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This week's publication includes documents submitted by the following agencies:

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Lottery Commission

Medical Imaging & Radiation Therapy Tech. Bd. Of Exam.

Natural Resources

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Tax Department

Water Resources, Div. of Water and Waste Mgmt.

CHRONOLOGICAL INDEX, VOLUME XXXIII ISSUE 48			
NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**

NO NEW EMERGENCY RULES WERE FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**

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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

- 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)

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
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
Agriculture (61-1)	Animal Disease Control Legislative	7/18/2016	8/17/2016		8/23/2016	Modified & Approved 9/21/2016 Filed 9/23/2016			
Agriculture (61-30)	Dangerous Wild Animal (repeal) Legislative	7/19/2016	8/19/2016		8/23/2016	Approved 9/21/2016			
Agriculture (61-31)	Livestock Care Standards-Repeal Legislative	7/19/2016	8/19/2016		8/23/2016	Approved 9/21/2016			
Agriculture (61-34)	Captive Cervid Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 9/23/2016			
Agriculture (61-36)	Herd Sharing Legislative	6/27/2016	7/27/2016	6/27/2016 ERD by 8/8/2016	8/26/2016				
Air Quality (45-1)	Alternative Emission Limitations During Startup, Shutdown and Maintenance Operations Legislative	6/29/2016	8/1/2016		8/26/2016				
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/29/2016	8/1/2016		8/26/2016				
Air Quality (45-13)	Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements..... Legislative	6/29/2016	8/1/2016		8/26/2016				
Air Quality (45-14)	Permits for Construction and Major Modifications of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality Legislative	6/29/2016	8/1/2016		8/26/2016				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/29/2016	8/1/2016		8/26/2016				
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/29/2016	8/1/2016		8/26/2016				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	7/1/2016	8/1/2016		8/26/2016				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Architects (2-1)	Registration of Architect Legislative	7/7/2016	8/8/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/5/2016			
Athletic Commission (177-1)	Administrative Rules of the WV State Athletic Commission Legislative	7/13/2016	8/12/2016		8/24/2016				
Athletic Commission (177-2)	Regulation of Mixed Martial Arts Legislative	7/13/2016	8/12/2016		8/24/2016				
Auditor (155-1)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/27/2016	8/26/2016		8/26/2016	Modifed w/certain amendments & Approved 9/21/2016 Filed 9/21/2016			
Auditor (155-8)	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body Legislative	7/26/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 9/21/2016			
Barbers and Cosmetologists (3-1)	Procedures, Criteria and Curricual for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians and Hair Stylists Legislative	6/3/2016	7/8/2016		8/26/2016				
Barbers and Cosmetologists (3-2)	Qualifications, Training, Examination and Certification of Instructors in Barbering & Cosmetology Legislative	6/23/2016	7/25/2016		8/24/2016				
Barbers and Cosmetologists (3-3)	Licensing Schools fo Barbering, Cosmetology, Nail Technology and Aesthetics Legislative	6/29/2016	8/1/2016		8/19/2016				
Barbers and Cosmetologists (3-4)	Operational Standards for Schools of Barbering, Cosmetology, Hair Stying, Nail Technology and Aesthetics Legislative	6/29/2016	8/1/2016		8/24/2016				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Barbers and Cosmetologists (3-5)	Operation of Barber, Beauty, Nail and Aesthetic Shops/Salons, and Schools of Barbering and Beauty Culture Legislative	7/13/2016	8/12/2016		8/24/2016				
Barbers and Cosmetologists (3-6)	Schedule of Fees Legislative	7/6/2016	8/8/2016		8/24/2016				
Barbers and Cosmetologists (3-7)	Schedule of Fines Legislative	7/6/2016	8/8/2016		8/24/2016				
Barbers and Cosmetologists (3-11)	Continuing Education Legislative	7/5/2016	8/8/2016		8/24/2016				
Barbers and Cosmetologists (3-13)	Barber Apprenticeship Legislative	7/5/2016	8/8/2016		8/24/2016				
Barbers and Cosmetologists (3-14)	Waxing Specialist Legislative	7/6/2016	8/8/2016		8/24/2016				
Comm. & Tech. College Education (135-21)	Freshman Assessment and Placement Standards Procedural	8/22/2016	9/23/2016					11/29/2016	12/30/2016
Counseling (27-2)	Licensed Professional Counselor Fees Legislative	7/26/2016	8/25/2016		8/26/2016				
Counseling (27-3)	Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements Legislative	7/26/2016	8/25/2016		8/26/2016				
Counseling (27-9)	Marriage and Family Therapist Fees Legislative	7/26/2016	8/25/2016		8/26/2016				
Counseling (27-10)	Marriage and Family Therapist License Renewal and Continuing Professional Education Legislative	7/26/2016	8/25/2016		8/26/2016				
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	7/22/2016	8/24/2016		8/26/2016				
Crime, Delinquency and Correction (149-9)	William R. Laird IV – Second Chance Driver's License Program Legislative	7/22/2016	8/24/2016	7/22/2016 Approved 8/12/2016	8/26/2016				

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Dangerous Wild Animal Board (74-1)	Dangerous Wild Animals Legislative	1/11/2016	2/10/2016		2/11/2016				
Dentistry (5-1)	Rule for the WV Bd of Dentistry Legislative	6/16/2016	7/18/2016		7/26/2016	Modified & Approved 8/22/2016 Filed 9/2/2016			
Education (126-44M)	Next Generation Standards for Career & Tech. Ed. In WV Schools (2520.13) Legislative Exempt	9/8/2016	10/11/2016					11/10/2016	12/12/2016
Environmental Protection-Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule Legislative	6/27/2016	7/28/2016		8/25/2016				
Ethics Commission (158-6)	Private Gain Legislative	5/17/2016	6/16/2016		8/23/2016				
Fire Marshal (103-4)	Regulation of Fireworks and Related Explosive Materials Legislative	5/12/2016	6/13/2016	5/12/2016 Expired 8/10/2016	8/26/2016				
Forestry (22-5)	Procedure for the WV Forest Legacy Program Procedural	7/29/2016	8/31/2016						
Health (64-57)	Clinical Laboratory Technician & Technologists Licensure and Certification Legislative	7/8/2016	8/7/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/6/2016			
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	7/8/2016	8/7/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/11/2016			
Health (64-103)	Expedited Partner Therapy Legislative	7/8/2016	8/7/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/6/2016			
Health and Human Resources (69-11)	Medication-Assisted Treatment-Opioid Treatment Programs Legislative	7/8/2016	8/7/2016	8/31/2016 Approved 9/14/2016	8/26/2016				

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AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Health and Human Resources (69-12)	Medication-Assisted Treatment-Office-Based Medication Assisted Treatment Legislative	7/8/2016	8/7/2016	8/31/2016 Approved 9/14/2016	8/26/2016				
Health Care Authority (65-29)	Exemption From Certificate of Need Legislative	6/8/2016	7/11/2016	6/8/2016 Approved 6/10/2016 Amendment 8/22/2016 Approved 9/14/2016	8/22/2016				
Health Care Authority (65-30)	Rural Health Systems Grant Program Legislative	6/9/2016	7/11/2016	6/7/2016 Approved 6/17/2016 Amendment 8/24/2016 Approved 9/14/2016	8/24/2016				
Health Care Authority (65-31)	Hospital Assistance Grant Program Legislative	6/7/2016	7/11/2016	6/7/2016 Approved 6/10/2016 Amendment 8/24/2016 Approved 9/14/2016	8/24/2016				
Health Care Authority (65-32)	Certificate of Need Rule Legislative	6/8/2016	7/11/2016	6/8/2016 Approved 6/10/2016 Amendment 8/23/2016 Approved 9/29/2016	8/23/2016				
Health Care Authority (65-33)	Exemption for Kidney Disease Treatment Centers Legislative	6/13/2016	7/14/2016	6/13/2016 Approved 6/17/2016 Amendment 8/16/2016 Approved 8/24/2016	8/16/2016				
Higher Ed. Policy Commission (133-7)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	11/18/2016	12/18/2016						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Ed. Policy Commission (133-11)	Submission of Proposals for New Academic Programs and the Monitoring and Discontinuance of Existing Programs Procedural	7/20/2016	8/20/2016					11/18/2016	12/18/2016
Higher Ed. Policy Commission (133-13)	Change in the Organization of Collges or Schools Procedural	11/18/2016	12/18/2016						
Higher Ed. Policy Commission (133-25)	Residency Classification for Admission and Fee Purposes Procedural	11/18/2016	12/18/2016						
Higher Ed. Policy Commission (133-42)	WV Higher Education Grant Program Legislative	11/18/2016	12/18/2016						
Higher Ed. Policy Commission (133-48)	Research Trust Fund Legislative	11/18/2016	12/18/2016						
Higher Ed. Policy Commission (133-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	11/18/2016	12/18/2016						
Insurance Commission (114-98)	Adoption of Valuation Manual Legislative	7/13/2016	8/15/2016	8/22/2016 Approved 8/24/2016	8/22/2016	Approved 9/21/2016			
Lottery (179-5)	Limited Video Lottery Legislativej	7/18/2016	8/17/2016		8/22/2016				
Medicine (11-1A)	Licensing and Disciplinary Procedures: Physicians, Podiatrists Legislative	6/1/2016	6/30/2016		7/12/2016	Modified & Approved 8/22/2016 Filed 9/1/2016			
Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	5/31/2016	6/30/2016		7/12/2016	Modified & Approved 8/22/2016 Filed 9/1/2016			
Medicine (11-5)	Dispensing of Legend Drugs by Practitioners Legislative	7/12/2016	8/11/2016		8/24/2016	Modified & Approved 9/21/2016 Filed 9/26/2016			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners' Health Safety and Training (56-22)	Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative	4/29/2016	6/3/2016	4/29/2016 Amendment 6/7/2016 Approved 6/9/2016	7/6/2016	Modified & Approved 8/25/2016 Filed 9/6/2016			
Natural Resources (58-15)	Permits to Kill Deer or Other Wildlife Causing Damage to Cultivated Crops, Fruit Trees or Commercial Nurseries Procedural	11/3/2016	12/9/2016						
Natural Resources (58-18)	Bear Damage Procedural	11/3/2016	12/9/2016						
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	7/26/2016	8/26/2016		8/29/2016				
Natural Resources (58-24)	Point System for the Revocation of Hunting – Repeal Legislative	7/26/2016	8/26/2016		8/29/2016				
Natural Resources (58-49)	General Hunting Legislative	7/25/2016	8/26/2016		8/26/2016				
THE ABOVE RULE WAS WITHDRAWN 11/23/2016									
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/25/2016	8/26/2016		8/26/2016				
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	7/25/2016	8/26/2016		8/26/2016				
Natural Resources (58-64)	Miscellaneous Permts and Licenses Legislative	7/25/2016	8/26/2016		8/26/2016				
Optometry (14-10)	Continuing Education Legislative	7/19/2016	8/22/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/3/2016			
Osteopathic Medicine (24-1)	Licensing Procedures for Osteopathic Physicians Legislative	7/22/2016	8/22/2016		8/26/2016	Modified & Approved 9/21/2016			
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	7/25/2016	8/25/2016		8/29/2016	Modified & Approved 9/21/2016			
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	7/1/2016	8/4/2016		8/18/2016				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-6)	Mail-Order and Non-Resident Pharmacies Legislative	7/1/2016	8/4/2016		8/18/2016				
Pharmacy (15-8)	Controlled Substances Monitoring Program Legislative	7/1/2016	8/4/2016		8/18/2016				
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	3/16/2016	4/18/2016		4/22/2016	Approved 9/1/2016			
Public Service Commission (150-37)	Telephone Conduit Occupancy Legislative	6/7/2016	7/15/2016		8/26/2016				
Racing Commission (178-1)	Thoroughbred Racing Legislative	7/13/2016	8/12/2016		8/18/2016	Modified & Approved 9/21/2016 Filed 9/19/2016			
Racing Commission (178-5)	Pari-Mutuel Wagering Legislative	7/13/2016	8/12/2016		8/18/2016	Modified & Approved 9/21/2016 Filed 9/19/2016			
Racing Commission (178-6)	Due Process and Hearings Procedural	10/27/2016	11/28/2016						
Registered Professional Nurses (19-3)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/24/2016	7/23/2016		7/29/2016	Modified & Approved 8/22/2016			
Registered Professional Nurses (19-5)	Contested Case Hearing Procedure Procedural	4/4/2016	5/5/2016					10/19/2016	11/21/2016
Registered Professional Nurses (19-8)	Limited Prescriptive Authority for Nurses in Advanced Practice Legislative	6/15/2016	7/22/2016	8/12/2016 Effective 9/23/2016	8/2/2016	Modified & Approved 8/22/2016			
Risk and Insurance Management (115-1)	Mine Subsidence Insurance Legislative	6/13/2016	7/14/2016	6/13/2016 ERD by 7/25/2016 Withdrawn 7/1/2016 9/15/2016 Approved 9/29/2016	8/22/2016				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Risk and Insurance Management (115-7)	Patient Injury Compensation Fund Legislative	6/7/2016	7/7/2016	6/6/2016 Approved 7/1/2016	8/22/2016				
Sanitarians (20-4)	Practice of Public Health Sanitation Legislative	7/1/2016	8/1/2016		8/11/2016	Modified & Approved 9/21/2016 Filed 10/3/2016			
Secretary of State (153-3)	Voter Registration at the Div. of Motor Vehicles Legislative	7/22/2016	8/22/2016		8/24/2016				
Secretary of State (153-5)	Voter Registration List Maintenance by the Secretary of State Legislative	7/22/2016	8/22/2016		8/24/2016				
Senior Services (76-3)	WV State Plan for Aging Programs Interpretive	7/7/2016	8/8/2016						
Social Work Examiners (25-5)	Continuing Education for Social Workers and Providers Legislative	7/26/2016	8/25/2016		8/26/2016	Modified & Approved 9/21/2016			
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology and Audiology Legislative	7/15/2016	8/18/2016		8/22/2016				
Tax Department (110-14C)	Motor Fuel Excise Tax Interpretive	11/5/2015	12/4/2015						
Treasurer (112-4)	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016			
Treasurer (112-6)	Selection of State Depositories for Disbursement Accounts through Competitive Bidding Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016			
Treasurer (112-7)	Selection of State Depositories for Receipt Accounts Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-8)	Procedures for Processing Payments from the State Treasury Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016			
Treasurer (112-12)	Procedure for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016			
Treasurer (112-13)	Procedrues for Providing Services to Political Subdivisions Legislative	7/27/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/21/2016			
Veterinary Medicine (26-4)	Standards of Practice Legislative	3/10/2016	4/11/2016		6/15/2016	Modified & Approved 9/21/2016 Filed 9/28/2016			
Waste Mgmt., Div. of Water & Waste Mgmt (33-41)	Awarding of Matching Grants for Local Ltter Control Program Legislative	6/29/2016	8/11/2016		8/25/2016				
Water Resources, Div. of Water & Waste Mgmt (47-02)	Requirements Governing Water Quality Standards Legislative	6/16/2016	8/9/2016		8/26/2016				

THE ABOVE RULE HAS BEEN WITHDRAWN 12/1/2016

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1-800-WVA-CASH

LEGISLATIVE

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

November 30, 2016

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 "Black Diamond," "Mardi Gras in the Big Easy," "Panda," "Starry Night," "Wild Pixies" and "Wild Wild Gems" manufactured by Everi Games, Inc., (formerly known as Multimedia Games, Inc.) for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosures: Black Diamond
Mardi Gras in the Big Easy
Panda
Starry Night
Wild Pixies
Wild Wild Gems

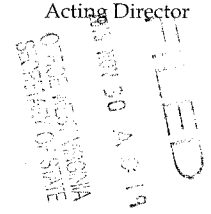
P.O. BOX 2067
CHARLESTON, WV 25327

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

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

November 30, 2016



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 "Buffalo Grand," "Golden Prosperity," "Golden Zodiac," and "Wild Panda Gold" 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 A. Myers
Acting Director

JAM/pb

Enclosures: Buffalo Grand
Golden Prosperity
Golden Zodiac
Wild Panda Gold

www.wvlottery.com

P.O. BOX 2067
CHARLESTON, WV 25327

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

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

November 30, 2016

FILED
2016 NOV 30 A 10:16
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 "Glitter Diamonds," "Grand Dragon," "Order of the Dragon Quest," "Order of the Dragon Victory" and Rhino Rumble 2" manufactured by Ainsworth Game Technology for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John A. Myers
Acting Director

JAM/pb

Enclosures: Glitter Diamonds
Grand Dragon
Order of the Dragon Quest
Order of the Dragon Victory
Rhino Rumble 2

LEGISLATIVE

P.O. BOX 2067
CHARLESTON, WV 25327

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

Earl Ray Tomblin
Governor

John A. Myers
Acting Director

November 30, 2016

FILED
2016 NOV 30 A 10:16
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 "Ellen Featuring Ellen's Dance Party," "Ellen Have a Little Fun Today," "Hotter Than Blazes Respin," "Jurassic Park Wild Excursion," "Jurassic Park Wild Storm!," "Red Hot Tamales!," "Shadow of the Panther" and "Triple Hot Ice" 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 A. Myers
Acting Director

JAM/pb

Enclosures: Ellen Featuring Ellen's Dance Party
Ellen Have a Little Fun Today
Hotter Than Blazes Respin
Jurassic Park Wild Excursion
Jurassic Park Wild Storm!
Red Hot Tamales!
Shadow of the Panther
Triple Hot Ice

www.wvlottery.com

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
324 Fourth Avenue
South Charleston, West Virginia 25303-1228
Telephone (304) 558-2771
Fax (304-558-3147

Earl Ray Tomblin
Governor

Robert A. Fala
Director

FILED
2016 NOV 23 A 9:01
OFFICE WEST VIRGINIA
SECRETARY OF STATE

November 18, 2016

Judy Cooper
WV Secretary of State's Office
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

Dear Ms. Cooper:

Upon recent discussions with legal counsel, the West Virginia Division of Natural Resources Wildlife Resources Section is requesting that Legislative Rule 58CSR49 (General Hunting Rule), which was filed with the West Virginia Secretary of State's Office on 7/25/2016, be withdrawn from the rule making process at this time. Our agency feels that it is more appropriate for the new language to be incorporated into the Wildlife Disease Management Rule (58CSR69), instead of Legislative Rule 58CSR49. Subsequently, we will be making modifications to 58CSR69 at a later date.

My apologies for any inconvenience this action may have caused your office. If you have any questions or require additional information feel free to give me a call.

Sincerely,

Paul R. Johansen, Chief
Wildlife Resources Section

PRJ/gmf

cc: Noelle Starek
Emily Fleming
Jared Wyrick

LEGISLATIVE

west virginia department of environmental protection

Executive Office
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0440
Fax: (304) 926-0446

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

December 1, 2016

OFFICE WEST VIRGINIA
SECRETARY OF STATE
2016 DEC -1 P 2:46
FILED

Honorable Natalie E. Tennant
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305
attn: Judy Cooper
Via Hand Delivery

Re: Withdrawal of 47 C.S.R. 2 – Requirements Governing Water Quality Standards

Dear Ms. Tennant:

Please be advised that the Department of Environmental Protection, Division of Water and Waste Management hereby withdraws 47 C.S.R. 2, *Requirements Governing Water Quality Standards*, which was filed as approved by the agency on August 26, 2016. If you need anything further in order to process this request, please do not hesitate to contact me.

Thank you for your kind assistance in this matter.

Very truly yours,

Randy C. Huffman
Cabinet Secretary

RCH/kmd

cc: Honorable Mark Maynard, Co-Chair – Legislative Rulemaking Review Committee
Honorable Kelli Sobonya, Co-Chair – Legislative Rulemaking Review Committee
Seth Gaskins, Esq., Counsel – Legislative Rulemaking Review Committee

Promoting a healthy environment.

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

11/29/2016 11:48:29 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

PROCEDURAL

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 **135-21**

RULE NAME **Freshman Assessment and Placement Standards**

CITE AUTHORITY **§18B-2B-6**

RULE IS LEGISLATIVE EXEMPT
Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
§18B-10 and §18B-2b-6

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS
Friday, December 30, 2016

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: 135-21 Rule Id: 10275 Document: 32089

Orders Report

Docket Number	Agency	Respondent	Date Rendered
16-4-10926-X	Health Care Authority	CBYW Ansted PropCo LLC	11/15/2016
16-9-10927-X	Health Care Authority	CBYW Shepherdstown PropCo LLC	11/15/2016
16-3-10932-X	Health Care Authority	Charleston Surgical Hospital	11/15/2016
16-6-10920-X	Health Care Authority	Fairmont Regional Medical Center	11/15/2016
16-6-10921-X	Health Care Authority	Highland-Clarksburg Hospital Inc	11/15/2016
16-11-10851-A	Health Care Authority	Prime Healthcare Foundation - East Liverpool LLC	11/17/2016
16-9-10934-X	Health Care Authority	Stonebrook, Inc	11/15/2016
15-6-10383-P	Health Care Authority	United Hospital Center	11/15/2016
16-1-10940-X	Health Care Authority	Anchor Medical LLC	11/21/2016
16-3-10938-X	Health Care Authority	Bridgeport Center LLC	11/21/2016
16-4-10944-X	Health Care Authority	Camden-on-Gauley Medical Center Inc	11/21/2016
16-3-10930-X	Health Care Authority	CBYW Marmet PropCo LLC	11/21/2016
16-9-10928-X	Health Care Authority	CBYW Martinsburg PropCo LLC	11/21/2016
16-5-10931-X	Health Care Authority	CBYW Parkersburg PropCo LLC	11/21/2016
16-3-10929-X	Health Care Authority	CBYW Sissonville PropCo LLC	11/21/2016
16-3-10939-X	Health Care Authority	Chappell Holding Company LLC	11/21/2016
16-3-10943-X	Health Care Authority	Charleston Area Medical Center	11/21/2016
16-4-10941-X	Health Care Authority	Greenbrier County Day Report Center	11/23/2016
15-10-10590-PV/A	Health Care Authority	Mobile Diagnostics Imaging LLC	11/21/2016
13-6-9817-P	Health Care Authority	West Virginia University Hospitals Inc	11/21/2016
03-FY-2017	Medical Imaging And Radiation Therapy Technology Board Of Examiners	Terrance Farley	11/16/2016
		Terrance Farley	11/16/2016
2015-37	Osteopathic Medicine, WV Board of	William J. Earley, DO	11/16/2016

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2017-1054-MISC	Kevin Dwayne Parsons	Berkeley County Public Service Water District	11/3/2016
2016-1582-MonED	Norma Bissett	Monongalia County Board Of Education	11/4/2016
2016-0773-CONS	Jeremy Melton	Highways	11/4/2016
2016-0882-WVUP	Sandra L. Swisher	West Virginia University at Parkersburg	11/4/2016
2015-0937-FayED	Arthur Edwin McCall	Fayette County Board Of Education	11/10/2016
2015-0932-PSC	Deborah Y. Vandervort	Public Service Commission	11/14/2016
2016-1454-BroED	Gary Kestner	Brooke County Board Of Education	11/30/2016

FILED

2016 NOV 22 A 11:33

OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

PUBLIC NOTICE

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 16-007

REGARDING

HEALTH HOME – BIPOLAR/HEPATITIS

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("Bureau") provides notice of the filing of a state plan amendment (SPA), identified as SPA 16-007, to expand to the whole State the current health home program for those who have bipolar disorder and are at risk for hepatitis B or C.

This SPA will be effective April 1, 2017. The expected fiscal impact for fiscal year 2017 is $777,546.

The SPA and this notice 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 Monday, November 21, 2016 through Wednesday, December 21, 2016, and on the web at: www.dhhr.wv.gov/bms then Public Notices.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706. 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 Monday, November 21, 2016 through Wednesday, December 21, 2016.

FILED

2016 NOV 22 A 11:33

OFFICE WEST VIRGINIA SECRETARY OF STATE

PUBLIC NOTICE

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 16-008

REGARDING

HEALTH HOME – DIABETES/ANXIETY/DEPRESSION

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("Bureau") provides notice of the filing of a state plan amendment (SPA), identified as SPA 16-008, to create a health home pilot program in West Virginia for individuals who have diabetes, pre-diabetes, obesity and who are at risk for anxiety or depression.

This SPA will be effective April 1, 2017. The expected fiscal impact for fiscal year 2017 is $1,471,784.

The SPA and this notice 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 Monday, November 21, 2016 through Wednesday, December 21, 2016, and on the web at: www.dhhr.wv.gov/bms then Public Notices.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706. 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 Monday, November 21, 2016 through Wednesday, December 21, 2016.

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

FILED
2016 NOV 28 A 10:39
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

November 28, 2016

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **November 25, 2016**.

LETTERS OF INTENT FOR EXPEDITED REVIEW RECEIVED

November 21, 2016 – United Physicians Care, Inc., Shinnston, Harrison County, CON File #16-9-10953-P, for the development of an ambulatory health care facility in Berkeley County through the acquisition of a physician practice; capital expenditure: $75,000.

November 21, 2016 – United Physicians Care, Inc., Shinnston, Harrison County, CON File #16-10-10954-P, for the development of an ambulatory health care facility in Marshall and Wetzel counties through the acquisition of a physician practice; capital expenditure: $125,000.

APPLICATIONS FOR EXEMPTION RECEIVED

November 21, 2016 – The Village Network, Wooster, Ohio, CON File #16-10-10956-X, for the establishment of a community-based behavioral health and substance abuse outpatient office to be located at 52 Fourteenth Street, Wheeling, Ohio County.

November 21, 2016 – The Word House, Inc., Huntington, Cabell County, CON File #16-2-10955-X, for the construction, development, and establishment of (1) a community mental health facility to provide behavioral health services, and (2) an alcohol or drug treatment facility to provide drug and alcohol treatment services to be located in Huntington, Cabell County.

November 22, 2016 – John Manchin Sr Assisted Living, LLC, Fairmont, Marion County, CON File #16-6-10958-X, for the construction and operation of a 20 bed assisted living facility to be located at 140 Professional Place, Bridgeport, Harrison County.

November 23, 2016 – RSCR West Virginia, Inc., Parkersburg, Wood County, CON File #16-3-10959-X, for the development of licensed behavioral health intellectually/developmentally disabled home and community based waiver home to be located at 209 17th Street, Dunbar, Kanawha County.

PROJECTS EXEMPT FROM REVIEW

November 21, 2016 – Anchor Medical, LLC, Beaver, Raleigh County, CON File #16-1-10940-X, for the development of an Office Based Medication Assisted Treatment Program to be located at 1196 Airport Road, Beaver, Raleigh County, West Virginia.

November 21, 2016 – Bridgeport Center LLC, Charleston, Kanawha County, CON File #16-3-10938-X, for the acquisition of the licensed operations of Meadowview Manor Health Care Center, Inc., a 60 bed nursing home located at 41 Crestview Terrace, Bridgeport, Harrison County.

November 21. 2016 – Camden-on-Gauley Medical Center, Inc., Camden-on-Gauley, Webster County, CON File #16-4-10944-X, for the development of a School Based Health Center located at the Panther Creek Elementary School, 110 Panther Creek Elementary Road, Nettie, Nicholas County. The health center will provide medical and behavioral health services to the students, teachers of the school and the surrounding area.

November 21, 2016 – CBYW Marmet PropCo LLC, Toledo, Ohio, CON File #16-5-10930-X, for the transfer of ownership of the real property comprising the nursing home known as Marmet Center, located at 1 Sutphin Drive, Marmet, Kanawha County, West Virginia.

November 21, 2016 – CBYW Martinsburg PropCo LLC, Toledo, Ohio, CON File #16-9-10928-X, for the transfer of ownership of the real property comprising the nursing home known as Care Haven Center located at 2720 Charles Town Road, Martinsburg, Berkeley County, West Virginia.

November 21, 2016 – CBYW Parkersburg PropCo LLC, Toledo, Ohio, CON File #16-5-10931-X, for the transfer of ownership of the real property comprising the nursing home known as The Willows Center located at 723 Summers Street, Parkersburg, Wood County, West Virginia.

November 21, 2016 – CBYW Sissonville PropCo LLC, Toledo, Ohio, CON File #16-3-10929-X, for the transfer of ownership of the real property comprising the nursing home known as Cedar Ridge Center located at 302 Cedar Ridge Road, Sissonville, Kanawha County, West Virginia.

November 21, 2016 – Chappell Holding Company LLC, Charleston, Kanawha County, CON File #16-3-10939-X, for the acquisition of the real property and equipment of Meadowview Manor Health Care Center, Inc., a 60-bed nursing home located in Bridgeport, Harrison County, West Virginia.

November 21, 2016 – Charleston Area Medical Center, Charleston, Kanawha County, CON File #16-3-10943-X, for the replacement of three (3) existing computed tomography (CT) scanners – two (2) at CAMC General Hospital and one (1) at the CAMC Urgent Care Center located in Cross Lanes.

November 23, 2016 – Greenbrier County Day Report Center, Lewisburg, Greenbrier County, CON File #16-4-10941-X, for the development of an alcohol and drug outpatient treatment facility providing behavioral health/substance abuse treatment needs to court-

ordered offenders in the judicial system.

CERTIFICATE OF NEED APPROVAL ISSUED

November 21, 2016 – Mobile Diagnostic Imaging, LLC, Wintersville, Ohio, CON File #15-10-10590-A/PV, for the correction of the company's current structure; capital expenditure: $103,000.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed:

November 21, 2016 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #13-6-9817-P, for the construction of WVU Healthcare Outpatient Center, an ambulatory care/outpatient center at University Town Center in Morgantown; capital expenditure: $44,035,614.

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
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
State Tax Commissioner

FILED
2016 NOV 23 A 10:0
OFFICE WEST VIRGINIA SECRETARY OF STATE

ADMINISTRATIVE NOTICE 2016-27

Notice of Determination of Average Wholesale Price of Motor Fuel for the Period of January 1, 2017 to December 31, 2017 for the Purposes of the West Virginia Motor Fuel Excise Tax.

This Administrative Notice sets forth the determination of the average wholesale price of conventional motor fuels and "alternative" motor fuels for the 2017 calendar year. The West Virginia Motor Fuel Excise Tax is composed of a flat rate equal to $0.205 per invoiced gallon or, for alternative fuel, per each gasoline gallon equivalent, plus a variable component of 5 percent of the average wholesale price of each fuel. Alternative fuel includes butane, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG or propane), and other specified fuels. For information regarding the determination of the gasoline gallon equivalent for alternative fuels, please see Administrative Notice 2015-25.

Notice is hereby issued, in accordance with Section 11-14C-5 of the West Virginia Code and based upon available information for the preceding review period, that the average wholesale prices of motor fuels for purposes of the Motor Fuel Excise Tax for the period beginning January 1, 2017 and ending December 31, 2017, inclusive, are as follows:

Table 1: Average Wholesale Prices for January 1, 2017 to December 31, 2017

Motor Fuel	Average Wholesale Price
Conventional Motor Fuels*	$2.340 per gallon
Compressed Natural Gas (CNG)	$4.911 per 1,000 cubic feet
Liquefied Natural Gas (LNG)	$0.400 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.985 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

The calculations of average wholesale prices as shown above include data from the Oil Price Information Services (OPIS) for conventional motor fuels and liquefied petroleum gas (LPG or Propane) and the U.S. Energy Information Administration (EIA) for natural gas. All references to cubic feet (CF) are based on measurement at standard pressure and temperature of 14.73 pounds of pressure per square inch at 60° Fahrenheit.

Motor Fuel Excise Tax Rates: January 1, 2017 – December 31, 2017

Conventional Motor Fuels

For conventional motor fuels, including gasoline, diesel, kerosene, and related products, the **average wholesale price** shall be $2.340 per gallon for the referenced period,

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

inclusive. The **variable component** computed thereon shall be $0.117 per gallon ($2.340 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on conventional motor fuels is $0.205 per gallon resulting in a **combined tax rate of $0.322 per gallon**. This average wholesale price per gallon ($2.340), the variable component tax computed thereon ($0.117 per gallon), and the flat rate component ($0.205 per gallon) shall apply to all gallons of gasoline, diesel, kerosene, and related products sold, purchased, or used in this State during the period beginning January 1, 2017 and ending December 31, 2017, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $2.340 per gallon.

Compressed Natural Gas (CNG)

For compressed natural gas, the **average wholesale price** shall be $4.911 per 1,000 cubic feet (CF) for the referenced period, inclusive. The **variable component** computed thereon shall be $0.246 per 1,000 cubic feet ($4.911 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on compressed natural gas is $1.618 per 1,000 cubic feet of compressed natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gal. conv. fuel}}{126.67 \text{ CF of CNG GGE}} = \$0.001618378 \text{ GGE per CF} \times 1{,}000 \text{ CF} = \$1.618 \text{ per } 1{,}000 \text{ CF CNG}$$

The **combined tax rate shall be $1.864 per 1,000 cubic feet**. This average wholesale price per 1,000 cubic feet ($4.911), the variable component tax computed thereon ($0.246 per 1,000 cubic feet), and the flat rate component ($1.618 per 1,000 cubic feet) shall apply to all units of compressed natural gas sold, purchased, or used in this State during the period beginning January 1, 2017 and ending December 31, 2017, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $4.911 per 1,000 per cubic feet. The tax rates for compressed natural gas specified in terms of the gasoline gallon equivalent (GGE) (126.67 cubic feet or 5.66 pounds) are shown in Table 2.

Liquefied Natural Gas (LNG)

For liquefied natural gas, the average wholesale price shall be $4.911 per 1,000 cubic feet for the referenced period, inclusive. The **average wholesale price** of liquefied natural gas in terms of GGE LNG gallons shall be $0.400 per gallon ($4.911 per 1,000 CF ÷ 1,000 CF × 126.67 CF per 1.554 gallons). The **variable component** computed thereon shall be $0.020 per gallon of LNG ($0.400 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied natural gas is $0.132 per gallon of liquefied natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.554 \text{ gallons of LNG GGE}} = \$0.132 \text{ per gallon of LNG}$$

The resulting **combined tax rate shall be $0.152 per gallon**. This average wholesale price per gallon ($0.400), the variable component tax computed thereon ($0.020 per

OTHER

gallon), and the flat rate component ($0.132 per gallon) shall apply to all gallons of liquefied natural gas sold, purchased, or used in this State during the period beginning January 1, 2017 and ending December 31, 2017, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.400 per gallon.

Liquefied Petroleum Gas (LPG or Propane)

For liquefied petroleum gas (LPG or propane), the **average wholesale price** shall be $0.985 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.049 per gallon equivalent ($0.985 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied petroleum gas is $0.150 per gallon of liquefied petroleum gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.367 \text{ gallons of LPG GGE}} = \$0.150 \text{ per gallon of LPG}$$

The resulting **combined tax rate shall be $0.199 per gallon**. This average wholesale price per gallon ($0.985), the variable component tax computed thereon ($0.049 per gallon), and the flat rate component ($0.150 per gallon) shall apply to all gallons of liquefied petroleum gas sold, purchased, or used in this State during the period beginning January 1, 2017 and ending December 31, 2017, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.985 per gallon.

Field Gas

Effective June 9, 2016, sales of field gas were exempted from the variable and flat rate components of the Motor Fuel Excise Tax per West Virginia Code §11-14C-9a, et seq.

Definition of Common Terms

For the purposes of this notice:

"**Field equipment**" means generators, compressors, engines, micro turbines, turbines, or any other motor or apparatus used to power drilling rigs, well head equipment, gas processing units, compressors or compressor stations, fractionating plants, or any other equipment or apparatus used directly or indirectly in the production, gathering, transportation, or processing of natural gas or natural gas liquids or associated products.

"**Field gas**" means natural gas or any derivative thereof, extracted from a production well, gathering system, pipeline, main, or transmission line that is used as motor fuel to power field equipment. The term "field gas" does not include compressed natural gas, liquefied natural gas, liquefied petroleum gas, or conventional motor fuels, as listed in this notice.

"**GGE**" means gasoline gallon equivalent.

"**Natural gas**" means a mixture of hydrocarbons (e.g., methane, ethane, or propane), produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperatures and pressure under ordinary conditions, composed of at least 70 percent methane by volume.

OTHER

Table 2: Motor Fuel Excise Tax Rates for January 1, 2017 to December 31, 2017

Motor Fuel	Flat Rate Tax	Variable Rate Tax	Combined Rate
Conventional Motor Fuels*	$0.205 per gallon	$0.117 per gallon	$0.322 per gallon
Compressed Natural Gas (CNG)	$1.618 per 1,000 cubic feet	$0.246 per 1,000 cubic feet	$1.864 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	$0.205 per 126.67 cubic feet	$0.031 per 126.67 cubic feet	$0.236 per 126.67 cubic feet
Liquefied Natural Gas (LNG)	$0.132 per gallon	$0.020 per gallon	$0.152 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.150 per gallon	$0.049 per gallon	$0.199 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a		

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

Notice of this determination will be filed in the West Virginia Register.

Issued: November 22, 2016

Mark W. Matkovich
Tax Commissioner