approved 11/21/2013 Filed 11/26/2013	SB 168 HB 4104 Bundled SB 167		
Treasurer's Office (112-1)	Repeal of Procedure for Deposit of Funds in the Treasurer's Office by State Agencies Legislative	6/24/2013	7/24/2013		7/26/2013	Approved 9/26/2013	SB 169 HB 4043 Bundled HB 4039		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer's Office (112-4)	Procedure for Deposit of Monies with the Office by State Agencies Legislative	6/25/2013	7/25/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 170 HB 4108 Bundled HB 4039		
Treasurer's Office (112-6)	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 171 HB 4109 Bundled HB 4039		
Treasurer's Office (112-7)	Selection of State Depositories for Receipt Accounts Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 172 HB 4110 Bundled HB 4039		
Treasurer's Office (112-9)	Repeal of Rules for the Reporting of Debt Capacity Legislative	6/24/2013	7/24/2013		7/26/2013	Approved 9/26/2013	SB 173 HB 4044 Bundled HB 4039		
Treasurer's Office (112-10)	Reporting Debt Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/13/2013	SB 174 HB 4105 Bundled HB 4039		
Treasurer's Office (112-12)	Procedures for Fees in Collection by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/15/2013	SB 175 HB 4106 Bundled HB 4039		
Treasurer's Office (112-13)	Providing Services to Political Subdivisions Legislative	6/24/2013	7/24/2013		7/26/2013	Modified & Approved 9/26/2013 Filed 11/12/2013	SB 176 HB 4107 Bundled HB 4039		
Veterinary Medicine (26-3)	Registration of Veterinary Technicians Legislative	6/26/2013	7/26/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 120 HB 4111 Bundled HB 4039	4/16/2014	5/30/2014
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians Legislative	6/26/2013	7/26/2013		7/26/2013	Approved 10/24/2013	SB 121 HB 4045 Bundled HB 4039	4/16/2014	5/30/2014

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-6)	Schedule of Fees Legislative	6/26/2013	7/26/2013		7/26/2013	Modified & Approved 10/24/2013 Filed 11/5/2013	SB 122 HB 4112 Bundled HB 4039	4/16/2014	5/30/2014
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards 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	Modified & Approved 11/21/2013 Filed 11/27/2013	SB 136 HB 4064 Bundled SB 133	4/16/2014	6/21/2014
Water Resources, Div. of Water & Waste Mgmt. (47-5A)	Regulations for State Certification of Activities Requiring Federal Licenses and Permits Legislative	6/17/2013	7/22/2013		7/26/2013	Modified & Approved 12/12/2013 Filed 12/18/2013	SB 137 HB 4065 Bundled SB 133	4/14/2014	5/14/2014

LEGISLATIVE

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

Form #6

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2014 May 1 P 1:41

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: State Fire Code

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4067

SECTION 64-6-2 (a), PASSED ON March 5, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: July 1, 2014

Authorized Signature

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

Form #6

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2014 MAY -1 P 1:44

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Certification of Home Inspectors

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4067

SECTION 64-6-2 (b), PASSED ON March 5, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: July 1, 2014

Authorized Signature

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

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OFFICE WEST VIRGINIA SECRETARY OF STATE

Form #6

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: State Fire Marshal TITLE NUMBER: 103

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Certification of Electrical Inspectors

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4067

SECTION 64-6-1, PASSED ON March 5, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: July 1, 2014

Authorized Signature

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

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OFFICE WEST VIRGINIA SECRETARY OF STATE

Form #6

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Human Services (78) West Virginia Department of Health and Human Resources TITLE NUMBER: 1

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 78 (1)

TITLE OF RULE BEING AMENDED: Child Care Centers Licensing

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 155

SECTION §64-5-1(b), PASSED ON March 8, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: June 1, 2014

Authorized Signature

LEGISLATIVE

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John C. Musgrave
Director

April 28, 2014

FILED
2014 APR 29 P 1:59
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Wolf Moon" manufactured by Aristocrat, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: Wolf Moon

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John C. Musgrave
Director

April 28, 2014

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2014 APR 29 P 1:59
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Takes the Cake" manufactured by IGT for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosure: Takes the Cake

www.wvlottery.com

LEGISLATIVE

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John C. Musgrave
Director

April 28, 2014

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

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2014 APR 29 P 1:58
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Willy Wonka" manufactured by WMS Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: Willy Wonka

P.O. BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
1-800-WVA-CASH

Earl Ray Tomblin
Governor

John C. Musgrave
Director

April 28, 2014

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

FILED
2014 APR 29 P 1:53
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Betty Boop's World Tour" and "Platinum 7's" manufactured by Bally Technologies for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: Betty Boop's World Tour
Platinum 7's

www.wvlottery.com

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

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4/30/2014 4:30:15 PM
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE (Page 1)

AGENCY **Medicine**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **11-01B**
RULE NAME **Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants**
CITE AUTHORITY **§30-3E-3(a) and (b)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, May 30, 2014 4:30 PM

WRITTEN COMMENTS MAY BE MAILED TO
Robert C. Knittle, Executive Director
Robert. C. Knittle@wv.gov
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.
Yes
Robert C Knittle -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 11-01B Rule Id: 9425 Document: 25736

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

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2014 APR 29 P 2:24
OFFICE WEST VIRGINIA SECRETARY OF STATE

Form #6

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: BOARD OF PHARMACY RULES FOR CONTINUING EDUCATION FOR LICENSURE OF PHARMACISTS

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4309

SECTION Section §64-9-13(a), PASSED ON March 8, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: May 30, 2013

David E. Potters
Authorized Signature

LEGISLATIVE

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

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2014 APR 29 P 2:24

OFFICE WEST VIRGINIA SECRETARY OF STATE

Form #6

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 8

TITLE OF RULE BEING AMENDED: CONTROLLED SUBSTANCES MONITORING

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4309

SECTION Section §64-9-13(b), PASSED ON March 8, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: May 30, 2013

David E. Potters
Authorized Signature

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

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2014 APR 29 A 10:33

OFFICE WEST VIRGINIA SECRETARY OF STATE

Form #6

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: West Virginia Board of Professional Surveyors TITLE NUMBER: 23

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 23CSR1

TITLE OF RULE BEING AMENDED: Examination and Licensing of Professional Surveyors in West Virginia

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4039

SECTION 64-9-15, PASSED ON March 8, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: May 1, 2014

Authorized Signature

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

Form #5

Do Not Mark In This Box

INTERPRETIVE

FILED

2014 APR 29 A 11:09

OFFICE WEST VIRGINIA SECRETARY OF STATE

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

AGENCY: DHHR - BUREAU FOR PUBLIC HEALTH TITLE NUMBER: 64

CITE AUTHORITY: WV CODE §§5-16-9, 16-1-4, 16-1-6, 16-3-4 AND 16-3-5.

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 95

TITLE OF RULE BEING AMENDED: IMMUNIZATION REQUIREMENTS AND RECOMMENDATIONS FOR SCHOOL CHILDREN

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS MAY 29, 2014

Karen L Bowling

Authorized Signature

PROCEDURAL

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

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4/28/2014 4:34:48 PM

FORM 5 – NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY Community And Technical College Education
RULE TYPE Procedural AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 135-19
RULE NAME Guidelines for the Offering of Early Enrollment Courses for High School Students

CITE AUTHORITY §18B-1-1A and §18B-1B-6

RULE IS LEGISLATIVE EXEMPT
Yes
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
§29A-3A-1 thru 18

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS
Wednesday, May 28, 2014

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Angela S Kerns – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 135-19 Rule Id: 9355 Document: 25721

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

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4/28/2014 3:12:08 PM

FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE (Page 1)

AGENCY Community And Technical College Education
RULE TYPE Procedural AMENDMENT TO EXISTING RULE No TITLE-SERIES 135-56
RULE NAME Military Student Withdrawal Policy

CITE AUTHORITY §18B-1-6 and §18B-4-10

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Wednesday, May 28, 2014 4:30 PM

WRITTEN COMMENTS MAY BE MAILED TO
James L. Skidmore, Chancellor
WV Council for Community & Technical College Education
1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301
skidmore@wvctcs.org

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Angela S Kerns – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 135-56 Rule Id: 9416 Document: 25720

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

eFILED PROCEDURAL
4/29/2014 3:49:40 PM

FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)

AGENCY Higher Education Policy Commission
RULE TYPE Procedural AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 133-19
RULE NAME Guidelines for the Offering of Early Enrollment Courses for High School Students

CITE AUTHORITY 18B-1-6

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Thursday, May 29, 2014 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Chancellor
West Virginia Higher Education Policy Commission
1018 Kanawha Boulevard, East
Charleston, WV 25301

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 133-19 Rule Id: 9419 Document: 25733

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

eFILED
4/29/2014 3:54:37 PM

FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)

AGENCY Higher Education Policy Commission
RULE TYPE Procedural AMENDMENT TO EXISTING RULE No TITLE-SERIES 133-56
RULE NAME Military Student Withdrawal Policy

CITE AUTHORITY 18B-1-6

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Thursday, May 29, 2014 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Chancellor
West Virginia Higher Education Policy Commission
1018 Kanawha Boulevard, East
Charleston, WV 25301

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 133-56 Rule Id: 9418 Document: 25734

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

Form #2

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2014 APR 29 A 10:55

OFFICE WEST VIRGINIA
SECRETARY OF STATE

PROCEDURAL

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Speech-Language Pathology & Audiology, WV Board of Examiners for TITLE NUMBER: 29

RULE TYPE: Procedural CITE AUTHORITY: 30-32-7

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Contested Case Hearing Procedure

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 June 2, 2014 AT 4:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Examiners for Speech-Language Pathology & Audiology
99 Edmiston Way, Box 11 - Suite 214
Buckhannon, WV 26201
~~OR~~
wvbeslpa@wv.gov

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

Patricia J. Hesketh
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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4/30/2014 4:28:27 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

EMERGENCY

FORM 7 -- NOTICE OF AN EMERGENCY RULE (Page 1)

AGENCY **Medicine**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **11-01B**
RULE NAME **Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants**
CITE AUTHORITY **§30-3E-3(a) and (b)**

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The Physician Assistants Practice Act, W. Va. Code §30-3E-1 et seq., becomes effective on June 6, 2014. This statute creates an entirely new procedural system that must be utilized for a physician assistant to obtain authorization to practice in West Virginia. It also establishes criteria for licensure, summer camp and community event endorsements and collaborative complaint, investigation and disciplinary processes between the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine where appropriate. This emergency rule is necessary for the immediate preservation of public health, safety and welfare as it ensures that the appropriate mechanisms are in place for the continued regulation, licensure and authorization to practice of physician assistants subsequent to June 5, 2014. See also "Brief Summary of the Emergency Rule and Statement of Circumstances Constituting the Emergency."

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Robert C Knittle -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 11-01B Rule Id: 9425 Document: 25735

Orders Report

Docket Number	Agency	Respondent	Date Rendered
14-9-10112-A	**Health Care Authority**	Jefferson Medical Center	4/25/2014
13-2-9825-A	**Health Care Authority**	Terpax, Inc.	4/21/2014
13-2-9825-A	**Health Care Authority**	Proto Equity Holdings LLC	4/21/2014
13-2-9825-A	**Health Care Authority**	West Virginia Holdco LLC	4/21/2014
13-6-9903-R	**Health Care Authority**	Total Renal Care Inc	4/21/2014
13-6-9903-R	**Health Care Authority**	Tugaloo Dialysis LLC	4/21/2014
12-11-9661-P	**Health Care Authority**	Weirton Medical Center	4/21/2014
13-6-9804-A	**Health Care Authority**	West Virginia University Hospitals Inc	4/21/2014
13-AP-FP-02040	**Insurance Commission**	Municipal Insurance	2/3/2014
13-AP-FP-02047	**Insurance Commission**	Erie Insurance	2/3/2014
13-FP-CC-02044	**Insurance Commission**	Safeco Insurance Company of America	4/22/2014
14-AP-FINCON-02026	**Insurance Commission**	Brickstreet Mutual Insurance Company	4/22/2014
C-14-026	**Real Estate Commission**	Julius Farmer	4/24/2014

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2013-2224-CONS	Robert D. Ward, II, et al	Nicholas County Board Of Education	4/1/2014
2013-1529-WVSU	Sundjata IBN Hyman	West Virginia State University	4/4/2014
2013-1420-DOT	Donna Marshall	Highways	4/4/2014
2013-1137-RalED	Wanda R. Williams	Raleigh County Board Of Education	4/7/2014
2013-0599-CONS	Angela Daniels	Health And Human Resources	4/8/2014
		Welch Community Hospital	4/8/2014
	Carmenita Lewis	Health And Human Resources	4/8/2014
		Welch Community Hospital	4/8/2014
2014-0139-MerED	Samuel Guy Hill	Mercer County Board Of Education	4/10/2014
2014-0155-MAPS	Dawn McVicker	Juvenile Services	4/14/2014
2013-0214-HarED	Sandra J. Nuzum	Harrison County Board Of Education	4/14/2014
2014-0480-DVA	Shivauna N. Byrd	Veterans Assistance	4/15/2014
2014-0827-MAPS	Marty Piper	Adjutant General's Office	4/21/2014
		Mountaineer Challenge Academy	4/21/2014

AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

FILED

2014 APR 28 A 11: 33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(304) 558-2021
Fax (304) 558-0410

April 23, 2014

Jason A. Wharton
Prosecuting Attorney
Wood County Prosecuting Attorney's Office
217 Mark Street
Parkesburg, WV 26101

Dear Prosecutor Wharton,

You have asked for an Opinion of the Attorney General pertaining to the appropriate treatment of votes for a candidate in a primary election, where the candidate filed a statement of withdrawal after the deadline for removing himself from the ballot has lapsed. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely upon the factual assertions set forth in your letter to the Attorney General's Office.

You explain that questions have arisen concerning the withdrawal of a candidate for a county election. According to your letter, one of the four candidates for the Republican nomination for a seat on the County Commission has filed a notarized statement of withdrawal, citing a recent illness. The candidate made this filing, however, after the deadline for removing his name from the ballot under West Virginia Code § 3-5-11(a) had lapsed. You also explain that absentee voting has already begun, so votes for the candidate who has sought to withdraw may have already been cast.

Your letter raises the following legal question:

> *How to handle votes cast for a candidate in a multi-candidate primary election and determine the winner where one candidate withdraws from the race after the deadline to remove his name from the ballot.*

The West Virginia Code provides that a candidate who has previously filed a valid certificate of announcement for a primary can withdraw his name from the ballot, so long as the candidate does so sufficiently in advance of the primary election. Specifically, Section 3-5-11(a) provides that a candidate who "wishes to withdraw and decline to stand as a candidate for the office shall file a signed and notarized statement of withdrawal with the same officer with whom the certificate of announcement was filed." *Id.* "If the statement of withdrawal is received not later than the third Tuesday following the close of candidate filing, the name of a candidate who files that statement of withdrawal may not be printed on the ballot." *Id.* But, "*[n]o candidate who files a statement of withdrawal after that time may have his or her name removed from the ballot.*" *Id.* (emphases added).

Given the specifically enumerated timeframe for withdrawing a candidate's name from the ballot under Section 3-5-11(a), we conclude that any untimely attempt to withdraw must be disallowed. Although this is a question of first impression under West Virginia law, case law from our Supreme Court of Appeals supports this reading of the statute. The Court has recognized that while "a candidate has a natural or inherent right to resign at any time and to have his name deleted from the ballot[, t]his right . . . must give way to reasonable legislative restrictions." *State ex rel. Cravotta v. Hechler*, 187 W. Va. 790, 793, 421 S.E.2d 698, 701 (1992) (quotation omitted). Moreover, the Court's decision in *State ex rel. Carenbauer v. Hechler*, 208 W. Va. 584, 542 S.E.2d 405 (2000), strongly suggests that it would find the time limitation in Section 3-5-11(a) to be such a "reasonable legislative restriction." In that case, the Court acknowledged the need to grant "extraordinary relief" in order to remove an ineligible candidate from the ballot because the time period provided by Section 3-5-11(a) had run. As the Court explained, "[p]ursuant to the provisions of [Section 3-5-11(a)], [the candidate] could have withdrawn his certificate of candidacy until February 15, 2000." But "[a]fter such time," the Court stressed in its March 31 opinion, "no candidate is permitted to remove his/her name from the ballot." *Hechler*, 208 W. Va. at 587 & n.8, 542 S.E.2d at 408 & n.8. The Supreme Court of Appeals's reasoning suggests that it would find the deadline in Section 3-5-11(a) to be a legislative restriction that must be respected.

West Virginia Code § 3-5-11(b)—the very next subsection in the West Virginia Code—further supports this conclusion. That subsection specifically sets forth procedures for addressing the circumstance in which "a candidate dies after the ballots are printed but before the election." In that case, "the clerk of the county commission shall give a written notice which shall be posted with the sample ballot at each precinct with the county to the following effect: 'To the voter: (name) of (residence), a candidate for (office) is deceased.'" The statute includes no such contingent procedure for candidates who untimely attempt to withdraw. This absence reinforces the conclusion that an untimely withdrawal must simply be disallowed. *Cf.* Syl. Pt. 3, *Manchin v. Dunfee*, 174 W. Va. 532, 327 S.E.2d 710 (1984) ("In the interpretation of statutory provisions the familiar maxim *expressio unius est exclusio alterius*, the express mention of one thing implies the exclusion of another, applies.").

Finally, authorities from other States with similar laws are consistent with this conclusion. An election law treatise explains that absent extraordinary circumstances, "to be valid and effective it is essential that [a candidate's] withdrawal be . . . filed within the time prescribed by statute." 29 C.J.S., Elections, § 184. Thus, in *State ex rel. White v. Franklin Cty. Bd. of Elections*, 65 Ohio St. 3d 5, 598 N.E.2d 1152 (1992) (per curiam), the Ohio Supreme Court held that the board of elections was duty-bound to count all ballots cast for a primary candidate who had filed an untimely statement of withdrawal and to certify the results. In *Anderson v. Hooper*, 498 F. Supp. 898 (D.N.M. 1980), the United States District Court rejected as "spurious" the argument that the plaintiff had "withdr[awn] his consent to be a candidate in the Republican primary before the primary was actually held," concluding instead that the plaintiff's "fail[ure] to timely withdraw from the Republican primary" left him as "a legitimate candidate in the Republican primary." *Id.* at 902 & n.1. Courts in other jurisdictions have reached similar conclusions under similar laws. *See Bruno v. Rettaliata*, 122 A.D.2d 976, 976, 506 N.Y.S.2d 124, 125 (3d Dept. 1986) (explaining that a candidate's "failure to file his certificate of declination within the time period prescribed . . . requires its rejection"); *Manser v. Secretary of Com.*, 301 Mass. 264, 266, 16 N.E.2d 868, 870 (1938) (concluding that the Secretary of the Commonwealth was "prohibited from receiving" a candidate's "request for withdrawal [that] was not made seasonably").

Having concluded that a candidate's untimely notification of withdrawal must be rejected, we further conclude that West Virginia law requires that votes for such a candidate be treated as if no attempt to withdraw had been made. West Virginia Code § 3-5-15 provides procedures that election officers must follow in counting and certifying primary election results: among other things, "[t]he election officers shall enter the name of each office and the full name of each candidate on the ballot and the number of votes, in words and numbers, received by each," return those officially certified results to the clerk of the county commission and the Secretary of State, and post the results on "outside of the front door of the polling place." These procedures, the West Virginia Supreme Court of Appeals has explained, are "mandatory in character." *State ex rel. Thompson v. Fry*, 137 W. Va. 321, 335, 71 S.E.2d 449, 457 (1952). Accordingly, it is *mandatory* that all votes must be counted for a candidate who attempts, but fails, to withdraw. And if the candidate receives the requisite number of votes to be declared the winner, that candidate *must* be certified as the winner.

If the candidate wins the nomination and reaffirms his desire to withdraw, the West Virginia Code sets forth specific procedures for filling that vacancy. *See* W. Va. Code § 3-5-19. At least one court in another State has found that a candidate who untimely sought to withdraw need not reaffirm that withdrawal if he wins the election, but rather should automatically be deemed withdrawn after the election results are certified. In that court's view, the prior (though untimely) statement of withdrawal did not remove the candidate's name from the ballot or excuse the board of elections from counting his votes, but it was nevertheless "sufficient to renounce [the candidate's] personal candidacy" because "no one can be compelled against his or her will to accept an elective office." *State ex rel. White v. Franklin Cty. Bd. of Elections*, 65 Ohio St. 3d

AG OPINION

45, 51 600 N.E.2d 656, 661 (1992). This reasoning suggests that even though a candidate must be certified as the winner, he may thereafter be replaced as the party's candidate with no further action on his part. At the same time, the reasoning in other cases suggests that a candidate may need to take some post-election steps to reconfirm his desire to withdraw. *See Anderson*, 498 F. Supp. at 902 & n.1 (candidate who untimely sought to withdraw remains "a legitimate candidate"); *Bruno*, 122 A.D.2d at 976, 506 N.Y.S.2d at 125 (a candidate's "failure to file his certificate of declination within the time period prescribed . . . requires its rejection"). In light of this uncertainty and the categorical language in our statute, we believe that a candidate who wins an election after untimely seeking to withdraw should not be automatically replaced, but rather should be required to take the (nominal) post-election step of reasserting his intent to withdraw. If and when the candidate does so, the vacancy in the nomination could then be filled pursuant to the procedures in West Virginia Code § 3-5-19.

In your letter, you asked about the possibility that votes for the candidate seeking untimely withdrawal be treated as "void" or, in the alternative, be treated as votes to create a vacancy for the nomination. Specifically, you cited to *Jackson v. County Court of McDowell County*, 152 W. Va. 795, 166 S.E.2d 554 (1969), where the West Virginia Supreme Court of Appeals adopted the "American rule" for the counting of votes for candidates declared "dead, ineligible, or disqualified" before an election. Under the American rule, votes for that candidate are not treated as "void" but, rather, are counted as votes creating a vacancy. *Id.* at 802, 166 S.E.2d at 558 (quotation omitted); *accord Evans v. State Election Bd. of Oklahoma*, 804 P.2d 1125, 1130 (Okla. 1990).

We do not believe that *Jackson* is applicable here, though we note that the practical outcome may be the same. The "American rule" adopted in *Jackson* is inapplicable to the present case because, given the analysis above that an untimely withdrawal must be rejected, the candidate seeking an untimely withdrawal is not "ineligible" or "disqualified." Nevertheless, where the candidate wins the election and simply reasserts his desire to withdraw, the outcome would not be significantly different than the creation of the vacancy envisioned by *Jackson*.

Sincerely,

Patrick Morrisey
Attorney General

Elbert Lin
Solicitor General

Misha Tseytlin
Deputy Attorney General

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

FILED

2014 APR 28 P 2:01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

April 28, 2014

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **April 25, 2014**.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

April 11, 2014 – Solutions Positive Behavior Strategies and The Applied Behavior Learning Center, South Charleston, Kanawha County, CON File #14-3-10162-BH, to become fully licensed to deliver Applied Behavioral Analysis therapy services through Medicaid; no capital expenditure.

EXPEDITED APPLICATIONS RECEIVED

April 22, 2014 – Berkeley Medical Center, University Healthcare Foundation, Inc., Martinsburg, Berkeley County, CON File #14-9-10140-A, for financing the acquisition of a medical office building on the hospital campus; capital expenditure: $7,220,000.

April 22, 2014 – Dermatology Centers, Inc., Beaver, Raleigh County, CON File #13-1/4-9986-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.

April 24, 2014 – Charleston Radiation Therapy Consultants, Charleston, Kanawha County, CON File #14-3-10159-E, for the provision of radiation therapy services on a third linear accelerator at CRTC; capital expenditure: $1,000,000.

April 25, 2014 – PWNR, LLC, PNCN, LLC, Skokie, Cook County, Illinois, ARHC NCRWDWV01, LLC and ARHC WNPBGWV01, LLC, New York, New York, CON File #14-4/5-10160-A, for the acquisition of the licensed operations and real property of Worthington Nursing & Rehabilitation Center, a nursing home located in Wood County; and the licensed operations and real property of Nicholas County Nursing and Rehabilitation Center, a nursing home located in Nicholas County; capital expenditure: $33,105,000.

CERTIFICATE OF NEED APPROVALS ISSUED

April 21, 2014 – Total Renal Care, Inc. and Tugaloo Dialysis, LLC, Denver, Colorado, CON File #13-6-9903-E, for the development of a nine (9) station dialysis center to be located in Bridgeport, Harrison County, West Virginia; capital expenditure: $1,175,000.

April 25, 2014 – Jefferson Medical Center, Ranson, Jefferson County, CON File #14-9-10112-A, for the acquisition of the assets of Harpers Ferry Family Medical, Harpers Ferry, Jefferson County; capital expenditure: $500,000.

RENEWAL GRANTED AND DECISION ON SUBSTANTIAL CHANGE

April 21, 2014 – Weirton Medical Center, Weirton, Brooke County, CON File #12-11-9661-P, for the establishment of two ambulatory care facilities through the employment of four primary care physicians with practice sites to be located in Hancock County; capital expenditure: $375,000.

The Authority determines that the employment of the physicians by WMC Physician Practices, Inc., rather than WMC, does not constitute a substantial change to the project as defined in W.Va. C.S.R. § 65-7-21.1.

Renewal granted through April 30, 2015.

NOTICES OF SUBSTANTIAL COMPLIANCE

The following projects have been implemented in substantial compliance and the case files are now closed:

April 21, 2014 – TERPAX, Inc., Proto Equity Holdings, LLC, West Virginia Holdco, LLC, DeKalb County, Georgia, CON File #13-2-9825-A, for the acquisition of Seventeenth Street Associates, LLC, SSC Equity Holdings, LLC and SavaSeniorCare, LLC; capital expenditure: $2,400,000.

April 21, 2014 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #13-6-9804-A, for the acquisition of substantially all the assets of Fairmont Radiation Cancer Center related to the provision of radiation therapy, replacing the existing radiation therapy unit and adding shielding to the vault; capital expenditure: $14,426,627.

LETTER OF INTENT EXPIRED

Certificate of Need Regulation § 11-3, (C.S.R. § 65-7-11.3) states, in part, that letters of intent shall be effective for one year. The following represents a letter of intent that has expired:

April 19, 2014 – EnAct, Inc. d/b/a Comforts of Home, Charleston, Kanawha County, CON File #13-3/4-9902-PC, for the provision of personal care services; no capital expenditure.

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

OTHER

State of West Virginia
Earl Ray Tomblin, Governor
WV Office of Miners' Health, Safety & Training
Eugene White, Director
#7 Players Club Drive, Suite 2 • Charleston, West Virginia • 25311-1626
Telephone 304-558-1425 • Fax 304-558-1282
www.wvminesafety.org

FILED
2014 MAY -1 A 10:34
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TO: West Virginia Coal Industry and other interested parties

FROM: Eugene White, Director

RE: List of Innovative Mine Safety Technology Approved for Purposes of The West Virginia Innovative Mine Safety Technology Tax Credit Act

DATE: April 29, 2014

As the Director of the West Virginia Office of Miners' Health, Safety and Training, I did not receive a list of innovative mine safety technology safety items from the West Virginia Mine Safety Technology Task Force for the current tax year. Pursuant to the requirements of W. Va. Code § 11-13BB-4, I am re-publishing, for this tax year, the same list of innovative mine safety technologies that was adopted last year. Those items on the list are:

1. Proximity detectors that have been approved by MSHA,
2. Though the Earth Mine Communication Systems,
3. Personal Dust Monitors,
4. Coal Dust Meters,
5. Cameras on underground and surface mine mobile equipment for all mobile equipment that is not currently required to possess a camera under state law.