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

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Natural Resources

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Registered Professional Nurses

Tax Department

CHRONOLOGICAL INDEX, VOLUME XXXVI ISSUE 15			
NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Education (126-057)	Adult Education Programs (Policy 2420) Legislative Exempt	§29A-3B-1, et seq.	Written Comments Only 5/13/2019 4:00 PM WVDE Office of Adult Education Capitol Bldg. 6, Room 825 1900 Kanawha Blvd., East Charleston, West Virginia 25305 mamarsha@k12.wv.us
Natural Resources (58-60)	Fishing Regulations Legislative Exempt	§§20-1-7(31) AND 20-1-17(7)	Written Comments Only 5/9/2019 5:00 PM Wendy Greene 324 4th Avenue South Charleston, WV 25303 dnrcomments@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division	§5A-12-9	ERD by May 17, 2019	Due by May 5, 2019

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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	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	31	DIETITIANS
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
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TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING 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 COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division Legislative			4/5/2019 ERD by 5/17/2019					
Agriculture (61-01)	Animal Disease Control Legislative	6/26/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018	SB199		
Agriculture (61-29)	Industrial Hemp Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018	SB199		
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	6/26/2018	7/26/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199		
Agriculture (61-34)	Captive Cervid Farming Legislative	6/27/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199		
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	12/18/2017	1/18/2018	12/18/2017 Effective 1/29/2018	1/19/2018	Approved 11/12/2018	SB199		
Agriculture (61-37)	Agritourism Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018	SB199		
Agriculture (61-38)	Farmers Markets Legislative	6/27/2018	7/27/2018	7/30/2018 Effective 9/10/2018	7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018	SB199		
Agriculture (61-39)	Seed Certification Program Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018	SB199		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-36)	(Repeal of) Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 USC or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity) Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-38)	(Repeal of) Provisions for Determination of Compliance with Air Quality Management Rules Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018	SB163		
Athletic Commission (177-01)	Administrative Rules of the WV State Athletic Commission Legislative	6/19/2018	7/19/2018		7/24/2018	Modified & Approved 11/27/2018 Filed 12/4/2018	SB199	4/2/2019	6/1/2019
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	6/22/2018	7/24/2018		7/24/2018	Modified & Approved 9/20/2018 Filed 9/20/2018	SB199		
Education (126-012)	WV System of Support and Accountability (2322) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	7/1/2019
Education (126-44H)	WV Driver Education Standards (2520.8) Legislative Exempt	8/10/2018	9/10/2018					10/11/2018	7/1/2019

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-044M)	WV College-and Career-Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	11/15/2018	12/17/2018					1/11/2019	7/1/2019
Education (126-044N)	WV College-and Career-Readiness Standards for Technology and Computer Science (2520.14)	11/15/2018	12/17/2018					1/11/2019	7/1/2019
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 (126-057)	Adult Education Programs (Policy 2420) Legislative Exempt	4/11/2019	5/13/2019						
Education (126-099)	Expected Behaviors in Safe and Supportive Schools (4373) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	7/1/2019
Education (126-114)	Approval of Educator Preparation Programs (5100) Legislative Exempt	1/11/2019	2/11/2019					3/14/2018	4/15/2019
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	04/15/2019
Education (126-172)	Handbook on Planning School Facilities (6200) Legislative Exempt	1/11/2019	2/11/2019					3/14/2019	4/15/2019
Fire Commission (87-04)	State Building Code Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 11/12/2018	SB177	2/22/2019	4/30/2019
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018	SB175		
Health (64-14)	Assisted Living Residences Legislative	6/21/2018	7/20/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-17)	Food Establishments Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018	SB175	4/4/2019	7/1/2019
Health (64-43)	Food Manufacturing Facilities Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018	SB175	4/4/2019	7/1/2019
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 Effective 4/3/2018					
Health (64-110)	Grower/Processors-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-111)	Laboratories-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-113)	Safe Harbor Letter-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health and Human Resources (69-08)	Chronic Pain Management Clinic Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018	SB175		
Health an Human Resources (69-12)	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018	SB175		
Higher Education Policy Commission (133-05)	Guidelines for Governing Boards in Employing and Evaluating Presidents Legislative	6/26/2018	7/26/2018		8/28/2018	Approved 12/14/2018	SB636	3/29/2019	4/29/2019
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 6/26/2018	8/7/2018	Amended by LOCEA & Approved 12/14/2018	SB636	4/1/2019	5/1/2019

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-25)	Residency Classification for Admission and Fee Purposes Procedural	2/8/2019	3/8/2019					3/11/2019	4/11/2019
Highways (157-12)	Employment Procedures Legislative	7/18/2018	8/20/2018	7/19/2018 Effective 8/30/2018	8/30/2018	Approved 11/12/2018	SB190		
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019				
Labor (42-05)	Wage Payment and Collection Legislative	6/15/2018	7/16/2018		7/25/2018	Approved 9/20/2018	SB223		
Labor (42-09)	Child Labor Legislative	6/18/2018	7/19/2018		7/25/2018	Modified & Approved 9/20/2018 Filed 9/26/2018	SB223		
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/15/2018	7/16/2018	6/15/2018 Effective 7/27/2018	7/25/2018	Approved 9/20/2018	SB223		
Lottery Commission (179-09)	West Virginia Lottery Sports Wagering Rule Legislative	8/6/2018	9/7/2018	7/9/2018 Approved 8/6/2018	10/4/2018	Modified & Approved 11/27/2018 Filed 12/3/2018	SB187	4/9/2019	4/9/2019
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 9/20/2018	SB199		
Medicine (11-12)	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative	6/22/2018	7/23/2018	6/22/2018 Effective 8/3/2018 Amendment 7/25/2018 Withdrawn 8/7/2018 Amendment 8/7/2018 Effective 9/18/2018	7/25/2018	Approved 9/20/2018	SB199		
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	6/19/2018	7/19/2018	6/19/2018 Effective 7/31/2018	7/25/2018	Approved 11/27/2018	SB223	3/29/2019	5/1/2019

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative	5/30/2018	6/29/2018	5/30/2018 Effective 7/11/2018	7/25/2018	Approved 11/27/2018	SB223	3/29/2019	5/1/2019
Miners Health Safety and Training (56-23)	Rules for Operating Diesel Equipment in Underground Mines in West Virginia Legislative	5/30/2018	6/29/2018	5/29/2018 Effective 7/10/2018	7/25/2018	Approved 11/27/2018	SB223	3/29/2019	5/1/2019
Natural Resources (58-60)	Fishing Regulations Legislative Exempt	4/9/2019	5/9/2019						
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	5/24/2018	6/25/2018		7/26/2018	Approved 9/20/2018	SB199		
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018	SB199		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/12/2018	7/16/2018		7/27/2018	Approved 9/20/2018	SB199		
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018	SB199		
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/19/2018	7/20/2018		7/27/2018	Approved 9/20/2018	SB199		
Pharmacy (15-17)	Board of Pharmacy Rules for the Substitution of Biological Pharmaceuticals Legislative	6/19/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/16/2018	SB199		
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018 03/13/2019	11/8/2018 04/30/2019						
Racing Commission (178-01)	Throughbred Racing Legislative	6/13/2018	7/13/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/28/2018	SB187		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Registered Professional Nurses (19-01)	Policies, Standards and Criteria for the Evaluation, Approval and Accreditation of Colleges, Departments or Schools of Nursing Legislative	6/19/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/29/2018	SB199	4/10/2019	4/10/2019
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/19/2018	7/20/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/28/2018	SB199	4/10/2019	4/10/2019
Registered Professional Nurses (19-07)	Advanced Practice Registered Nurse Legislative	6/19/2018	7/20/2018		7/25/2018	Approved 11/12/2018	SB199	4/10/2019	4/10/2019
Registered Professional Nurses (19-10)	Standards for Scope of Professional Nursing Practice Legislative	6/19/2018	7/20/2018		7/26/2018	Modified & Approved 11/12/2018 Filed 11/20/2018	SB199	4/10/2019	4/10/2019
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
School Building Authority (164-03)	School Planning and Design Criteria Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
School Building Authority (164-04)	Project Administration and Review Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
School Building Authority (164-05)	School Building Authority Contracts and Agreements Legislative	6/26/2018	7/26/2018		2/21/2019	Approved 2/19/2019	SB672		
School Building Authority (164-06)	School Building Authority Reporting Procedures (Repeal) Legislative	6/26/2018	7/26/2018		2/21/2019	Approved 2/19/2019	SB672		
School Building Authority (164-07)	School Access Safety Act Guidelines and Procedures Legislative	6/26/2018	7/26/2018		2/19/2019	Approved 2/19/2019	SB672		
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018	Approved 11/27/2018	SB199		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018	Approved 11/27/2018	SB199		
Secretary of State (153-46)	Notaries Public (Repeal) Legislative	6/28/2018	7/28/2018		7/30/2018	Approved 11/27/2018	SB199		
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/15/2018	7/16/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/16/2018	SB199		
Social Work Examiners (25-07)	Code of Ethics Legislative	6/15/2018	7/16/2018		7/23/2018	Approved 11/12/2018	SB199		
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018	SB187	4/9/2019	5/9/2019
Tax (110-15K)	Aircraft Operated Under a Fractional Ownership Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 8/7/2018	7/27/2018	Approved 11/12/2018	SB187	4/9/2019	4/9/2019
Tax (110-21B)	Citizen Tax Credit for Property Taxes Paid Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018	SB187	4/9/2019	5/9/2019
Tax (110-49)	Administration of Tax on Purchases of Wine and Liquor Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018	SB187	4/9/2019	5/9/2019
Tax (110-50A)	Exchange of Information Agreement Between Tax Div. and Div. of Environmental Protection (Repeal) Legislative	6/26/2018	7/27/2018		7/27/2018	Approved 9/20/2018	SB187	4/9/2019	4/9/2019
Tax (110-50B)	Exchange of Information Agreement Between Tax Div. and the Alcohol Beverage Control Administration (Repeal) Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018	SB187	4/9/2019	4/9/2019
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 9/20/2018	SB187	4/9/2019	5/9/2019
Tax (110-50D)	Exchange of Information Agreement Between Comm of Tax Div., Comm. Of Labor and the Comm. Of Insurance (Repeal) Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018	SB187	4/9/2019	4/9/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-50E)	Exchange of Information Agreement Between Tax Dept. and the WV Lottery (Repeal) Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018	SB187	4/9/2019	4/9/2019
Tax (110-50F)	Exchange of Information Agreement Between Tax Dept. and the State Fire Marshal (Repeal) Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018	SB187	4/9/2019	4/9/2019
Treasurer (112-16)	Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests Legislative	6/27/2018	7/27/2018	6/27/2018 Effective 8/8/2018	7/27/2018	Modified & Approved 11/27/2018 Filed 12/13/2018	SB199		
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/25/2018	7/10/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018	SB163		
Water Resources, Div. of Water & Waste Magmt. (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	3/21/2019	5/6/2019						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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4/11/2019 12:20:51 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-057

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

RULE NAME: Adult Education Programs (Policy 2420)

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); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/13/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WVDE Office of Adult Education

ADDRESS: Capitol Bldg. 6, Room 825, 1900 Kanawha Blvd., East

Charleston, West Virginia 25305

EMAIL: mamarsha@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 3:15:19 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Lottery Commission TITLE-SERIES: 179-09

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

RULE NAME: West Virginia Lottery Sports Wagering Rule

CITE STATUTORY AUTHORITY: 29-22D-4(c); 29-22A-1; 29A-3-15

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section 64-7-2 Passed On 3/6/2019 12:00:00 AM

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

April 9, 2019

This rule shall terminate and have no further force or effect from the following date:

April 09, 2024

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 1:36:26 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Natural Resources TITLE-SERIES: 58-60

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

RULE NAME: FISHING REGULATIONS

CITE STATUTORY AUTHORITY: §§20-1-7(31) AND 20-1-17(7)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/09/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WENDY GREENE

ADDRESS: 324 4th Avenue

324 4th Avenue

EMAIL: dnrcomments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/10/2019 12:35:53 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Registered Professional Nurses TITLE-SERIES: 19-01

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

RULE NAME: Policies, Standards and Criteria for the Evaluation, Approval and National Nursing Accreditation of Prelicensure Nursing Education Programs

CITE STATUTORY AUTHORITY: W. Va. Code §§ 30-1-4, 30-7-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 199

Section §64-9-8 Passed On 3/8/2019 12:00:00 AM

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

April 10, 2019

This rule shall terminate and have no further force or effect from the following date:

April 10, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Alice R Faucett – 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/10/2019 12:37:59 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Registered Professional Nurses TITLE-SERIES: 19-03

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

RULE NAME: Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct

CITE STATUTORY AUTHORITY: W. Va. Code § 30-7-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB199

Section 64-9-8 Passed On 3/8/2019 12:00:00 AM

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

April 10, 2019

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April 10, 2029

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/10/2019 12:40:09 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Registered Professional Nurses TITLE-SERIES: 19-07

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

RULE NAME: Advanced Practice Registered Nurse Licensure Requirements

CITE STATUTORY AUTHORITY: W. Va. §§ 30-7-1(a); 30-7-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 199

Section 64-9-8 Passed On 3/8/2019 12:00:00 AM

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

April 10, 2019

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April 10, 2029

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Yes

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/10/2019 12:41:29 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Registered Professional Nurses TITLE-SERIES: 19-10

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

RULE NAME: Scope of Professional Nursing Practice

CITE STATUTORY AUTHORITY: W. Va. Code §30-7-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 199

Section 64-9-8 Passed On 3/8/2019 12:00:00 AM

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

April 10, 2019

This rule shall terminate and have no further force or effect from the following date:

April 10, 2029

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 11:21:31 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Tax TITLE-SERIES: 110-10F

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

RULE NAME: PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

CITE STATUTORY AUTHORITY: W. Va. Code §11-10-5t

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section §64-7-1 (b) Passed On 3/6/2019 12:00:00 AM

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

May 9, 2019

This rule shall terminate and have no further force or effect from the following date:

May 09, 2024

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:10:00 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-15K

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

RULE NAME: AIRCRAFT OPERATED UNDER A FRACTIONAL OWNERSHIP PROGRAM

CITE STATUTORY AUTHORITY: W.Va. Code §1115-9p

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section §64-7-1(c) Passed On 3/6/2019 12:00:00 AM

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

April 9, 2019

This rule shall terminate and have no further force or effect from the following date:

April 09, 2024

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:13:18 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Tax TITLE-SERIES: 110-21B

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

RULE NAME: CITIZEN TAX CREDIT FOR PROPERTY TAXES PAID

CITE STATUTORY AUTHORITY: W. Va. Code §11-21-21(c)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section §64-7-1(d) Passed On 3/6/2019 12:00:00 AM

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

May 9, 2019

This rule shall terminate and have no further force or effect from the following date:

May 09, 2024

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:16:26 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-49

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

RULE NAME: ADMINISTRATION OF TAX ON PURCHASES OF WINE AND LIQUOR INSIDE AND OUTSIDE OF MUNICIPALITIES

CITE STATUTORY AUTHORITY: W. Va. Code §§60-3-9d(a)(3) and 60-3A-21

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB187

Section §64-7-1(e) Passed On 3/6/2019 12:00:00 AM

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

May 9, 2019

This rule shall terminate and have no further force or effect from the following date:

May 09, 2024

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:22:24 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Tax TITLE-SERIES: 110-50A

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

RULE NAME: EXCHANGE OF INFORMATION AGREEMENT BETWEEN TAX DIVISION AND DIVISION OF ENVIRONMENTAL PROTECTION

CITE STATUTORY AUTHORITY: W. Va. Code §§11-10-5 and 5s

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 167

Section §64-7-1(f) Passed On 3/6/2019 12:00:00 AM

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

April 9, 2019

This rule shall terminate and have no further force or effect from the following date:

April 09, 2019

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:25:16 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-50B

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

RULE NAME: EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE STATE TAX DIVISION AND THE ALCOHOL BEVERAGE CONTROL ADMINISTRATION

CITE STATUTORY AUTHORITY: W.Va. Code §§11-10-5 and 5s and W. Va. Code §§60-9-5(a) and 8(a)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 187

Section §64-7-1(g) Passed On 3/6/2019 12:00:00 AM

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

April 9, 2019

This rule shall terminate and have no further force or effect from the following date:

April 09, 2019

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 11:19:47 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Tax TITLE-SERIES: 110-50C

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

RULE NAME: EXCHANGE OF INFORMATION PURSUANT TO WRITTEN AGREEMENT

CITE STATUTORY AUTHORITY: W. Va. Code §§11-10-5 and 5s; §§60-9-5(a) and 8(a); §21-1B-3; §29A-1-1 et seq.; and, §47-25-1 et seq.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section §64-7-1(h) Passed On 3/6/2019 12:00:00 AM

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

May 9, 2019

This rule shall terminate and have no further force or effect from the following date:

May 09, 2024

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:23:52 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-50D

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

RULE NAME: EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE COMMISSIONER OF THE TAX DIVISION OF THE DEPARTMENT OF REVENUE AND THE COMMISSIONER OF THE DIVISION OF LABOR OF THE DEPARTMENT OF COMMERCE, THE COMMISSIONER OF THE INSURANCE COMMISSION OF THE DEPARTMENT OF REVE

CITE STATUTORY AUTHORITY: W.Va. Code §§11-10-5 and 5s

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section §64-7-1(a) Passed On 3/6/2019 12:00:00 AM

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

April 9, 2019

This rule shall terminate and have no further force or effect from the following date:

April 09, 2019

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:26:40 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Tax TITLE-SERIES: 110-50E

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

RULE NAME: EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE STATE TAX DEPARTMENT AND THE WEST VIRGINIA LOTTERY

CITE STATUTORY AUTHORITY: W.Va. Code §§29A-1-1 et seq. and 11-10-5s

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section §64-7-1(i) Passed On 3/6/2019 12:00:00 AM

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

April 9, 2019

This rule shall terminate and have no further force or effect from the following date:

April 09, 2019

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Yes

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/9/2019 10:30:37 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-50F

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

RULE NAME: EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE STATE TAX DEPARTMENT AND THE OFFICE OF THE STATE FIRE MARSHAL

CITE STATUTORY AUTHORITY: W. Va. Code §§11-10-5 and 5s

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB187

Section §64-7-1(j) Passed On 3/6/2019 12:00:00 AM

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

April 9, 2019

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April 09, 2019

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/5/2019 2:35:16 PM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Administration TITLE-SERIES: 148-23

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Exemptions from Management Services Provided by the Fleet Management Division

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

§5A-12-9

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Jennelle H Jones

ADDRESS: Building 1 Room E 119

State Capitol Complex

EMAIL: jennelle.h.jones@wv.gov

PHONE NUMBER: 304-558-4331

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
18-2-11421-Z	Health Care Authority	Personal Touch Home Care of W. Va., Inc.	4/4/2019
18-8/9-11510-Z, 18-8-11511-Z, 18-9-11512-Z	Health Care Authority	Stonerise Reliable Healthcare	4/8/2019
18-AP-FP-02005	Insurance Commissioner	Gavin Raynes	3/28/2019
09-AP-18-REG-02156	Insurance Commissioner	Capson Physicians Insurance Company NAIC #19348	4/3/2019
03-FY-2019	Medical Imaging And Radiation Therapy Technology Board Of Examiners	Brad Williams	1/17/2019
18-33-K	Medicine, West Virginia Board Of	Wigberto Condevillamar Camomot, MD	4/3/2019

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2019-08	A Mayor asks whether he may vote on matters affecting a proposed hotel development project near properties he owns, and whether the Town Council may require his recusal or exclude him from discussions and votes concerning the project.
2019-09	A City Council Member asks whether he is prohibited from representing a client in a matter before the City's Board of Zoning Appeals.
2019-10	A County Commissioner asks whether she may participate in executive sessions when matters affecting the County Development Authority on which her son serves are discussed.
2019-11	A Town asks whether it may solicit a neighboring County's Sheriff's Department for two police cruisers that are no longer in use for the purpose of donating the cruisers to a private college located in the Town.

DISMISSAL REPORT

Docket Number	Grievants Name	Respondents Name	Date Decision
[redacted]	Erin Myers	Berkeley County Board Of Education	3/18/2019
[redacted]	David Earl Pruitt	Division Of Natural Resources	3/18/2019
[redacted]	David Eugene Sammons	Wayne County Board Of Education	3/18/2019
[redacted]	James Coleman Showalter	Division of Labor	3/18/2019
[redacted]	Cleophus Booth, Jr.	General Services Division	3/20/2019
[redacted]	Rebecca Lowther	Department of Health and Human resources	3/21/2019
		William R. Sharpe, Jr. Hospital	3/21/2019
[redacted]	Matthew Collier	Department Of Environmental Protection	3/25/2019
[redacted]	John Mark Elbert	Harrison County Board Of Education	3/25/2019
[redacted]	Bobby Hedrick	Department Of Health And Human Resources	3/29/2019
		Bureau For Children And Families	3/29/2019
[redacted]	Susan Lynn Surber	Greenbrier County Board Of Education	3/29/2019

OTHER

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

FILED
2019 APR -8 P 3:01
OFFICE WEST VIRGINIA
SECRETARY OF STATE

April 8, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **April 5, 2019**.

LETTERS OF INTENT RECEIVED

April 5, 2019 – Pace Enterprises, Inc., Morgantown, Monongalia County, CON File #19-3-11609-BH, for the provision of Title XIX IDD Waiver Services in Kanawha County; no capital expenditure.

April 5, 2019 – Pace Enterprises, Inc., Morgantown, Monongalia County, CON File #19-6-11610-BH, for the provision of Title XIX IDD Waiver Services in Taylor County; no capital expenditure.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

April 1, 2019 - Eagle Home Health Care, LLC, Charleston, Kanawha County, CON File #19-3-11599-PC, for the provision of personal care services in Kanawha County; capital expenditure: $20,000.

April 5, 2019 - LTACH Morgantown, LLC, Charlotte, North Carolina, CON File #19-6-11601-H, for the development of a twenty-five bed Long Term Acute Care Hospital within Monongalia County General Hospital Company in Morgantown, Monongalia County; capital expenditure: $1,950,000.

APPLICATION FOR EXEMPTION RECEIVED

April 5, 2019 – Grant Rehabilitation and Care Center, Inc., Petersburg, WV, Grant County, CON File #19-8-11608-X, for the purchase of 20 long-term care beds from Grant Memorial Hospital.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

An application 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.

EXPEDITED APPLICATIONS

March 18, 2019 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #19-5-11592-Z, for the provision of home health services in Wirt County; capital expenditure: $35,000.

March 26, 2019 - ABBE Education Center & Staffing, LLC, Proctorville, Ohio, CON File #19-3-11582-PC, for the provision of in-home personal care services in Kanawha County; capital expenditure: $24,000.

March 29, 2019 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-6/7-11595-Z, for the provision of home health services in Taylor and Barbour counties; capital expenditure: $47,000.

March 29, 2019 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-6-11596-Z, for the provision of home health services in Monongalia County; capital expenditure: $47,000.

March 29, 2019 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-9-11597-Z, for the provision of home health services in Jefferson and Berkeley counties; capital expenditure: $47,000.

The review cycle for the above-referenced projects is as follows:

March 29, 2019 – Review cycle begins;

April 29, 2019 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

May 3, 2019 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

May 28, 2019 – Decision on the project will be issued by the Authority.

HEARING NOTICE

The Administrative Hearing has been CONTINUED in the following matter:

April 1, 2019 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #18-3-11520-P, for the development of an ambulatory health care facility at 624 Chestnut Street, South Charleston, Kanawha County; capital expenditure: $277,740.

The administrative hearing in the above-referenced matter will reconvene on June 5, 2019, at 9:00 a.m.

OTHER

HEARING ORDER ISSUED

April 1, 2019 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #18-3-11520-P, for the development of an ambulatory health care facility at 624 Chestnut Street, South Charleston, Kanawha County; capital expenditure: $277,740.

CERTIFICATE OF NEED APPROVAL ISSUED

April 4, 2019 - Personal Touch Home Care of W. Va. Inc., Hurricane, Putnam County, CON File #18-2-11421-Z, for the provision of home health care services in Cabell and Wayne counties; capital expenditure: $47,000.

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

Jim Justice
Governor

WEST VIRGINIA HEALTHCARE AUTHORITY

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

FILED
2019 APR 11 A 8:38
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

In Re: Stonerise Reliable Healthcare LLC
CON File No. 18-8/9-11510-Z

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that Caring Angles Home Health has withdrawn its hearing request in the above-captioned matter.

As such, the administrative hearings in this matter are **CANCELLED** and the file is now **CLOSED** and no further information regarding this application will be accepted.

THE PREHEARING CONFERENCE scheduled for, **April 10, 2019, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, has been **CANCELLED.**

THE ADMINISTRATIVE HEARING scheduled for, **April 24, 2019, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, has been **CANCELLED.**

This application concerns the provision of home health services in Hardy and Morgan counties, West Virginia.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 5:00 p.m.., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: April 8, 2019

Barbara Skeen

Barbara Skeen, Interim Executive Director

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4775/Fax • 1.888.558.7002/Toll Free
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Jim Justice
Governor

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

HEALTHCARE AUTHORITY

FILED
2019 APR 11 A 9:39
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

OTHER

In Re: Stonerise Reliable Healthcare LLC
CON File No. 18-8-11511-Z

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that Caring Angles Home Health has withdrawn its hearing request in the above-captioned matter.

As such, the administrative hearings in this matter are **CANCELLED** and the file is now **CLOSED** and no further information regarding this application will be accepted.

THE PREHEARING CONFERENCE scheduled for, **April 10, 2019, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, has been **CANCELLED.**

THE ADMINISTRATIVE HEARING scheduled for, **April 24, 2019, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, has been **CANCELLED**.

This application concerns the provision for the provision of home health services in Hampshire and Mineral counties, West Virginia.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 5:00 p.m.., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: April 8, 2019

Barbara Skeen

Barbara Skeen, Interim Executive Director

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www.hca.wv.gov

Jim Justice
Governor

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

HEALTHCARE AUTHORITY

In Re: Stonerise Reliable Healthcare, LLC
CON File No. 18-9-11512-Z

FILED
2019 APR 11 A 9:39

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that Caring Angles Home Health has withdrawn its hearing request in the above-captioned matter.

As such, the administrative hearings in this matter are **CANCELLED** and the file is now **CLOSED** and no further information regarding this application will be accepted.

THE PREHEARING CONFERENCE scheduled for, **April 10, 2019, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, has been **CANCELLED.**

THE ADMINISTRATIVE HEARING scheduled for, **April 24, 2019, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, has been **CANCELLED**.

This application concerns for the provision of home health services in Berkeley and Jefferson Counties, West Virginia. The project will include the development of a branch office.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 5:00 p.m.., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: April 8, 2019

Barbara Skeen

Barbara Skeen, Interim Executive Director

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Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED
2019 APR 11 P 2:06

OTHER

ADMINISTRATIVE NOTICE 2019-18

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Consumers Sales and Service Tax -- Expansion and Clarification of Sales Tax Exemption for School Fund Raisers

During the recently completed Regular Session of the West Virginia Legislature Committee Substitute for H. B. 2854 was enacted.

Beginning May 30, 2019, sales of tangible personal property and services during fund raisers held by not-for-profit volunteer school support groups for elementary or secondary schools located in this state are exempt from West Virginia sales and use taxes, when the fund raiser held by group for its school last for no more than 14 consecutive days and are held not more than 18 times during any 12-month period.

This exemption applies without regard to whether the volunteer school support organization has, or does not have, an exemption determination under §501(c)(3) or §501(c)(4) of the Internal Revenue Code of 1986, as amended, provided the organization is a bona fide, not-for-profit volunteer charitable or public service organization eligible for exemption from federal income taxes under I.R.C. § 501(c)(3) or (4), if it were to seek an exemption determination letter from the Internal Revenue Service. The test is whether the organization could obtain such a determination from the Internal Revenue Service if it applied for the determination.

Dale W. Steager
State Tax Commissioner

Issued: April 11, 2019

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

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED
2019 APR 11 P 2:06

ADMINISTRATIVE NOTICE 2019-19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Consumers Sales and Service Tax – Exemption for Mobility Enhancing Equipment Installed in New or Used Motor Vehicle

During the recently completed Regular Session of the West Virginia Legislature, Committee Substitute for H. B. 2515 was enacted. This bill amends and reenacts W. Va. Code § 11-15-9i to exempt from West Virginia sales and use taxes the sale and installation of mobility enhancing equipment installed in a new or used motor vehicle on or after June 4, 2019. Repair parts and repair services provided on or after June 4, 2019 to this type of mobility enhancing equipment are exempt whether the parts continue the original function or enhance the functionality of the mobility enhancing equipment.

For purposes of this exemption, the term "mobility-enhancing equipment" is defined in W. Va. Code § 11-15B-2(b)(23) and means "equipment, including repair and replacement parts to the equipment, but does not include "durable medical equipment", which: (A) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; (B) Is not generally used by persons with normal mobility; and (C) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer."

Dale W. Steager
State Tax Commissioner

Issued: April 11, 2019

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

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED
2019 APR 11 P 2:06 OTHER

ADMINISTRATIVE NOTICE 2019-20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Consumers Sales and Service Tax – Exemption for SALES OF INVESTMENT METAL BULLION and COINS

During the recently completed Regular Session of the West Virginia Legislature, Committee Substitute for Senate Bill 502 was enacted. This bill exempts from West Virginia sales and use taxes sales of investment metal bullion and investment coins made on and after July 1, 2019.

For purposes of this exemption, "investment metal bullion" means "any elementary precious metal which has been put through a process of smelting or refining, including gold, silver, platinum, and palladium, and which is in such a state or condition that its value depends upon its content and not its form." The term "investment metal bullion" does not include precious metal which has been assembled, fabricated, manufactured, or processed in one or more industrial, professional, aesthetic, or artistic uses.

Dale W. Steager
State Tax Commissioner

Issued: April 11, 2019

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Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED
2019 APR 11 P 2:07

ADMINISTRATIVE NOTICE 2019-21

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Consumers Sales and Service Tax – Marketplace Facilitators Having Economic Nexus With West Virginia Required to Collect West Virginia Sales and Use Taxes on Sales Made on and After July 1. 2019.

During the recently completed Regular Session of the West Virginia Legislature Committee Substitute for H. B. 2813 was enacted. This bill requires marketplace facilitators having economic nexus with West Virginia to begin collecting and remitting West Virginia sales and use taxes on sales of goods and service they facilitate on and after July 1, 2019.

"Marketplace facilitator" is defined in W. Va. Code § 11-15A-1(b)(8) and means "a person that contracts with one or more sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the seller's products through a physical or electronic marketplace operated by the person, and engages:

(A) Directly, or indirectly, through one or more affiliated persons, in any of the following:

(i) Transmitting or otherwise communicating the offer or acceptance between the buyer and seller;

(ii) Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and sellers together;

(iii) Providing a virtual currency that buyers are allowed or required to use to purchase products from the seller; or

(iv) Software development or research and development activities related to any of the activities described in §11-15A-1(b)(7)(B) of this code, if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(B) In any of the following activities with respect to the seller's products:

(i) Payment processing services;

(ii) Fulfillment or storage services;

(iii) Listing products for sale;

(iv) Setting prices;

(v) Branding sales as those of the marketplace facilitator;

(vi) Order taking;

(vii) Advertising or promotion; or

(viii) Providing customer service or accepting or assisting with returns or exchanges."

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Telephone 304-558-0751
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"Economic nexus" is defined in W. Va. Code § 11-15A-6b(e) and means "a marketplace facilitator, referrer, or retailer, who does not have a physical presence in this state . . . [that] has gross revenue from West Virginia sales equal to or exceeding $100,000 for an immediately preceding calendar year, or a current calendar year;" or . . . "makes West Virginia sales in 200 or more separate transactions for an immediately preceding calendar year or a current calendar year."

Marketplace facilitators are required to register with the Tax Commissioner to collect West Virginia sales and use taxes. Registration may be made using the simplified system for registration currently available to remote sellers at our website, or through the Streamlined Sales and Use Tax Governing Board, Inc., or through the Business for West Virginia website at http://www.business4wv.com.

Remote sellers who are also marketplace facilitators and who are currently registered to collect West Virginia sales and use taxes do not need to register a second time unless the seller has different physical locations for remote sales than it has for its marketplace facilitator business activity.

The term West Virginia sales and use taxes includes both the State 6% tax and municipal sales and use taxes when the transaction is source to a municipality in West Virginia that imposes sales and use taxes. The transaction sourcing rules are found in W. Va. Code § 11-15B-14, § 11-15B-14a and § 11-15B-15.

For additional information, see the Department's website at: https://tax.wv.gov/Pages/default.aspx

Dale W. Steager
State Tax Commissioner

Issued: April 11, 2019