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

Accountancy, WV Bd. of

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Economic Development Authority (117-06)	Purchasing Procedure Procedural	§31-15-6	Written Comments Only July 30, 2020, 5:00 pm Caren Wilcher 180 Association Drive Charleston, WV 25311 caren.d.wilcher@wv.gov
Financial Institutions (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox Legislative	§§31A-8G-3, 31A-2-4	Written Comments Only July 31, 2020, 5:00 pm Kathy Lawson 900 Pennsylvania Ave., Suite 306 Charleston, WV 25302 klawson@wvdob.org
Health (64-11)	Behavioral Health Centers Licensure Legislative	§§27-9-1, 27-17-1 et seq., 27-1A-4(g), 27-1A-6(6), 27-1A-7	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-12)	Hospital Licensure Legislative	§16-5B-8	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-13)	Nursing Home Licensure Legislative	§§16-1-4, 16-5C-5, 16-5C-21(b)	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-59)	Client Rights at State-Operated mental Health Facilities Legislative	§27-5-9(g)	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov

Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	§§16-5O-11, 16-5AA-6, 16-1-7	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	§16-49-9	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	§18B-1-6	Written Comments Only July 27, 2020, 5:00 pm Sarah Armstrong Tucker 1018 Kanawha Blvd. E, Ste. 700 Charleston, WV 25301 chancellors.office@wvhepc.edu
Human Services (78-02)	Child Placing Agencies Licensure Legislative	§49-2-121	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	§§49-2-121, 27-17-3, 27-1A-4(g), 27-1A-6(6), 27-1A-7	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Procedural	§§29A-5-1 et seq., 49-4-601b	Written Comments Only July 31, 2020, 5:00 pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov

Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	§§17A-13-1, 17A-2-9, 17D-2-1, 11-15-3c	Written Comments Only July 31, 2020, 12:30 pm Adam Holley DMV PO Box 17200 Charleston, WV 25317 adam.holley@wv.gov
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	§§8-22-18a(g), 5A-1-12	Written Comments Only July 27, 2020, 5:00 pm Michelle Painter 301 Eagle Mountain Rd., Ste. 251 Charleston, WV 25311 michelle.t.painter@wv.gov
Municipal Pensions Oversight Bd. (211-03)	Actuarial Purchasing Exemption Procedural	§§5A-1-12, 8-22-18a(g)	Written Comments Only July 27, 2020, 5:00 pm Municipal Pensions Oversight Bd. 301 Eagle Mountain Rd., Ste. 251 Charleston, WV 25311 michelle.t.painter@wv.gov
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW) Legislative	§19-23-12e(1)	Written Comments Only July 31, 2020, 5:00 pm Joe Moore 900 Pennsylvania Ave., Suite 533 Charleston, WV 25302 Joe.k.moore@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE OF HEARING
Development Office (146-16)	Tourism Development Districts	§5B-1-9(q)	Approved July 2, 2020	Rule must be put out for comment by July 31, 2020
Financial Institutions (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox	§§31A-8G-3, 31A-2-4	Approved July 1, 2020	July 31, 2020
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program	§18B-1-6	Effective June 26, 2020	July 27, 2020
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW)	§19-23-12e(1)	Approved July 1, 2020	July 31, 2020

Office of the Secretary of State
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Charleston, West Virginia 25305

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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	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
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TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
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	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020						
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020						
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020						
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020						
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020						
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020						
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/18/2020	7/20/2020						
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020						
Community and Technical College Education (135-01)	Carl D. Perkins Vocational & Technical Education Act Funding Formula for WV Council for Community & Technical College Ed. & WV State Board of Ed. Procedural	6/11/2020	7/13/2020						
Development Office (145-16)	Tourism Development Districts Legislative			7/1/2020 Approved 7/2/2020					
Economic Development Auth. (117-06)	Purchasing Procedure Procedural	6/30/2020	7/30/2020						
Education (126-028)	WV Universal Access to a Quality Early Education System (Policy 2525) Legislative Exempt	5/13/2020	6/12/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-044AA)	WV College and Career Readiness Standards for English Language Arts (Policy 2520.1A) Legislative Exempt	5/13/2020	6/12/2020						
Financial Institutions, Div. of (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox Legislative	6/26/2020	7/31/2020	6/26/2020 Approved 7/1/2020					
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	5/5/2020	8/1/2020
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	5/5/2020	8/1/2020
Fire Commission (87-07)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code (Repeal) Legislative	6/22/2020	7/22/2020						
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	6/22/2020	7/22/2020						
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020						
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020						
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020						
Health (64-59)	Client Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020						
Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	7/1/2020	7/31/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak Legislative	5/15/2020 5/18/2020	6/15/2020 6/17/2020	4/16/2020 Approved 4/16/2020 Amendment 4/21/2020 Approved 4/21/2020 Amendment 5/15/2020 Approved 5/15/2020					
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	7/1/2020	7/31/2020						
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative	5/8/2020	6/8/2020	4/29/2020 Effective 6/10/2020	7/1/2020				
Higher Education Policy Comm. (133-63)	Mental Health Loan Repayment Program Legislative	6/26/2020	7/27/2020	6/26/2020 Effective 6/26/2020					
Housing Development Fund (88-03)	Purchasing Procedure Procedural	4/22/2020	5/22/2020					6/24/2020	7/24/2020
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020						
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	7/1/2020	7/31/2020						
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Procedural	7/1/2020	7/31/2020						
Insurance Comm. (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020						
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020						
Lottery (179-10)	WV Lottery Interactive Wagering Rule Legislative	6/11/2020	7/11/2020	5/15/2020 Approved 5/18/2020					
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	5/4/2020	8/2/2020
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	5/4/2020	8/2/2020
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	4/23/2020	5/23/2020	3/26/2020 Approved 3/26/2020	6/24/2020				
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020						
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020						
Municipal Pensions Oversight Bd. (211-03)	Actuarial Purchasing Exemption Procedural	6/26/2020	7/27/2020						
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020				
Occupational Therapy (13-02)	Disciplinary, Complaint and Contested Case Hearing Procedures for Occupational Therapists and Occupational Therapy Assistants Procedural	6/16/2020	8/1/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020						
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	6/29/2020	6/29/2020
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	5/4/2020	8/2/2020
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or State of Preparedness Legislative	4/15/2020	5/15/2020	3/26/2020 Approved 3/26/2020	6/22/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020	6/5/2020				
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	4/1/2020 Approved 4/1/2020	6/5/2020				
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020	6/2/2020	4/20/2020 Approved 4/20/2020	6/5/2020				
Public Service Commisison (150-39)	Rules Governing Siting Certificates for Solar Exempt Wholesale Generators Legislative Exempt	5/28/2020	6/29/2020						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020						
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020						
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW) Legislative	7/1/2020	7/31/2020	7/1/2020 Approved 7/1/2020					
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	5/4/2020	8/4/2020

RULE MONITOR

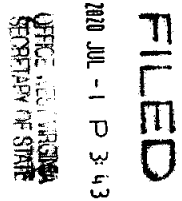
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252	5/11/2020	8/11/2020
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/13/2020	6/12/2020						
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	5/13/2020	6/12/2020						
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	4/24/2020	5/29/2020	3/25/2020 Amendment 4/24/2020 Amendment 4/27/2020 Effective 6/8/2020	6/23/2020				
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative	4/30/2020	6/1/2020	3/27/2020 Amendment 3/31/2020 Approved 4/1/2020	6/25/2020				
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/22/2020	7/22/2020						
Tax (110-13GG)	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	6/22/2020	7/22/2020						
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	6/22/2020	7/22/2020						
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	6/5/2020	7/6/2020						
Underground Facilities Damage Prevention Bd. (214-01)	Board Meetings, Organization, and Operation Procedural	5/12/2020	6/12/2020					6/29/2020	7/30/2020
Water Development Authority (44-04)	Purchasing Procedure Procedural	4/15/2020	5/18/2020					6/11/2020	7/11/2020

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Department of Agriculture
Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner

LEGISLATIVE

MEMORANDUM



TO: Mac Warner, Secretary of State

FROM: Kent Leonhardt, Commissioner of Agriculture

DATE: July 1, 2020

RE: Emergency Modification of 61 C.S.R. 30 (Hemp Products)

On March 16, 2020, Governor Justice issued a proclamation declaring a state of emergency in response to the public health risks posed by the COVID-19 epidemic in West Virginia. Pursuant to the Governor's authority set forth in W.Va. Code §15-5-6(c)(7), that proclamation "delegate[d] 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 legislative rule relating to Hemp Products (61 C.S.R. 30) establishes requirements for the registration and regulation of hemp products sold in West Virginia, as required by W. Va. Code §19-12E-7. In particular, the legislative rule requires the annual registration of all hemp products sold in West Virginia, and of all retail facilities that sell or distribute hemp products in West Virginia, beginning July 1, 2020.

Because of the impact of COVID-19 on the business community, as well as the fact that the regulatory program and related fees first goes into effect July 1, 2020, I have decided to modify the Hemp Products legislative rule, 61 C.S.R. 30, by adopting the following policy:

> *Registrations that are submitted during 2020 will not expire on December 31, 2020, and will instead remain in effect until December 31, 2021. All fees that are paid for initial registration of products during 2020 will satisfy the requirements for registration in both 2020 and 2021. In other words, hemp products and hemp product retail locations will have to pay fees only once to remain registered for both 2020 and 2021.*

This policy affects, and modifies, 61 C.S.R. 30 in the following manner:

> W. Va. C.S.R. §61-30-4.1: "The manufacturer of all hemp products, including hemp fiber products, available for distribution in West Virginia shall register annually with the Department, ***except as modified by sections 4.3 and 4.4, below***. This includes products manufactured in West Virginia, another state, or another country."

> W. Va. C.S.R. §61-30-4.3: "Registrations shall expire on December 31 of the year for which the registration was issued, regardless of the date the registration is received, ***except that registrations filed during 2020 will not expire until December 31, 2021.***"

> W. Va. C.S.R. §61-30-4.4.b: "A renewal fee of $200.00 per hemp product shall be submitted to renew a product's registration. Renewal fees shall be accompanied by a form provided by the Department identifying the product to which the fee corresponds. ***No renewal fee is required to be submitted for calendar year 2021 for products that are registered in calendar year 2020.***"

> W. Va. C.S.R. §61-30-5.4: "A registration fee shall be paid annually, ***except that retail facilities that register in calendar year 2020 are not required to pay a registration fee for calendar year 2021.*** Registrations shall expire on December 31 of the year for which the registration was issued, regardless of the date the registration is received, ***except that registrations that are filed during calendar year 2020 will not expire until December 31, 2021.***"

This rule modification will remain in effect until December 31, 2020, or until lifted or otherwise modified by the Commissioner.

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/26/2020 4:25:14 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Financial Institutions Division of

TITLE-SERIES: 106-21

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Rule Pertaining to the Fintech Regulatory Sandbox

CITE STATUTORY AUTHORITY: 31A-8G-3 and 31A-2-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Kathy Lawson

ADDRESS: 900 Pennsylvania Avenue, Suite 306

Charleston, WV 25302

EMAIL: klawson@wvdob.org

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

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7/1/2020 4:32:58 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-11

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: BEHAVIORAL HEALTH CENTERS LICENSURE

CITE STATUTORY AUTHORITY: 27-9-1; 27-17-1, et seq.; 27-1A-4(g); 27-1A-6(6); and 27-1A-7.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East

Charleston, WV 25301

EMAIL: april.l.robertson@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
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ADMINISTRATIVE LAW DIVISION

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7/1/2020 4:57:14 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-12

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

RULE NAME: HOSPITAL LICENSURE

CITE STATUTORY AUTHORITY: 16-5B-8

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East
Charleston, WV 25301

EMAIL: april.l.robertson@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

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7/1/2020 5:08:23 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-13

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

RULE NAME: NURSING HOME LICENSURE

CITE STATUTORY AUTHORITY: 16-1-4, 16-5C-5, and 16-5C-21(b).

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East
Charleston, WV 25301

EMAIL: april.l.robertson@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

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7/1/2020 5:06:40 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-59

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Client Rights at State-Operated Mental Health Facilities

CITE STATUTORY AUTHORITY: 27-5-9(g)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East
Charleston, WV 25301

EMAIL: april.l.robertson@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
7/1/2020 5:01:13 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-60

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel

CITE STATUTORY AUTHORITY: 16-5O-11, 16-5AA-6, and 16-1-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East
Charleston, WV 25301

EMAIL: april.l.robertson@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

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7/1/2020 3:41:49 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health And Human Resources TITLE-SERIES: 69-10

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

RULE NAME: WEST VIRGINIA CLEARANCE FOR ACCESS: REGISTRY AND EMPLOYMENT SCREENING

CITE STATUTORY AUTHORITY: 16-49-9

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East

Charleston, WV 25301

EMAIL: april.l.robertson@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

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7/1/2020 2:39:36 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Health And Human Resources TITLE-SERIES: 69-15

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

RULE NAME: 69-15 Recovery Residence Certification and Accreditation Program

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, WV 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-59-2(g)

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

HB 4420 amended the definition of a recovery residence requiring this rule, which is already in effect as an emergency rule.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/8/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/8/2020

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/26/2020 3:50:20 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Higher Education Policy Commission

TITLE-SERIES: 133-63

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Mental Health Loan Repayment Program

CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/27/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sarah Armstrong Tucker

ADDRESS: 1018 Kanawha Blvd. East Suite 700

1018 Kanawha Blvd. East Suite 700

EMAIL: chancellors.office@wvhepc.edu

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
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ADMINISTRATIVE LAW DIVISION

eFILED
7/1/2020 2:53:40 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Human Services

TITLE-SERIES: 78-02

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: CHILD PLACING AGENCIES LICENSURE

CITE STATUTORY AUTHORITY: 49-2-121

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East

Charleston, WV 25301

EMAIL: april.l.robertson@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
7/1/2020 3:28:59 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Human Services

TITLE-SERIES: 78-03

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: MINIMUM LICENSING REQUIREMENTS FOR RESIDENTIAL CHILD CARE AND TREATMENT FACILITIES FOR CHILDREN AND TRANSITIONING ADULTS AND VULNERABLE AND TRANSITIONING YOUTH GROUP HOMES AND PROGRAMS IN WEST VIRGINIA

CITE STATUTORY AUTHORITY: 49-2-121, 27-17-3, 27-1A-4(g), 27-1A-6(6) and 27-1A-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East

Charleston, WV 25301

EMAIL: april.l.robertson@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
7/1/2020 11:33:26 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Motor Vehicles

TITLE-SERIES: 91-25

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Special Purpose Vehicles

CITE STATUTORY AUTHORITY: W. Va. Code §17A-13-1, W. Va. Code §17A-2-9, W. Va. Code § 17D-2-1 and W. Va. Code § 11-15-3c

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 12:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Adam Holley DMV

ADDRESS: P.O. Box 17200

Charleston, WV 25317

EMAIL: adam.holley@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
6/26/2020 12:03:54 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Municipal Pensions Oversight Board TITLE-SERIES: 211-02

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

RULE NAME: Exempt Purchasing

CITE STATUTORY AUTHORITY: §8-22-18a(g) and §5A-1-12

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/27/2020 5 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Michelle Painter

ADDRESS: 301 Eagle Mountain Road, Suite 251

Charleston, WV 25311

EMAIL: michelle.t.painter@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
6/29/2020 10:07:12 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: Oil And Gas Conservation Commission TITLE-SERIES: 39-01

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

RULE NAME: Rules of the Commission

CITE STATUTORY AUTHORITY: 22C-9-4

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

Authorization is cited in (house or senate bill number) 4217

Section 64-3-2 Passed On 3/3/2020 12:00:00 AM

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

June 29, 2020

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

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

Yes

Susan Rose – 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

7/1/2020 11:47:51 AM

Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Racing Commission

TITLE-SERIES: 178-10

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Advance Deposit Account Wagering (ADW)

CITE STATUTORY AUTHORITY: WV Code 19-23-12e(l)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Joe Moore

ADDRESS: 900 Pennsylvania Avenue Suite 533

Charleston, WV 25302

EMAIL: joe.k.moore@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)

STATE OF WEST VIRGINIA
BUREAU OF SENIOR SERVICES
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0160
Telephone (304) 558-3317
FAX (304) 558-5609
www.wvseniorservices.gov

Robert E. Roswall
Commissioner

FILED
2020 JUL -1 P 12: 01
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

INTERPRETIVE

July 1, 2020

WV Secretary of State's Office
1900 Kanawha Blvd., East
Charleston, WV 25305

There were no comments received during the 30-day comment period beginning on May 19, 2020 and ending on June 17, 2020, regarding the request for the WV State Plan on Aging Extension for one year. The extension will become effective on October 1, 2020 through September 30, 2021.

Thank you.

Sincerely,

Robert E. Roswall
Commissioner

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
6/30/2020 3:08:57 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Economic Development Authority

TITLE-SERIES: 117-06

RULE TYPE: Procedural

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Purchasing Procedure

CITE STATUTORY AUTHORITY: 31-15-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/30/2020 5 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Caren Wilcher

ADDRESS: 180 Association Drive

Charleston, WV 25311

EMAIL: caren.d.wilcher@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
7/1/2020 2:41:37 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Human Services

TITLE-SERIES: 78-27

RULE TYPE: Procedural

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: PROCEDURE TO CONTEST THE SUBSTANTIATION OF CHILD ABUSE OR NEGLECT

CITE STATUTORY AUTHORITY: 29A-5-1 et seq. and 49-4-601b

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/31/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L. Robertson

ADDRESS: One Davis Square, Suite 100 East

Charleston, WV 25301

EMAIL: april.l.robertson@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
6/26/2020 2:56:46 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Municipal Pensions Oversight Board TITLE-SERIES: 211-03

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

RULE NAME: Actuarial Purchasing Exemption

CITE STATUTORY AUTHORITY: §5A-1-12 and §8-22-18a(g)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/27/2020 5 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Municipal Pensions Oversight Board

ADDRESS: 301 Eagle Mountain Road, Suite 251

Charleston, WV 25311

EMAIL: michelle.t.painter@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)

PROCEDURAL

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/29/2020 11:49 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Underground Facilities Damage Prevention Board TITLE-SERIES: 214-01

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

RULE NAME: Board Meetings, Organization, and Operation

CITE STATUTORY AUTHORITY: §24C-1-1 et seq.

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

July 30, 2020

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

Yes

Carrie Clendening -- 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
7/1/2020 2:34:26 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Development Office TITLE-SERIES: 145-16

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Tourism Development Districts

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code 5B-1-9(q)

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:

W. Va. Code 5B-1-9(q) filed by 07/01/2020

PRIMARY CONTACT:

NAME: Jack Rife

ADDRESS: 1900 Kanawha Blvd E Building 3 Suite 600

Charleston, WV 25302

EMAIL: jack.m.rife@wv.gov

PHONE NUMBER: 304-558-2234

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 JUL -2 A 8:50

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: West Virginia Development Office

RULE: 145-16

STATUTORY AUTHORITY: 5B-1-9(q)

DATE FILED AS AN EMERGENCY RULE: 7/1/2020

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):

____ (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

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

Additional notes or comments (if any): _____

_____.

Chuck Flannery, Deputy Secretary
WV Secretary of State's Office

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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6/26/2020 4:15:30 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Financial Institutions Division of TITLE-SERIES: 106-21

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Rule Pertaining to the Fintech Regulatory Sandbox

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

31A-8G-3 and 31A-2-4

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: Kathy Lawson

ADDRESS: 900 Pennsylvania Avenue Suite 306

Charleston, WV 25302

EMAIL: klawson@wvdob.org

PHONE NUMBER: 304-558-2294

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:

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2020 JUL -1 P 1:23

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Division of Financial Institutions

RULE: 106-21 Rule Pertaining to the Fintech Regulatory Sandbox

STATUTORY AUTHORITY: 31A-8G-3 and 31A-2-4

DATE FILED AS AN EMERGENCY RULE: June 26, 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;

____ (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 agency has authority to promulgate this rule according to § 31A-8G-3(2) and the agency's reasoning for implementing the rule establishes a need to protect the public before the legislature can act upon the rule during the 2021 legislative session.

~~Donald Kersey, General Counsel~~ CHUCK PLANNERY,
WV Secretary of State's Office DEPUTY SECRETARY

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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6/26/2020 3:23:21 PM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-63

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Mental Health Loan Repayment Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

18B-1-6

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: Cindy L. Anderson

ADDRESS: 1018 Kanawha Blvd East Suite 700

1018 Kanawha Blvd. East Suite 700

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

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
7/1/2020 11:45:59 AM
Office of West Virginia
Secretary Of State

NOTICE OF AN EMERGENCY RULE

AGENCY: Racing Commission TITLE-SERIES: 178-10

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Advance Deposit Account Wagering (ADW)

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

WV Code 19-23-12e(l)

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: Joe Moore

ADDRESS: 900 Pennsylvania Avenue Suite 533

Charleston, WV 25302

EMAIL: joe.k.moore@wv.gov

PHONE NUMBER: 304-558-2150

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 JUL -1 A 11:58

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: **Racing Commission**

RULE: **Title 178-10**

STATUTORY AUTHORITY: **W. Va. Code §19-23-12(e)(l)**

DATE FILED AS AN EMERGENCY RULE: **July 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;

____ (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): Pursuant to W. Va. Code § 19-23-12(e)(l), which new law passed March 6, 2020 and will go into effect on July 1, 2020, the Racing Commission has authority to promulgate this emergency rule.

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
2013-01	Accountancy, WV Board of	Thomas A. Davis, CPA	8/14/2013
2013-07	Accountancy, WV Board of	Robert J. Toler, CPA	6/17/2016
2016-05	Accountancy, WV Board of	Jeffrey E. Lewis	8/3/2018
2017-05	Accountancy, WV Board of	Edward J. Walsh, Jr, CPA	6/18/2018
2017-07A	Accountancy, WV Board of	Allman & Associates, PLLC	5/14/2018
2017-08	Accountancy, WV Board of	Gregory N. Cason, CPA	4/27/2018
2018-09	Accountancy, WV Board of	James L Teed, CPA	6/18/2018
2018-09	Accountancy, WV Board of	Teed & Associates, PLLC	6/18/2018
2019-02, 2019-05, 2019-06, 2019-08, 2019-10, 2019-11	Accountancy, WV Board of	Jay Michael Clem	2/13/2020
2019-04	Accountancy, WV Board of	Joetta McCallister	2/13/2020
2020-09	Accountancy, WV Board of	Billy James Cline	3/5/2020
20-CORF-02000	Insurance Commission	Highmark West Virginia Inc.	6/18/2020
19-MC-THP-02002	Insurance Commission	Atlantic Specialty Insurance Company	6/23/2020
20-AP-FINCON-02012	Insurance Commission	First Surety Corporation	6/15/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 46-20

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 the respiratory disease caused by the 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 29, Article 22C, Section 8(g)(2)(B) requires that a racetrack table games licensee pay to the West Virginia Lottery Commission, as part of its application for renewal, which application is due by July 1 of each year, the annual license renewal fee of two million five hundred thousand dollars at the time it files such application for renewal of its license under Chapter 29, Article 22A; and

WHEREAS, casinos that operate racetrack table games were ordered closed pursuant to Executive Order 3-20 on March 18, 2020, and have since been allowed to resume operations, pursuant to Executive Order 42-20, effective June 5, 2020; and

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** that, effective as of 12:00 AM Eastern Daylight Time on this Thirtieth day of June, Two Thousand Twenty, the applicable provision of the above-referenced regulatory statute is hereby suspended to the extent that the date by which such racetrack table games license renewal fee, presently due by July 1, 2020, shall be due by October 1, 2020; provided, that any other requirements for such license renewal shall not be affected by this suspension of the date by which the racetrack table games license renewal fee is due.

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 June, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 47-20

By the Governor

WHEREAS, in any fiscal year in which revenues are inadequate to make timely payments of the State's obligations, §11B-2-20(e) of the Code of West Virginia authorizes monies to be borrowed from the Revenue Shortfall Reserve Fund by and pursuant to executive order, to be repaid, without interest, and redeposited to the credit of the Fund within ninety days of such withdrawal; and

WHEREAS, the revenues collected to date are inadequate to make timely payments of the State's obligations, necessitating that monies must be borrowed from the Revenue Shortfall Reserve Fund; and

WHEREAS, the amount to be borrowed does not exceed the amount necessary to make timely payments of the State's obligations and the amount to be borrowed does not exceed one and one-half percent of the general revenue estimate for fiscal year two thousand twenty-one; and

WHEREAS, the exercise of this authority is necessary and appropriate to preserve the financial integrity of the State in furtherance of the best interests of its citizens; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me as Governor by the Constitution and the laws of this State, do hereby **ORDER** the transfer of Sixty-eight Million Six Hundred Thousand Dollars ($68,600,000), on July 1, 2020, from the Revenue Shortfall Reserve Fund to the balance of the General Revenue Fund in order to make timely payments of the State's obligations.

[*Signature Page Follows*]

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 June, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 48-20

By the Governor

WHEREAS, the Secretary of the Department of Revenue has submitted to the Governor a monthly General Revenue Fund Collections Report for the fiscal year 2020 as prepared by the State Budget Office; and

WHEREAS, this report demonstrates that the State of West Virginia has suffered a revenue shortfall of approximately $255 million as compared to revenue estimates; and

WHEREAS, the state's revenues were on track to achieve a balanced budget if not for the COVID-19 pandemic; and

WHEREAS, roughly $200 million in Combined Personal Income Tax and Corporate Income Tax were deferred until Fiscal Year 2021 as a result of COVID-19 in response to a Federal declaration; and

WHEREAS, this shortfall of approximately $255 million in revenue through June 2020 exists as a result of particular revenue source shortfalls including the Personal Income Tax ($206 million), and Severance Tax ($93 million) despite actual collections exceeding estimated collections in a few other tax categories; and

WHEREAS, current economic and fiscal trends will result in projected year-end revenue deficits, including potential significant shortfalls in Severance Tax and Personal Income Tax and a smaller potential shortfall in Consumer Sales and Service Tax and Use Tax; and

WHEREAS, projected year-end revenue surpluses in various other General Revenue sources will only offset a small portion of these deficits; and

WHEREAS, the total projected year-end revenue deficit for the General Revenue Fund is currently estimated at nearly $255 million; and

WHEREAS, the Constitution of the State of West Virginia requires that there be a balance between the State's revenues and expenditures for each fiscal year; and

WHEREAS, the Secretary of the Department of Revenue has reviewed the expenditures of various State agencies to date during fiscal year 2020, as compared with the agencies' initial appropriations, and has projected a potentially significant budget deficit for the fiscal year ending June 30, 2020, unless a minimum of $198,000,000 in spending reduction occurs and other adjustments and additional revenues increase a minimum of $57,000,000 beyond projections; and

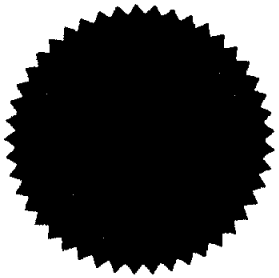
NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as the Governor of West Virginia, do hereby **DECLARE** and **ORDER** that:

1. All departments, agencies, bureaus, sections, boards, commissions and other organization units within the Executive Branch of State Government shall take immediate action to effect a spending reduction of their General Revenue appropriations for fiscal year 2020 as provided in paragraph two below, effective June 30, 2020.
2. The Department of Health and Human Resources - a spending reduction of its General Revenue appropriations for fiscal year 2020 by a minimum of $186 million, effective June 30, 2020; The Department of Education – a spending reduction of its General Revenue appropriations for fiscal year 2020 by a minimum of $2 million, effective June 30, 2020; The Department of Commerce – a spending reduction of its General Revenue appropriations for fiscal year 2020 by a minimum of $1 million, effective June 30, 2020; The Department of Military Affairs and

Public Safety - a spending reduction of its General Revenue appropriations for fiscal year 2020 by a minimum of $9 million, effective June 30, 2020;

3. The Secretary of the Department of Revenue will supply instructions on the implementation of this spending reduction.

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 June, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 49-20

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 required all businesses and operations in West Virginia, except Essential Businesses and Operations as defined therein, to cease all activities within the state except for such minimum basic operations as are necessary to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, and provided exceptions for businesses such as home-based businesses and certain small businesses while requiring proper social distancing and hygiene practices be maintained at such businesses; and

WHEREAS, since the issuance of Executive Order 9-20 and other executive orders ordering closed or otherwise limiting occupancy of certain establishments and facilities in this state, implementation of successful public health measures has resulted in revised projections of rates of infection and COVID-19 related deaths in West Virginia, as well as ever-strengthening supply chains for personal protective equipment and other medical equipment and supplies, resulting in greater preparedness and response capacity throughout the state; and

WHEREAS, on April 27, 2020, I, Governor Jim Justice, announced the state's reopening plan, West Virginia Strong: *The Comeback* (the "Comeback Plan"), to phase in the reopening of businesses in the state of West Virginia on a week by week basis to most effectively monitor and respond to the public health effects of this phased reopening, to be based upon certain metrics and conditions to safely reopen segments of West Virginia's economy and get our citizens back to work, while ensuring the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population who are at most risk from the COVID-19 virus; and

WHEREAS, Executive Order 28-20 and Executive Order 30-20 allowed for the resumption of all medical procedures throughout the state while requiring that hospitals and ambulatory surgical centers around the state limit procedures to only more urgent procedures to ensure adequate response capacity and preserve necessary personal protective equipment and other resources at such facilities in the event of any surge of COVID-19; and

WHEREAS, under the Comeback Plan, Executive Order 32-20, Executive Order 36-20, Executive Order 37-20, Executive Order 39-20, Executive Order 40-20, Executive Order 41-20, Executive Order 42-20, Executive Order 43-20, Executive Order 44-20, and Executive Order 45-20 have been issued to transition the State to a safer-at-home policy and to allow certain types of businesses and activities to begin to resume or expand their operations, provided that certain safety measures are in place; and

WHEREAS, reopening additional segments of the state's economy in accordance with the Comeback Plan, utilizing a phased approach to reopen sectors of the economy week by week,

while continuing to prioritize and provide for the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population, is in the public interest; and

WHEREAS, West Virginia's public health experts have advised that allowing for the reopening and/or expansion of certain types of activities in this state, including allowing fairs, festivals, and similar events to be held, is appropriate at this time; and

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 12:01 AM, Eastern Standard Time, on this First day of July, Two Thousand Twenty, as follows:

1. The following provisions of Executive Order 9-20, as previously amended by Executive Orders 32-20, 36-20, 37-20, 39-20, 40-20, 41-20, 42-20, 43-40, and 45-20 are hereby further amended and supplemented as follows:
    a. Section 3 is hereby amended and supplemented by the addition of the following subsection to include fairs, festivals, and amusement parks, provided certain safety measures are in place:
        "nn. **Fairs, Festivals, and Amusement Parks.** Fairs, festivals, amusement parks and rides, parades, and like events may resume, but must ensure that proper social distancing and hygiene practices are maintained. Additional guidance, *Guidance for Fairs, Festivals, Amusement Parks and Rides*, is available at governor.wv.gov."
    b. Section 4, as amended, is hereby deleted in its entirety and replaced with the following to remove various amusement activities, including amusement rides, carnivals, fairs, and like operations and events, from the list of prohibited activities:
        "4. **Prohibited activities.** Indoor concert and music halls, adult entertainment venues, and other similar businesses shall be closed; provided, however, that the following specific outdoor recreational businesses and activities may resume operations as follows:
        a. The Hatfield McCoy Trail System may reopen in accordance with the guidance, *A Guide to Safely Opening & Operating the Hatfield McCoy Trail System*, available at governor.wv.gov;
        b. Outdoor recreation outfitters may reopen in accordance with the guidance, *A Guide to Safely Reopening Outdoor Recreation Outfitters*, available at governor.wv.gov;
        c. Whitewater rafting businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Whitewater Rafting*, available at governor.wv.gov; and
        d. Ziplining businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Zipline Outfitters*, available at governor.wv.gov."

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 July, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

OTHER

PUBLIC NOTICE

FILED

2020 MAY 28 P 3:20

OFFICE OF WEST VIRGINIA REGISTRAR

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 20-001

REGARDING

CHIROPRACTOR'S SERVICES

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("BMS") provides notice of the filing of a state plan amendment (SPA), identified as SPA 20-001, regarding the Chiropractor's Services under West Virginia Medicaid. The SPA-2001, Chiropractic Services mean services, including any necessary supplies and equipment provided to a recipient by or under the direction of a qualified chiropractor within the scope of his or her practice under State law. A "chiropractor" is an individual who meets qualifications specified in regulations are 42 CFR 440.60(b) and is licensed pursuant to West Virginia law. No referral or prior authorization is required for up to 20 visits, combined, of physical therapy, occupational therapy, and chiropractic services.

This SPA will be effective April 1, 2020, pending CMS approval. The estimated annual fiscal year impact will be $900,000.

The SPA and this notice will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 3, 2020, through Friday, July 3, 2020 and on the web at: www.dhhr.wv.gov/bms, then click "Public Notices" on the top toolbar.

Written comments may be sent between the above referenced dates to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706, or by email at SPAComments@wv.gov. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m.

PUBLIC NOTICE

FILED

2020 MAY 28 P 3:35

OFFICE OF WEST VIRGINIA REGISTRAR

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 20-002

REGARDING

DENTAL SERVICES

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("BMS") provides notice of the filing of a state plan amendment (SPA), identified as SPA 20-002, regarding the Dental Services under West Virginia Medicaid.

SPA 20-002: Dental practitioners who provide covered dental services shall be reimbursed, by procedure, utilizing the American Dental Association Survey of Dental Fees for the Southern Atlantic Region Norms. The 25 percentile of the Southern Atlantic Regional Survey constitutes the Medicaid cap.

Physicians who provide covered oral and maxillofacial services shall be reimbursed by the upper limit utilizing a Resource-Based Relative Value (RBVU) for the procedure times a conversion factor as determined by the type of service. The conversion factors were developed using utilization and payment level data for the defined service group. Payment shall not exceed the provider's usual customary charge to the public. The agency's rates are reviewed annually and published on the website (http://dhhr.wv.gov/bms/FEES/Pages/Dental-Fee-Schedule.aspx) with an effective date for payment implementation. Except as otherwise noted in the plan, State developed fee Schule rates are the same for both governmental and private providers.

Administration of anesthesia services shall be reimbursed by Current Dental Terminology (CDT) codes based on an average American Society of Anesthesiologist based units (for Head Procedures) plus time units multiplied by the anesthesia conversion factor. Payment shall not exceed the provider's usual customary charge to the public

This SPA will be effective April 1, 2020, pending CMS approval. The schedule 10% increase, effective April 1, 2020, would increase annual costs by $7,500,000.

The SPA and this notice will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 3, 2020, through Friday, July 3, 2020 and on the web at: www.dhhr.wv.gov/bms, then click "Public Notices" on the top toolbar.

Written comments may be sent between the above referenced dates to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706, or by email at SPAComments@wv.gov. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m.

OTHER

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

FILED
2020 JUN 29 A 9:20
OFFICE WEST VIRGINIA SECRETARY OF STATE

June 29, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **June 26, 2020**.

APPLICATIONS FOR EXEMPTION RECEIVED

June 23, 2020 – Palmetto Holdings, LLC, Cabin Creek, Kanawha County, CON File #20-2-11880-X, for the acquisition of the real property associated with Pleasant Valley Nursing and Rehabilitation Center, Inc.

June 23, 2020 – Pleasant Valley Nursing and Rehabilitation Center, LLC, Cabin Creek, Kanawha County, CON File #20-2-11881-X, for the acquisition of the licensed operations of Pleasant Valley Nursing and Rehabilitation Center, Inc.

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

The West Virginia Health Care Authority (HCA) has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- **Neonatal Intensive Care Units**

Written comments may be submitted to Barbara Skeen, Interim Executive Director, West Virginia Health Care Authority, 100 Dee Drive, Charleston, WV 25311 or via email at Barbara.I.Skeen@wv.gov. Comments must be received no later than close of business on **July 13, 2020**. A copy of the proposed Standards set forth above has been filed with the Secretary of State. The Standards may be viewed at the Authority's website, www.hca.wv.gov, or a copy may be obtained by contacting the office at (304) 558-7000.

PROJECT DETERMINED NOT REVIEWABLE

June 25, 2020 – Ronceverte Physician Group, LLC, Franklin, Tennessee, CON File #20-1-11859-X, for the total relocation of the sleep medicine clinic of Heather Clawges, MD, a Ronceverte Physician Group employed physician, from 230 George Street to 102 Brookshire Lane, both of which are located in Beckley, Raleigh County; capital expenditure: $500,000.

EXEMPTION APPLICATION APPROVED

June 25, 2020 - Rainelle Medical Center, Rainelle, Greenbrier County, CON File #20-4-11854-X, for the development of RMC Greenbrier Nephrology through the acquisition of Dr. Heather Ratliff's practice.

EXTENSION GRANTED

June 25, 2020 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #18-1/2/3/4/5/6/7/8/9/10-11411-P, for the development of mobile lung cancer screening services in 42 counties (Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Gilmer, Grant, Greenbrier, Hardy, Harrison, Jackson, Jefferson, Lewis, Lincoln, Marion, Marshall, McDowell, Mercer, Mineral, Mingo, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming) in West Virginia; capital expenditure: $1,282,000.

Extension granted through November 30, 2020.

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

OTHER

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2020 JUL -1 A 11:15

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

July 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:

June 25, 2020 - Oak Hill Clinic Corp. d/b/a Plateau Medical Group, Franklin, Tennessee, CON File #20-1-11863-P, for the development of an ambulatory care center, including the offering of general surgery consultation services and post-surgical follow up, at 102 Brookshire Lane, Beckley, Raleigh County; capital expenditure: $10,000.

June 30, 2020 - Berkeley Medical Center, Martinsburg, Berkeley County, CON File #20-9-11878-P, for the development of an ambulatory health care facility in Berkeley County through the development of imaging services; capital expenditure: $375,000.

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 **June 30, 2020**.

On or before **July 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 **August 4, 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 **August 31, 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.

7/1/20
Date

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

OTHER

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

June 29, 2020

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

FILED
2020 JUN 29 A 10:13

Dear Secretary Warner:

Attached for filing in the State Register are tentative natural resource property valuation variables for the 2021 Tax Year that have been developed by the State Tax Department for use in determining the appraised value of coal, oil, natural gas, managed timberland and other natural resource properties for ad valorem tax purposes.

The State Tax Department will accept written public comments on all variables until August 1, 2020. Final valuation variables will be filed on or before September 1, 2020.

Public comments concerning the attached variables should be forwarded to the following address:

West Virginia State Tax Department
Property Tax Division
Attention: Leroy Barker
P.O. Box 2389
Charleston, West Virginia 25328-2389

Sincerely,

Dale W. Steager
State Tax Commissioner

DWS/lb/t

Attachment

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

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2020 JUL -2 A 8: 35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

THE WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE SECRETARY'S ORDERS

DATED

July 1, 2020

WHEREAS, Chapter 5F, Article 2, Section 2, of the Official Code of West Virginia, 1931, as amended, authorizes the Secretary of the Department of Transportation to employ persons, consolidate positions, assign duties and name persons to employ more than one position: and

WHEREAS, the aforementioned Section of the Code further authorizes the Secretary to reorganize internal functions or operations; and

WHEREAS, the aforementioned Section of the Code authorizes the Secretary to delegate duties to or among employees; and

WHEREAS, the aforementioned Section requires efficient, effective and economical operation of the Department of Transportation; and

WHEREAS, to promote maximum efficiency and effectiveness in carrying out the duties and responsibilities for the full range of transportation services desired by the citizens of West Virginia, and her visitors, by the Department of Transportation, it is necessary and proper to organize the Office of the Secretary of the Department of Transportation in the most effective means possible.

NOW, THEREFORE, BE IT RESOLVED, that a Transportation Audit Committee be formed to oversee the internal audit function of the West Virginia Department of Transportation.

BE IT FURTHER ORDERED, that the Transportation Audit Committee shall be comprised of management members so designated by the Secretary of the Department of Transportation, or his respective agency heads. Included in the membership of the audit committee shall be a chairperson, who shall also be designated by, and representative of the Secretary of the Department of Transportation.

THE WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE SECRETARY'S ORDERS

The Chairperson shall be appointed by, and act on behalf of the Secretary of Transportation in all committee matters. The duties of the Chairperson shall include, but not limited to:

1. The scheduling of all meetings of the committee.
2. Serve as presiding officer over all committee meetings.
3. Independently meet with the Director of Transportation Auditing on a periodic basis and report the result of those meetings to the committee
4. Prepare an annual report to the Secretary of Transportation on the activities of the committee and compliance with elements contained in this charter.

The membership of the committee should be representative of the department as a whole, and should be given the authority to act on behalf of the head of the agency for audit committee matters. Members are appointed by the Secretary to set terms as designated at the time of appointment.

Committee membership, in addition to the Chairperson, should be broken down as follows:

3 members from the West Virginia Division of Highways
1 member from the West Virginia Division of Motor Vehicles
1 member from the Department of Transportation
1 member from the Parkways Authority
1 member representing Federal Highways Administration (non-voting, advisory)

The Transportation Audit Committee shall meet as often as deemed necessary, but not less than 2 times a year, or once in each quarter. Meetings shall be for the purpose of executing the assigned functions of the audit committee, which shall include, but not be limited to:

1. Obtain an understanding how the internal control objectives are achieved within the entity.

THE WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE
SECRETARY'S ORDERS

2. Review the control environment and procedures and determine if control objectives are being achieved; this can be accomplished through the review of the auditor's reports of internal and external auditors on internal controls and compliance with laws and regulations.

3. Reviewing suggested improvements to internal controls and follow up to correct the weakness in internal controls.

4. The review and approval of the annual audit plan as prepared by and submitted by the Director of Transportation Auditing. The committee should assist in the preparation of the annual plan, ensuring audit scope is adequate to provide adequate assurances to management that relative objectives are being met.

5. Determine if adequate assurances exist is the internal audit plan to ensure that material weakness, reportable conditions, or other findings are reporter.

6. The review of all internal audit recommendations that have not been answered, or are in dispute (disagreed to by the audited manager), require a management decision (a change in policy), or have not been resolved in a timely manner.

7. The notification of managers with unanswered or unresolved recommendations to respond, in writing or in person, to the committee as to what actions have been or will be taken to address the issues of the audit recommendations.

8. The review and the disposition of all audit recommendations and findings contained in the report of the Independent CPA firm.

OTHER

THE WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE
SECRETARY'S ORDERS

In recognition of the importance of the Committee's efforts it is further HEREBY ORDERED that all provisions of the ORDER will become effective upon entry.

Entered this 1st day of July 2020

Byrd E. White, III
Secretary of Transportation/
Commissioner of Highways

Distribution:
Transportation Agencies
Administrative Staff
DOH Division Directors
DOH District Engineer/Managers
Office of the Governor
Department of Administration
West Virginia State Auditor
Secretary of State
Federal Highway Administration

STATE OF WEST VIRGINIA
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Given under my hand and seal of West Virginia Division of Highways, I do hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Commissioner of Highways, entered of record on July 1, 2020.

Department of Transportation