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CHRONOLOGICAL INDEX, VOLUME XXXIV ISSUE 49			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Tax (110-42)	Personnel Rule for the Tax Division Legislative	§11B-1-8	Written Comments Only January 5, 2018, 5:00 pm WV State Tax Department PO Box 1005 Charleston, WV 25324

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Tax (110-42)	Personnel Rule for the Tax Division	§11B-1-8	ERD by January 17, 2018	January 5, 2018

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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	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	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
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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	SEC/STATE	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 (148-03)	State Owned Vehicles Legislative	6/26/2017	7/26/2017		7/26/2017	Modified & Approved 12/1/2017			
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	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017			
Agriculture (61-1A)	Feeding of Untreated Garbage to Swine Legislative	6/22/2017	7/22/2017		7/27/2017				
THE ABOVE RULE HAS BEEN WITHDRAWN 12/4/2017									
Agriculture (61-2)	West Virginia Apiary Law Legislative	6/15/2017	7/16/2017		7/18/2017	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 ERD by 12/26/2017	12/1/2017	Modified & Approved 12/2/2017			
Agriculture (61-11)	Public Markets Legislative	6/2 7/2017	7/27/2017		7/27/2017				
THE ABOVE RULE HAS BEEN WITHDRAWN 12/5/2017									
Agriculture (61-11B)	Auctioneers Legislative	6/26/2017	7/26/2017		7/28/2017	Modified & Approved 12/2/2017			
Agriculture (61-14A)	Noxious Weeds Legislative	6/22/2017	7/22/2017 Hearing 11/3/2017		7/28/2017	Modified & Approved 12/2/2017			
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			

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculutre (61-23D)	Inspection of Nontraditional, Domesticated Animals Legislative	6/15/2017	7/16/2017		7/17/2017	Modified & Approved 9/20/2017 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			
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 Filed 8/24/2017			
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 Filed 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 Filed 10/3/2017			
Crime Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	6/21/2017	7/24/2017		7/26/2017	Modified & Approved 12/2/2017			
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017			
Culture and History (82-6)	Archives and History Library Services and Fee Guidelines Procedural	8/24/2017	10/2/2017						

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dietitians (31-1)	Licensure and Renewal Requirements Legislative	6/8/2017	7/17/2017		7/24/2017	Modified & Approved 12/3/2017 Filed 12/4/2017			
Education (126-28)	West Virginia's Universal Access to a Quality Early Education System (2525) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2018
Education (126-41)	Safe and Acceptable Use of the Internet by Students and Educators (2460) Legislative Exempt	11/9/2017	12/11/2017						
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 (2520.7) Legislative Exempt	8/10/2017	9/11/2017					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	9/11/2017					10/12/2017	7/1/2018
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-44P)	WV Alternate Academic Achievement Standards (2520.16) Legislative Exempt	8/10/2017	9/11/2017					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 4321.1) 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					12/6/2017	1/8/2018

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary 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	6/5/2017	7/6/2017		7/11/2017	Approved 12/1/2017			
Fire Commission (87-2)	Electrician Licensing Rules Legislative	6/16/2017	7/17/2017		7/25/2017	Modified & Approved 12/2/2017			
Fire Commission (87-3)	Hazardous Substance Emergency Response Training Programs Legislative	6/19/2017	7/19/2017		7/25/2017	Modified & Approved 12/2/2017			
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	Modified & Approved 12/1/2017			
Health (64-107)	Designation of Comprehensive, Primary and Acute Stroke-Ready Hospitals Legislative	6/27/2017	7/27/2017		7/28/2017				
THE ABOVE RULE HAS BEEN WITHDRAWN 12/4/2017									
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			

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
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 7/28/2017 Effective 9/21/2017 Amendment 10/25/2017 ERD by 12/6/2017	7/28/2017	Modified & Approved 10/18/2017 Filed 10/25/2017			
Health and Human Resources (69-14)	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 9/21/2017	7/28/2017	Modified & Approved 12/1/2017			
Health Care Authority (65-13)	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						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-2)	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance Legislative	6/22/2017	7/24/2017		7/28/2017	Modified & Approved 12/2/2017			
Highways (157-12)	Employment Procedures Legislative	11/2/2017	12/2/2017	11/1/2017 ERD by 12/13/2017					
Human Services (78-01)	Child Care Licensing Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017 Filed 10/4/2017			
Human Services (78-02)	Child Placing Agencies Licensing Legislative	6/26/2017	7/26/2017		7/27/2017	Modified & Approved 9/20/2017 Filed 10/4/2017			
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	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	Modified & Approved 12/1/2017			
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	Modified & Approved 12/1/2017			
Labor (42-10)	Zipline and Canopy Tour Responsibility Act Legislative	6/15/2017	7/17/2017		7/27/2017	Approved 9/20/2017			

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AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
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 9/21/2017			
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			
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 Modified & Approved 12/1/2017			
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				
THE ABOVE RULE HAS BEEN WITHDRAWN 12/1/2017									
Lottery Commission (179-1)	State Lottery Rules Legislative	6/19/2017	7/21/2017		7/28/2017	Modified & Approved 12/1/2017			
Medicine (11-6)	Continuing Education for Physicians and Podiatrists Legislative	6/21/2017	7/21/2017		7/26/2017	Approved 8/29/2017			
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	Modified & Approved 12/3/2017 Filed 12/6/2017			
Miners' Health, 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	Approved 12/2/2017			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Legislative	6/6/2017	7/18/2017		7/27/2017	Modified & Approved 12/1/2017 Filed 12/5/2017			
Natural Resources (58-02)	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 8/29/2017			
Natural Resources (58-11)	Hunting, Fishing and Other Outfitters and Guides Legislative	6/23/2017	7/24/2017		7/28/2017				
Natural Resources (58-49)	General Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017			
Natural Resources (58-56)	Special Migratory Bird Hunting Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017			
Natural Resources (58-64)	Miscellaneous Permits and Licenses Legislative	6/23/2017	7/24/2017		7/28/2017	Approved 12/2/2017			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/28/2017	7/28/2017		7/28/2017	Modified w/certain amendments & Approved 12/2/2017			
Optometry (14-01)	WV Board of Optometry Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 8/29/2017			
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	Modified & Approved 12/3/2017 Filed 12/6/2017			
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	Modified & Approved 9/20/2017 Filed 11/6/2017			
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	5/12/2017	6/12/2017		7/28/2017	Modified & Approved 12/3/2017			

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-8)	Controlled Substances Monitoring Program Legislative	6/15/2017	7/17/2017	6/15/2017 Approved 9/19/2017	7/28/2017	Modified & Approved 9/20/2017 Filed 11/7/2017			
Pharmacy (15-10)	Pharmacist Recovery Networks Legislative	5/12/2017	6/12/2017		7/28/2017	Modified & Approved 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	Modified & Approved 9/20/2017 Filed 11/6/2017			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/15/2017	7/17/2017		7/28/2017	Modified & Approved 12/3/2017			
Psychologists (17-01)	Fees Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/1/2017			
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	Approved 12/1/2017			
Psychologists (17-06)	Code of Ethics Legislative	6/28/2017	7/28/2017		7/28/2017	Approved 12/1/2017			
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	Approved w/certain amendments 12/1/2017			

RULE MONITOR									
AGENCY/SERIES NO	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**SEC/STATE**	**LRMRC-ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Real Estate Appraiser Licensing & Cert. Bd. (190-2)	Requirements for Licensure and Certification Legislative	6/14/2017	7/17/2017		7/28/2017	Approved 12/1/2017			
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	Modified & Approved 12/1/2017 Filed 12/6/2017			
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/26/2017	7/26/2017		7/27/2017	Approved 12/1/2017			
Real Estate Commission (174-03)	Requirements for Real Estate Courses, Course Providers and Instructors Legislative	6/26/2017	7/26/2017		7/27/2017	Modifed w/ certain amendments & Approved 12/1/2017 Filed 12/6/2017			
Secretary of State (153-9)	Authorized Use of the Great Seal of the State of WV Interpretive	10/23/2017	11/22/2017					11/27/2017	12/26/2017
Secretary of State (153-18)	Procedures for Canvassing Elections Legislative	6/28/2017	7/28/2017		7/28/2017	Modified & Approved 12/2/2017			
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	Modified & Approved 12/2/2017			
Secretary of State (153-39)	Vote by Mail Pilot Project Phase 2: Voting by Mail – Repeal 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						
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 9/1/2017			
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	7/17/2016	6/13/2017 Approved 7/20/2017	7/28/2017	Modified & Approved 8/29/2017 Filed 9/8/2017			
Tax (110-42)	Personnel Rule for the Tax Division Legislative	12/6/2017	1/5/2018	12/6/2017 ERD by 1/17/2018					
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 Filed 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	Approved 12/1/2017			
Waste Mgmt., Div. of Water & Waste Mgmt (33-30)	Underground Storage Tanks Legislative	6/5/2017	7/6/2017		7/25/2017	Modified & Approved 12/1/2017 Filed 12/4/2017			

West Virginia Department of Agriculture
Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner

December 4, 2017

The Honorable Mac Warner
Secretary of State
1900 Kanawha Boulevard, East
Charleston, WV 25305

FILED
2017 DEC -4 A 10:0
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Dear Secretary Warner:

The West Virginia Department of Agriculture is requesting to withdraw legislative rule Title 61CSR1A "Feeding of untreated garbage to swine".

Thank you for your attention to this matter.

Sincerely,

Kent A. Leonhardt
Commissioner

KAL/jfm

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170
physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312
telephone: 304-558-3550 • fax: 304-558-2203

www.agriculture.wv.gov

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/1/2017 10:04:02 AM

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Agriculture TITLE-SERIES: 61-08B

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 61-08B Schedule of Charges for Inspection Services Fruit

PRIMARY CONTACT

NAME: Jodee Martin

ADDRESS: WV Dept Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

EMAIL: jodeemartin@wvda.us

PHONE NUMBER: 304-558-3550

CITE STATUTORY AUTHORITY: §1919-2-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The WVDA , per a Cooperative Agreement with USDA must follow the fee structure set by USDA for GAP/GHP Audits. Violation could result in termination of this Cooperative Agreement, and would stop WVDA from doing these audits.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 11/1/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 12/1/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

West Virginia Department of Agriculture
Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner

December 4, 2017

FILED
2017 DEC -5 A 11:59
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

The Honorable Mac Warner
Secretary of State
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Secretary Warner:

The West Virginia Department of Agriculture is requesting to withdraw legislative rule Title 61CSR11 "Public Markets".

Thank you for your attention to this matter.

Sincerely,

Kent A. Leonhardt
Commissioner

KAL/jfm

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170
physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312
telephone: 304-558-3550 • fax: 304-558-2203

www.agriculture.wv.gov

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/4/2017 4:03:54 PM

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dietitians

RULE TYPE: Legislative TITLE-SERIES: 31-01

RULE NAME: SERIES 1 - LICENSURE AND RENEWAL REQUIREMENTS

CITE AUTHORITY: § 30-35-4

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/6/2017 9:29 AM

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Education TITLE-SERIES: 126-092

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: West Virginia School Bus Transportation Policy and Procedures Manual (Policy 4336)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

January 8, 2018

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Jim Justice
Governor

Office of the Secretary
One Davis Square, Suite 100 East
Charleston, West Virginia 25301
Telephone: (304) 558-0684 Fax: (304) 558-1130

Bill J. Crouch
Cabinet Secretary

December 4, 2017

Judy Cooper, Director of Administrative Law
West Virginia Secretary of State's Office
1900 Kanawha Boulevard East
Building 1, Room 157K
Charleston, West Virginia 25305

FILED
2017 DEC -4 A 11:02
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

RE: Proposed Legislative Rules

Dear Ms. Cooper:

The Department of health and Human Resources requests the following proposed legislative rule be removed from the Legislative Agenda.

- 64 CSR 107: Designation of Comprehensive, Primary, and Acute Stroke-Ready Hospitals.

Thank you for your assistance in this matter. Should you have questions, or require additional clarifications, please contact me at the telephone number above.

Sincerely,

Bill J. Crouch
Cabinet Secretary

BJC:hm

cc: Rahul Gupta, MD MPH FACP
Brian Skinner, Esquire

WEST VIRGINIA STATE BOARD OF EXAMINERS FOR
LICENSED PRACTICAL NURSES

MICHELLE L. MAYHEW, MSN, MBA/HCM, RN-BC
EXECUTIVE DIRECTOR
E-MAIL: Michelle.L.Mayhew@wv.gov

CAROLYN S.BAILEY, BSN, RN, NHA
ASSOCIATE EXECUTIVE DIRECTOR
E-MAIL: Carolyn.S.Bailey@wv.gov

WEB: http://www.lpnboard.state.wv.us
E-MAIL: lpn.board@wv.gov

101 DEE DRIVE, SUITE 100
CHARLESTON, WEST VIRGINIA 25311-1688

TELEPHONE
(304) 558-3572

FAX
(304) 558-4367

TOLL FREE
1-877-558-5767

November 30, 2017

Judy Cooper
WV Secretary of State
Suite 157-K
19 Kanawha Blvd. East
Charleston, WV 25305-0770

FILED
2017 DEC -1 A 8:
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Ms. Cooper:

The WV Board of Examiners for Licensed Practical Nurses has decided to withdraw the Legislative Rules 10 C.S.R. 4, Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing. This was determined after a call from, Charles Roskovensky, when he informed me the Legislative Rule Making Committee would not be approving the rules. The rules will be submitted at a later date once additional revisions have been updated.

Very truly yours,

Michelle L. Mayhew, MSN, MBA/HCM, RN-BC
Executive Director

cc: Jared Wyrick
WV Legislative Rule-Making Review Committee

WEST VIRGINIA LOTTERY

P.O. BOX 2067
CHARLESTON, WV 25327

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

LEGISLATIVE

Jim Justice
Governor

Alan H. Larrick
Director

November 30, 2017

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

FILED
2017 DEC -4 P 2:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Warner:

Pursuant to WV 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 WV Code §§29-22A-1 et seq.

Enclosed are game rules for "Sons of Anarchy" manufactured by Aristocrat for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

AHL:mr

Enclosures: Sons of Anarchy

P.O. BOX 2067
CHARLESTON, WV 25327

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

LEGISLATIVE

Jim Justice
Governor

Alan H. Larrick
Director

FILED
2017 DEC -4 P 2:41
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

November 30, 2017

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

Dear Secretary Warner:

Pursuant to WV 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 WV Code §§29-22A-1 et seq.

Enclosed are game rules for "Eat 'Em Up" and "Heat 'Em Up" manufactured by Incredible Technologies, Inc., for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

AHL:mr

Enclosures: Eat 'Em Up
Heat 'Em Up

P.O. BOX 2067
CHARLESTON, WV 25327

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

Jim Justice
Governor

Alan H. Larrick
Director

FILED
2017 DEC -4 P 2:41
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

November 30, 2017

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

Dear Secretary Warner:

Pursuant to WV 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 WV Code §§29-22A-1 et seq.

Enclosed are game rules for "The Koi and the Dragon" and "Invaders More Moolah" 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,

Alan H. Larrick
Director

AHL:mr

Enclosures: The Koi and the Dragon
Invaders More Moolah

www.wvlottery.com

P.O. BOX 2067
CHARLESTON, WV 25327

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

Jim Justice
Governor

Alan H. Larrick
Director

LEGISLATIVE

November 30, 2017

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

FILED
2017 DEC -4 P 2:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Warner:

Pursuant to WV 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 WV Code §§29-22A-1 et seq.

Enclosed are game rules for "Hot Roulette Enchanted Unicorn" manufactured by IGT for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

Alan H. Larrick
Director

AHL:mr

Enclosures: Hot Roulette Enchanted Unicorn

P.O. BOX 2067
CHARLESTON, WV 25327

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

Jim Justice
Governor

Alan H. Larrick
Director

November 30, 2017

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

FILED
2017 DEC -4 P 2:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Warner:

Pursuant to WV 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 WV Code §§29-22A-1 et seq.

Enclosed are game rules for "Lock It Link Night Life" 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,

Alan H. Larrick
Director

AHL:mr

Enclosures: Lock It Link Night Life

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/6/2017 2:21:33 PM

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Medicine

RULE TYPE: Legislative TITLE-SERIES: 11-01B

RULE NAME: Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants

CITE AUTHORITY: W. Va. Code §30-1-7(a), §30-3E-3(a)(1)-(10), and W. Va. Code §30-1D-1(d).

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/5/2017 10:13:29 AM

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Mining And Reclamation

RULE TYPE: Legislative TITLE-SERIES: 38-02

RULE NAME: WEST VIRGINIA SURFACE MINING RECLAMATION RULE

CITE AUTHORITY: 22-3-4, 22-3-12, 22-3-13(g), 22-3-23(i), and 22-3-35.

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/6/2017 2:19:08 PM

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative TITLE-SERIES: 24-02

RULE NAME: Osteopathic Medicine Physician Assistants

CITE AUTHORITY: 30-1-7(a) and 30-3E-3(a)(1) - (10)

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/6/2017 12:46:49 PM

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Real Estate Commission

RULE TYPE: Legislative TITLE-SERIES: 174-01

RULE NAME: Licensing Real estate Brokers, Associate Brokers ad Salespersons and the Conduct of Brokerage Business

CITE AUTHORITY: 30-40-8

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/6/2017 12:53:02 PM

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Real Estate Commission

RULE TYPE: Legislative TITLE-SERIES: 174-03

RULE NAME: Requirements for Real Estate Courses, Course Providers and Instructors

CITE AUTHORITY: 30-40-8

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/6/2017 8:50:02 AM
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Tax**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **110-42**
RULE NAME **Personnel Rule for the Tax Division**

CITE AUTHORITY **W. Va. Code §11B-1-8**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, January 05, 2018 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
WV State Tax Department
P.O. Box 1005
Charleston, WV 25324

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

Yes
Allen R Prunty – 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: 110-42 Rule Id: 16679 Document: 50071

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/4/2017 2:26:18 PM

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Waste Management Division Of Water And Waste Management

RULE TYPE: Legislative TITLE-SERIES: 33-30

RULE NAME: Underground Storage Tanks

CITE AUTHORITY: W. Va. Code 22-17-6

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

12/6/2017 3:46:45 PM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

EMERGENCY

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

AGENCY **Tax**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **110-42**
RULE NAME **Personnel Rule for the Tax Division**

CITE AUTHORITY **W. Va. Code §11B-1-8**

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:

Pursuant to W. Va. Code 11B-1-8(c) (recently enacted through passage of SB 2003 in the 2017 second special session), the Tax Division of the Department of Revenue will be operated under special employment procedures and requirements, effective December 1, 2017. This means that, as of December 1, 2017, the Tax Division will not be under the jurisdiction of the Division of Personnel for certain purposes, and not subject to the rules in place that govern agencies under the jurisdiction of the Division of Personnel. In the absence of the Division of Personnels rules, the Tax Division needs rules in place to govern personnel matters. This statutory time limitation renders the filing of this Personnel Rule for the tax Division an emergency as recognized by the provisions of W. Va. Code 29A-3-15(f). Because this change takes effect December 1, 2017, as provided in SB 2003 and rules are needed as soon as possible, an emergency legislative rule is being promulgated under the authority in W. Va. Code §11B-1-8(e).

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

Yes

Allen R Prunty – 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.

FILED

2017 DEC -4 A 10:31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

LRMRC

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jennelle Jones, jennelle.h.jones@wv.gov
Administration
Real Estate Division
WV Dept of Administration
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: State Owned Vehicles, 148CSR3

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

FILED

2017 DEC -4 A 10:31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin, jodeemartin@wvda.us
Agriculture
WV Dept of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Animal Disease Control, 61CSR1

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

FILED
2017 DEC -4 A 10 LRMRC
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair
Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin, jodeemartin@wvda.us
Agriculture
WV Dept of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Schedule of Charges for Inspection Services: Fruit, 61CSR8B

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

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

FILED
2017 DEC -4 A 10 31
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair
Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin jodeemartin@wvda.us
Agriculture
WV Dept of Agriculture
1900 Kanawha Blvd East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Auctioneers, 61CSR11B

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

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

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2017 DEC -4 A 10:31
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin, jodeemartin@wvda.us
Agriculture
WV Dept of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Noxious Weeds, 61CSR14A

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Chuck Sadler, charles.a.sadler@wv.gov
Governor's Committee on Crime Delinquency and Correction
DJCS LEPS Program
1124 Smith St Suite 3100
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Law Enforcement Training and Certification Standards, 149CSR2

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

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Chuck Sadler, charles.a.sadler@wv.gov
Governor's Committee on Crime Delinquency and Correction
DJCS LEPS Program
1124 Smith St Suite 3100
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Protocol for Law Enforcement Response to Domestic Violence, 149CSR3

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

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Jared Wyrick, Director

December 03, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Grady M. Bowyer, gradymbowyer@suddenlink.net
Dietitians
723 Kanawha Blvd. East
Room 105
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure and Renewal Requirements, 31CSR1

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

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kristin Boggs kristin.a.boggs@wv.gov
DEP - Secretary's Office
DEP
601 57th St, S.E.

From: Legislative Rule-Making Review Committee

Proposed Rule: Voluntary Remediation and Redevelopment, 60CSR3

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

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kenneth Tyree, kenneth.e.tyree@wv.gov
Fire Commission
Ken Tyree, Fire Marshal
1207 Quarrier St. Suite 200
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Electrician Licensing Rules, 87CSR2

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

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kenneth Tyree, kenneth.e.tyree@wv.gov
Fire Commission
Ken Tyree, Fire Marshal
1207 Quarrier St. Suite 200
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Hazardous Substance Emergency Response Training Programs, 87CSR3

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

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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Brian Skinner brian.j.skinner@wv.gov
Health
350 Capitol St.
Room 702
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Emergency Medical Services, 64CSR48

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

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Jared Wyrick, Director

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Brian Skinner brian.j.skinner@wv.gov
Health and Human Resources
350 Capitol St.
Room 702
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Collection and Exchange of Data Related to Overdoses, 69CSR14

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Cheryl Davis, cheryl.l.davis@wv.gov
Highways
Cheryl Davis
1900 Kanawha Blvd East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance, 157CSR2

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

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Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Melanie Pagliaro, melanie.a.pagliaro@wv.gov
Human Services
Office of Inspector General
State Capitol Complex
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Informal and Relative Family Child Care Home Registration Requirements, 78CSR20

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

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Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Linda Watts linda.m.watts@wv.gov
Human Services
350 Capitol St.
Room 730
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Pilot Program for Drug Screening of Applicants for Cash Assistance, 78CSR26

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

1. Authorize the agency to promulgate the Legislative rule:
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LRMRC

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Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Elizabeth Farber, elizabeth.g.farber@wv.gov
Labor
WV Division of Labor
1900 Kanawha Blvd East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions, 42CSR36

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair
Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Danielle Boyd, dboyd@wvlottery.com
Lottery
PO Box 2067
Charleston, WV 25327

From: Legislative Rule-Making Review Committee

Proposed Rule: State Lottery Rules, 179CSR1

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

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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 03, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler, mark.a.spangler@wv.gov
Medicine
WV Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11CSR1B

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

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WEST VIRGINIA LEGISLATURE

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Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: William Tucker william.a.tucker@wv.gov
Miners' Health, Safety and Training
Office of Miners Health Safety and Training
7 Players Club Dr
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Operating Diesel Equipment in Underground Mines in WV, 56CSR23

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

1. Authorize the agency to promulgate the Legislative rule:
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Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kristin Boggs kristin.a.boggs@wv.gov
DEP - Mining and Reclamation
DEP
601 57th St, S.E.

From: Legislative Rule-Making Review Committee

Proposed Rule: WV Surface Mining Reclamation, 38CSR2

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

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

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene, wendy.l.green@wv.gov
Natural Resources
324 4th Ave.
Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: General Hunting, 58CSR49

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene, wendy.l.green@wv.gov
Natural Resources
324 4th Ave.
Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Special Migratory Bird Hunting, 58CSR56

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

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed — X
   (B) as modified by the agency
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

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Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene, wendy.l.green@wv.gov
Natural Resources
324 4th Ave.
Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Miscellaneous Permits and Licenses, 58CSR64

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

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   (A) as originally filed — X
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

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December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene, wendy.l.green@wv.gov
Natural Resources
324 4th Ave.
Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Wildlife Disease Management, 58CSR69

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

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
   (B) as modified by the agency ____
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Committee Amendment

Wildlife Disease Management

58 CSR 69

On Saturday, December 2, 2017, the Legislative Rule-Making Review Committee moved to amend the **Wildlife Disease Management, 58 CSR 69** as follows:

On page 3, subsection 5.1 to read as follows:

5.1. No person shall possess or use any substance or material that contains or purports to contain excretions collected from cervids including feces, blood, gland oil and other bodily fluids, but excluding urine, for the purposes of taking or attempting to take, attracting, or scouting any wild animal in West Virginia.

Statement of Reason

The committee amendment excludes urine from the rule revisions that prohibit the possession or use of any substance or material containing excretions or bodily fluids of cervids while hunting in West Virginia, thereby permitting urine to be used as a lure to hunt wildlife in the state. The committee believed that it was only possible, not probable, that cervid urine would contribute to the spread of chronic wasting disease.

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Jared Wyrick, Director

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

December 03, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Diana Shepard
Osteopathic Medicine
405 Capitol St
Suite 402
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Osteopathic Physician Assistants, 24CSR2

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Jared Wyrick, Director

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

December 03, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Michael L Goff michael.l.goff@wv.gov
Pharmacy
WV Board of Pharmacy
2310 Kanawha Blvd East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration of Pharmacy Technicians, 15CSR7

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

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair
Jared Wyrick, Director

December 03, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Michael L Goff michael.l.goff@wv.gov
Pharmacy
WV Board of Pharmacy
2310 Kanawha Blvd East
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Centralized Prescription Processing, 15CSR14

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

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Rule-Making Review Committee

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Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair
Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kathy Lynch, kathy.g.lynch@wv.gov
Psychologists
WV BEP
PO Box 3955
Charleston, WV 25339

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees, 17CSR1

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kathy Lynch, kathy.g.lynch@wv.gov
Psychologists
WV BEP
PO Box 3955
Charleston, WV 25339

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements for Licensure as a Psychologist and/or a School Psychologist, 17CSR3

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kathy Lynch, kathy.g.lynch@wv.gov
Psychologists
WV BEP
PO Box 3955
Charleston, WV 25339

From: Legislative Rule-Making Review Committee

Proposed Rule: Code of Ethics, 17CSR6

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared E. Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kelli D. Talbott, kelli.d.talbott@wvago.gov
Racing Commission
WV Racing Commission
812 Quarrier St
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Thoroughbred Racing, 178CSR01

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

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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Committee Amendment

Racing Commission, Thoroughbred Racing

178 CSR 1

On Friday, December 1, 2017, the Legislative Rule-Making Review Committee moved to amend the Racing Commission's proposed rule Thoroughbred Racing 178 CSR 1 as follows:

On page 39, subdivision 24.1.f., to read as follows:

24.1.f. The fees that shall be paid to the Racing Commission for occupational permits issued effective for calendar year 2012 and thereafter are set forth in table 178-1A at the end of this rule.

And,

That Table 178-1A read as follows:

TABLE 178-1 A

OCCUPATIONAL PERMIT FEES

(Effective for calendar year 2012 and thereafter)

Stable Name	**$40.00**
Corporation	**$40.00**
Vendor	**$40.00**
Owner (with registration of colors)	**$30.00**
Owner-Trainer (same person)	**$60.00**
Trainer	**$30.00**

Assistant Trainer	$30.00
Jockey	$30.00
Apprentice Jockey	$20.00
Jockey Agent	$20.00
Practicing Veterinarian	$30.00
Veterinarian's Assistant	$20.00
Blacksmith	$30.00
Authorized Agent (must apply for permit and pay permit fee for each person represented)	$20.00
Mutuel Employee	$20.00
Photographers, totalisator, film patrol	$20.00
Stable Foreman	$20.00
Starter	$30.00
Assistant Starter	$20.00
Association Racing Secretary	$30.00
Association Assistant Racing Secretary	$30.00
Paddock Judge	$20.00

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TABLE 178-1 A

continued

OCCUPATIONAL PERMIT FEES

(Effective for calendar year 2012 and thereafter)

Horsemen's Bookkeeper	$20.00
Clerk of Scales	$20.00
Clocker	$20.00
Timer	$20.00
Horse Identifier	$20.00
Jockey Room Custodian	$20.00
Placing Judge	$20.00
Outrider	$20.00
Stable Hand	$20.00
Concession	$20.00
Maintenance	$20.00
Groom	$20.00
Admission	$20.00
Pony Riders	$20.00
Parking	$20.00
Security	$20.00
Exercise Rider	$20.00

Video Lottery employees	$20.00
Others not specified	$20.00

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Statement of Reason

The committee amendment disallows the proposed increase in Occupational Permit Fees, reinstating the fees at their current amounts.

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Patricia Pope patricia.r.pope@wv.gov
Real Estate Appraiser Licensing and Certification Board
Real Estate Appraiser Licensing and Certification
405 Capitol St, Suite 906
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements for Licensure and Certification, 190CSR2

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair
Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jerry Forren, jerry.a.forren@wv.gov
Real Estate Commission

300 Capitol St, Suite 400
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing Real Estate Brokers, Associate Brokers and Salespersons and the Conduct of Brokerage Business, 174CSR1

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair
Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jerry Forren, jerry.a.forren@wv.gov
Real Estate Commission

300 Capitol St, Suite 400
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Schedule of Fees, 174CSR2

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

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Rule-Making Review Committee

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Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Jerry Forren, jerry.a.forren@wv.gov
Real Estate Commission

300 Capitol St, Suite 400
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements for Real Estate Courses, Course Providers and Instructors, 174CSR3

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

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Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

Committee Amendment

Real Estate Commission, Requirements for Real Estate Courses, Course Providers and Instructors

174 CSR 3

On Friday, December 1, 2017, the Legislative Rule-Making Review Committee moved to amend the Real Estate Commission proposed rule Requirements for Real Estate Courses, Course Providers and Instructors, 174 CSR 3 as follows:

On page 6, subsection 3.9 to read as follows:

3.9 All approved pre-license and continuing education instructors shall complete annual instructor development workshops when offered by the Commission, unless the attendance is waived by the Commission or the individual is an out-of-state instructor who a) is approved by the National Association of Realtors (NAR) or b) holds a Distinguished Real Estate Instructor (DREI) designation.

Statement of Reason

The committee amendment allows out-of-state instructors who are either approved by the National Association of Realtors or hold a Distinguished Real Estate Instructor designation from the requirement to participate in the Commission's annual instructor development workshop to be able to teach approved continuing education courses.

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee LRMRC

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Donald Kersey dkersey@wvsos.gov
Secretary of State

From: Legislative Rule-Making Review Committee

Proposed Rule: Procedures for Canvassing Elections, 153CSR18

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

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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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Jared Wyrick, Director

December 02, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Donald Kersey dkersey@wvsos.gov
Secretary of State

From: Legislative Rule-Making Review Committee

Proposed Rule: Procedures for Handling Ballots and Counting Write-In Votes in Counties Using Optical Scan Ballots, 153CSR27

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston , WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: jared.wyrick@wvsenate.gov

FILED
2017 DEC -4 A 10:
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LRMRC

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Kelli Sobonya, Co-Chair

Jared Wyrick, Director

December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kristin Boggs kristin.a.boggs@wv.gov
DEP - Water and Waste Management
DEP
601 57th St, S.E.

From: Legislative Rule-Making Review Committee

Proposed Rule: Hazardous Waste Management System, 33CSR20

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency —
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. —
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. —

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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December 01, 2017

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

To: Mac Warner, Secretary of State, State Register

To: Kristin Boggs kristin.a.boggs@wv.gov
DEP - Water and Waste Management
DEP
601 57th St, S.E.

From: Legislative Rule-Making Review Committee

Proposed Rule: Underground Storage Tanks, 33CSR30

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed —
   - (B) as modified by the agency — X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. —
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. —
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. —

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
[redacted]	**Health Care Authority**	Bridgeport Behavioral Clinic	11/22/2017
[redacted]	**Health Care Authority**	Cameron Community Health Center	11/21/2017
[redacted]	**Health Care Authority**	KVC West Virginia	11/30/2017
[redacted]	**Insurance Commission**	Continental Casualty Company	11/30/2017
[redacted]	**Registered Professional Nurses, West Virginia Board Of Examiners For**	Tara Nicole Anderson	12/1/2017
[redacted]	**Registered Professional Nurses, West Virginia Board Of Examiners For**	Caitlin Derbyshire Arner	12/1/2017
[redacted]	**Registered Professional Nurses, West Virginia Board Of Examiners For**	Christina Faith Harlan	12/1/2017

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
[redacted]	**Kelly Clark**	Health And Human Resources	11/1/2017
		Bureau For Children And Families	11/1/2017
[redacted]	**William Allen Prue**	Corrections	11/3/2017
		Charleston Correctional Center	11/3/2017
		Personnel	11/3/2017
[redacted]	**Helen Bradley**	Ohio County Board Of Education	11/6/2017
[redacted]	**Jeannise D. Greco**	Monongalia County Health Department	11/7/2017
[redacted]	**Fred M. Gwilliams**	Regional Jail And Correctional Facility Authority	11/7/2017
		Western Regional Jail	11/7/2017
		Personnel	11/7/2017
[redacted]	**Christopher Bird**	Kanawha County Board Of Education	11/9/2017

Jim Justice
Governor

Bill J. Crouch, Cabinet Secretary
West Virginia Department of
Health and Human Resources

OTHER

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

December 1, 2017

NEWS ITEM

FILED
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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

The Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

November 21, 2017 - Potomac Valley Hospital, Inc., Keyser, Mineral County, CON File #17-8-11222-P, for the development of an ambulatory health care facility in Mineral County; capital expenditure: $45,000.

November 28, 2017 - Davis Medical Center, Elkins, Randolph County, CON File #17-7-11233-H, for the development of a 20 bed distinct part gero-psychiatric unit through the conversion of 20 currently licensed acute care beds to psychiatric beds; capital expenditure: $1,345,000.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

The review cycle begins on **November 30, 2017**.

On or before **January 2, 2018**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will **January 4, 2018**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **January 29, 2018**.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4775/Fax • 1.888.558.7002/Toll Free
www.hca.wv.gov

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the Decisions should submit a written request to Barbara Skeen, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

12/1/17
Date

Barbara Skeen
Barbara Skeen, Director, Certificate of Need
Health Care Authority

DECLARATION OF OFFICIAL INTENT TO EXPEND PROCEEDS OF TAX EXEMPT NOTES 2017-1 FOR REIMBURSEMENT OF CAPITAL EXPENDITURES

OTHER

FILED
2017 DEC -4 P 3:39
OFFICE OF
SECRETARY OF STATE

DECLARATION STATING THE REASONABLE EXPECTATION OF THE COMMISSIONER OF HIGHWAYS OF THE STATE OF WEST VIRGINIA TO REIMBURSE THE STATE ROAD FUND FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF SURFACE TRANSPORTATION IMPROVEMENTS MADE PRIOR TO THE ISSUANCE OF THE NOTES BY THE COMMISSIONER.

WHEREAS, the Commissioner of Highways (the "Commissioner") of the State of West Virginia is authorized by Chapter 17, Article 17A of the Code of West Virginia, 1931, as amended (the "Act") to issue notes on behalf of the State of West Virginia (the "State"), for the construction of surface transportation improvements as provided in the Act;

WHEREAS, the Commissioner has entered or anticipates entering into a Memorandum of Understanding with the Federal Highway Administration for the design and construction of certain federal highway projects which are eligible for federal highway fund reimbursement (collectively, the "Projects");

WHEREAS, the Projects are under design and the Commissioner anticipates proceeding with the construction of certain highway construction projects;

WHEREAS, the Projects are estimated to cost $140,000,000 and are expected to be financed through the issuance and sale, in one or more series, of not to exceed $150,000,000 in principal amount of tax-exempt notes of the Commissioner issued pursuant to the Act (the "Notes");

WHEREAS, prior to obtaining financing through the issuance of the Notes, the Commissioner anticipates expending funds from the State Road Fund to pay for capital expenditures with respect to the Projects, all of which capital expenditures will initially be paid from the State Road Fund;

WHEREAS, the Commissioner reasonably expects to reimburse the State Road Fund for such capital expenditures, which are estimated not to exceed $80,000,000, from the proceeds of the sale of the Notes;

NOW, THEREFORE BE IT DECLARED BY THE COMMISSIONER OF HIGHWAYS OF THE STATE OF WEST VIRGINIA, AS FOLLOWS:

Section 1. The Commissioner reasonably expects to reimburse the State Road Fund for capital expenditures made in connection with the Projects prior to the execution and delivery of the Notes, from the proceeds of the Notes, which are reasonably expected to be executed and delivered within eighteen (18) months from the later of (i) the date the original expenditure is paid or (ii) the date the Projects are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid.

Section 2. This Declaration is intended to constitute a "declaration of official intent" pursuant to Section 1.150-2 of the Treasury Regulations promulgated under the Internal Revenue Code of 1986, as amended (the "Reimbursement Regulations").

Section 3. The source of payment for such capital expenditures will be the State Road Fund and, upon issuance of the Notes, proceeds thereof not to exceed the amount of such capital expenditures will be applied to reimbursement of the State Road Fund.

Section 4. The maximum amount of such reimbursement is $80,000,000 and the maximum principal amount of Notes to be issued for the construction of the Projects is $150,000,000.

Section 5. This Declaration shall become effective upon filing with the Secretary of State of West Virginia.

Commissioner of Highways

December 4, 2017