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Administrative Law Division

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NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

NO EMERGENCY RULES FILED THIS WEEK				
AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE OF HEARING

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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
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TITLE	4	CHIROPRACTIC EXAMINERS
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TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
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TITLE	19	REGISTERED PROFESSIONAL NURSES
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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	45	AIR QUALITY
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TITLE	133	HIGHER EDUCATION POLICY COMMISSION
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TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
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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**
Agriculture (61-01A)	Feeding of Untreated Garbage to Swine Legislative	6/16/2021	7/16/2021		7/19/2021				
Agriculture (61-05)	Commercial Feed Legislative	6/25/2021	7/24/2021	7/27/2021 Approved 8/9/2021	7/26/2021				
Agriculture (61-07, Repeal)	Enrichment of Flour and Bread Law Regulations Legislative	6/28/2021	7/28/2021		7/28/2021				
Agriculture (61-08C, Repeal)	Fruits and Vegetables Certification of Potatoes for Seeding Purposes Legislative	6/28/2021	7/28/2021		7/28/2021				
Agriculture (61-10)	Fresh Food Act Legislative	6/29/2021	7/29/2021		7/29/2021				
Agriculture (61-11B)	Auctioneers Legislative	6/29/2021	7/29/2021		7/29/2021				
Agriculture (61-30)	Hemp Products Legislative	6/28/2021	7/28/2021	7/30/2021 Approved 8/9/2021	7/30/2021				
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Agriculture (61-33)	Rural Rehabilitation Program Legislative	6/24/2021	7/24/2021		7/27/2021				
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	6/16/2021	7/16/2021		7/19/2021				
Agriculture (61-38)	Farmers Markets Legislative	6/24/2021	7/24/2021	7/30/2021 Approved 8/9/2021	7/30/2021				
Agriculture (61-39)	Seed Certification Legislative	6/28/2021	7/28/2021		7/30/2021				
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/2/2021	7/6/2021		7/16/2021				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/2/2021	7/6/2021		7/16/2021				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/2/2021	7/6/2021		7/16/2021				

		RULE MONITOR							
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/2/2021	7/6/2021		7/16/2021				
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/1/2021	7/1/2021		7/27/2021				
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021						
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021				
Coal Mine Health and Safety (36-44)	Rule Governing Mine Rescue Requirements for the Office of Miners' Health, Safety and Training Legislative Exempt	5/3/2021	6/17/2021					7/28/2021	8/27/2021
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures, Hearing Procedures Procedural	7/12/2021	8/16/2021						
Contractor Licensing Board (28-02)	Contractor Licensing Act Legislative	6/30/2021	7/30/2021		7/30/2021				
Contractor Licensing Board (28-04)	Written Contracts for Services Procedural	7/12/2021	8/16/2021						
Counseling (27-01)	Licensing Rule Legislative	6/30/2021	7/29/2021		7/29/2021				
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021				
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime, Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/28/2021	7/28/2021	6/28/2021 Effective 8/9/2021	7/29/2021				
Dentistry (5-01)	Rule for the WV Board of Dentistry Legislative	6/18/2021	7/21/2021		7/26/2021				
Dentistry (5-02)	Formation and Approval of Professional Limited Liability Companies Legislative	6/18/2021	7/21/2021		7/26/2021				
Dentistry (5-06)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	6/18/2021	7/21/2021		7/26/2021				
Dentistry (5-11)	Continuing Education Requirements Legislative	6/18/2021	7/21/2021		7/26/2021				
Dentistry (5-12)	Administration of Anesthesia by Dentists Legislative	6/18/2021	7/21/2021		7/26/2021				
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/18/2021	7/21/2021		7/26/2021				
Dentistry (5-16)	Teledentistry Legislative	6/17/2021	7/17/2021	6/17/2021 Amendment 7/26/2021 ERD by 9/6/2021	7/26/2021				
Economic Development, WV Dept. of (145-17)	Purchasing Rule Procedural	7/12/2021	8/13/2021						
Education (126-013C)	Non-public School Accreditation (Policy 2330) Legislative Exempt	5/13/2021	6/14/2021					7/14/2021	8/16/2021
Education (126-044CC)	WV College and Career-Readiness Standards for Science (Policy 2520.3C) Legislative Exempt	6/9/2021	7/12/2021						
Education (126-079)	Charter Public Schools (Policy 3300) Legislative Exempt	6/9/2021	7/12/2021					7/14/2021	8/16/2021

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AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Education (126-143)	County Superintendent Performance Evaluations (Policy 5309) Legislative Exempt	6/9/2021	7/12/2021						
Education (126-146)	Service Personnel Classification, Competency Testing, and Professional Learning (5314) Legislative Exempt	5/13/2021	6/14/2021					7/14/2021	8/16/2021
Education (126-161)	Regulations for the Alternative Certification Programs for the Education of Teachers (Policy 5901) Legislative Exempt	7/14/2021	8/16/2021						
Education (126-174)	Investigating Indoor Air Quality Complaints (Policy 6202) Legislative Exempt	7/14/2021	8/16/2021						
Education (126-175)	WV Dept. of Ed. Heating, Ventilating and Air-Conditioning (HVAC) Technicians (Policy 6203) Legislative Exempt	7/14/2021	8/16/2021						
Education (126-176)	School Closings or Consolidations (Policy 6204) Legislative Exempt	7/14/2021	8/16/2021						
Emergency Management (170-04)	SIRN Emergency Purchasing Procedure Procedural	1/29/2021	3/1/2021						
Emergency Management (170-05)	Purchases During States of Emergency Procedural	1/29/2021	3/1/2021						
Environmental Protection, Secretary's Office (60-09)	Voluntary Remediation and Redevelopment De Minimis Standards Interpretive	6/28/2021	7/28/2021					7/30/2021	8/29/2021
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021		5/12/2021				
Family Protection Services Bd. (191-01)	Operation of the Family Protection Services Board Legislative	6/30/2021	7/30/2021		7/30/2021				
Family Protection Services Bd. (191-02)	Domestic Violence Program Licensure Standards Legislative	6/30/2021	7/30/2021		7/30/2021				

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AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021				
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021				
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 Effective 5/11/2021	6/23/2021				
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021				
Fire Commission (87-12)	Junior Firefighters Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021				
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021				
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/23/2021	7/26/2021		7/27/2021				
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/25/2021	7/27/2021		7/28/2021				
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/30/2021	7/30/2021		7/30/2021				
Health (64-10)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-12)	Hospital Licensure Legislative	6/22/2021	7/22/2021	5/20/2021 Effective 7/1/2021	7/23/2021				
Health (64-42)	Childhood Lead Screening Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-43)	Food Manufacturing Facilities Legislative	6/30/2021	7/30/2021		7/30/2021				
Health (64-47)	Sewage Treatment and Collection System Design Standards Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-48)	Emergency Medical Services Legislative	7/29/2021	8/30/2021	7/1/2021 Approved 7/1/2021					

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Health (64-57)	Clinical Laboratory Practitioner Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-97)	Maternal Risk Screening Legislative	6/29/2021	7/29/2021		7/30/2021				
Health & Human Resources (69-17)	Syringe Services Program Licensure Legislative	7/15/2021	8/16/2021	7/15/2021 ERD by 8/26/2021					
Health Care Authority (65-32)	Certificate of Need Legislative	6/29/2021	7/29/2021		7/30/2021				
Higher Education Policy Comm. (133-59)	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, and College-Level Examination Program Procedural	4/30/2021	6/1/2021						
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	7/29/2020	Approved 3/12/2021	HB3299	7/15/2021	8/15/2021
Higher Education Policy Comm. (133-64)	Administrative Exemption Legislative	11/20/2020	12/21/2020		3/11/2021	Modified & Approved 3/12/2021	HB3299	7/15/2021	8/15/2021
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	5/28/2021	7/1/2021		7/8/2021				
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/1/2021	7/1/2021		7/27/2021				
Insurance Comm. (114-102)	Term and Universal Life Insurance Reserve Financing Legislative	5/28/2021	7/1/2021		7/8/2021				
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/1/2021	7/1/2021		7/9/2021				
Labor (42-09)	Child Labor Rule Legislative	6/29/2021	7/30/2021		7/30/2021				
Lottery Comm. (179-01)	WV Lottery State Lottery Rules Legislative	5/28/2021	6/29/2021		7/7/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Lottery Comm. (179-05)	WV Limited Video Lottery Rule Legislative	6/1/2021	7/1/2021		7/8/2021				
Massage Therapy Licensure Bd. (194-01)	General Provisions Legislative	6/29/2021	7/29/2021		7/30/2021				
Medical Imaging & Radiatioin Therapy Tech Bd of Exam (18-06)	Practice of Radiologic Technology Interpretive	5/21/2021	6/30/2021					7/16/2021	9/1/2021
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons Legislative	6/29/2021	7/29/2021		7/30/2021				
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Medicine (11-05)	Bd. Of Medicine Rule for Dispersing of Prescription Drugs by Practitioners Legislative	6/29/2021	7/29/2021		7/30/2021				
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/29/2021	7/29/2021		7/30/2021				
Medicine (11-10)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021				
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/29/2021	7/29/2021		7/30/2021				
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	6/29/2021	7/29/2021		7/30/2021				
Medicine (11-15)	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physicians Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	5/7/2021	6/7/2021	5/7/2021 Approved 6/7/2021	6/11/2021				
Miners Health Safety and Training (56-11, repeal)	Rule Governing First-Aid Training of Shaft and Slope Employees Legislative	5/7/2021	6/7/2021		6/11/2021				
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/25/2021	7/26/2021		7/30/2021				
Miner Training Education and Certification (48-01)	Standards for Certification of Underground Belt Examiners for Underground Coal Mines Legislative Exempt	5/3/2021	6/17/2021					7/28/2021	8/27/2021
Miner Training Education and Certification (48-02)	Safety Training Program for Prospective Underground Coal Miners Legislative Exempt	5/3/2021	6/17/2021						
Miner Training Education and Certification (48-03)	Safety Training Programs for Prospective Surface Coal Miners Legislative Exempt	5/3/2021	6/17/2021						
Miner Training Education and Certification (48-04)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements Legislative Exempt	5/3/2021	6/17/2021						
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/25/2021	7/26/2021	6/24/2021 Effective 8/5/2021	7/27/2021				
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/29/2021	7/29/2021		7/29/2021				
Motor Vehicles (91-09)	Collection of Tax on the Sale of a Vehicle Legislative	6/11/2021	7/12/2021		7/20/2021				
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-25)	Boating Rule Legislative	6/30/2021	7/29/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-26)	Special Boating Rules Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-30)	Wildlife Education Facilities Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-38)	Public Shooting Ranges Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-53)	General Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/30/2021	7/29/2021		7/30/2021				
Office of Technology (163-02)	Chief Information Officer Review Legislative	6/23/2021	7/23/2021		7/30/2021				
Office of Technology (163-03)	Cyber Reporting Legislative	6/15/2021	7/15/2021		7/30/2021				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/29/2021	7/29/2021		7/30/2021				
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Osteopathic Medicine (24-07)	Practitioner Requirements for Controlled Substances Licensure and Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021				

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Osteopathic Medicine (24-10)	Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021		7/29/2021				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/11/2021	7/12/2021		7/21/2021				
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/21/2021	8/25/2021	6/23/2021 Effective 8/4/2021					
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/11/2021	7/12/2021		7/21/2021				
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/14/2021	7/15/2021		7/21/2021				
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						
Public Service Commission (150-05)	Rules for the Government of Sewer Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021					7/16/2021	9/14/2021
Public Service Commission (150-07)	Rules for the Government of Water Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021					7/16/2021	9/14/2021
Public Service Commission (150-09)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						
Racing Commission (178-01)	Thoroughbred Racing Legislative	5/28/2021	6/28/2021		7/28/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Real Estate Appraiser Licensing and Certification Bd. (190-03)	Renewal of Licensure or Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-05)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/29/2021	7/30/2021		7/30/2021				
Registered Professional Nurses (19-16)	Telehealth Practice Legislative	6/30/2021 7/30/2021	7/30/2021 8/29/2021	7/2/2021 Withdrawn 7/8/2021 7/29/2021 ERD 9/9/2021					
School Building Authority (164-01)	Policy and Procedures Handbook Procedural	6/30/2021	8/2/2021						
Secondary School Activities Comm. (127-02)	Athletics, Provisioins Governing Eligibility Legislative Exempt	5/13/2021	6/14/2021					7/14/2021	9/13/2021
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	5/13/2021	6/14/2021					7/14/2021	9/13/2021
Sec. of WV DHHR, and WV Insurance Commissioner (114A-01)	All-Payer Claims Database – Data Submission Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Sec. of WV DHHR, and WV Insurance Commissioner (114A-02, repeal)	All-Payer Claims Database – Privacy and Security Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021				
Secretary of State (153-30)	Use of Digital Signatures Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative	6/24/2021	7/27/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021				
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-04)	WV State Plan for Aging Programs Interpretive	6/22/2021	7/22/2021					7/23/2021	10/1/2021
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021				
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	4/28/2021	6/4/2021	4/27/2021 Effective 6/8/2021	6/9/2021				
State Emergency Response Comm. (55-03)	Requests for Information Pursuant to the Community Right to Know Act Procedural	5/12/2021	6/11/2021						
State Police (81-03)	Career Progression Legislative	6/29/2021	7/30/2021		7/30/2021				
Tax (110-01A)	Valuation of Farmland and Structures Situated Thereon for Ad Valorem Property Tax Purposes Legislative	6/3/2021	7/7/2021		7/8/2021				
Tax (110-01J)	Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative	6/4/2021	7/7/2021	6/8/2021 Effective 7/20/2021	7/30/2021				
Tax (110-13KK)	WV Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/4/2021	7/7/2021		7/8/2021				
Tax (110-15F)	Sales Tax Holiday Legislative	5/11/2021	6/11/2021	5/7/2021 Amendment 6/3/2021 Approved 6/7/2021	6/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative	6/2/2021	7/7/2021	6/2/2021 Effective 7/14/2021	7/8/2021				
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative	6/3/2021	7/7/2021		7/8/2021				
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/3/2021	7/7/2021		7/8/2021				
Tax (110-24)	Corporation Net Income Tax Legislative	6/2/2021	7/7/2021		7/27/2021				
Transportation (217-01)	Employment Procedures Legislative	6/30/2021	7/30/2021		7/30/2021				
Treasurer (112-02)	Substitute Checks-Exceptional Items Fund Legislative	6/28/2021	7/28/2021		7/29/2021				
Treasurer (112-10)	Reporting Debt Legislative	6/28/2021	7/29/2021		7/29/2021				
Treasurer (112-12)	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/28/2021	7/28/2021		7/29/2021				
Treasurer (112-13)	Procedures for Providing Services to Political Subdivisions Legislative	6/25/2021	7/26/2021		7/29/2021				
Underground Facilities Damage Prevention Bd. (214-02)	Rules of Procedure for Complaints and Contested Cases Before the WV Underground Facilities Damage Prevention Board Procedural	4/21/2021	5/21/2021						
Waste Management, Div. of Water and Waste Mgmt. (33-01B)	Requirements for the Management of Coal Combustion Residuals Legislative	6/25/2021	7/26/2021		7/30/2021				
Water Resources, Div. of Water and Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	6/4/2021	7/19/2021		7/30/2021				
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/9/2021	3/11/2021 Written Comments Extended To 3/26/2021						

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 (47-13)	Underground Injection Control Legislative	6/23/2021	7/23/2021		7/30/2021				
Workers Comp. by the Insurance Comm (85-08)	Workers Compensation Policies, Coverage Issues and Related Topics Legislative Exempt	7/9/2021	8/26/2021						

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20

AGENCY/SERIES NUMBER	RULE/SUNSET DATE	REQUEST	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Auditor 155-08	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body 7/1/2022	5/13/2021					
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021	4/27/2021				
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021	4/27/2021				
Dangerous Wild Animal Board 74-01	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021				
Health 64-103	Expedited Paratner Therapy 6/1/2022	5/10/2021	5/10/2021				
Health and Human Resources 69-11	Medication-Assisted treatment – Opioid Treatment Programs 6/1/2022	5/10/2021	5/10/2021				
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021				
Higher Education Policy Commission 133-52	Annual Reauthorization of Degree-Granting Institutions 8/5/2022	5/5/2021	5/5/2021				
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021				
Public Service Commission (150-37)	Telephone Conduit Occupancy 8/1/2022	5/6/2021	8/6/2021				
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021				
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021	5/10/2021				
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
Secretary of State 153-03	Voter Registration at the Division of Motor Vehicles 5/23/2022	5/10/2021	5/10/2021				
Secretary of State 153-05	Voter Registration List Maintenance by the Secretary of State 5/23/2022	5/10/2021	5/10/2021				

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20

AGENCY/SERIES NUMBER	RULE/SUNSET DATE	REQUEST	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer 112-04	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies 6/1/2022	5/5/2021	5/6/2021				
Treasurer 112-06	Selection of State Depositories for Disbursement Accounts through Competitive Bidding 6/1/2022	5/6/2021	5/6/2021				
Treasurer 112-07	Selection of State Depositories for Receipt Accounts 6/1/2022	5/7/2021	5/7/2021				
Treasurer 112-08	Procedures for Processing Payments from the State Treasury 6/1/2022	5/7/2021	5/7/2021				

STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHIC MEDICINE
405 Capitol Street, Suite 402
Charleston, W.V. 25301

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LEGISLATIVE

FILED
2021 AUG 10 P 3:28
OFFICE WEST VIRGINIA SECRETARY OF STATE

MEMORANDUM

DATE: August 10, 2021

TO: Mac Warner
Secretary of State

FROM: Jonathan T. Osborne
Executive Director of the West Virginia Board of Osteopathic Medicine

RE: **Suspension of Rules in Response to COVID-19**

The West Virginia Board of Osteopathic Medicine requests that the rules described below be temporarily suspended, effective immediately, pursuant to W. Va. Code § 15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020. The Board further requests that the subject rules remain suspended until the Board terminates this Notice or the State of Emergency is lifted, whichever occurs first.

The Board originally filed a memorandum on March 26, 2020, suspending certain provisions of 24 CSR 2. After amendments to 24 CSR 2 became effective following the 2020 Regular Session of the Legislature, the Board re-suspended certain provisions of 24 CSR 2 on August 10, 2020. The Board then filed an emergency version of 24 CSR 2, which became effective today requiring the Board to re-suspend certain provisions of 24 CSR 2.

1. In recognition of the potentially fluid and dynamic nature of providing medical care during the COVID-19 emergency, the Board temporarily suspends its formal procedures for creating or amending practice notifications. During the State of Emergency, PAs and health care facility representatives must notify the Board via email when a PA enters into new practice notifications. This temporary measure affects the provisions of **W. Va. CSR § 24-2-14**. The Board's temporary suspension of the fees associated with practice notifications set forth in the aforementioned provisions and 24 CSR 5 remains in effect.

2. The Board also temporarily suspends the regulations that limit collaborating physicians to practice agreements with only five PAs at one time as set forth in **W. Va. CSR § 24-2-13**. Any reference to practice agreements in 24 CSR 2 and this Memorandum only apply to physician assistants who were practicing pursuant to a practice agreement prior to July 8, 2021. A physician assistant practicing pursuant to an authorized practice agreement after July 8, 2021 must continue to practice within the terms established therein. A practice agreement in effect on July 8, 2021 may not be amended after that date. A physician assistant seeking to amend a practice agreement after July 8, 2021 must file a practice notification.

The scope of practice and prevailing standard of care applicable to PAs remain unchanged. These measures will remain in effect until terminated by the Board or the State of Emergency is lifted, whichever occurs first. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

Jonatha T Osborne
(Agency Representative)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

8/6/2021 12:04:08 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Public Service Commission TITLE-SERIES: 150-37

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

RULE NAME: 150-37 Rules Governing the Occupancy of Customer-Provided Conduit

PRIMARY CONTACT

NAME: Jane Neal

ADDRESS: 201 Brooks Street

Charleston, WV 25301

EMAIL: jneal@psc.state.wv.us

PHONE NUMBER: 304-340-0377

CITE STATUTORY AUTHORITY: 24-2E-3, 24-1-7, 24-2-1 and 24-2-6

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:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

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? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

FILED

2021 AUG -9 P 1:53

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Agriculture

RULE: 61 CSR 5. Commercial Feed.

STATUTORY AUTHORITY: W. Va. Code § 19-14-3.

DATE FILED AS AN EMERGENCY RULE: July 27, 2021.

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): Rule filed to comply with statutory amendments made in HB 2633 (2021).

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

FILED

2021 AUG -9 P 1:52

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Agriculture

RULE: 61 CSR 30. Hemp Products.

STATUTORY AUTHORITY: W. Va. Code § 19-12E-7.

DATE FILED AS AN EMERGENCY RULE: July 30, 2021.

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): Rule updates previous provisions pertinent to changes in the hemp products industry, and to now include additional regulation for prior-omitted subject matter including appropriate levels of potentially toxic chemicals, pesticides, and metals.

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

FILED

2021 AUG -9 P 1:52

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Agriculture

RULE: 61 CSR 38. Farmers Markets.

STATUTORY AUTHORITY: W. Va. Code § 19-35-4.

DATE FILED AS AN EMERGENCY RULE: July 30, 2021.

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): Rule filed in response to statutory amendments made by HB 2633 (2021).

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
19-PRLC-02004	Insurance Commission	Cindy Santos	8/5/2021
21-06-W	Medicine, West Virginia Board Of	Kevin Sanford Smith, MD	8/6/2021
20-97-W	Medicine, West Virginia Board Of	Oluyemisi Reuben Sangodeyi, MD	8/6/2021

FILED
2021 AUG -9 P 4:07
OFFICE OF WEST VIRGINIA SECRETARY OF STATE
AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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

August 6, 2021

The Honorable Jonathan "Duke" Jewell
Mingo County Prosecuting Attorney
78 East 2nd Avenue, Suite 201
Williamson, WV 25661

Dear Prosecutor Jewell:

You asked for an Opinion of the Attorney General about whether, pursuant to West Virginia Code § 3-10-7(b), the wife of a deceased Mingo County Commissioner is a "legally qualified person[]" to be appointed to fill out the remainder of the Commissioner's term. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely on the factual assertions in your correspondence with the Office of the Attorney General.

In your letter, you explain that in 2020, Gavin Smith, a registered Republican, was elected as a Mingo County Commissioner. He served in that role from January 1, 2021 to June 7, 2021 when he passed away. West Virginia Code § 3-10-7(a) authorizes "[a]ny vacancy in the office of county commissioner . . . [to] be filled by appointment by the county commission," provided that the appointee has been a member of "the same political party with which the person holding the office immediately preceding the vacancy was affiliated" "for at least 60 days prior to the occurrence of the vacancy." Commissioner Smith's widow is being considered to fill the vacancy. Because she was not registered as a Republican until after the vacancy occurred, however, she does not satisfy the 60-day party membership requirement for appointment pursuant to Section 3-10-7(a). Nevertheless, because the Mingo County Commission did not make an appointment within 30 days, Section 3-10-7(b) provides that the Mingo County Republican Executive Committee (the "Executive Committee") may now submit a list of three candidates from which the Commission shall fill the vacancy. Your question centers on whether the 60-day requirement is required under Section 3-10-7(b) as well.

Your request thus raises the following question of law:

Does West Virginia Code 3-10-7(b)'s requirement that individuals selected to fill a vacancy be "legally qualified" include the time requirement for party membership set forth in Section 3-10-7(a)?

We conclude that the term "legally qualified" encompasses general qualifications for the office of county commissioner, but not the additional 60-day party membership requirement that applies when a county commission fills a mid-term vacancy directly.

Discussion

West Virginia Code § 3-10-7(b) provides in relevant part:

> If a quorum of the county commission fails to make an appointment within 30 days, the county executive committee of the same political party with which the person holding the office preceding the vacancy was affiliated at the time the vacancy occurred, shall submit a list of three legally qualified persons to fill the vacancy. Within 15 days from the date on which the list is received, the county commission shall appoint a candidate from the list to fill the vacancy.

This subsection requires that the nominees of the appropriate party's county executive committee be "legally qualified." There are general eligibility requirements for office-holders in the West Virginia Constitution, as well as requirements specific to election as county commissioner. For example, the Constitution allows only "citizens entitled to vote" to hold any state, county, or municipal office. W. Va. Const. art. IV, § 4. There is no doubt that "legally qualified" includes this baseline, constitutional requirement for all offices. For the office of county commissioner specifically, no two county commissioners may be elected from the same magisterial district, *see* W. Va. Const. art. IX, § 10, and a commissioner must reside in the magisterial district for which he or she is seeking to serve at the time he or she files a candidate announcement or (in the case of a ballot vacancy) is appointed, W. Va. Code § 7-1-1b(b). These office-specific provisions concern the election process and do not explicitly reference the nomination and appointment process provided in Section 3-10-7. Further, the Supreme Court of Appeals of West Virginia has not addressed whether these requirement apply outside the election context, so it is possible that they might not apply to the type of appointment at issue here. Nevertheless, because these requirements concern fair representation for constituents across the county and govern the ordinary and most common situations for selecting commissioners, it is extremely likely that a reviewing court would conclude that they are also part of what it means to be "legally qualified" for the office of county commissioner. It does not appear from your letter that this question is at issue here, however, so this Opinion need not address it further.

Your letter does not include information about the potential appointee specific to these or any other generally applicable requirements and thus this Opinion cannot answer whether she satisfies them. As long as she meets the Code's general requirements, however, she is likely "legally qualified" for nomination by the Executive Committee as a candidate for the vacancy on the Mingo County Commission.

AG OPINION

Subsection 7(a)'s requirement that the potential replacement be registered as a member of that party "for at least 60 days prior to the occurrence of the vacancy" stands in contrast to these more general qualifications. There is no indication that the Legislature intended the 60-day time period to apply outside this one method of filling a vacancy. After all, "[i]f the Legislature explicitly limits application of a doctrine or rule to one specific factual situation and omits to apply the doctrine to any other situation, courts should assume the omission was intentional." *State ex rel. Riffle v. Ranson*, 195 W. Va. 121, 128, 464 S.E.2d 763, 770 (1995). The Legislature's failure to repeat the requirement in the very next subsection is strong evidence it did not intend for the 60-day requirement to apply more generally. There is also good reason for different rules under the two methods: Unlike when a county commission fills a vacancy, where a majority of commissioners may be members of other political parties, the subsection (b) process allows the relevant party's executive committee to select the slate of nominees itself.

Thus, potential appointees are "legally qualified" for selection under Section 3-10-7(b) where they meet the general qualifications for the office of county commissioner, regardless whether they satisfy additional requirements like the 60-day party membership rule that apply to one specific method of filling a vacancy only. It is therefore immaterial whether the potential nominee has, pursuant to Section 3-10-7(a), been a registered Republican for 60 days prior to the vacancy when assessing whether she is "legally qualified . . . to fill the vacancy" pursuant to subsection 7(b).

Sincerely,

Patrick Morrisey
Attorney General

Lindsay See
Solicitor General

Curtis R. A. Capehart
Deputy Attorney General

Jessica A. Lee
Assistant Solicitor General

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

FILED
2021 AUG -9 A 9:54
OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

August 9, 2021

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **August 6, 2021**.

LETTERS OF INTENT RECEIVED

August 2, 2021 – BrightSpring Health Services, Inc., Louisville, Kentucky, CON File #21-1/3/5-12138-A, for the sale of up to 100% of its ownership interests in its personal care services in Kanawha, Mercer and Wood counties in West Virginia; capital expenditure: $1,110,000.

August 5, 2021 – Cavalier Mobile X-Ray Co., Youngstown, Ohio, CON File #21-WV-12143-P, for the expansion of Cavalier Mobile X-Ray Co.'s mobile diagnostic imaging services to all counties in West Virginia; capital expenditure: $143,000.

August 6, 2021 – Stellar Support Service, McKeesport, Pennsylvania, CON File #21-6-12146-BH, for provision of services to individuals with intellectual and developmental disabilities in Preston County; capital expenditure: $1,000.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

July 26, 2021 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #21-6-12125-A, for the acquisition of the real property currently leased by West Virginia University Hospitals, Inc. for Fairmont Medical Center in Fairmont, Marion County; capital expenditure: $9,335,000.

July 30, 2021 - Roane General Hospital, Spencer, Roane County, CON File #21-5-12124-P, for the development of an ambulatory health care facility in Arnoldsburg, Calhoun County, through the relocation of a rural health clinic currently located on the hospital's campus; capital expenditure: $439,720.

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

July 30, 2021 – Review cycle begins;

August 30, 2021 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

September 3, 2021 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

September 28, 2021 – Decision on the project will be issued by the Authority.

PROJECTS EXEMPT FROM REVIEW

August 3, 2021 – Shenandoah Valley Medical System, Inc., Martinsburg, Berkeley County, CON File #21-9-12139-X, for the establishment of school-based clinics at Martinsburg North Middle School and Burke Street Elementary School, both located in Martinsburg.

August 3, 2021 – Daily Companions, Inc., Martinsburg, Berkeley County, CON File #21-9-12140-X, for the transfer of stock and parent of ownership.

August 6, 2021 – Restore Addiction Recovery and Wellness, Morgantown, Monongalia County, CON File #21-6-12144-X, for the development of an Intensive Outpatient Substance Use Disorder Program and Office-Based Medication-Assisted Treatment Program at 613 Burroughs Street, Morgantown.

August 6, 2021 – WV Family Support and Rehabilitation Services, Inc., Parkersburg, Wood County, CON File #21-6-12145-X, for the development of a residential substance abuse treatment facility in Lumberport, Harrison County.

RENEWAL GRANTED

August 3, 2021 - REM West Virginia, Boston, Massachusetts, CON File #18-11-11450-BH, for the development of a four-bed intermediate care facility for individuals with intellectual disabilities in Hancock County serving children; capital expenditure: $400,000.

Renewal granted through December 31, 2021.

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