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Administration Law Division

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	§§22-11-4(a)(16), 22-11-7b	Public Hearing: May 19, 2020, 6:00 pm Virtual Meeting: Zoom Possible In-Person at DEP Headquarters 601 57th Street SE Charleston, WV Written Comments: May 19, 2020, 8:00 pm Laura K. Cooper DEP 601 57th Street SE Charleston, WV 25304 Email: laura.k.cooper@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**
Pharmacy (15-01, amendment)	Licensure and Practice of Pharmacist Care	§§30-5-7, 30-5-14, 29A-3-15	Approved April 1, 2020	July 26, 2019
Pharmacy (15-02)	Uniform Controlled Substances Act	§§60A-3-301 and 29A-3-15	Approved April 1, 2020	Comment Period Must be Filed by May 1, 2020
Secretary of State (153-45, amendment)	Guidelines and Standards for Electronic Notarization	§39-4-25	Approved April 1, 2020	Comment Period Must be Filed by April 26, 2020

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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
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TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
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TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
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TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
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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
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TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 11/8/2019	BUNDLED HB4252		
Acupuncture (32-04)	Fees of the Board of Acupuncture Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/17/2019	BUNDLED HB4252		
Acupuncture (32-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019	7/31/2019 Approved 8/2/2019	7/26/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Agriculture (61-13A)	Poultry- Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication Legislative	6/11/2019	7/10/2019		7/11/2019	Approved 9/26/2019	BUNDLED HB4252		
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	12/5/2019	1/6/2020	12/6/2019 Approved 12/20/2019	1/7/2020	Approved 1/7/2020	BUNDLED HB4252		
Agriculture (61-19)	WV Manufacture-Grade Milk Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 9/26/2019	BUNDLED HB4252		
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2019	7/9/2019		7/19/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4217		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Architects (2-01)	Registration of Architects Legislative	6/5/2019 8/22/2019	7/9/2019 9/22/2019		7/16/2019 9/24/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019	Approved 10/24/2019	BUNDLED HB4252	3/30/2020	3/31/2020
Chiropractic Examiners (4-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED HB4252	3/30/2020	7/1/2020
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252	3/30/2020	7/1/2020
Coal Mine Health and Safety (36-01)	Rules and Regulations Governing Approvals and Permits, Explosives and Ventilation For The Construction of Shaft And/Or Slope Operations In The State Of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-03)	Rules and Regulations Governing The Certification and Statutory Duties of Shaft And/Or Slope Superintendent Examiner Foreman and Examiner Foreman Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-04)	Rules and Regulations Governing The Movement of Mining Equipment Within Coal Mines In The State of West Virginia Legislative Exempt	9/5/2019	10/21/2019					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-07)	Rules and Regulation Governing Shortwall Mining Within The State of West Virginia Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-08)	Rules and Regulations Governing The Right of A Miner to Refuse To Operate Alleged Unsafe Equipment Legislative Exempt	10/11/2019	11/25/2019					1/7/2020	4/6/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-11)	Rules and Regulations Governing When Underground Mine Foreman-Boss Required; Assistants;Certifications; The Reopening of Abandoned Mines and the Deenergization of Self-Propelled Electric Coal Feeders; Performance Requirements Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-12)	Rules and Regulations Governing Electrical Provisions for Underground Mining Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-13)	Rules and Regulations Governing The Authority, Accountability, and Responsibility of Underground Mine Foreman; Responsibility of Operator In Relation To Mine Foreman; And Regulatory Review Procedures Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-18)	The Responsibility For Care and Maintenance of Equipment Legislative Exempt	10/24/2019	12/9/2019						
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						
Community and Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019	4/29/2019 Effective 4/29/2019	6/3/2019	Approved 10/4/2019	BUNDLED HB4480		
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019	Approved 10/24/2019	BUNDLED HB4252		
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/9/2019	BUNDLED HB4252		
Dentistry, WV Board of (5-01)	Rule for the West Virginia Board of Dentistry Legislative	5/31/2019 7/26/2019	7/1/2019 8/26/2019		7/19/2019 9/20/2019	Approved 11/17/2019	BUNDLED HB4252		
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office, Commerce (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/17/2019	7/17/2019	7/18/2019 Approved 7/30/2019	7/18/2019	Modified & Approved 11/17/2019 Filed 12/5/2019	BUNDLED SB449		
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/12/2019	1/24/2020					2/13/2020	7/1/2020
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (Policy 5202) Legislative Exempt	1/9/2020	2/10/2020					3/12/2020	4/13/2020
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 11/17/2019	BUNDLED HB4217		
Fire Commission (87-01)	State Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		
Forestry (22-02)	Sediment Control During Commerical Timber-Harvesting Operations-Licensing Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019	Approved 11/17/2019	BUNDLED SB449		
Forestry (22-03)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019	Approved 11/17/2019	BUNDLED SB449		

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AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Funeral Service Examiners (6-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/18/2019		7/23/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-70)	Primary Care Support Program Legislative	6/21/2019	7/22/2019		7/25/2019	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/19/2019	BUNDLED SB339		
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/21/2019	7/22/2019	4/3/2018 Effective 4/3/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-113)	Medical Cannabis Program Safe Harbor Letter Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/24/2019	Modifed & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 Effective 7/31/2019 Amendment 11/21/2019 Effedtive 1/2/2020	7/22/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED SB339		
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/22/2019	BUNDLED SB339		
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fee for Certain Individuals Legislative	6/24/2019	7/24/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/21/2019	BUNDLED HB4252		
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Higher Education Policy Commission (133-03)	Higher Education Accountability System Legislative	6/17/2019	7/17/2019		9/30/2019		BUNDLED 4480		
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019		BUNDLED 4480		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019	BUNDLED 4480		
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia Legislative	6/18/2019	7/18/2019	8/16/2019 Effective 9/27/2019	7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED SB339		
Human Services (78-24)	Qualifications for a Provisional License to Practice As A Social Worker Within the Department of Health and Human Resources Legislative	6/18/2019	7/18/2019		7/24/2019	Modified & Approved 11/17/2019 Filed 11/25/2019	BUNDLED SB339		
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension	Approved 11/17/2019	BUNDLED SB339		
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449	3/16/2020	5/1/2020
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449	3/16/2020	5/1/2020
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED HB4252		
Massage Therapy Licensure Board (194-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Massage Therapy Licensure Board (194-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Medical Imaging and Radiation Therapy Tech. Bd. of Exam. (18-01)	WV Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/5/2019 8/26/2019	7/7/2019 9/27/2019		7/25/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 10/31/2019	BUNDLED HB4252	3/30/2020	3/30/2020
Medicine (11-01B)	Licensure, Disciplinary and Compliant Procedures, Continuing Education, Physician Assistants Legislative	6/19/2019	7/19/2019	6/19/2019 Amendment 7/25/2019 Approved 7/30/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-13)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/19/2019	7/19/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019	BUNDLED HB4252		
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative			3/26/2020 Approved 3/26/2020					
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Authorized with Certain Amendments 12/18/2019	BUNDLED HB4217		
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 12/18/2019	BUNDLED HB4217		
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-32)	Public Use of Campgrounds in West Virginia State Parks and State Forests, and Campsites in State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-34)	Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019	Modifiied & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 10/24/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 10/24/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449	3/27/2020	3/28/2020
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 12/18/2019	BUNDLED SB449	3/27/2020	3/28/2020
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	10/24/2019	11/25/2019		11/26/2019	Modified & Approved 12/18/2019 Filed 12/27/2019	BUNDLED HB4252		
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019	Approved 9/26/2019	BUNDLED HB4252		
Occupational Therapy (13-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019	Modified & Approved 9/26/2019 Filed 9/30/2019	BUNDLED HB4252		
Occupational Therapy (13-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	10/30/2019	11/30/2019		12/2/2019	Approved 12/18/2019	BUNDLED HB4252		
Oil & Gas Conservation Commission (39-01)	Rules of The Commission Legislative	6/14/2019	7/16/2019	6/14/2019 Withdrawn 7/26/2019	7/25/2019	Modififed & Approved 12/19/2019 Filed 1/3/2020	BUNDLED HB4217		
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/26/2019 8/29/2019	7/26/2019 9/29/2019		7/26/2019 10/1/2019	Modified & Approved 11/17/2019 Filed 11/26/2019	BUNDLED HB4252		
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 Amendment 7/31/2019 Approved 8/5/2019	7/31/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or State of Preparedness Legislative			3/26/2020 Approved 3/26/2020					
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019	3/21/2020 Approved 3/21/2020 Amendment 4/1/2020 Approved 4/1/2020	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative			4/1/2020 Approved 4/1/2020					
Pharmacy (15-04)	Record Keeping and Automated Data Processing Systems Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019 10/11/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 9/26/2019	BUNDLED HB4252		
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	8/15/2019	9/16/2019		10/10/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252	4/1/2020	4/1/2020
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252	4/1/2020	4/1/2020
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252	4/1/2020	4/1/2020
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252	4/1/2020	4/1/2020
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252	4/1/2020	6/1/2020
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative	6/18/2019 8/19/2019	7/19/2019 9/18/2019		7/24/2019 9/20/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252	3/30/2020	4/1/2020
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/4/2019 8/12/2019	7/9/2019 9/13/2019		7/15/2019 9/17/2019	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED HB4252	3/31/2020	3/31/2020
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019		10/11/2019	Modified & Approved 12/192019 Filed 1/8/2020	BUNDLED HB4252		
Public Service Commission (150-30)	Rules Governing Siting Certificates for Exempt Wholesale Generators Legislative Exempt	1/27/2020	2/26/2020					3/20/2020	5/19/2020
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019	Modified & Approved 12/18/2019 Filed 12/20/2019	BUNDLED SB357	3/11/2020	6/9/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Appraiser Licensing & Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019 8/6/2019	7/26/2019 9/6/2019		7/26/2019 9/9/2019	Modified & Approved 11/17/2019 Filed 12/6/2019	BUNDLED HB4252		
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252	4/1/2020	7/1/2020
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 12/3/2019	BUNDLED HB4252	4/1/2020	7/1/2020
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019		10/11/2019	Approved 11/17/2019	BUNDLED HB4252		
Registered Professional Nurses (19-15)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252		
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Respiratory Care (30-10)	Conideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	11/7/2019	12/9/2019		12/10/2019	Approved 12/19/2019	BUNDLED HB4252		
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019 8/29/2019	7/19/2019 9/29/2019		7/23/2019 11/1/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
School Building Authority of WV (164-05)	School Building Authority Contracts and Agreements; Post-Project Evaluation; Suspension of Right to Bid Legislative	11/4/2019	12/4/2019		12/16/2019		SB652	4/1/2020	5/1/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative			3/25/2020 ERD by 5/6/2020					
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative			3/27/2020 Amendment 3/31/2020 Approved 4/1/2020					
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-03)	West Virginia State Plan for Aging Programs- Title V Interpretive	3/9/2020	4/8/2020						
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/1/2019	BUNDLED HB4252		
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED HB4252		
Speech-Language Pathology and Audiology (29-04)	Disciplinary & Complaint Procedures for Speech-Language Pathology & Audiology Legislative	8/8/2019	9/13/2019		9/17/2019	Modified & Approved 10/24/2019 Filed 11/5/2019	BUNDLED HB4252		
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	9/26/2019	10/26/2019						
Tax (110-43)	Special Valuation Method for Certain Wireless Technology Property Interpertive	7/3/2019 1/28/2020	8/2/2019 2/27/2020						
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252	4/1/2020	7/1/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252	4/1/2020	7/1/2020
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019	Authorized as Modified with Certain Amendments 12/19/2019 Filed 1/2/2020	BUNDLED HB4252	4/1/2020	7/1/2020
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 10/25/2019	BUNDLED HB4217		
Water Resources Division of Water and Waste Management (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020						
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/7/2020 3/20/2020	3/26/2020 4/20/2020						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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3/30/2020 4:56:30 PM
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LEGISLATIVE

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

AGENCY: Auditor TITLE-SERIES: 155-06

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

RULE NAME: Local Government Purchasing Card Program

CITE STATUTORY AUTHORITY: 6-9-2a

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

Authorization is cited in (house or senate bill number) HB 4252

Section 64-9-32 Passed On 3/6/2020 12:00:00 AM

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

March 31, 2020

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

March 31, 2025

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

Yes

Stephen R Connolly -- 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
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3/30/2020 2:12:44 PM
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Chiropractic Examiners TITLE-SERIES: 4-07

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

RULE NAME: 4-07 – Request for Waiver of Initial Licensing Fees for Certain Individuals

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-23 and W. Va. Code §30-16-5

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

Authorization is cited in (house or senate bill number) HB4252

Section W. Va. Code §64-9-1 Passed On 3/6/2020 12:00:00 AM

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

July 1, 2020

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

July 01, 2025

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

Yes

Barbara L Johnson -- 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
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LEGISLATIVE

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

AGENCY: Chiropractic Examiners TITLE-SERIES: 4-08

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

RULE NAME: 4-08 -- Consideration of Prior Criminal Convictions in Initial Licensure Determinations

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-24 and W. Va. Code §30-16-5

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

Authorization is cited in (house or senate bill number) HB4252

Section W. Va. Code 64-9-1 Passed On 3/6/2020 12:00:00 AM

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

July 1, 2020

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

July 01, 2025

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

Yes

Barbara L Johnson -- 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

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3/30/2020 2:56:11 PM
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Medical Imaging And Radiation Therapy Technology Board Of Examiners TITLE-SERIES: 18-01 Series 1 WV Medical Imaging and Radiation Therapy Technology Board of Examiners

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

RULE NAME: 18CSR1 Series 1 Medical Imaging And Radiation Therapy Technology Board Of Examiners

CITE STATUTORY AUTHORITY: Chapter 30

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

Authorization is cited in (house or senate bill number) House Bill 4252

Section 14 Passed On 3/6/2020 12:00:00 AM

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

March 30, 2020

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

March 30, 2035

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

Yes

Jamie S Browning -- 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 DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles
5707 MacCorkle Avenue, Southeast
Post Office Box 17200
Charleston, West Virginia 25317-0010 • (304) 558-3900
TDD: (800) 742-6991 • (800) 642-9066

Byrd E. White, III
Secretary of Transportation

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LEGISLATIVE
2020 APR -1 A 10:32
OFFICE WEST VIRGINIA SECRETARY OF STATE

MEMORANDUM

DATE: March 30, 2020

TO: Mac Warner
Secretary Of State

FROM: Everett Frazier, Commissioner
Division Of Motor Vehicles

RE: Suspension of Examination And Issuance of Driver's Licenses
CSR 91-4.

On March 16, 2020, the Governor issued a proclamation declaring a State of Emergency in response to the public health risks posed by the Coronavirus epidemic in West Virginia, which proclamation "delegate[s] to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency" pursuant the Governor's authority set forth in W. Va. Code 15-5-6(c)(7).

91 CSR 4 establishes a process for the examination of drivers and the issuance of driver's licenses. In accordance with best practices and guidelines to promote public health and safety, the Division of Motor Vehicles closed its offices to the public in response to the State of Emergency. In addition, non-emergency medical appointments to obtain a medical examiner's certificate for a commercial driver's license have been difficult to obtain. These actions limit the ability of citizens to renew a commercial driver's license; therefore, the Division contemporaneously extended the expiration date of any driver's license, including commercial driver licenses, expiring in March or April 2020 for a period of 3 months from the expiration date on the face of the license. In addition, it is necessary to suspend 91 CSR 4 in part. The following portions of 91 CSR 4 concerning the renewal and issuance of commercial driver's licenses are suspended:

91-4-14 which requires a current medical examiner's certificate to be on file with the Division is suspended as authorized by federal law waivers granted by the Federal Motor Carrier Safety Administration (FMCSA) during the Covid-19 Coronavirus pandemic.
91-4-14.5 which requires the cancellation of a commercial driver's license of any person without a current medical examiner's certificate is suspended consistent with Federal waivers by FMCSA during the Covid-19 Coronavirus pandemic.
91-4-14.11 related to hazardous material endorsements is suspended in a manner consistent with Federal waivers by TSA and FMCSA as a result of the Covid-19 Coronavirus pandemic. This rule suspension allows a CDL holder with a valid hazardous material endorsement whose license expires after March 1, 2020 an additional 120 days before a new endorsement is required.

The rules hereby suspended shall remain suspended until such time as the State of Emergency is lifted.

E.E.O./AFFIRMATIVE ACTION EMPLOYER

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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3/27/2020 4:37:00 PM
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Natural Resources TITLE-SERIES: 58-12

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

RULE NAME: COMMERCIAL WHITEWATER OUTFITTERS

CITE STATUTORY AUTHORITY: §20-2-23A

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(a) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White – 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
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LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-16

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

RULE NAME: TRANSPORTING AND SELLING WILDLIFE PELTS AND PARTS

CITE STATUTORY AUTHORITY: §§20-2-11, 20-2-12, 20-2-49

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(b) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
3/27/2020 4:38:45 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: Natural Resources TITLE-SERIES: 58-25

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

RULE NAME: BOATING RULE

CITE STATUTORY AUTHORITY: §§20-1-7(31), 20-7-13, 20-7-16, 20-7-22, 20-7-22a, 20-7-23

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(c) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
3/27/2020 3:52:48 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: Natural Resources TITLE-SERIES: 58-26

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

RULE NAME: SPECIAL BOATING RULES

CITE STATUTORY AUTHORITY: §§20-1-7(31), 20-7-22, 20-7-23

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

Authorization is cited in (house or senate bill number) SB 449

Section §64-10-5(d) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
3/27/2020 4:40:12 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: Natural Resources TITLE-SERIES: 58-28

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

RULE NAME: SPECIAL REQUIREMENTS CONCERNING BOATING

CITE STATUTORY AUTHORITY: §§20-1-7(31), 20-7-13, 20-7-22

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(e) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2020

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

Yes

Wesley H White -- 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
3/27/2020 4:01:06 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: Natural Resources TITLE-SERIES: 58-32

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

RULE NAME: PUBLIC USE OF CAMPGROUNDS IN WEST VIRGINIA STATE PARKS AND STATE FORESTS AND CAMPSITES IN STATE RAIL TRAILS UNDER THE DIVISION OF NATURAL RESOURCES

CITE STATUTORY AUTHORITY: §§20-5-2, 20-5-3

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(f) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
3/27/2020 4:03:06 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: Natural Resources TITLE-SERIES: 58-34

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

RULE NAME: SPECIAL PROJECTS AND GRANTS FOR WEST VIRGINIA STATE PARKS, STATE FORESTS, AND STATE RAIL TRAILS UNDER THE DIVISION OF NATURAL RESOURCES

CITE STATUTORY AUTHORITY: §§20-1A-7, 20-5-2

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(g) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
3/27/2020 4:05:29 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: Natural Resources TITLE-SERIES: 58-46

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

RULE NAME: DEFINING THE TERMS USED IN ALL HUNTING AND TRAPPING

CITE STATUTORY AUTHORITY: §20-1-7(31)

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(h) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
3/27/2020 4:42:06 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: Natural Resources TITLE-SERIES: 58-47

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

RULE NAME: PROHIBITIONS WHEN HUNTING AND TRAPPING

CITE STATUTORY AUTHORITY: §20-1-7(31)

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(i) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
3/27/2020 4:20:24 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: Natural Resources TITLE-SERIES: 58-61

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

RULE NAME: SPECIAL FISHING RULE

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

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(j) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White – 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
3/27/2020 4:43:27 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: Natural Resources TITLE-SERIES: 58-62

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

RULE NAME: CATCHING AND SELLING BAIT FISH

CITE STATUTORY AUTHORITY: §20-1-7(31)

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(k) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White – 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
3/27/2020 4:13:03 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: Natural Resources TITLE-SERIES: 58-65

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

RULE NAME: FALCONRY

CITE STATUTORY AUTHORITY: §20-1-7(31)

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

Authorization is cited in (house or senate bill number) SB449

Section §64-10-5(l) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

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

March 28, 2025

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

Yes

Wesley H White -- 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
4/1/2020 3:37:22 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: Physical Therapy TITLE-SERIES: 16-01

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

RULE NAME: GENERAL PROVISIONS FOR PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT

CITE STATUTORY AUTHORITY: W. Va. Code §30-20-1, et. seq.

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

Authorization is cited in (house or senate bill number) HB 4252

Section §64-9-21 Passed On 3/6/2020 12:00:00 AM

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

April 1, 2020

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

April 01, 2030

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

Yes

Nonnie S Ramsey -- 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
4/1/2020 1:29:08 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: Physical Therapy TITLE-SERIES: 16-04

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

RULE NAME: FEES FOR PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT

CITE STATUTORY AUTHORITY: W. Va. Code §30-20-1, et. seq.

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

Authorization is cited in (house or senate bill number) HB 4252

Section §64-9-21 Passed On 3/6/2020 12:00:00 AM

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

April 1, 2020

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

April 01, 2030

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

Yes

Nonnie S Ramsey -- 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
4/1/2020 1:06:42 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: Physical Therapy TITLE-SERIES: 16-05

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

RULE NAME: General Provisions for Athletic Trainers

CITE STATUTORY AUTHORITY: W. Va. Code §30-20A-1, et. seq.

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

Authorization is cited in (house or senate bill number) HB 4252

Section §64-9-21 Passed On 3/6/2020 12:00:00 AM

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

April 1, 2020

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

April 01, 2030

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

Yes

Nonnie S Ramsey -- 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
4/1/2020 1:20:10 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: Physical Therapy TITLE-SERIES: 16-06

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

RULE NAME: FEES FOR ATHLETIC TRAINERS

CITE STATUTORY AUTHORITY: W. Va. Code §30-20A-1, et. seq.

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

Authorization is cited in (house or senate bill number) HB 4252

Section §64-9-21 Passed On 3/6/2020 12:00:00 AM

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

April 1, 2020

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

April 01, 2030

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

Yes

Nonnie S Ramsey -- 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
4/1/2020 1:11:19 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: Physical Therapy TITLE-SERIES: 16-09

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

RULE NAME: APPLICATION FOR WAIVER OF INITIAL LICENSING FEES

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-23, W. Va. Code §30-20-5, and W. Va. Code §30-20A-2

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

Authorization is cited in (house or senate bill number) 4252

Section §64-9-21 Passed On 3/6/2020 12:00:00 AM

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

June 1, 2020

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

June 01, 2025

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

Yes

Nonnie S Ramsey -- 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
3/30/2020 4:21:54 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: Professional Engineers TITLE-SERIES: 7-01

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

RULE NAME: Examination, Licensure and Practice of Professional Engineers

CITE STATUTORY AUTHORITY: W.Va. Code 30-13-9, 13, 14, 15, 16, 17, 18, 19

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

Authorization is cited in (house or senate bill number) HB4252

Section §64-9-22 Passed On 3/6/2020 12:00:00 AM

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

April 1, 2020

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

April 01, 2030

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

Yes

Lesley L Rosier-Tabor -- 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
3/31/2020 9:28:58 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: Professional Surveyors TITLE-SERIES: 23-01

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

RULE NAME: Examination and Licensing of Professional Surveyors in West Virginia

CITE STATUTORY AUTHORITY: Chapter 30 13A

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

Authorization is cited in (house or senate bill number) HB 4252

Section 23 Passed On 3/6/2020 12:00:00 AM

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

March 31, 2020

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

March 31, 2035

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

Yes

Kristi Justice -- 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
4/1/2020 12:59:18 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: Real Estate Commission TITLE-SERIES: 174-06

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

RULE NAME: APPLICATION FOR WAIVER OF INITIAL LICENSING FEES

CITE STATUTORY AUTHORITY: §30-40-8

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

Authorization is cited in (house or senate bill number) HB 4252

Section §64-9-26 Passed On 3/6/2020 12:00:00 AM

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

July 1, 2020

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

July 01, 2025

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

Yes

Jerry A Forren -- 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
4/1/2020 1:08:42 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: Real Estate Commission TITLE-SERIES: 174-07

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

RULE NAME: CONSIDERATION OF PRIOR CRIMINAL CONVICTIONS

CITE STATUTORY AUTHORITY: 30-40-8

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

Authorization is cited in (house or senate bill number) §HB 4252

Section §64-9-26 Passed On 3/6/2020 12:00:00 AM

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

July 1, 2020

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

July 01, 2025

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

Yes

Jerry A Forren -- 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
4/1/2020 9:59:48 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: School Building Authority Of WV TITLE-SERIES: 164-05

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

RULE NAME: SCHOOL BUILDING AUTHORITY CONTRACTS AND AGREEMENTS; POST-PROJECT EVALUATION; SUSPENSION OF RIGHT TO BID

CITE STATUTORY AUTHORITY: 18-9D-20

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

Authorization is cited in (house or senate bill number) Senate Bill 652

Section 18-9D-21 Passed On 2/28/2020 12:00:00 AM

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

May 1, 2020

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

May 01, 2030

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

Yes
Benjamin Ashley -- 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 Board of Examiners for Speech-Language Pathology and Audiology

Board Members
Erin Leigh-Ann Browning, M.A., CCC-SLP, President
Vickie Pullins, M.A., CCC-SLP, Secretary
Dr. Michael J. Zagarella, Au.D., CCC-A
Dr. Vernon N. Mullins, Au.D., CCC-A
Joe E. Richards, M.A., Citizen Member
[redacted]
Patricia J. Nesbitt, Executive Director

FILED
2020 MAR 30 A 10: 22
OFFICE WEST VIRGINIA SECRETARY OF STATE

March 24, 2020

Via U.S. Mail
Mac Warner, The Honorable Secretary of State
Secretary of State's Office – Administrative Law
Bldg 1, Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305

Re: West Virginia Board of Examiners for Speech-Language Pathology and Audiology Temporary Suspension of W. Va. Code R. § 29-1-15.5.2

Dear Secretary of State Warner:

The Honorable Governor of the State of West Virginia, Jim Justice, has declared a State of Emergency to address the emergency created by the worldwide coronavirus (COVID-19) pandemic. In a Proclamation issued March 16, 2020, the Governor delegated to "all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

The West Virginia Board of Examiners for Speech-Language Pathology and Audiology ("Board") is actively monitoring the effects of the COVID-19 pandemic. The Board is dedicated to fulfilling its primary mission of protecting the public during this time, while continuing to ensure that West Virginia has the workforce it needs to treat and care for speech-language pathology and audiology patients throughout the State.

At an emergency meeting held March 23, 2020, and pursuant to the Governor's Proclamation, the Board voted to temporarily suspend its rule prohibiting telepractice by provisional licensees and Speech Pathology or Audiology Assistants, W. Va. Code R. § 29-1-15.5.2. The suspension of this rule shall remain in effect only during the State of Emergency.

Therefore, during the State of Emergency, a Speech Pathologist with a provisional license who is completing a postgraduate professional experience/clinical fellowship year, or a Speech Pathology or Audiology Assistant, having been issued such license by the Board, may provide

99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201
Email: wvbeslpa@wv.gov
Web Site: www.wvspeechandaudiology.com
Phone: 304-473-4289 Fax: 304-473-4291 In-state toll free number: 877-462-5460
~Patricia Nesbitt – Executive Director~

telepractice services to clients/patients in the State of West Virginia. The Board finds it necessary and appropriate to temporarily lift these restrictions on telepractice in response to the COVID-19 outbreak and in order to protect the public health, safety, and welfare.

In communicating this decision to its licensees, the Board has noted that the remaining provisions of W. Va. Code R. § 29-1-15 are unaffected and still apply in the telepractice setting, including practice standards, ethical requirements, supervision requirements, and patient confidentiality requirements.

The Board would respectfully request that the Secretary of State's Office accept this correspondence as notice of the temporary suspension of W. Va. Code R. § 29-1-15.5.2 and post a copy of this correspondence on its website.

Should you have any questions regarding this correspondence, please contact the Board's office (currently working remotely) by telephone, 304-642-9962, or by email @ wvbeslpa@wv.gov.

Sincerely,

Patricia Nesbitt

Patricia Nesbitt
Executive Director
West Virginia Board of Examiners for Speech-Language Pathology and Audiology

99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201
Email: wvbeslpa@wv.gov
Web Site: www.wvspeechandaudiology.com
Phone: 304-473-4289 Fax: 304-473-4291 In-state toll free number: 877-462-5460
~Patricia Nesbitt – Executive Director~

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/1/2020 10:39:53 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: Veterinary Medicine TITLE-SERIES: 26-01

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

RULE NAME: Organization and Operation and Licensing of Veterinarians

CITE STATUTORY AUTHORITY: §30-10-6.

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

Authorization is cited in (house or senate bill number) SB396

Section §30-1-22 Passed On 3/8/2020 12:00:00 AM

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

July 1, 2020

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

July 01, 2030

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

Yes
Patricia A Holstein -- 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
4/1/2020 1:41:59 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: Veterinary Medicine TITLE-SERIES: 26-03

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

RULE NAME: Registration of Veterinary Technicians

CITE STATUTORY AUTHORITY: §30-10-6.

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

Authorization is cited in (house or senate bill number) SB396

Section §30-1-22 Passed On 3/8/2020 12:00:00 AM

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

July 1, 2020

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

July 01, 2030

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

Yes

Patricia A Holstein -- 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.

5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313
Phone (304) 776-8032
Fax (304) 776-8256
www.wvbvm.org

WEST VIRGINIA
BOARD OF VETERINARY MEDICINE

FILED
2020 APR -2 P 4: 04
OFFICE WEST VIRGINIA
SECRETARY OF STATE

March 20, 2020

Via Certified Mail
Mac Warner, The Honorable Secretary of State
Secretary of State's Office – Administrative Law
Bldg 1, Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305

Re: West Virginia Board of Veterinary Medicine
Temporary Suspension of W. Va. Code R. § 26-4-5.1.c.1

Dear Secretary of State Warner:

The Honorable Governor of the State of West Virginia, Jim Justice, has declared a State of Emergency to address the emergency created by the worldwide coronavirus (COVID-19) pandemic. In a Proclamation issued March 16, 2020, the Governor delegated to "all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

The West Virginia Board of Veterinary Medicine ("Board") is actively monitoring the effects of the COVID-19 pandemic. The Board is dedicated to fulfilling its primary mission of protecting the public during this time, while continuing to ensure that West Virginia has the veterinary care workforce it needs to treat and care for animals throughout the State.

At an emergency meeting held March 20, 2020, and pursuant to the Governor's Proclamation, the Board voted to temporarily suspend its rule requiring an in-person, physical examination of an animal prior to treatment, W. Va. Code R. § 26-4-5.1.c.1. The suspension of this rule shall remain in effect only during the State of Emergency.

Therefore, during the State of Emergency, a veterinarian licensed in West Virginia may employ telemedicine, when possible and practicable, to examine, diagnose, and treat an animal and to discuss the same with the animal's owner. The Board finds it necessary and appropriate to temporarily lift the restrictions on the use of telemedicine in response to the COVID-19 outbreak and in order to protect the public health, safety, and welfare.

In communicating this decision to its licensees, the Board has cautioned that telemedicine is not the preferred method of treatment; it should be employed only after carefully considering its limitations and its necessity for protection of the public during the COVID-19 pandemic. Furthermore, the Board has reminded its licensees that the applicable standards of care and patient confidentiality requirements still apply in the telemedicine setting, and that it is necessary to note in the patient's records that treatment was provided via telecommunication.

The Board would respectfully request that the Secretary of State's Office accept this correspondence as notice of the temporary suspension of W. Va. Code R. § 26-4-5.1.c.1 and post a copy of this correspondence on its website.

Should you have any questions regarding this correspondence, please contact the Board's office by telephone, (304) 776-8032, or by email, patricia.a.holstein@wv.gov.

Sincerely,

Patricia A. Holstein
Executive Director
West Virginia Board of Veterinary Medicine

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/1/2020 1:44:33 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: Veterinary Medicine TITLE-SERIES: 26-06

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

RULE NAME: Schedule of Fees

CITE STATUTORY AUTHORITY: §30-10-6.

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

Authorization is cited in (house or senate bill number) SB396

Section §30-1-22 Passed On 3/8/2020 12:00:00 AM

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

July 1, 2020

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

July 01, 2030

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

Yes
Patricia A Holstein -- 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

3/31/2020 3:03:27 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Water Resources Division Of Water And Waste Management

TITLE-SERIES: 47-02

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Requirements Governing Water Quality Standards

CITE STATUTORY AUTHORITY: W. Va. Code §§ 22-11-4(a)(16); 22-11-7b

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 05/19/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual Meeting: Zoom meeting link: https://zoom.us/j/429602549 Meeting ID: 429-602-549. Possibly will also hold in-person meeting at DEP Headquarters, 601 57th St SE Charleston

DATE WRITTEN COMMENT PERIOD ENDS: 05/19/2020 8:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Laura K. Cooper

ADDRESS: 601 57th St SE

Charleston, WV 25304

EMAIL: laura.k.cooper@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
4/1/2020 12:18:30 PM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Pharmacy TITLE-SERIES: 15-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Licensure and Practice of Pharmacist Care

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

30-5-7, 30-5-14, 29A-3-15

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:

Duration of State of Emergency

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 03/21/2020

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

None

PRIMARY CONTACT:

NAME: Ryan Hatfield
ADDRESS: 2310 Kanawha Blvd E
Charleston, WV 25311
EMAIL: ryan.l.hatfield@wv.gov
PHONE NUMBER: 304-208-3145

FILED
2020 APR -1 P 4:54
OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Board of Pharmacy

RULE: 15 CSR 1. Licensure and Practice of Pharmacist Care

STATUTORY AUTHORITY: W. Va. Code §§ 30-5-7, 30-5-14 and 29A-3-15.

DATE FILED AS AN EMERGENCY RULE: April 1, 2020.

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is Approved.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

__X__ (1) For the immediate preservation of the public peace, health, safety and welfare;

__X__ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

__X__ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): The emergency provisions of this rule are necessary to respond to the U.S. Drug Enforcement Agency, which revised federal regulations to protect the public health during the current COVID-19 pandemic.

Donald Kersey, General Counsel
WV Secretary of State's Office

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/1/2020 1:04:05 PM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Pharmacy TITLE-SERIES: 15-02

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Rules of the Board of Pharmacy for the Uniform Controlled Substances Act

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

60A-3-301 and 29A-3-15

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:

Duration of State of Emergency

PRIMARY CONTACT:

NAME: Ryan Hatfield

ADDRESS: 2310 Kanawha Blvd E

Charleston, WV 25311

EMAIL: ryan.l.hatfield@wv.gov

PHONE NUMBER: 304-208-3145

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:

FILED
2020 APR -1 P 4:54
OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Board of Pharmacy

RULE: 15 CSR 2. Rules of the Board of Pharmacy for the Uniform Controlled Substances Act

STATUTORY AUTHORITY: W. Va. Code §§ 60-3-301 and 29A-3-15

DATE FILED AS AN EMERGENCY RULE: April 1, 2020.

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is Approved.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

__X__ (1) For the immediate preservation of the public peace, health, safety and welfare;

__X__ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

__X__ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): The emergency provisions of this rule are necessary to respond to the U.S. Drug Enforcement Agency, which revised federal regulations to protect the public health during the current COVID-19 pandemic.

Donald Kersey, General Counsel
WV Secretary of State's Office

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
3/27/2020 4:58:42 PM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Secretary Of State TITLE-SERIES: 153-45

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Guidelines and Standards for Electronic Notarization

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code 39-4-25

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: Donald Kersey

ADDRESS: State Capitol Bldg 1 Ste 157 K

Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

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:

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
3/31/2020 2:25:45 PM
Office of West Virginia
Secretary Of State

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Secretary Of State TITLE-SERIES: 153-45

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Guidelines and Standards for Electronic Notarization

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code 39-4-25

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:

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 03/27/2020

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

PRIMARY CONTACT:

NAME: Donald Kersey

ADDRESS: State Capitol Bldg 1 Ste 157 K

Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

FILED
2020 APR -1 A 8:03
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

(304) 558-2021
Fax (304) 558-0140

March 31, 2020

NOTICE OF EMERGENCY RULE DECISION BY THE ATTORNEY GENERAL

AGENCY: Secretary of State

RULE: Standards and Guidelines for Electronic Notarization Series 153-45

DATE FILED AS AN EMERGENCY RULE: March 27, 2020

Following review under West Virginia Code Section 29A-3-15b, it is the decision of the Attorney General that the above emergency rule is approved. A copy of the complete decision with required findings is available from this office.

West Virginia
Office of the Attorney General
Patrick Morrisey

By: Patrick Morrisey
Patrick Morrisey
Attorney General

Orders Report

Docket Number	Agency	Respondent	Date Rendered
05-FY-2020	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Pamela Bowers	3/17/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 14-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, Executive Order 9-20 ordered all individuals within the state to stay at home or their place of residence unless performing an essential activity, ordered closed all non-essential businesses and operations, and defined essential businesses and operations that could remain open with proper social distancing and other measures to counter the spread of COVID-19 within the state; and

WHEREAS, further measures are necessary to protect the health, safety, and welfare of the public, to disrupt the spread of the virus, and to mitigate the impact of COVID-19, including mandating individuals traveling from areas with substantial community spread of COVID-19 self-isolate for a period of 14 days upon entry into the state or for the duration of their visit, whichever is shorter, and closing state park campgrounds, where we have received reports of individuals from out-of-state lodging and congregating; and

WHEREAS, these measures relating to self-isolation and the closure of state park campgrounds are necessary because individuals travelling from areas with substantial community spread of COVID-19 increase the likelihood of COVID-19 spreading within the state; and

WHEREAS, in order to promote and secure the safety and protection of the civilian population it may be necessary for law-enforcement officers throughout the state to monitor the state roads and highways for travel from areas with substantial community spread of COVID-19, provided that such monitoring be conducted in accordance with all applicable laws; and

WHEREAS, nothing in this Order is meant to impede commerce or any response activities and therefore shall not apply to any commercial activity, including without limitation commercial trucking activities and individuals who commute into or out of the state for work, persons performing any emergency, health, military, or infrastructure response activities necessitating travel into the state, or persons otherwise engaged in and traveling for Essential Businesses and Operations under the terms of Executive Order 9-20.

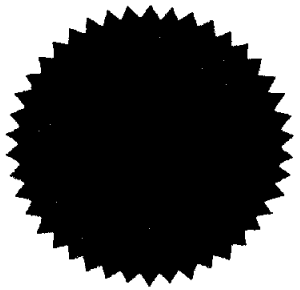
NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER,** effective as of 12:00 AM, Eastern Standard Time, on the Thirty-first day of March, Two Thousand Twenty, as follows:

1. That all state park campgrounds shall be closed.
2. That all individuals who are travelling from areas with substantial community spread of COVID-19, including without limitation Louisiana, New York, New Jersey, Connecticut, Italy, and China, are required to isolate for a period of 14 days upon entry to West Virginia or for the duration of their visit, whichever is shorter; provided that such individuals who are required to self-isolate may travel to seek such essentials as food and medical attention; and provided further that this measure does not apply to any commercial activity, including without limitation commercial trucking activities

and individuals who commute into or out of the state for work, persons performing any emergency, health, military, or infrastructure response activities necessitating travel into the state, or persons otherwise engaged in and traveling for Essential Businesses and Operations under the terms of Executive Order 9-20. This Order shall apply retroactively to all persons who have entered into West Virginia after being in any area with substantial community spread within the previous 14 days. All persons isolating or quarantining under this provision shall be responsible for all costs associated with their isolation or quarantine, including transportation, lodging, food, medical care, and any other expenses they may incur to sustain the person during the period of isolation or quarantine.

3. To the extent permitted by law, the West Virginia State Police may monitor the state roads and highways for travel from areas with substantial community spread of COVID-19; provided that such monitoring be conducted in accordance with all applicable laws; and provided further that any such monitoring shall not apply to any commercial activity, including without limitation commercial trucking activities and individuals who commute into or out of the state for work, persons performing any emergency, health, military, or infrastructure response activities necessitating travel into the state, or persons otherwise engaged in and traveling for Essential Businesses and Operations under the terms of Executive Order 9-20.
4. To the extent that any individual fails to comply with the terms of this Order and in any way illegally hinders or obstructs, or attempts to hinder or obstruct, any law-enforcement officer acting in his or her official capacity to enforce the terms of this Order, such individual shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 nor more than $500 or confined in jail not more than one year, or both fined and confined pursuant to Chapter 61, Article 5, Section 17 of the West Virginia Code.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirtieth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 15-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, Executive Order 9-20 ordered all individuals within the state to stay at home or their place of residence unless performing an essential activity, ordered closed all non-essential businesses and operations, and defined essential businesses and operations that could remain open with proper social distancing and other measures to counter the spread of COVID-19 within the state; and

WHEREAS, Executive Order 14-20 ordered all individuals traveling from areas with substantial community spread of COVID-19 to self-isolate for a period of 14 days upon entry into the state or for the duration of their visit, whichever is shorter, and closed state park campgrounds; and

WHEREAS, further measures are necessary to protect the health, safety, and welfare of the public, to disrupt the spread of the virus, and to mitigate the impact of COVID-19, including closing private campgrounds to individuals from out of state; and

WHEREAS, this Order shall not apply to any individuals from out of state who have taken up temporary residence in a private campground before the effective date of this Order and have already begun their 14-day isolation period in accordance with Executive Order 14-20; and

WHEREAS, it is understood that many individuals currently reside in private campgrounds in this state for extended periods of time as a permanent or semi-permanent residence and, as such, this Order shall not apply to any individual who has taken up any sort of permanent or semi-permanent residence in a private campground within this state prior to the effective date of this Order; and

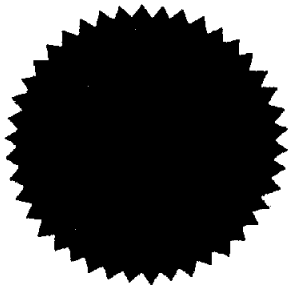
WHEREAS, nothing in this Order is meant to impede commerce or any response activities and therefore shall not apply to any individuals involved in commercial activity, including without limitation individuals involved in commercial trucking activities and individuals who commute into or out of the state for work, persons performing any emergency, health, military, or infrastructure response activities necessitating lodging in the state, or persons otherwise engaged in and who must remain in or travel into the state for the purposes of conducting Essential Businesses and Operations under the terms of Executive Order 9-20.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER,** effective as of 12:00 AM, Eastern Standard Time, on the First day of April, Two Thousand Twenty, as follows:

1. That all private campgrounds shall be closed to any new arrivals to such private campground who have traveled from outside of West Virginia; provided that this prohibition shall not apply to any individuals from out of state who have taken up temporary residence in a private campground before the effective date of this Order and have already begun their 14-day isolation period in accordance with Executive Order 14-20; and provided that this prohibition of new arrivals at private campgrounds shall not apply to any individuals involved in commercial activity, including without limitation individuals involved in commercial trucking activities and individuals who commute into or out of the state for work, persons performing any emergency, health, military, or infrastructure response activities necessitating lodging in the state, or

persons otherwise engaged in and who must remain in or travel into the state for the purposes of conducting Essential Businesses and Operations under the terms of Executive Order 9-20.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirty-first day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 16-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein, and to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

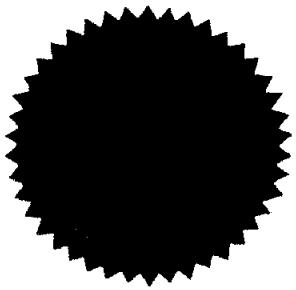
WHEREAS, Executive Order 9-20 ordered, among other things, all individuals within the State of West Virginia to stay at home or their place of residence unless performing an essential activity, which term "essential activity" included travel for certain medical care and treatment; and

WHEREAS, further measures are necessary to protect the health, safety, and welfare of the public, to disrupt the spread of the virus, and to mitigate the impact of COVID-19, including the prohibition of elective medical procedures throughout the state; and

WHEREAS, prohibiting elective medical procedures is necessary during this state of emergency to protect the public health, safety, and welfare by further limiting the movement of persons and occupancy of premises throughout the state, and by conserving limited medical personnel, personal protective equipment, and other necessary medical equipment and supplies in light of existing and anticipated treatment needs for COVID-19 patients.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER,** effective as of 12:00 AM, Eastern Standard Time, on the First day of April, Two Thousand Twenty, that all elective medical procedures are hereby prohibited; provided that patients will still have access to urgent, medically necessary procedures like those needed to preserve the patient's life or long-term health; and provided that this prohibition applies equally to all types of elective medical procedures performed in hospitals, offices, and clinics throughout the state. The term "elective" includes medical procedures that are not immediately medically necessary to preserve the patient's life or long-term health, except that procedures that cannot be postponed without compromising the patient's long-term health, procedures that cannot be performed consistent with other law at a later date, or procedures that are religiously mandated shall not be considered "elective" under this Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirty-first day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 17-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Orders 7-20, 10-20, 11-20, and 12-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, there have been additional statutory regulations identified by the West Virginia Board of Nursing and the West Virginia Board of Medicine that are preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulations are to be suspended for the duration of the State of Emergency:

1. Requirement for certified registered nurse anesthetist (CRNA) licensure as follows: to permit the Board, in their discretion, to suspend or modify the requirement for the administration of anesthesia (W. Va. Code § 30-7-15);
2. Requirement for advanced practice registered nurse (APRN) licensure as follows: to permit the Board, in their discretion, to temporarily suspend or modify the requirements for the authorization for prescriptive authority, collaborative requirements for prescriptive authority, prescriptive formulary limitations, prescriptive refill and supply limitations, and other prescriptive limitations including continuing education and renewal requirements (W. Va. Code §§ 30-7-15a, 30-7-15b, 30-7-15c); and
3. Requirement that a practitioner is required to conduct an in-personal physical examination every 90 days prior to prescribing a refill for a Schedule II opioid medication to an existing patient for chronic pain treatment (W. Va. Code. § 16-54-4(h)), provided that the provider utilizes other appropriate tools to evaluate the patient at these intervals, and assesses whether continuing the course of treatment would be safe and effective for the patient.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirty-first day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 18-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor, among other things, to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency, to control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein, and to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, it is projected by national and state health officials that the COVID-19 pandemic will continue to worsen throughout the country and throughout the state, with an apex for the number of cases occurring in West Virginia on or about the last week of April 2020; and

WHEREAS, the primary elections in West Virginia are currently scheduled to be held on May 12, 2020, soon after the currently anticipated apex of the pandemic; and

WHEREAS, the constitutional right to cast a ballot in a fair election in this state is sacrosanct and the right to cast a ballot in person, if a person desires to, on the polling day must be preserved to the extent possible, even in this state of emergency; and

WHEREAS, the congregation of the public at polling places so soon after the projected apex of the COVID-19 pandemic poses a large-scale threat to the public health, safety, and welfare; and

WHEREAS, the state has taken significant steps to date to mitigate the spread of the COVID-19 virus, but the virus remains a serious threat to the health, safety, and welfare of the public, and further efforts and actions are necessary to disrupt the spread of the virus and to mitigate the impact of COVID-19, including the postponement of West Virginia's primary elections currently scheduled for May 12, 2020; and

WHEREAS, it has been advised that postponing the date of the West Virginia primary elections approximately one month, to June 9, 2020, is in the best interest of the public health, safety, and welfare; and

WHEREAS, the postponement of the primary elections in this state will necessitate the postponement of municipal elections in this state for a similar period of time to allow voting resources to be efficiently utilized and to ensure that all elections proceed in the safest manner possible during this state of emergency, and the postponement of the primary elections may likewise make it necessary or advisable for levying bodies to coordinate with the appropriate county commission and board of ballot commissioners, in consultation with the State Auditor, regarding the possibility of placing the question of such levies on the primary elections ballot.

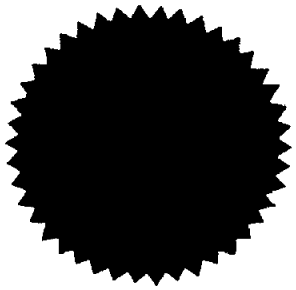
NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, as follows:

1. The provisions of West Virginia Code § 3-5-1, regulating the particular date on which primary elections are to be held, are suspended for the primary elections currently scheduled to be held on May 12, 2020, to the extent that the date provided for such primary shall be moved forward approximately one month to June 9, 2020.
2. The provisions of all other statutes of the West Virginia Code regulating particular dates by which certain actions relating to elections in this state must be performed,

in the discretion of the West Virginia Secretary of State, are likewise suspended for the same period of time, to the extent the Secretary of State deems necessary or advisable in order to properly conduct the primary elections on June 9, 2020. The Secretary of State is instructed to update the 2020 Elections Calendar, published by the West Virginia Secretary of State's Office, Elections Division, and the Secretary of State advises that this update will be complete and available by April 6, 2020.

3. The provisions of West Virginia Code § 8-5-5 and other applicable sections of Code regulating the particular date(s) on which municipal elections are to be held are suspended for the elections currently scheduled to be held between June 1, 2020, and June 9, 2020, to the extent that the date(s) provided for such elections shall be moved forward an equal number of days, and all local governing bodies charged with administering or conducting such elections shall take such actions as may be necessary or advisable to effect such postponement, in consultation with the West Virginia Secretary of State.
4. The provisions of West Virginia Code § 8-4-7, § 8-4-8, and other applicable sections of Code regulating the timing requirements for municipalities with election dates or procedures established under a charter to amend their charter to allow for a postponement of any municipal elections currently scheduled to be held between June 1, 2020, and June 9, 2020, are suspended to the extent that the timing requirements for amending such municipality's charter may need to be expedited to allow for a postponement of such elections for the number of days as may be necessary to postpone such municipal elections until a date after June 9, 2020, and all local governing bodies charged with administering or conducting such elections shall take such actions as may be necessary or advisable to effect such postponement, in consultation with the West Virginia Secretary of State. To the extent that any municipal charter or other law allows for emergency meetings or other procedures to otherwise postpone the election dates for such municipalities, such emergency meetings or other procedures may be used.
5. Any and all materials published or provided to the public by a state agency or other public body to date which may cite or reference the May 12, 2020 primary elections date shall be amended to cite or refer to the June 9, 2020 primary elections date provided for in this Order, in order to ensure the public is properly and consistently noticed of the postponed date of the primary elections; provided that those ballots and voting machines that have been printed or programed, prior to the effective date of this Order, with the date May 12, 2020 shall be excluded from the requirement of this section to amend materials.
6. Local levying bodies which must present a levy to the voters of their jurisdiction prior to July 1, 2020, are permitted to coordinate with the appropriate county commission and board of ballot commissioners, after consultation with the State Auditor, regarding the possibility of placing the question on the levy on the ballot for the June 9, 2020 primary election provided for under this Order; provided that the appropriate county commission and board of ballot commissioners are not required to add the question of a levy to the ballot for the June 9, 2020 primary election if there are insufficient time and/or resources to add the requisite language to election materials, ballots, voting machines, or other required materials. The local levying body shall follow the procedures set forth in Chapter 11 of the West Virginia Code for public notice and other requirements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this First day of April, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 19-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency; and

WHEREAS, Chapter 11A, Article 3, Section 21 requires delinquent real estate taxes and fees to be paid by March 31, 2020 to avoid the property being deeded to the purchaser of the 2017 tax liens; and

WHEREAS, Chapter 11A, Article 3, Section 24 requires payment to be made by cashier check, money order, certified check or United States currency in the amount necessary to redeem the tax lien purchased for the 2017 real estate tax; and

WHEREAS, by previous Executive Order 13-20, the second half ad valorem tax will not become delinquent until May 2, 2020.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the applicable provisions of the above-referenced regulatory statutes are hereby suspended and the following provisions shall control for the duration of the State of Emergency:

1. Delinquent real estate tax redemption date of March 31, 2020, for those properties purchased for 2017 tax liens, may be redeemed on or before April 15, 2020;
2. Payment to be made by cashier check, money order, certified check or United States currency in the amount necessary to redeem the tax lien purchased for the 2017 real estate tax, payment may now be made by cashier check, money order, certified check, United States currency or credit card, debit card, or charge card;
3. The date on which a sheriff shall prepare a delinquent list shall be extended from May 1, 2020 until June 1, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this First day of April, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

2020
ELECTIONS CALENDAR

WEST VIRGINIA SECRETARY OF STATE'S OFFICE
ELECTIONS DIVISION

Office Main: 1-304-558-6000
Toll-Free Number: 1-866-767-8683
elections@wvsos.gov

Revised 4/3/2020

2020 ELECTIONS IN WEST VIRGINIA

PRIMARY ELECTION -- June 9, 2020

GENERAL ELECTION -- November 3, 2020

Races on the ballot in 2020:

President of the United States	County Commission
U.S. Senate	Prosecuting Attorney
U.S. House of Representatives	Sheriff
Governor	Assessor
Secretary of State	Magistrate
Auditor	Surveyor
Treasurer	Board of Education
Commissioner of Agriculture	Conservation District Supervisor
Attorney General	Greater Huntington Park & Recreation District
Justice of the Supreme Court	Delegate to the National Convention (At-Large)
State Senate	Delegate to the National Convention (Congressional District)
House of Delegates	

COMPUTATION OF TIME

"If any applicable provision of this code or any legislative rule or other administrative rule or regulation . . . designates a particular date on, before or after which an act, event, default or omission is required or allowed to occur, and if the particular date designated falls on a Saturday, Sunday, legal holiday or designated day off, then the date on which the act, event, default or omission is required or allowed to occur is the next day that is not a Saturday, Sunday, legal holiday or designated day off."

- W. Va. Code § 2-2-1(e)

"When a proceeding is directed to take place or any act to be done on any particular day of the month or within any period of time prescribed or allowed . . . if that day or the last day falls on a Saturday, Sunday, legal holiday . . . the next day that is not a Saturday, Sunday, legal holiday . . . shall be deemed to be the one intended . . . ."

- W. Va. Code § 2-2-2(a)

"Accordingly, in the opinion of the Attorney General, where the last day upon which an act must, or may, be done falls upon a Sunday, the Monday following should be considered as the last day upon which the act can be done."

- See Report and Opinions of the Attorney General, pages 216-17 (1941)

REVISED ELECTION CALENDAR 2020

January 1 – June 3, 2020	**Receive Application for Absentee Ballot from Military or Overseas Voter (UOCAVA)** Received no earlier than the **first** day of January of an election year, or **84** days preceding the election, whichever is earlier, but not later than the **6th** day preceding the election, which application shall, upon the voter's request, be accepted as an application for ballots for all elections in the calendar year. - W. Va. Code § 3-3-5(b)(1)
January 1 – June 3, 2020	**Accept Applications for Mail-in Absentee Ballot from Eligible Voters** Period begins during which an eligible voter may submit an absentee ballot application, completed in his or her own handwriting, to the County Clerk in person, by mail, by fax or by email. Application may be received beginning **January 1** preceding the Primary Election and not later than **June 3** (6 days preceding Primary Election). - W. Va. Code § 3-3-5(b)(2)
April 1 – April 7, 2020	**1st Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly financial reports.** Reports due on April 1, 2020 of each year and filed within 6 days thereafter This report covers transactions from January 1, 2020 through March 31, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.
April 21, 2020	**49 days before Primary Election**

April 21, 2020	**Election Officials and Alternates Appointed** No later than **49 days** before the election, the County Commission shall appoint the election officials for each designated election board as follows: 1. Eligible persons nominated and timely filed by the executive committees as poll clerks, election commissioners; 2. Additional persons selected by the County Commission to serve as election commissioners; and 3. Persons to fill any positions for which no nominations were filed. The County Commission shall also appoint emergency absentee voting commissioners *(at the same meeting or at a subsequent meeting).* The County Commission shall: 1. Appoint the alternates nominated by the executive committees; 2. Appoint additional alternates; and 3. Determine the number of persons who may be instructed to attend training as alternates. - W. Va. Code §§ 3-1-30, 3-3-5c
April 21, 2020	**Write-In Candidate Filing Deadline for Election of ONLY Nonpartisan offices:** 1. Justice of the Supreme Court 2. Circuit Judge (unexpired) 3. Board of Education Member 4. Soil Conservation District Supervisor Eligible persons who seek to be elected by write-in votes to an office which is to be filled at the Primary Election shall file a write-in candidate's certificate of announcement by the **49th day** before the Primary Election. - W. Va. Code § 3-6-4a
April 24, 2020	**46 days before Primary Election**

April 24, 2020	**Delivery of Absentee Ballots to County Clerk** The board of ballot commissioners are to have the official absentee ballots printed and delivered to the County Clerk **46 days** before the election. - W. Va. Code § 3-3-11(a)
April 24, 2020 – June 3, 2020 (June 4, 2020 if applications are received on June 3, 2020)	**Mail Absentee Ballots** No later than the 46th day before the election, the County Clerks must mail absentee ballots to voters from whom they have received applications. Following the 46th day before the election, ballots must be sent within one day of receiving applications. Upon acceptance of a completed application, determine whether the requirements have been met and transmit absentee ballot(s), envelopes, instructions, and any other supplies required for voting the ballot. If determined the requirements have not been met, transmit balloting materials and give notice to the voter that the ballot will be provisional. - W. Va. Code § 3-3-5
April 25, 2020	**Approved Voter Registration Program for Eligible High School Students** No later than **45 days** before the election the County Clerk shall conduct an approved program of voter registration services for eligible high school students at each high school within the county. - W. Va. Code § 3-2-8(b)(2)
April 27, 2020 (Deadline depends upon date of appointment)	**Notice Mailed to Election Officials** Within **7 days** following appointment, county commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form. - W. Va. Code § 3-1-30(h)
May 4, 2020 (Deadline depends upon date of appointment)	**Election Officials Respond to Notification from County Clerk confirming ability to serve.** When an election official or alternate fails to return the response notice (or otherwise confirm to the County Clerk his or her agreement to serve within the required time, the position shall be considered vacant and the County Clerk shall proceed to fill the vacancies within **14 days** following the date of appointment. - W. Va. Code § 3-1-30(i)

May 10, 2020 (within 30 days of election)	**Instructional Program for Election Officials** Within **30 days** prior to election, County Clerk conducts instructional program using training materials produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting. - W. Va. Code § 3-1-46
May 14– 20, 2020	**Publish Sample Ballot for Early Voting** Not more than **26 nor less than 20 days** preceding the Primary Election, Ballot Commissioners publish sample official primary ballot for each party, nonpartisan candidates, and public questions as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspaper having largest circulation - §§ 3-5-10, 59-3-1 *et seq.*
May 19, 2020 (Deadline)	**Voter Registration Deadline** Voter registration for an election shall close **21 days** before the election, or on the **1st day** thereafter which is not a Saturday, Sunday or legal holiday. Completed application of eligible voter for registration, transfer, change of political party or other change submitted by the close of voter registration will be effective for any subsequent election, if: 1. Received at office of the County Clerk, no later than the hour of the close of registration; 2. Accepted by a designated agency or motor vehicle licensing office no later than the close of registration; 3. Accepted through a registration outreach program and received by the County Clerk no later than the close of registration; 4. Addressed to the appropriate County Clerk and postmarked by the postal service no later than the date of the close of registration; (Continued on next page)

	5. Accepted through an approved electronic voter registration system and received no later than the close of business on the final day of registration; or 6. The verification notice mailed to the applicant is not returned as undeliverable Voters must change party affiliation by close of registration in order to participate in that party's Primary Election. - W. Va. Code §3-2-6
May 27 – June 2, 2020	**Inspection of ballots, electronic poll books and vote recording devices.** 1 inspection can be done for Early Voting and Election Day materials *or* they can be done separately if Election Day materials are not ready. *Note: Vote recording devices used for Early Voting may only be used on Election Day if they are retested.* **Preparation** of materials is completed and **Notification** given to County Commission and Ballot Commissioners no later than **7 days** before election (Early Voting = May 20; Election Day = June 2). **Convene** County Commissioners and Ballot Commissioners no later than **5 days** before election. (Early Voting = May 22; Election Day = June 4). Class I-0 public notice regarding place and time of inspection is published no later than **3 days** before inspection. - W. Va. Code §§3-4A-13, 59-3-1 *et seq.*
May 20 – June 8, 2020	**Authorized Late Voter Registration Accepted from Certain Uniformed and Overseas Voters** Between the **20th day** before the election and **1 day** before the election, members of the uniformed services and overseas citizens whose employment supports national security, who have been discharged **60** days preceding an election, and spouses/dependents **residing** with said individuals, may register to vote in person at the County Clerk's Office. Appropriate documentation/affidavit must be presented as required by law. - W. Va. Code § 3-2-6a; - CSR § 153-44-1 *et seq.*

May 22, 2020	**Accept Voter Registration Card by Mail without Postmark** No later than **3 days** following the close of registration is the last day an application for registration may be accepted if addressed to the appropriate County Clerk and received by mail with the postmark missing or illegibility. - W. Va. Code § 3-2-6(b)(2)(A)
May 23, 2020 (deadline)	**Correct Incomplete Applications for Voter Registrations** Within **4 business days** after the close of registration, County Clerk may correct applications for voter registration containing incomplete information if applicant provides the required information. - W. Va. Code § 3-2-6(b)(1)
May 25 – May 29, 2020	**Primary Report (New)** **SB 622 is in effect June 7, 2019; this bill requires all candidates participating in the primary election to file the Primary Report in addition to all Quarterly Reports.** Reports due on the 15th day preceding the primary election and filed within 4 days thereafter This report covers transactions from April 1, 2020 through May 24, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.
May 27 – June 6, 2020	**Early Voting In Person** Beginning on the **13th** day and continuing through the **3rd** day before the election, voter may vote an early ballot at the county courthouse, an annex or a designated community voting location during normal business hours; additionally, early voting must be conducted between 9 a.m. and 5 p.m. on the last 2 Saturdays before the Primary Election. - W. Va. Code § 3-3-3

June 2, 2020	**Public Test of Tabulating Equipment** **1 week** prior to the start of the count of the votes, all automatic tabulating equipment must be tested to ascertain that it will accurately count the votes for all offices and on all measures. Notice must be provided no more than **2** weeks but not less than **48 hours** before test by publication of Class I-0 legal advertisement. (Notice must be provided May 26 – June 7.) After processing pre-audited ballots, the County Commission certifies the equipment to be free from error as determined by the test. Testing material and certification is to be placed in a sealed container until the start of canvass. - W. Va. Code §§ 3-4A-26, 59-3-1 *et seq.*
June 2 – 8, 2020	**Instructional Program Make-Up Session** Within last **7 days** before election, County Clerk conducts make-up session for election officials unable to attend regular session. - W. Va. Code § 3-1-46(c)
June 2 -8, 2020	**Publish Official List of Candidates or Sample Ballot for Election Day** On the last day on which a newspaper is published immediately preceding the Primary Election, Ballot Commissioners publish the official list of candidates and issues, or the sample ballot, as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish as Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation; or 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish as Class I legal advertisement in qualified newspaper having largest circulation. - W. Va. Code §§ 3-5-10, 59-3-1 *et seq.*
June 2 - 9, 2020 (Deadline: Noon on June 9)	**Receive Requests for Emergency Absentee Ballot** No earlier than **7 days** preceding the election and no later than **noon** of Election Day, a voter or a member of the voter's immediate family (or in counties with an extended policy, a staff member of a nursing home) may request a ballot for voting (Continued on next page)

	emergency absentee. A voter may be eligible to receive an emergency absentee ballot in the following circumstances: • Voter in the hospital on Election Day; • Replacement poll worker appointed after the period for Early Voting; • Voter in licensed health care facilities within an adjacent county or within 35 miles of the county seat (county policy required); • Voter in nursing home within the county if he or she has resided there for a period of less than 30 days (county policy required); or • Voter becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, or immobility due to advance age or other medical reason (county policy required). - W. Va. Code §§ 3-3-1, 3-3-5c(d)
June 3, 2020	**Deadline for Absentee by Mail Application** Not later than the **6th day** preceding the election, last day to receive application for absentee ballot by mail. Ballot shall be mailed no later than following day. - W. Va. Code § 3-3-5(b)(1), 3-3-5(e)(1)
June 6, 2020 (Deadline)	**Deadline for Early Voting in Person** Last day to vote an early ballot in person (occurs on a Saturday) - W. Va. Code § 3-3-3
June 8, 2020	**Deadline to Hand-Deliver Absentee Ballot to the Clerk's Office** No later than **1 day** preceding the election, the last day for County Clerk to accept hand delivered absentee ballot by mail. No person may personally deliver more than **2** absentee ballots in any election. - W. Va. Code § 3-3-5(k)
June 8, 2020	**Election Commissioners Receive Election Supplies** No later than **1 day** before Primary Election, the last day on which election commissioner(s) of each precinct, as designated by County Commissioners, shall receive necessary election supplies from County Clerk. - W. Va. Code §§ 3-1-24(a), 3-4A-13(f)

June 8, 2020	**Failure to Pick Up Supplies, Delivery Thereof** By close of County Clerk's Office **1 day** prior to Primary Election, Board of Ballot Commissioners (or chairman thereof) forthwith dispatches, by special messenger, election supplies to any election commissioner who has failed to pick up supplies by designated time. - W. Va. Code § 3-1-25
June 9, 2020 (NOTE: by Executive Order of the Governor, Election Day was postponed from May 12 to June 9 due to public health concerns amid the COVID-19 pandemic.)	**PRIMARY ELECTION DAY** Polls open 6:30 a.m. and close 7:30 p.m. - W. Va. Code §§ 3-1-31, 3-5-1 In counties using electronic voting systems, County Clerk must deliver vote recording devices to polling places not less than **1 hour** prior to polls opening. - W. Va. Code § 3-4A-16 If appointed election official fails to appear at polling place by 5:45 a.m., election officials shall contact County Clerk for assistance in filling vacancy. - W. Va. Code § 3-1-30(j) *et. seq.* Upon request by or for persons eligible to vote emergency absentee ballot made no later than noon of Election Day, emergency absentee voting commissioners deliver application and ballot to voter in hospital (or nursing home if authorized). - W. Va. Code § 3-3-5c A voter whose registration record lists one address but has since moved to another within the county may update the registration at the polling place and shall vote in the precinct of current residence using a provisional ballot. - W. Va. Code §§ 3-2-22(a)(6), 3-2-31(c) A voter whose legal name has changed may update the registration by filing an affidavit of change of legal name at the polling place on Election Day. - W. Va. Code § 3-2-22(d)(2)

June 9, 2020	**Post Summary Returns** Upon completion of the count, the returns are to be open to the public by posting a summary of the returns as have been tabulated at the central counting center. - W. Va. Code § 3-4A-27(e)
June 10, 2020	**Absentee Ballots without Postmark Accepted** **1 day** after Election Day, absentee ballots without postmark are accepted if delivered by the US Postal Service or other express shipping service and received by the County Clerk, no later than the day after Election Day. (Does not apply to UOCAVA ballots.) - W. Va. Code § 3-3-5(g)(1)
June 15, 2020	**Absentee Ballots Postmarked by Election Day Accepted** No later than the hour at which the board of canvassers convenes to begin the canvass, absentee ballots by mail shall be accepted if ballot bears a postmark of the US Postal Service dated no later than Election Day and the ballot is received by the County Clerk, within the required time. Absentee ballots from military are accepted without postmark if received prior to start of canvass. - W. Va. Code §§ 3-3-5(g)(2) 3-5-17
June 15, 2020	**Canvass Returns** On the **5th day**, except for Sundays, after Primary Election, County Commission, as the board of canvassers, meets to canvass Primary Election returns. The board of canvassers shall meet from day to day adjourning no longer than is absolutely necessary until the canvass is complete.
Deadline depends on date canvass is completed in all jurisdictions.	**Declare Results** Upon completion of canvass, publicly declare the election results and wait **48 hours** (do not count Saturdays, Sundays and legal holidays) to allow for recount requests to be submitted. *Multi-county races must wait until the last county declares results for the **48 hours** to begin. Notice will be provided by the Elections Division on the start times.*

Deadline depends on date results are declared	**Recount** Recount request must be made within **48 hours** of the declaration of results. If a candidate is on the ballot in more than one county, the **48 hours** begins after the final county's board of canvassers declares the results. A candidate may demand a recount. **Note:** If a recount has been demanded, the board of canvassers shall have **48 hours** in which to send notice to all candidates who filed for the office in which a recount has been demanded. Such recount shall be set for no sooner than **3 days** after serving the notice. After the notice is served, candidates so served shall then have an additional **24 hours** in which to demand a recount of precincts not requested to be recounted by candidate originally requesting recount. The recount is open to the public. However, only those authorized may handle election materials. - W. Va. Code §§ 3-5-17, 3-6-9
Deadline depends on date results are declared and recounts	**Certify Results** **48 hours** after the declaration, CERTIFY election results in races where a recount was NOT requested. - W. Va. Code §§3-5-17, 3-6-9, 3-6-10
Deadline depends on date of election certification	**Contest Primary Election** Within **10 days** after the results of election are certified, candidate may contest the Primary Election before the County Commission in which any primary procedures, practices or results may be in issue. A contest is a legal proceeding. Legal counsel *should* (but not mandatorily) be obtained by parties involved. - W. Va. Code §§ 3-5-20, 3-7-1, 3-7-6
July 9, 2020 (Deadline – may occur as soon as possible following certification)	**Transmit Certificates of Results** The certification of the results of the Primary Election should be sent to Secretary of State **as soon as possible** but no later than **30 days** after the primary. Board of canvassers transmits original certificates of election results for all offices to be filled by the voters of more than one county to the Secretary of State, along with copies of certificates of results for county candidates. - W. Va. Code § 3-5-17, 3-5-18

July 1, 2020	**Terms of Board of Education and Soil Conservation District Supervisors Begin** New members of the Board of Education and Soil Conservation District elected to full terms and un-expired terms take office. - W. Va. Code §§ 18-5-1b, 19-21A-6
July 1 – July 7, 2020	**2nd Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly reports.** Reports due on July 1 of each year and filed within 6 days thereafter This report covers transactions from April 27, 2020 through June 30, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.

GENERAL ELECTION DATES

July 6, 2020 (Deadline)	**Notice of Precinct Change** At least **1 month** before any precinct changes, the last day on which to complete Class II-0 legal notice of County Commission's intention to change, divide or consolidate voting precincts for the General Election; notice published once each week for **2** successive weeks in **2** qualified newspapers of opposite politics. - W. Va. Code §§ 3-1-7(b), 59-3-1 *et seq.*
August 3, 2020 (NOTE: actual deadline in Code is August 1. However, that deadline falls on a Saturday, so the deadline is extended to the next business day per W. Va. Code § 2-2-2)	**Deadline for No Party Organization/Unaffiliated Candidates to File Nominating Petitions, Certificate of Announcements and Pay Filing Fee** No later than **August 3** preceding the General Election, certificates nominating candidates to be file no later than August 3, 2020 with the Secretary of State or County Clerk, depending upon the office being sought. (Continued on next page)

	If nomination certificate is not timely filed and filing fee not timely paid, they may not be accepted by the filing office. - W. Va. Code §§ 3-5-23, 3-5-24
August 3 - 18, 2020	**Special Filing Period for Board of Education Vacancy Occurring after Close of Filing for Primary Election** No earlier than the 1st Monday in August and no later than **77 days** before the General Election, candidate filing period for unexpired term of Board of Education to fill vacancy which occurs after the close of the Primary Election candidate filing but not later than **84 days** before the General Election. The certificate of announcement and filing fee shall be remitted to the County Clerk no earlier than **August 1** and no later than **77 days** before the General Election. - W. Va. Code § 3-5-19(c)
August 5, 2020	**90 days before the General Election**
August 5, 2020 (Deadline)	**Deadline for Ordering Precinct Change** Last day for County Commission **(after at least a 1 month notice)** to enter an order changing the boundaries of any precinct into **2 or more** precincts, or consolidate **2 or more** precincts into **1**, or to change the location of the polling place whenever the public convenience may require it. Within **15** days after such order is issued, the County Commission shall publish the order as a Class II-0 legal advertisement. - W. Va. Code §§ 3-1-7(b), 59-3-1 *et seq.*
August 5, 2020	**Adopt Policy Extending Emergency Absentee Voting** Last day County Commission may adopt policy extending the emergency absentee voting procedures to: 1. Hospitals or other duly licensed health care facilities within an adjacent county or within **35** miles of the county seat; and 2. Nursing homes within the county; or 3. A voter who becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, immobility due to advance age or other medical reason. County Commission must adopt this policy **90 days** before election and a copy of this policy must be filed with the Secretary of State. - W. Va. Code § 3-3-5c(a)

August 5, 2020	**Petition for Suspension of Election Official** Petition seeking suspension of an election official must be filed with County Commission at least **90 days** before an election. The petition must be signed by **25** registered voters of the precinct where election official last served. Upon presentation of evidence of listed grounds, County Commission may, upon majority vote, suspend the eligibility to serve as an election official for **2** years. County Commission may, on its own motion, suspend an election official for specific causes for **4** years. - W. Va. Code § 3-1-28
August 5, 2020	**Notice of Emergency Precinct Change** In the case of an emergency and with the approval of the Secretary of State, last day on which to complete notice of County Commission's intention to change, divide or consolidate voting precincts is at least **1 month** before any precinct boundary change. Notice must be published once each week for **2** successive weeks in **2** qualified newspapers of opposite politics as Class II-0 legal ad. - W. Va. Code §§ 3-1-7, 59-3-1 *et seq.*
August 8, 2020	**Report Failure to File Financial Statement to Prosecuting Attorney** **60 days** after Primary Election the Secretary of State and the County Clerk is to give notice of the failure of any candidates, agents or treasures to file required, detailed, itemized financial statements of transactions connected with Primary Election to Prosecuting Attorney where candidate resides. - W. Va. Code § 3-8-7(a) **Written notification to candidates/committees that failed to file financial statements** **60 days** after the Primary Election), a written notice is to be sent by certified mail to candidates/committees that failed to file the required finance reports relating to the Primary Election. - W. Va. Code § 3-8-7(e) - Code of State Rules (CSR) § 151-51 *et seq.*
August 11, 2020	**84 days before General Election Day**

August 11, 2020 (Deadline)	**Notice of Number of Election Officials** The County Commission designates the number and type of election boards for the various precincts and gives written notice to the county executive committees of the **2** major political parties stating the number of nominations which may be made for poll clerks and commissioners. *Recommended that notice of the number of emergency absentee voting commissioners needed is also provided at this time.* - W. Va. Code § 3-1-29
August 11, 2020	**Last Day for Candidate to Withdraw from General Election** The last day for candidate to file a notarized statement of withdrawal with the same officer with whom the certificate of announcement was filed must be provided to the County Clerk No later than **84 days** before the General Election - W. Va. Code § 3-5-11(b)(2)
August 11, 2020	**Disqualification for failure to file Primary Financial Statements** Late financial statements must be received in the filing office by close of business on this day. Failure to file is an automatic disqualification and the candidate's name is removed from the ballot. If disqualified, the executive committee may appoint according to the provisions of §3-5-19(a)(4). - W. Va. Code § 3-8-7(c)(1)
August 11 – October 28, 2020	**Accept Applications for Mail-In Absentee Ballot from Eligible Voters** Period begins during which an eligible voter may submit an absentee ballot application, completed in his or her own handwriting, to the County Clerk in person, by mail, by fax or by email. Application must be received no earlier than **84 days** preceding the General Election and not later than **6 days** preceding General Election. - W. Va. Code § 3-3-5(b)(2)
August 17, 2020 (Deadline for committee)	**Executive Committee or Chair Appointment to Fill Vacancy in Nomination** (For committee -- After Primary Election, but not later than **78 days** preceding General Election.) Last day an executive committee may fill vacancy in nomination if the vacancy occurs **84 days** before the General Election and is caused by any of the reasons below:

	• Candidate automatically disqualified due to failure to file campaign finance reports • Candidate determined disqualified by State Executive Committee • Incapacity of candidate • Withdrawal of a candidate • Vacancy in certain partisan offices not on the General Election ballot (filing fee required)
August 19, 2020 (Deadline for chair)	(Not later than **2 days** following the deadline for the executive committee) If appropriate political executive committee has not filled vacancies in its General Election nominations, according to the provisions of this section such vacancies may be filled by the committee's chairman by filing with the proper officer. - W. Va. Code § 3-5-19
August 19 – 24, 2020	**Secretary of State Certifies Names** Secretary of State certifies to each County Clerk the names of each political party's nominees entitled to be placed on the General Election ballot between last day to fill vacancies in nomination and the drawing to determine ballot order - W. Va. Code §§ 3-5-18
August 25, 2020	**70 days before the General Election**
August 25, 2020	**Drawing for Order of Names on Ballot** (On the **70th day** next preceding the date of the General Election) For all ballot systems, drawing by lot shall be conducted at 9 a.m. in the office of the County Clerk to determine the order of names of candidates for any office or division for which more than one is to be elected. - W. Va. Code § 3-6-2(d)(2)
August 25, 2020	**Estimate Number of Absentee Ballots** No later than **70 days** before the election the County Clerk estimates number of official absent and early voter's ballots required. - W. Va. Code § 3-3-11(a)

August 25, 2020	**Election Official Nominations Filed** No later than **70 days** before the General Election, each county executive committee, or its chairman or secretary on its behalf, shall file in writing with the County Commission a list of persons nominated by a majority vote of the committee at a duly called meeting, as election officials and the positions for which they are designated, and those persons nominated as alternates. The number of alternates for each party may not exceed the number of precincts in the county. - W. Va. Code §3-1-30
September 4, 2020	**60 days before General Election**
September 4, 2020	**Emergency Order to Change Precincts** In case of an emergency and with the permission of the Secretary of State, the County Commission may enter an order to consolidate, divide or change the boundaries of a precinct within a county no later than **60 days** before the election. Within **15 days** after such order is issued, the County Commission shall publish the order as Class II-0 legal advertisement. W. Va. Code §§ 3-1-7, 59-3-1 *et seq*
September 8, 2020	**56 days before General Election**
September 8, 2020	**Notice of Number of Sets of Emergency Absentee Voting Commissioners Needed** **56 days** before the General Election, the County Clerk notifies the County Commission of the number of sets of emergency absentee ballot commissioners necessary.
September 15, 2020	**49 days before the General Election**
September 15, 2020	**Election Officials and Alternates Appointed** No later than **49 days** before the election, the County Commission shall appoint the election officials for each designated election board as follows: 1. Eligible persons nominated and timely filed by the executive committees as poll clerks, election commissioners; 2. Additional persons selected by the County Commission to serve as election commissioners; and

	3. Persons to fill any positions for which no nominations were filed. The County Commission shall also appoint emergency absentee voting commissioners *(at the same meeting or at a subsequent meeting).* The County Commission shall: 1. Appoint the alternates nominated by the executive committees; 2. Appoint additional alternates; and 3. Determine the number of persons who may be instructed to attend training as alternates. - W. Va. Code §§ 3-1-30, 3-3-5c
September 15, 2020	**Write-In Candidate Filing Deadline for General Election** Eligible persons who seek to be elected by write-in votes to an office which is to be filled at the General Election shall file a write-in candidate's certificate of announcement by the **49th day** before the General Election. - W. Va. Code § 3-6-4a
September 18, 2020	**46 days before the General Election**
September 18, 2020	**Delivery of Absentee Ballots to County Clerk** (No less than **46 days** prior to General Election) Last day for board of ballot commissioners to have printed and delivered to County Clerk the official absent voters' ballots. - W. Va. Code § 3-3-11(a)
September 18 – October 28, 2020 (October 29, 2020 if applications are received on October28, 2020)	**Mail Absentee Ballots** No later than the 46th day before the election, the County Clerks must mail absentee ballots to voters from whom they have received applications. Following the 46th day before the election, ballots must be sent within one day of receiving applications. Upon acceptance of a completed application, determine whether the requirements have been met and transmit absentee ballot(s), envelopes, instructions, and any other supplies required for voting the ballot. If determined the requirements have not been met, transmit balloting materials and give notice to the voter that the ballot will be provisional.

	- W. Va. Code § 3-3-5
September 22, 2020 (Deadline, depending on date of appointment)	**Notice Mailed to Election Officials** Within **7 days** following appointment, county commission notifies, by first-class mail, all election commissioners, poll clerks and alternates of their appointment, including a response form. - W. Va. Code § 3-1-30(h)
September 29, 2020 (Deadline, depending on date of appointment)	**Election Officials Respond to Notification from County Clerk confirming ability to serve.** When an election official or alternate fails to return the response notice (or otherwise confirm to the County Clerk his or her agreement to serve within the required time, the position shall be considered vacant and the County Clerk shall proceed to fill the vacancies within **14 days** following the date of appointment. - W. Va. Code § 3-1-30(i)
October 1 – October 7, 2020	**3rd Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly financial reports.** Reports due on October 1, 2020 of each year and filed within 6 days thereafter This report covers transactions from July 1, 2020 through September 30, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.

October 4, 2020	**Instructional Program for Election Officials** Within **30 days** prior to election, County Clerk conducts instructional program using training materials produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting. - W. Va. Code § 3-1-46(c)
October 7, 2020	**Voter History** After each primary, general, municipal or special election, the County Clerk shall enter the voting records into the statewide voter registration database within **120 days** after the election. - W. Va. Code § 3-2-18(e)
October 8 – 14, 2020	**Publish Sample Ballot for Early Voting** Not more than **26 nor less than 20 days** preceding the General Election, Ballot Commissioners publish sample official general ballot, nonpartisan candidates, and public questions as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspaper having largest circulation - §§ 3-6-3, 59-3-1 *et seq.*
October 13, 2020	**Voter Registration Deadline** Voter registration for an election shall close **21 days** before the election, or on the **1st day** thereafter which is <u>not</u> a Saturday, Sunday or legal holiday. Completed application of eligible voter for registration, transfer, change of political party or other change submitted by the close of voter registration will be effective for any subsequent election, if: 1. Received at office of the County Clerk, no later than the hour of the close of registration; 2. Accepted by a designated agency or motor vehicle licensing office no later than the close of registration;

	3. Accepted through a registration outreach program and received by the County Clerk no later than the close of registration; 4. Addressed to the appropriate County Clerk and postmarked by the postal service no later than the date of the close of registration; 5. Accepted through an approved electronic voter registration system and received no later than the closeof business on the final day of registration; or 6. The verification notice mailed to the applicant is not returned as undeliverable - W. Va. Code §§ 3-2-6
October 14 – October 27, 2020	**Inspection of ballots, electronic poll books and vote recording devices.** **1** inspection can be done for Early Voting and Election Day materials or they can be done separately if Election Day materials are not ready. *Note: Vote recording devices used for Early Voting may only be used on Election Day if they are retested.* **Preparation** of materials is completed and **Notification** given to County Commission and Ballot Commissioners no later than **7 days** before election (Early Voting = October 14; Election Day = October 27). **Convene** County Commissioners and Ballot Commissioners no later than **5 days** before election. [Early Voting = October 16; Election Day = October 29). Class I-0 public notice regarding place and time of inspection is published no later than **3 days** before inspection. - W. Va. Code §§3-4A-13, 59-3-1 *et seq.*
October 14 –November 2, 2020	**Authorized Late Voter Registration Accepted from Certain Uniformed and Overseas Voters** Between the **20th day** before the election and **1 day** before the election, members of the uniformed services and overseas citizens whose employment supports national security, who have been discharged **60** days preceding an election, and spouses/dependents **residing** with said individuals, may register to vote in person at the County Clerk's Office. Appropriate documentation/affidavit must be presented as required by law. - W. Va. Code § 3-2-6a; - CSR § 153-44-1 *et seq.*

October 16, 2020	**Accept Voter Registration Card by Mail without Postmark** No later than **3 days** following the close of registration is the last day an application for registration may be accepted if addressed to the appropriate County Clerk and received by mail with the postmark missing or illegible. - W. Va. Code § 3-2-6(b)(2)(A)
October 19, 2020	**Correct Incomplete Applications for Voter Registration** County Clerk may correct applications for voter registration containing incomplete information if applicant provides the required information within **4 business days** after the close of registration. - W. Va. Code § 3-2-6(b)(1)
October 19 – October 23, 2020	**General Report (New)** **SB 622 is in effect June 7, 2019; this bill requires all candidates participating in the general election to file the General Report in addition to all Quarterly Reports.** Reports due on the **15th day** preceding the general election and filed within **4 days** thereafter This report covers transactions from October 1, 2020 through October 18, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8
October 21 – October 31, 2020	**Early Voting in Person Conducted** Beginning on the **13th** day and continuing through the **3rd** day before the election, voter may vote an early ballot at the county courthouse, an annex or a designated community voting location during normal business hours; additionally, early voting must be conducted between 9 a.m. and 5 p.m. on the last **2** Saturdays before the Primary Election. - W. Va. Code § 3-3-3
October 27, 2020	**Public Test of Tabulating Equipment** **1 week** prior to the start of the count of the votes, all automatic tabulating equipment must be tested to ascertain that it will accurately count the votes for all offices and on all measures. Notice must be provided no more than **2** weeks but not less than **48 hours** before test by publication of Class I-0 legal

	advertisement. (Notice must be provided October 20 – November 1.) After processing pre-audited ballots, the County Commission certifies the equipment to be free from error as determined by (Continued on next page) the test. Testing material and certification is to be placed in a sealed container until the start of canvass. - W. Va. Code §§ 3-4A-26, 59-3-1 *et seq*.
October 27 – November 2, 2020	**Instructional Program Make-Up Session** Within last **7 days** before election, County Clerk conducts make-up session for election officials unable to attend regular session. - W. Va. Code § 3-1-46(c)
October 27 – November 2, 2020	**Publish Official List of Candidates or Sample Ballot for Election Day** On the last day on which a newspaper is published immediately preceding the General Election, Ballot Commissioners publish the official list of candidates and issues, or the sample ballot, as follows: 1. For counties in which **2 or more** qualified newspapers publish a daily newspaper, publish as Class I-0 legal advertisement in the **2** qualified daily newspapers of different political parties within the county having the largest circulation; or 2. For counties having no more than **1** daily newspaper, or having only **1 or more** qualified weekly newspapers, publish as Class I legal advertisement in qualified newspaper having largest circulation. - W. Va. Code § 3-6-3, 59-3-1 *et seq*.
October 27 – Noon, November 3, 2020	**Receive Requests for Emergency Absentee Ballot** No earlier than **7 days** preceding the election and no later than **noon** of Election Day, a voter or a member of the voter's immediate family (or in counties with an extended policy, a staff member of a nursing home) may request a ballot for voting emergency absentee. A voter may be eligible to receive an emergency absentee ballot in the following circumstances: • Voter in the hospital on Election Day; • Replacement poll worker appointed after the period for Early Voting;

	• Voter in licensed health care facilities within an adjacent county or within 35 miles of the county seat (county policy required); • Voter in nursing home within the county if he or she has resided there for a period of less than 30 days (county (Continued on next page) policy required); or • Voter becomes confined, on or after the seventh day preceding an election, to a specific location within the county because of illness, injury, physical disability, or immobility due to advance age or other medical reason (county policy required). - W. Va. Code §§ 3-3-1(c), 3-3-5c(d)
October 28, 2020	**Deadline for Absentee by Mail Application** Not later than the **6th day** preceding the election, last day to receive application for absentee ballot by mail. Ballot shall be mailed no later than following day. - W. Va. Code § 3-3-5(b)(1), 3-3-5(e)(1)
October 29, 2020 (By close of business at the filing office)	Write-In Candidate Filing Deadline in Case of Death of Candidate Vacancy occurs no earlier than **48 days (September 16)** and no later than **5 days (October 29)** before the General Election, the certificate shall be received no later than the close of business **5 days** before the election, or the close of business on the day following the occurrence of the vacancy, whichever is later. Write-in candidates file a certificate of announcement to become certified write-in candidates in case of the death of a candidate. - W. Va. Code § 3-6-4a(c)(2)
October 31, 2020 (Deadline)	**Deadline for Early Voting in Person** Last day to vote an early ballot in person (occurs on a Saturday) - W. Va. Code § 3-3-3
November 2, 2020	**Deadline to Hand-Deliver Absentee Ballots to the County Clerk's Office** The last day for County Clerk to accept hand delivered absentee ballot by mail is no later than **1 day** preceding the election. No person may personally deliver more than **2** absentee ballots in any election. - W. Va. Code § 3-3-5(k)

November 2, 2020	**Election Commissioners Receive Election Supplies** No later than **1 day** before General Election, the last day on which election commissioner(s) of each precinct, as designated by County Commissioners, shall receive necessary election supplies from County Clerk. - W. Va. Code § 3-1-24, 3-4A-13(f)
November 2, 2020	**Failure to Pick Up Supplies** By close of County Clerk's Office **1 day** prior to General Election, Board of Ballot Commissioners (or chairman thereof) forthwith dispatches, by special messenger, election supplies to any election commissioner who has failed to pick up supplies by designated time. - W. Va. Code § 3-1-25
November 3, 2020	**GENERAL ELECTION DAY** Tuesday after first Monday in November of even years. Polls open at 6:30 a.m. and close 7:30 p.m. - W. Va. Code § 3-1-31 In counties using electronic voting systems, County Clerk must deliver vote recording devices to polling places not less than **1 hour** prior to polls opening. - W. Va. Code § 3-4A-16 If appointed election official fails to appear at polling place by 5:45 a.m., election officials shall contact County Clerk for assistance in filling vacancy. - W. Va. Code § 3-1-30(j) Upon request by or for persons eligible to vote emergency absentee ballot made no later than noon of Election Day, emergency absentee voting commissioners deliver application and ballot to voter in hospital (or nursing home if authorized). - W. Va. Code § 3-3-5c A voter whose registration record lists one address but has since moved to another within the county may update the registration (Continued on next page)

	at the polling place and shall vote in the precinct of current residence using a provisional ballot. - W. Va. Code §§ 3-2-22(a)(6), 3-2-31(c) A voter whose legal name has changed may update their registration by filing an affidavit of change of legal name at the polling place on Election Day without using a provisional ballot. - W. Va. Code § 3-2-22(d)(2)
November 3, 2020	**Post Summary Returns** Upon completion of the count, the returns are to be open to the public by posting a summary of the returns as have been tabulated at the central counting center. - W. Va. Code § 3-4A-27(e)
November 4, 2020	**Absentee Ballots Without Postmark Accepted** **1 day** after Election Day, absentee ballots without postmark are accepted if delivered by the US Postal Service or other express shipping service and received by the County Clerk, no later than the day after Election Day. (Does not apply to UOCAVA ballots.) - W. Va. Code § 3-3-5(g)(1)
November 9, 2020	**Absentee Ballots Postmarked by Election Day Accepted** No later than the hour at which the board of canvassers convenes to begin the canvass, absentee ballots by mail shall be accepted if ballot bears a postmark of the US Postal Service dated no later than Election Day and the ballot is received by the County Clerk, within the required time. Absentee ballots from military are accepted without postmark if received prior to start of canvass. - W. Va. Code §§ 3-3-5(g)(2) 3-5-17
November 9, 2020	**Canvass Returns** On the **5th day**, excluding Sundays, after General Election, County Commission, as the board of canvassers, meets to canvass General Election returns. The board of canvassers shall meet from day to day adjourning no longer than is absolutely necessary until the canvass is complete.

Deadline depends on date canvass is completed in all jurisdictions.	**Declare Results** Upon completion of canvass, publicly declare the election results and wait **48 hours** (do not count Saturdays, Sundays and legal holidays) to allow for recount requests to be submitted. Multi-county races must wait until the last county declares results for the 48 hours to begin. Notice will be provided by the Elections Division on the start times.
Deadline depends on date results are declared	**Recount** Recount request must be made within **48 hours** of the declaration of results. If a candidate is on the ballot in more than one county, the **48 hours** begins after the final county's canvassing board declares the results. A candidate may demand a recount. **Note:** If a recount has been demanded, the board of canvassers shall have **48 hours** in which to send notice to all candidates who filed for the office in which a recount has been demanded. Such recount shall be set for no sooner than **3 days** after serving the notice. After the notice is served, candidates so served shall then have an additional **24 hours** in which to demand a recount of precincts not requested to be recounted by candidate originally requesting recount. The recount is open to the public. However, only those authorized may handle election materials. - W. Va. Code § 3-6-9
Deadline depends on date results are declared and recounts	**Certify Results** **48 hours** after the declaration, CERTIFY election results in races where a recount was NOT requested. - W. Va. Code §§ 3-5-17, 3-6-9, 3-6-10
Deadline depends on date election results are declared	**Contest General Election** Within **10 days** after the results of election are **certified**, candidate may contest the General Election before the County Commission in which any general procedures, practices or results may be in issue. A contest is a legal proceeding. Legal counsel *should* (but not mandatorily) be obtained by parties involved. - W. Va. Code §§ 3-7-1, 3-7-6

December 3, 2020 (Deadline)	**Transmit Certificates of Results** The certification of the results of the General Election should be sent to Secretary of State **as soon as possible** but no later than **30 days** after the primary. Board of canvassers transmits original certificates of election results for all offices to be filled by the voters of more than one county to the Secretary of State, along with copies of certificates of results for county candidates - W. Va. Code § 3-6-11
January 1 – January 7, 2021	**4th Quarter Report (New)** **SB 622 is in effect June 7, 2019; this bill requires quarterly reports.** Reports due on January 1 of each year and filed within 6 days thereafter This report covers transactions from October 19, 2020 through December 31, 2020. - W. Va. Code §§ 3-8-5, 3-8-5(b); - Code of State Rules (CSR) § 146-3-8 Candidates, treasurers and financial agents submit reports to the Secretary of State, County Clerk or Municipal Recorder, determined by which office is sought. A detailed itemized statement is submitted setting forth all activity from the previous report or organization date.
January 4, 2021 (NOTE: the statutory deadline is January 2, which falls on a Saturday. The next business day is January 4 per W. Va. Code § 2-2-2.)	**Report Failure to File Financial Statement to Prosecuting Attorney** (**60 days** after General Election) Secretary of State and County Clerk give notice of any failure of candidates, agents or treasurers to file required, detailed, itemized financial statements of transactions connected with General Election to Prosecuting Attorney where candidate resides. - W. Va. Code § 3-8-7(a)

March 3, 2021	**Voter History** (Within **120 days** following General Election) After each primary, general, municipal or special election, the County Clerk shall enter the voting records into the statewide voter registration database. - W. Va. Code § 3-2-18(e)

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Environmental Health Service

Bill J. Crouch
Cabinet Secretary

Catherine C. Slemp, MD, MPH
Commissioner & State Health Officer
(Interim)

OTHER

MEMORANDUM

FILED
2020 APR -1 P 2:37
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TO: Interested Parties

FROM: Stephanie Hickerson, P. E. SDH
Drinking Water Treatment Revolving Fund

DATE: April 1, 2020
SUBJECT: Categorical Exclusion Decision (CE)
Central Hampshire PSD – System Improvements II Project

A copy of the Central Hampshire PSD System Improvements II Project Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements **will not** be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Stephanie Hickerson, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail stephanie.d.hickerson@wv.gov.

SDH

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

Distribution List:
Regional P&D Council – Region 8
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army
State Register Publication
Dominick Cerrone, PE, Cerrone Associates Inc.

CENTRAL HAMPSHIRE PSD (Phase II)
CATEGORICAL EXCLUSION DECISION

April 1, 2020

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

Central Hampshire PSD
18540 Northwestern Pike
Augusta, WV 26704
WVIJDC Project #: **2019W-1792**
SRF Project #: 19DWTRFA-003
Water System Improvement Phase II Project

(Official Project Name and Number)

Central Hampshire PSD
18540 Northwestern Pike
Augusta, WV 26704

(Project Applicant)

Central Hampshire PSD
Hampshire County, West Virginia

(Project Location, City, County, State)

$ 2,000,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 2,983,000

(Estimated Total Project Cost)

OTHER

ENVIRONMENTAL ASSESSMENT

for the
Central Hampshire PSD
Water System Improvement Project (Phase II)
WV IJDC Project No.: **2019W-1792** / SRF Project No.: **19DWTRFA003**

I. PROPOSED PROJECT:

This project will replace old, deteriorated potable water mains in three areas: Grassy Lick pump house down the hill to the bowling alley, Sand Hill Road from US Route 50 west to the top of the hill and Hampshire County High School east to Buddy Haines Turn. The project will also upgrade the outdated telemetry in the Central Hampshire system to match other existing telemetry and upgrade to radio-read meters. Also included in the project scope is cleaning, inspecting and painting of three existing water storage tanks (Sunrise summit, Springfield #1 and Springfield #2). The project includes approximately 2.5 miles (13,449 feet) of 2-inch to 8-inch distribution line, 14 gate valves, 4 fire hydrants, telemetry with software, 1463 radio read meters, and other appurtenances.

II. PURPOSE AND NEED:

This project is necessary to meet the needs of the service area. These needs include health, safety, and a reliable source of potable drinking water. Residents in project area currently are served by older sections of the Central Hampshire PSD that are class 160 thin walled pipe installed in the 1970's and that is failing and causing frequent leaks. Repeated leaks increase the chance for contamination entering the potable water lines and occupies the operators time and resources that should be used elsewhere. The telemetry and software for this area is also becoming obsolete and incompatible with other telemetry within the PSD which makes operation of the system more difficult. Replacing the old, deteriorating and outdated portions of the potable water system will help the PSD provide safe reliable potable water in an efficient manner.

III. ENVIRONMENTAL CONSEQUENCES IF PROJECT IS NOT BUILT:

If this project is not constructed the system will continue to deteriorate, increasing the frequency of leaks and the amount of water loss, decreasing water quality to the customer, and increasing the operating and maintenance costs to the PSD. Potentially leading to the loss of viability of the PSD.

IV. CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
2. Other actions specifically allowed in program specific subparts of this regulation.

Criteria which would prevent the use of a categorical exclusion are found in 40 CFR §6.107(e) summarized as follows:

1. The action may have a significant effect on the quality of the human environment, or

2. The action may affect cultural resource areas, endangered or threatened species, environmentally important natural resource, or other identified resource areas of concern; or
3. The action is not cost-effective or may cause public controversy.

V. ANALYSIS:

The proposed project meets the criteria for categorical exclusion. The project includes approximately 2.5 miles (13,449 feet) of 2-inch to 8-inch distribution line and other appurtenances. All work will be done in DOH right of way or previously disturbed ground and will have no adverse environmental impacts.

VI. FLOODPLAIN MANAGEMENT/RESILIENCY

This project consists of water line replacements in the three areas. Two of the three locations, at Buddy Haines turn and Sand Hill road, are outside of flood plains. The third location, the line replacement along US Route 50, falls within the flood plain as indicated on the FEMA map. However, this line is permanently underground and so therefore does not fall under the flood plain regulations. This project will comply with all provisions of Executive Order 11988 as amended by Executive Order 13690.

VII. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. For this water system improvement project (Phase II) it was determined that the reduction in water loss would result in a 1,280 gal/day savings of water. This would decrease the yearly electrical usage by approximately 1,500 kWh/yr, and therefore decrease CO_2 emissions by around 3,000 lbs/yr.

VIII. REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following;

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
4. Federal, state or local laws may be violated.

IX. DOCUMENTATION:

1. Categorical Exclusion Checklist as prepared by Dominick Cerrone, PE, Cerrone Associates Inc.
2. WV Division of Culture and History letter dated January11, 2019
3. WV Department of Environmental Protection letter dated January 17, 2020
4. WV Division of Natural Resources letter dated December 19, 2018

OTHER

5. US Fish and Wildlife Service letter dated December 4, 2018
6. US Army Corps of Engineers letter dated December 21, 2018
7. Environmental Justice Certification
8. Flood plain management documentation

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

FILED
2020 MAR 30 A 10:21
OFFICE WEST VIRGINIA
SECRETARY OF STATE

March 30, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **March 27, 2020.**

LETTERS OF INTENT RECEIVED

March 24, 2020 – REM West Virginia, Benwood, Marshall County, CON File #20-4-11831-BH, for the provision of ICF/IID services in Fayette County through the development of a four-bed ICF/IID facility; capital expenditure: $200,000.

March 26, 2020 – Cavalier Mobile X-Ray Co., Youngstown, Ohio, CON File #20-WV-11832-P, for the expansion of mobile diagnostic imaging services to all counties in West Virginia; capital expenditure: $143,000.

March 27, 2020 – Focused on You, LLC, Milton, Cabell County, CON File #20-2/3-11833-BH, for the provision of service coordination, also known as case management services, under the Title XIX I/DD Waiver Program; capital expenditure: $10,000.

APPLICATION FOR EXEMPTION RECEIVED

March 27, 2020 – Ten Up Ministries, Inc. d/b/a The Anchor Project Center, St. Albans, Kanawha County, CON File #20-2-11834-X, for the development of an outpatient substance abuse treatment program in Huntington, Cabell County.

CERTIFICATE OF NEED APPROVALS ISSUED

March 23, 2020 - Center for Service Coordination, LLC, Martinsburg, Berkeley County, CON File #20-8/9-11776-BH, for the provision of services to individuals with intellectual and developmental disabilities in Jefferson, Berkeley, Morgan, Hampshire and Mineral counties; no capital expenditure.

March 25, 2020 - Wetzel County Hospital, New Martinsville, Wetzel County, CON File #20-10-11798-P, for the development of an ambulatory health care facility in Wetzel County through the acquisition of a physician practice; capital expenditure: $78,000.

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

OTHER

FILED
2020 APR -1 A 9:35
OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

April 1, 2020

NEWS ITEM

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

March 24, 2020 - Braxton County Memorial Hospital, Gassaway, Braxton County, CON File #20-7-11823-P, for the development of an ambulatory health care facility through the relocation of a Rural Health Clinic in Braxton County; capital expenditure: $10,000.

March 31, 2020 - Mon Health Marion Neighborhood Hospital, Morgantown, Monongalia County, CON File #20-6-11824-H, for the development of a 10-bed hospital in Marion County providing a fully functioning emergency room and corresponding services with all the normal diagnostic and support services of an acute care hospital; capital expenditure: $25,000,000.

March 31, 2020 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #20-6-11827-H, for the development of a 10-bed hospital in the hospital formerly used by Fairmont Regional Medical Center in Fairmont, Marion County, as a campus and department of Ruby Memorial Hospital; capital expenditure: $8,790,000.

March 31, 2020 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #20-6-11828-H, for the construction of a 25-bed hospital in Fairmont, Marion County, as a campus and department of Ruby Memorial Hospital; capital expenditure: $35,300,000.

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 **March 31, 2020**.

OTHER

On or before **April 30, 2020**, 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 be **May 5, 2020**. 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 **June 1, 2020**.

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.

4/1/2020
Date

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