



# WEST VIRGINIA REGISTER

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Administrative Law Division  
Judy Cooper, Manager

Mac Warner  
Secretary of State  
Administrative Law Division  
Bldg. 1, Suite 157K  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0770

(304) 558-6000  
www.wvsos.com

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

Health Care Authority

Higher Education Policy Commission

Insurance Commission

Medicine, WV Board of

Tax Department

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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>
Higher Education Policy Commission (133-12)	Capitol Project Management Legislative	§18B-1-6	Written Comments Only December 20, 2017, 5:00 pm Dr. Paul L. Hill, Chancellor WV Higher Education Policy Commission 1018 Kanawha Boulevard East Charleston, WV 25301
Higher Education Policy Commission (133-22)	Grade Point Average for Associate and Baccalaureate Degrees Procedural	§18B-1-6	Written Comments Only December 20, 2017, 5:00 pm Dr. Paul L. Hill, Chancellor WV Higher Education Policy Commission 1018 Kanawha Boulevard East Charleston, WV 25301
Higher Education Policy Commission (133-32)	Tuition and Fee Policy Legislative	§18B-1-6	Written Comments Only December 20, 2017, 5:00 pm Dr. Paul L. Hill, Chancellor WV Higher Education Policy Commission 1018 Kanawha Boulevard East Charleston, WV 25301
Higher Education Policy Commission (133-33)	Anatomical Board Interpretive	§18B-1-6	Written Comments Only December 20, 2017, 5:00 pm Dr. Paul L. Hill, Chancellor WV Higher Education Policy Commission 1018 Kanawha Boulevard East Charleston, WV 25301
Higher Education Policy Commission (133-55)	Human Resources Administration Legislative	§18B-1-6	Written Comments Only December 21, 2017, 5:00 pm Dr. Paul L. Hill, Chancellor WV Higher Education Policy Commission 1018 Kanawha Boulevard East Charleston, WV 25301

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

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



Office of the Secretary of State  
State Capitol  
Charleston, West Virginia 25305

**Mac Warner**  
Secretary of State  
State of West Virginia

Telephone: (304) 558-6000  
Toll Free: 1-866-505-VOTE  
Fax: (304) 558-0900  
[www.wvson.gov](http://www.wvson.gov)

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

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- 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**

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 1	ACCOUNTANCY
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 8	HEARING AID DEALERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
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 31	DIETITIANS
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	WORKERS COMPENSATION 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 HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 164	SCHOOL BUILDING AUTHORITY
TITLE 172	STATE RAIL AUTHORITY
TITLE 174	REAL ESTATE COMMISSION
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 194	MASSAGE THERAPY LICENSURE BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LRMRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy, WV Bd. Of (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/23/2017	7/23/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 9/29/2017			
Administration (188-03)	State Owned Vehicles Legislative	6/26/2017	7/26/2017		7/26/2017				
Administration (148-6)	Parking Legislative	6/21/2017	7/21/2017		7/25/2017	Approved 8/29/2017			
Agriculture (61-01)	Animal Disease Control Legislative	6/29/2017	7/29/2017		7/29/2017				
Agriculture (61-1A)	Feeding of Untreated Garbage to Swine Legislative	6/22/2017	7/22/2017		7/27/2017				
Agriculture (61-2)	West Virginia Aqary Law Legislative	6/15/2017	7/16/2017		7/19/2017	Modified & Approved 8/29/2017 Filed 9/18/2017			
Agriculture (61-8B)	Schedule of Charges for Inspection Services Fruit Legislative	11/1/2017	12/1/2017	11/13/2017 EPD by 12/28/2017					
Agriculture (61-11)	Public Markets Legislative	6/2 7/2017	7/27/2017		7/27/2017				
Agriculture (61-11B)	Auctioneers Legislative	6/26/2017	7/26/2017		7/28/2017				
Agriculture (61-14A)	Noxious Weeds Legislative	6/22/2017	7/22/2017 Hearing 11/3/2017		7/28/2017				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/15/2017	7/16/2017		7/17/2017	Modified & Approved 8/29/2017 Filed 9/18/2017			
Agriculture (61-23D)	Inspection of Nontraditional, Domesticated Animals Legislative	6/15/2017	7/16/2017		7/17/2017	Modified & Approved 8/29/2017 Filed 9/29/2017			
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LSMRC-ACTION	LIC/IS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/7/2017	7/11/2017		7/21/2017	Modified & Approved 8/29/2017 8/29/2017			
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/7/2017	7/11/2017		7/21/2017	Approved 8/29/2017			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2017	7/11/2017		7/21/2017	Approved 8/29/2017			
Athletic Commission (177-1)	WV State Athletic Commission Legislative	6/16/2017	7/16/2017		7/27/2017	Modified & Approved 9/20/2017 10/3/2017			
Athletic Commission (177-2)	Regulation of Mixed Martial Arts Legislative	6/16/2017	7/16/2017		7/27/2017	Modified & Approved 9/20/2017 10/3/2017			
Crime Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	6/21/2017	7/24/2017		7/28/2017				
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/28/2017	7/28/2017		7/28/2017				
Culture and History (82-6)	Archives and History Library Services and Fee Guidelines Procedural	8/24/2017	10/2/2017						
Dixians (31-1)	Licensure and Renewal Requirements Legislative	6/9/2017	7/17/2017		7/24/2017				
Education (126-26)	West Virginia's Universal Access to a Quality Early Education System (262b) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LEB/MRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-41)	Safe and Acceptable Use of the Internet by Students and Educators (2480) Legislative Exempt	11/9/2017	12/11/2017					10/12/2017	7/1/2018
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	11/9/2017	12/11/2017						
Education (126-44G)	WV College and Career Readiness Standards for World Languages (2320.7) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Education (126-44M)	WV College and Career Readiness Programs of Study Standards for Career and Technical Education (2520.13) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2019
Education (126-44P)	WV Alternate Academic Achievement Standards (2520.16) Legislative Exempt	8/10/2017	8/11/2017					10/12/2017	7/1/2018
Education (126-73)	School Calendar (3234) Legislative Exempt	9/7/2017	10/10/2017					11/9/2017	12/11/2017
Education (126-86)	Standards for School Nutrition (Policy 432-E.1) Legislative Exempt	6/15/2017	7/17/2017					8/10/2017	1/2/2018
Education (126-92)	WV School Bus Transportation Policy and Procedures Manual (4336) Legislative Exempt	8/10/2017	9/11/2017						
Education (126-136)	Minimum Requirements for the Pursure of Paraprofessional Positions and Advanced Safety Classification (5202) Legislative Exempt	7/13/2017 9/7/2017	8/14/2017 10/10/2017					11/9/2017	12/11/2017
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/9/2017	7/6/2017				7/11/2017		
Fire Commission (87-2)	Electrician Licensing Rules Legislative	6/16/2017	7/17/2017				7/25/2017		



RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LB/MRC- ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-3)	Hazardous Substance Emergency Response Training Programs Legislative	8/19/2017	7/19/2017		7/25/2017				
Health (64-03)	Public Water Systems Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			
Health (64-12)	Hospital Licensure Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 8/29/2017 Filed 8/30/2017			
Health (64-17)	Food Establishments Legislative	6/27/2017	7/27/2017		7/28/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			
Health (64-48)	Emergency Medical Services Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-107)	Designation of Comprehensive, Primary and Acute Stroke-Ready Hospitals Legislative	6/27/2017	7/27/2017		7/28/2017				
Health (64-108)	Local Board of Health Plans of Combination Procedure Procedural	9/11/2017	10/11/2017					10/24/2017	11/25/2017
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2017	7/26/2017		7/27/2017	Approved 8/29/2017			
Health and Human Resources (69-13)	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017 Amendment Effective 7/28/2017 9/21/2017 Amendment ERD by 12/8/2017	7/28/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (66-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017 Amendment 7/28/2017 Effective 8/21/2017	7/28/2017				
Health Care Authority (66-13)	Financial Disclosure Rule Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017	7/28/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			
Hearing Aid Dealers (8-01)	WV Board of Hearing Aid Dealers Legislative	6/23/2017	7/24/2017		7/26/2017	Approved 8/29/2017			
Higher Education Policy Comm. (133-12)	Capitol Project Management Legislative	11/20/2017	12/20/2017						
Higher Education Policy Comm. (133-22)	Grade Point Average for Associate and Baccalaureate Degrees Procedural	11/20/2017	12/20/2017						
Higher Education Policy Comm. (133-32)	Tuition and Fee Policy Legislative	11/20/2017	12/20/2017						
Higher Education Policy Comm. (133-33)	Anatomical Board Interpretive	11/20/2017	12/20/2017						
Higher Education Policy Comm. (133-55)	Human Resources Administration Legislative	11/21/2017	12/21/2017						
Highways (157-2)	Deposit, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance Legislative	6/22/2017	7/24/2017		7/28/2017				
Highways (157-12)	Employment Procedures Legislative	11/2/2017	12/2/2017	11/1/2017 ERD by 12/13/2017					
Human Services (76-01)	Child Care Licensing Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017 Filed 10/4/2017			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-02)	Child Placing Agencies Licensing Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017			
Human Services (78-18)	Family Child Care Facility Licensing Requirements Legislative	6/27/2017	7/26/2017		7/28/2017	Modified & Approved 9/20/2017 Filed 10/4/2017			
Human Services (78-19)	Family Child Care Home Registration Requirements Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017			
Human Services (78-20)	Informal and Relative Family Child Care Home Registration Requirements Legislative	6/26/2017	7/26/2017		7/28/2017				
Human Services (78-21)	Out-of-School Time Child Care Center Legislative	6/26/2017	7/26/2017		7/28/2017	Approved 9/20/2017			
Human Services (78-26)	Drug Screening of Applicants for Cash Assistance Under the Temporary Assistance for Needy Families Program (TANF) Legislative	6/27/2017	7/27/2017	6/27/2017 Approved 7/20/2017 Amendment 7/28/2017 Effective 9/8/2017	7/28/2017				
Labor (42-10)	Zipline and Canopy Tour Responsibility Act Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			
Labor (42-12)	Bedding and Upholstered Furniture Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			
Labor (42-21)	Elevator Safety Act Legislative	6/21/2017	7/22/2017		7/27/2017	Approved with Amendments			
Labor (42-33)	Employer Wage Bonds Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			
Labor (42-35)	Registration of Service Persons and Service Agencies Legislative	6/15/2017	7/17/2017	6/16/2017 Approved 7/20/2017	7/27/2017	Approved 9/20/2017			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-36)	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions Legislative	6/15/2017	7/17/2017	6/16/2017 Approved 7/20/2017	7/27/2017	Approved 9/20/2017			
Licensed Practical Nurses (10-04)	Schedule of Fees for Services Rendered by the WV State Bd. Of Examiners for Licensed Practical Nurses Legislative	6/28/2017	7/28/2017		7/31/2017				
Lottery Commission (179-1)	State Lottery Rules Legislative	6/19/2017	7/21/2017		7/28/2017				
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017	Approved 8/28/2017			
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	7/11/2017	8/10/2017	9/11/2017 Approved 10/20/2017	8/29/2017				
Mining and Safety and Training (56-23)	Operating Diesel Equipment in Underground Mines in WV Legislative	6/22/2017	7/24/2017	6/22/2017 Approved 7/20/2017	7/27/2017				
Mining and Reclamation (56-02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/10/2017		7/27/2017				
Natural Resources (56-02)	Rules Controlling the Public Land Corporations Sale, Lease, Exchange or Transfer of Land or Minerals Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 8/28/2017			
Natural Resources (56-11)	Hunting, Fishing and Other Outfitters and Guides Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (56-49)	General Hunting Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (56-56)	Special Migratory Bird Hunting Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (56-64)	Miscellaneous Permits and Licenses Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (56-69)	Wildlife Disease Management Legislative	6/28/2017	7/28/2017		7/28/2017				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LSMRC-ACTION	LIGIS	FINAL FILE	EFFECTIVE
Optometry (14-01)	WV Board of Optometry Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 8/28/2017			
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	9/12/2017	10/12/2017	11/6/2017 ERD by 12/18/2017	10/17/2017				
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	6/22/2017	7/24/2017		7/28/2017	Approved 9/20/2017			
Pharmacy (15-2)	Uniform Controlled Substances Act Legislative	5/11/2017	6/12/2017		7/28/2017	Approved & Modified 9/20/2017 Filed 11/6/2017			
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	5/12/2017	6/12/2017		7/28/2017				
Pharmacy (15-8)	Controlled Substances Monitoring Program Legislative	6/15/2017	7/17/2017	6/15/2017 Approved 9/19/2017	7/28/2017	Approved & Modified 9/20/2017 Filed 11/7/2017			
Pharmacy (15-10)	Pharmacist Recovery Networks Legislative	5/12/2017	6/12/2017		7/28/2017	Approved & Modified 9/20/2017 Filed 11/7/2017			
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/22/2017	7/24/2017		7/28/2017	Approved & Modified 9/20/2017 Filed 11/6/2017			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/15/2017	7/17/2017		7/28/2017				
Psychologists (17-01)	Fees Legislative	6/28/2017	7/28/2017		7/28/2017				
Psychologists (17-02)	Organization and Procedures of the Board of Examiners of Psychologists Procedural	6/28/2017	7/28/2017						
Psychologists (17-03)	Requirements for Licensure as a Psychologist and/or a School Psychologist Legislative	6/28/2017	7/28/2017		7/28/2017				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SECSTATE	LSMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Psychologists (17-05)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017				
Public Service Commission (150-3)	Government of Electric Utilities Legislative Exempt	11/8/2017	12/11/2017						
Public Service Commission (150-4)	Government of Gas Utilities and Gas Pipeline Safety Legislative Exempt	11/8/2017	12/11/2017						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/19/2017	7/19/2017		7/27/2017				
Real Estate Appraiser Licensing & Cert. Bd. (190-2)	Requirements for Licensure and Certification Legislative	6/14/2017	7/17/2017		7/28/2017				
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business Legislative	6/23/2017	7/24/2017		7/27/2017				
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/28/2017	7/28/2017		7/27/2017				
Real Estate Commission (174-03)	Requirements for Real Estate Counselors, Course Providers and Instructors Legislative	6/26/2017	7/26/2017		7/27/2017				
Secretary of State (153-9)	Authorized Use of the Great Seal of the State of WV Interpretive	10/23/2017	11/22/2017						
Secretary of State (153-16)	Procedures for Canvassing Elections Legislative	6/28/2017	7/28/2017		7/28/2017				
Secretary of State (153-27)	Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots Legislative	6/28/2017	7/28/2017		7/28/2017				
Secretary of State (153-38)	Vote by Mail Pilot Project Phase 2: Voting by Mail - Repeat Legislative	6/27/2017	7/27/2017		7/28/2017	Approved 8/29/2017			
Senior Services (76-3)	WV State Plan for Aging Programs Interpretive	7/7/2016	8/8/2016						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Police (81-14)	WV Sex Offender Registration Act Procedural	7/20/2017	8/22/2017						
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/16/2017	7/17/2017		7/27/2017	Approved 8/29/2017			
Tax (110-13DD)	Farm-To-Food Bank Tax Credit Legislative	6/16/2017	7/17/2017		7/27/2017	Modified & Approved 8/29/2017 Filed 9/11/2017			
Tax (110-22)	Property Transfer Tax Legislative	6/19/2017	7/20/2017		7/27/2017	Approved 8/29/2017			
Tax (110-28)	Municipal Sales and Service and Use Tax Administration Legislative	6/16/2017	7/17/2017	6/13/2017 Approved 7/20/2017	7/28/2017	Modified & Approved 8/29/2017 Filed 9/8/2017			
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians Legislative	6/12/2017	7/13/2017		7/18/2017	Modified & Approved 8/29/2017 Filed 8/29/2017			
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians Legislative	6/12/2017	7/13/2017		7/18/2017	Approved & Modified 9/20/2017			
Veterinary Medicine (26-6)	Schedule of Fees Legislative	6/12/2017	7/13/2017		7/18/2017	Modified & Approved 8/29/2017 Filed 8/29/2017			
Waste Mgmt., Div. of Water & Waste Mgmt (33-20)	Hazardous Waste Management System Legislative	6/5/2017	7/6/2017		7/21/2017				
Waste Mgmt., Div. of Water & Waste Mgmt (33-30)	Underground Storage Tanks Legislative	6/5/2017	7/6/2017		7/25/2017				

WEST VIRGINIA  
SECRETARY OF STATE  
MAC WARNER



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LEGISLATIVE

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

(Page 1)

AGENCY Higher Education Policy Commission  
RULE TYPE Legislative  
RULE NAME Capital Project Management

CITE AUTHORITY 18B-14

COMMENTS LIMITED TO  
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS

Wednesday, December 20, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO

Dr. Paul L. Hill  
Chairman  
WV 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 §29A-3-2.



7524-947461-131-22



8628 24-14075



Document: 59000



1516-947461-131-22



8628 161-14075



Document: 59000

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

(Page 1)

AGENCY Higher Education Policy Commission  
RULE TYPE Legislative  
RULE NAME Tuition and Fee Policy

CITE AUTHORITY 18B-14

COMMENTS LIMITED TO  
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS

Wednesday, December 20, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO

Dr. Paul L. Hill  
Chairman  
WV 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 §29A-3-2.





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WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

**FORM 1 - NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE**

(Page 1)

AGENCY Higher Education Policy Commission  
 RULE TYPE Legislative  
 RULE NAME AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 132-  
 32

CITE AUTHORITY 18B-14

COMMENTS LIMITED TO  
 Veritas

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
 Thursday, December 21, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO  
 Dr. Paul L. Hill  
 Chancellor  
 WV Higher Education Policy Commission  
 1019 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 §20A-3-11 and §20A-3-2.



1510-Serial: 130-55



802# 461 14477



Document: 30620



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OFFICE OF THE  
STATE SECRETARY OF STATE

INTERPRETIVE

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

AGENCY Higher Education Policy Commission  
ROLE TYPE Interpretive AMENDMENT TO EXISTING RULE Yes TITLE SERIES 133-  
RULE NAME Anatomical Board 33

CITE AUTHORITY 18B-14

COMMENTS LIMITED TO  
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
Wednesday, December 20, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO  
Dr. Paul L. Hill  
Chairman  
WV Higher Education Policy Commission  
1010 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 §§2A-3-11 and §2A-3-1.



FILE NUMBER: 133-33



FILE ID: 16072



DOCUMENT: 34669



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PROCEDURAL

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

AGENCY Higher Education Policy Committee  
RULE TYPE Procedural AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 133-  
RULE NAME Grade Point Average for Associate and Baccalaureate Degrees 22

CITE AUTHORITY 18B-14

COMMENTS LIMITED TO  
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
Wednesday, December 20, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO

Dr. Paul J. EHR  
Chairman  
WV Higher Education Policy Committee  
1018 Kanawha Boulevard, East  
Charleston, WV 25301

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

Yes

Cheryl L. Anderson - By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §5A-3-11 and §5A-3-2.



TITLE-SERIES: 133-22



FILE #: 16034



DOCUMENT: 50007





Medicine, West Virginia Board Of  
Medicine, West Virginia Board Of

Scott Walker Findley, MD  
Charles Paul Homsinger, III, MD

11/1/2017

11/13/2017



## STATE OF WEST VIRGINIA

Department of Revenue  
State Tax DepartmentJoe Justice  
GovernorDo Not FILED  
State Tax Department

31 NOV 21 A 9 53 OTHER

## ADMINISTRATIVE NOTICE 2017-21

OFFICE OF LEGAL COUNSEL

Notice of Determination of Average Wholesale Price of Motor Fuel for the Period of January 1, 2018 to December 31, 2018 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 2018 calendar year. The West Virginia Motor Fuel Excise Tax is composed of a flat rate equal to \$0.205 per unced 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. Enrolled Senate Bill 1006, passed in the First Special Session of the 53<sup>rd</sup> Legislature, amended in part the determination of the average wholesale price effective July 1, 2017. Administrative Notice 2017-18 issued new guidance pertaining to this rate change.

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, 2018 and ending December 31, 2018, inclusive, are as follows:

Table 1: Average Wholesale Prices for January 1, 2018 to December 31, 2018

Motor Fuel	Average Wholesale Price
Conventional Motor Fuels*	\$3.040 per gallon
Compressed Natural Gas (CNG)	\$4.982 per 1,000 cubic feet
Liquefied Natural Gas (LNG)	\$0.406 per gallon
Liquefied Petroleum Gas (LPG or Propane)	\$1.008 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-4a

\* 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

Administrative Notice 2017-25

and temperature of 14.73 pounds of pressure per square inch at 50° Fahrenheit.

## Motor Fuel Excise Tax Rates: January 1, 2018 – December 31, 2018

## Conventional Motor Fuels

For conventional motor fuels, including gasoline, diesel, kerosene, and related products, the average wholesale price shall be \$3.040 per gallon for the referenced period, inclusive. The variable component computed thereon shall be \$0.152 per gallon (\$3.040 x 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 \$0.387 per gallon. This rate is \$0.205 per gallon for all fuels, and the variable component tax computed thereon (\$0.182 per gallon) applies only to gasoline. The variable component tax shall apply to all gallons of gasoline, diesel, kerosene, and related products sold or used in this State during the period beginning January 1, 2018 and ending December 31, 2018, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than \$3.040 per gallon.

## Compressed Natural Gas (CNG)

For compressed natural gas, the average wholesale price shall be \$4.982 per 1,000 cubic feet (CF) for the referenced period, inclusive. The variable component computed thereon shall be \$0.249 per 1,000 cubic feet (\$4.982 x 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:

$\$0.205 \text{ per gal. conv. fuel} \times 8.001618378 \text{ GGE per CF} \times 1,000 \text{ CF} = \$1,618 \text{ per 1,000 CF CNG}$   
 $\$28.67 \text{ CF of CNG/GGE}$

The combined tax rate shall be \$1,807 per 1,000 cubic feet. This average wholesale price per 1,000 cubic feet (\$4.982), the variable component tax computed thereon (\$0.249 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, 2018 and ending December 31, 2018, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than \$4.982 per 1,000 cubic feet. The tax rates for compressed natural gas specified in terms of the gasoline gallon equivalent (GGE) (128.67 cubic feet or 5.86 pounds) are shown in Table 2.

## Liquefied Natural Gas (LNG)

For liquefied natural gas, the average wholesale price shall be \$0.406 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 \$0.406 per gallon (\$4.982 per 1,000 CF = 1,000 CF x 128.67 CF per 1,000 gallons). The variable component computed thereon shall be \$0.020 per gallon of LNG (\$0.406 x 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:

\$0.205 per gallon conventional fuel  
 1.554 gallons of LNG GGE = \$0.132 per gallon of LNG

The resulting combined tax rate shall be \$0.152 per gallon. This average wholesale price per gallon (\$0.406), the variable component tax computed thereon (\$0.020 per gallon), and the flat rate component (\$0.132 per gallon) shall apply to all gallons of liquefied petroleum gas sold or processed in this State during the period beginning January 1, 2018 and ending December 31, 2018, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than \$0.406 per gallon.

#### **Liquefied Petroleum Gas (LPG or Propane)**

For liquefied petroleum gas (LPG or propane), the average wholesale price shall be \$1.008 per gallon for the referenced period, inclusive. The variable component computed thereon shall be \$0.050 per gallon equivalent (\$1,008 x 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:

\$0.205 per gallon conventional fuel  
 1.307 gallons of LPG GGE = \$0.150 per gallon of LPG

The resulting combined tax rate shall be \$0.200 per gallon. This average wholesale price per gallon (\$1.008), the variable component tax computed thereon (\$0.050 per gallon), and the flat rate component (\$0.150 per gallon) shall apply to all gallons of liquefied petroleum gas sold or processed in this State during the period beginning January 1, 2018 and ending December 31, 2018, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than \$1.008 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 lifting devices, compressors or processor stations, manufacturing plants, or any other equipment or apparatus used in the production, processing, storage, 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, man, 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), in gaseous form, which occurs naturally beneath the Earth's surface that maintains a gaseous state at standard conditions of temperature and pressure under ordinary conditions, composed of at least 70 percent methane by volume.

**Table 2: Motor Fuel Excise Tax Rates for January 1, 2018 to December 31, 2018**

Motor Fuel	Flat Rate Tax	Variable Rate Tax	Combined Rate
Conventional Motor Fuels*	\$0.205 per gallon	\$0.102 per gallon	\$0.357 per gallon
Compressed Natural Gas (CNG)	\$1.618 per 1,000 cubic feet	\$0.248 per 1,000 cubic feet	\$1.867 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	\$0.205 per 126.67 cubic feet	\$0.032 per 126.67 cubic feet	\$0.237 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	\$0.050 per gallon	\$0.200 per gallon
Field Gas	Exempt per WV 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 21, 2017

  
 Dale W. Stricker  
 Tax Commissioner