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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Pharmacy (15-1)	Licensure and Practice of Pharmacy (Legislative)	§30-5-7	Written Comments Only June 24, 2015, 4:00 pm WV Board of Pharmacy 2310 Kanawha Boulevard East Charleston, WV 25311
Pharmacy (15-2)	Rules of the Board of Pharmacy for the Uniform Controlled Substances Act (Legislative)	§§30-5-7 and 60A-3-301	Written Comments Only June 24, 2015, 4:00 pm WV Board of Pharmacy 2310 Kanawha Boulevard East Charleston, WV 25311
Pharmacy (15-4)	Record Keeping and Automated Data Processing Systems (Legislative)	§30-5-7	Written Comments Only June 24, 2015, 4:00 pm WV Board of Pharmacy 2310 Kanawha Boulevard East Charleston, WV 25311
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors, Third-Party Logistics Providers, and Manufacturers (Legislative)	§§30-5-7 and 60A-8-9	Written Comments Only June 24, 2015, 4:00 pm WV Board of Pharmacy 2310 Kanawha Boulevard East Charleston, WV 25311
Secretary of State (153-3)	(Repeal of) Registration Forms and Receipts (Legislative)	§§3-1A-6, 3-2-19, 3-2-20, 3-2-41 and 29A-1-3(c)	Written Comments Only June 30, 2015, 12:00 pm Dave Nichols Secretary of State's Office 1900 Kanawha Blvd E Bldg. 1, Ste. 157-K Charleston, WV 25305
Secretary of State (153-9)	(Repeal of) Elimination of Precinct Registration Books (Legislative)	§3-2-21	Written Comments Only June 30, 2015, 12:00 pm Dave Nichols Secretary of State's Office 1900 Kanawha Blvd E Bldg. 1, Ste. 157-K Charleston, WV 25313

CHRONOLOGICAL INDEX, VOLUME XXXII ISSUE 22			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Secretary of State (153-23)	(Repeal of) Absentee Voting by Military Voters Who Are Members of Reserve Units Called to Active Duty (Legislative)	§3-1A-6	Written Comments Only June 30, 2015, 12:00 pm Dave Nichols Secretary of State's Office 1900 Kanawha Blvd. E Bldg. 1, Ste. 157-K Charleston, WV 25305

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Social Work, WV Bd. Of (25-1)	Qualifications for the Profession of Social Work	§30-30-6	ERD by July 7, 2015	June 25, 2015

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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

- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
- 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)
- If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
- Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	13	OCCUPATIONAL THERAPY
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHY
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE	33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE	35	OFFICE OF OIL AND GAS
TITLE	36	COAL MINE HEALTH & SAFETY
TITLE	38	MINING & RECLAMATION
TITLE	42	LABOR
TITLE	45	OFFICE OF AIR QUALITY
TITLE	47	OFFICE OF WATER RESOURCES
TITLE	48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	63	CONSERVATION AGENCY
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH & HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	82	CULTURE AND HISTORY
TITLE	85	WORKERSCOMPENSATION BY THE INSURANCE COMMISSION
TITLE	86	VETERANS AFFAIRS
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE	96	WORKFORCE WEST VIRGINIA
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	113	HEALTH INSURANCE PLAN
TITLE	114	INSURANCE
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTION
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	DIVISION OF HIGWAYS
TITLE	158	ETHICS COMMISSION
TITLE	162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE	172	STATE RAIL AUTHORITY
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION – BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY
TITLE	184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	191	FAMILY PROTECTION SERVICES BOARD
TITLE	199	EXPLOSIVES & BLASTING
TITLE	204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE	205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE	207	COALFIELD COMMUNITY DEVELOPMENT
TITLE	210	GOHELP

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-1)	Purchasing Division Legislative	6/18/2014	7/21/2014		7/30/2014	Modified & Approved 9/11/2014 Filed 9/16/2014	SB 142 HB 2302 BUNDLED SB 142	4/13/2015	7/1/2015
Administration (148-3)	State Owned Vehicles Legislative	6/18/2014	7/18/2014		7/29/2014	Modified & Approved 9/11/2014 Filed 9/16/2014	SB 148 HB 2303 BUNDLED SB 142	4/13/2015	7/1/2015
Administration (148-4)	State Plan for the Operation of the WV State Agency for Surplus Property Legislative	6/26/2014	7/28/2014		7/30/2014	Modified & Approved 9/11/2014 Filed 9/16/2014	SB 143 HB 2304 BUNDLED SB 142	4/13/2015	7/1/2015
Agriculture (61-1)	Animal Disease Control Legislative	7/2/2014	8/1/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/19/2014 12/15/2014	SB 211 HB 2306 BUNDLED SB 199	4/14/2015	6/1/2015
Agriculture (61-4B)	Frozen Desserts and Imitation Frozen Desserts Legislative	6/27/2014	7/282014		7/29/2014	Modified & Approved 10/23/2014 Filed 10/30/2014	SB 210 HB 2315 BUNDLED SB 199	4/21/2015	7/1/2015
Agriculture (61-11B)	Auctioneers Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/19/2014	SB 212 HB 2307 BUNDLED SB 199	4/14/2015	6/1/2015
Agriculture (61-12)	Fee Structure for the Pesticide Control Act of 1990 Legislative	6/27/2014	7/28/2014		7/29/2014	Modified & Approved 10/23/2014 Filed 10/30/2014	SB 213 HB 2308 BUNDLED SB 199	4/21/2015	7/1/2015
Agriculture (61-14)	WV Plant Pest Act Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 10/30/2014	SB 214 HB 2309 BUNDLED SB 199	4/20/2015	7/1/2015
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	5/15/2014	7/3/2014		7/22/2014	Approved 10/23/2014	SB 215 HB 2276 BUNDLED SB 199	4/22/2015	6/1/2015

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-24)	WV Spay Neuter Assistance Program Legislative	6/25/2014	7/25/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/19/2014 12/15/2014	SB 216 HB 2310 SB 199	4/14/2015	6/1/2015
Agriculture (61-29)	Industrial Hemp Legislative	7/2/2014	8/1/2014		8/1/2014	Recommend Withdrawal 11/20/2014 Modified Filed 12/10/2014 Modified & Approved 12/17/2014 Filed 12/23/2014 12/30/2014	SB 221 HB 2311 BUNDLED SB 199	4/14/2015	6/1/2015
Agriculture (61-30)	Dangerous Wild Animal Rule Legislative	7/2/2014	8/1/2014		8/1/2014	Modified with certain amendments & Approved 11/20/2014 Filed 11/20/2014 12/15/2014	SB 222 HB 2361 BUNDLED SB 199	4/14/2015	6/1/2015
Agriculture (61-31)	Livestock Care Standards Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/19/2014 12/15/2014	SB 217 HB 2312 BUNDLED SB 199	4/14/2015	6/1/2015
Agriculture (61-32)	Equine Rescue Facilities Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 12/17/2014 Filed 12/12/2014 Filed 12/23/2014	SB 218 HB 2313 BUNDLED SB 199	4/14/2015	6/1/2015
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	7/1/2014	7/31/2014	7/8/2014 Approved 7/10/2014	8/1/2014	Modified with certain amendments & Approved 11/20/2014 Filed 11/20/2014 12/15/2014	SB 219 HB 2362 BUNDLED SB 199	4/14/2015	6/1/2015

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-34)	Captive Cervid Farming Legislative	4/28/2015	5/28/2015	4/28/2015 Approved 5/12/2015					
Agriculture (61-35)	Aquaculture Importation Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/19/2014	SB 220 HB 2314 BUNDLED SB 199	4/14/2015	6/1/2015
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality Legislative	6/4/2014	7/7/2014		7/23/2014	Approved 9/11/2014	SB 164 HB 2282 BUNDLED HB 2283	4/6/2015	6/1/2015
Air Quality (46-16)	Standards of Performance for New Stationary Sources Legislative	6/4/2014	7/7/2014		7/23/2014	Approved 9/11/2014	SB 163 HB 2283 BUNDLED HB 2283	4/6/2015	6/1/2015
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/4/2014	7/7/2014		7/23/2014	Approved 9/11/2014	SB 162 HB 2284 BUNDLED HB 2283	4/6/2015	6/1/2015
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2014	7/7/2014		7/25/2014	Approved 9/11/2014	SB 168 HB 2286 BUNDLED HB 2283	4/6/2015	6/1/2015
Coal Mine Health and Safety (36-58)	Rules Governing Impoundment Safety Procedures Legislative Exempt	3/25/2015	4/30/2015						
Community & Technical College Ed. (135-59)	Awarding Undergraduate College Credit for Prior Learning Procedural	4/24/2015	5/26/2015						
Conservation Committee (63-2)	WV Conservation Agency Financial Assistance Program Legislative	4/29/2015	5/29/2015	4/29/2015 Approved 5/12/2015					
Dentistry (5-1)	Rule for the WV Bd. of Dentistry Legislative	5/14/2014	6/13/2014		7/25/2014	Modified & Approved 12/17/2014 Filed 12/17/2014	SB 207 HB 2318 BUNDLED SB 199	4/21/2015	6/1/2015
Dentistry (5-2)	Formation and Approval of Professional Limitied Liability Companies Legislative	5/14/2014	6/13/2014		7/25/2014	Approved 12/17/2014	SB 206 HB 2280 BUNDLED SB 199	4/21/2015	6/1/2015

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-4)	Contested Case Hearing Procedures Procedural	5/13/2015	6/13/2015						
Dentistry (5-6)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	5/14/2014	6/13/2014		7/25/2014	Approved 12/17/2014	SB 209 HB 2281 BUNDLED SB 199	4/21/2015	6/1/2015
Dentistry (5-11)	Continuing Education Requirements Legislative	5/13/2015	6/13/2015						
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	5/13/2015	6/13/2015						
Dentistry (5-15)	Dental Recovery Networks Legislative	6/11/2014	7/11/2014	6/11/2014 Approved 7/10/2014	7/25/2014	Modified & Approved 12/17/2014 Filed 12/17/2014	SB 208 HB 2319 BUNDLED SB 199	4/21/2015	6/1/2015
Education (126-25A)	Standards for Basic and Specialized Health Care Procedures (2422.7) Legislative Exempt	5/14/2015	6/15/2015						
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma Legislative Exempt	4/11/2013	5/13/2013						
Education (126-44CC)	Next Generation Content Standards and Objectives for Science in West Virginia Schools (2520.3C) Legislative Exempt	1/15/2015	2/17/2015					4/9/2015	7/1/2016
Education (126-44O)	Early Learning Standards Framework-Content Standards for Learning Criteria for WV Pre-kindergarten (WV Pre-k)(2520.15) Legislative Exempt	5/14/2015	6/15/2015						
Education (126-51)	Health Promotion and Disease Prevention (2423) Legislative Exempt	5/14/2015	6/15/2015						
Election Commission (146-3)	Regulation of Campaign Finance Legislative	5/20/2015	6/19/2015						
Election Commission (146-5)	WV Supreme Court of Appeals Campaign Financing Program Legislative	5/20/2015	6/19/2015						
Election Commission (146-6)	Rules of Procedure for Appeals from Denial of Certification of Authorization to Print Ballots Procedural	5/20/2015	6/19/2015						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Ethics Commission (158-21)	Public Use of Names or Likeness Legislative	5/12/2015	6/12/2015	5/12/2015 ERD by 6/23/2015					
Fire Commission (87-1)	Fire Code Legislative	5/1/2015	5/29/2015 Written Comments 6/1/2015						
Fire Commission (87-4)	State Building Code Legislative	5/1/2015	6/1/2015						
Fire Commission (87-7)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Inspectors and Plans Examiners Legislative	5/1/2015	6/1/2015						
Fire Commission (87-8)	Volunteer Firefighters' Training, Equipment and Operating Standards Legislative	5/23/2014	6/24/2014	7/1/2014 Approved 8/11/2014	7/1/2014	Approved 12/17/2014 Filed 12/31/2014 Modified Withdrawn 1/6/2015	SB 184 HB 2292 BUNDLED SB 182	4/9/2015	7/1/2015
Fire Marshal (103-3)	Supervision of Fire Protection Work Legislative	5/29/2014	6/30/2014		7/1/2014	Modified & Approved 12/17/2014 Filed 12/31/2014	SB 185 HB 2325 BUNDLED SB 182	4/9/2015	7/1/2015
Health (64-13)	Nursing Home Licensure Rule Legislative	6/27/2014	7/28/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/6/2014	SB 176 HB 2328 BUNDLED SB 175	4/1/2015	6/29/2015
Health (64-60)	Medication Administered and Performance of Health Maintenance Tasks by Unlicensed Personnel Legislative	6/27/2014	7/28/2014		7/31/2014	Modified & Approved 10/23/2014 Filed 11/5/2014	SB 173 HB 2329 BUNDLED SB 175	4/1/2015	6/29/2015
Health & Human Resources (69-6)	Nurse Aide Abuse Registry Legislative	6/27/2014	7/28/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/6/2014	SB 174 HB 2330 BUNDLED SB 275	4/1/2015	6/29/2015
Higher Education Policy Comm. (133-25)	Residency Classification for Admission and Fee Purposes Procedural	3/17/2015	4/17/2015					4/21/2015	5/21/2015

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Comm. (133-59)	Awarding Undergraduate College Credit for Prior Learning Procedural	3/17/2015	4/17/2015						
Insurance Commission (114-11E)	Annuity Disclosure Legislative	6/24/2014	7/24/2014		8/1/2014	Modifed & Approved 9/11/2014 Filed 9/15/2014	SB 189 HB 2334 BUNDLED SB 187	4/24/2015	7/23/2015
Insurance Commission (114-45)	Recognizing Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities Legislative	6/24/2014	7/24/2014		8/1/2014	Approved 9/11/2014	SB 188 HB 2294 BUNDLED SB 187	4/24/2015	7/23/2015
Labor (42-9)	Child Labor Legislative	6/23/2014	7/23/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014	SB 154 HB 2340 BUNDLED SB 170	4/22/2015	7/1/2015
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014	SB 153 HB 2335 BUNDLED SB 170	4/22/2015	7/1/2015
Labor (42-26)	Weights and Measures Calibration Fees Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014	SB 158 HB 2336 BUNDLED SB 170	4/22/2015	7/1/2015
Labor (42-31)	Verifying the Legal Employment Status of Workers Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/29/2014	SB 156 HB 2337 BUNDLED SB 170	4/22/2015	7/1/2015
Labor (42-32)	Supervision of Plumbing Work Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014	SB 155 HB 2338 BUNDLED SB 170	4/22/2015	7/1/2015
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014	SB 157 HB 2339 BUNDLED SB 170	4/22/2015	7/1/2015

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medical Imaging & Radiation Therapy Tech. Bd. of Exam. (18-1)	Rules of the WV Medical Imaging & Radiation Therapy Tech Bd of Exam Legislative	3/6/2015	5/1/2015						
Miners' Health, Safety and Training (56-20)	Rules Governing the Safety of Those Employed In and Around Quarries in WV Legislative	6/25/2014	7/25/2014		7/29/2014	Modified & Approved 9/11/2014 Filed 9/16/2014	SB 270 HB 2342 BUNDLED SB 170	4/20/2015	7/1/2015
Motor Vehicles (91-4)	Examination and Issuance of Driver's License Legislative	6/26/2014	7/27/2014		8/1/2014	Modified & Approved 12/17/2014 Filed 12/31/2014	SB 192 HB 2343 BUNDLED SB 192	5/12/2015	7/1/2015
Office of Technology (163-1,formerly 161-3)	Procedures for Sanitization, Retirement and Disposition of Information Technology Equipment Legislative	6/24/2014	7/24/2014		7/30/2014	Modified & Approved 9/11/2014 Filed 10/3/2014	SB 183 HB 2347 BUNDLED SB 142	4/13/2015	7/1/2015
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	6/3/2014	7/3/2014	5/12/2014 Approved 6/6/2014	7/31/2014	Modified & Approved 11/20/2014 Filed 11/25/2014	SB 202 HB 2348 BUNDLED SB 199		
Osteopathic Medicine (24-5)	Fees for Services Rendered by the Board of Osteopathy Legislative	6/3/2014	7/3/2014	5/12/2014 Approved 6/6/2014	7/31/2014	Approved 11/20/2014	SB 201 HB 2299 BUNDLED SB 199		
Personnel (143-1)	Administrative Rule of the WV Div. of Personnel Legislative	5/19/2015	6/30/2015						
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	5/22/2015	6/24/2015						
Pharmacy (15-2)	Rules of the Bd. Of Pharmacy for the Uniform Controlled Substances Act Legislative	5/22/2015	6/24/2015						
Pharmacy (15-4)	Record Keeping and Automated Data Processing Systems Legislative	5/22/2015	6/24/2015						
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors, Third-Party Logistics Providers and Manufacturers Legislative	5/22/2015	6/24/2015						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapists Assistant Legislative	3/31/2014	5/1/2014		5/9/2014	Approved 10/23/2014	SB 200 HB 2300 BUNDLED SB 199	5/13/2015	6/1/2015
Professional Engineers (7-1)	Examination, Licensure and Practice of Professional Engineers Legislative	4/3/2015	5/4/2015	4/3/2015 Withdrawn 5/11/2015 5/11/2015 ERD by 6/22/2015	5/11/2015				
Public Service Comm. (150-6)	The Government of Telephone Utilities Legislative Exempt	1/7/2015	3/6/2015						
Public Service Comm. (150-21)	Certification of Operation of Telecommunication Relay Services (TRS) Legislative Exempt	3/19/2015	5/17/2015						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/24/2014	7/24/2014		7/29/2014	Approved 9/11/2014	SB 187 HB 2301 BUNDLED SB 187	3/30/2015	6/28/2015
Secondary School Activities Comm. (127-2)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/14/2015	6/15/2015						
Secondary School Activities Comm. (127-3)	Provisions Governing Contests Legislative Exempt	5/14/2015	6/15/2015						
Secondary School Activities Comm. (127-4)	Provisions Governing Conduct Legislative Exempt	5/14/2015	6/15/2015						
Secretary of State (153-3)	(Repeal of) Registration Forms and Receipts Legislative	5/27/2015	6/30/2015						
Secretary of State (153-9)	(Repeal of) Elimination of Precinct Registration Books Legislative	5/27/2015	6/30/2015						
Secretary of State (153-20)	Procedures for Recount of Election Results Legislative	6/16/2014	7/21/2014		7/22/2014	Modified & Approved 9/11/2014 Filed 9/9/2014	SB 224 HB 2354 BUNDLED SB 199	4/10/2015	6/1/2015
Secretary of State (153-23)	(Repeal of) Absentee Voting by Military Voters Who Are Members of Reserve Units Called to Active Duty Legislative	5/27/2015	6/30/2015						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-52)	Freedom of Information Act Database Legislative	5/18/2015	6/19/2015						
Senior Services (76-3)	WV State Plan for Aging – Title V Interpretive	10/17/2014	11/17/2014						
Social Work, WV Bd of (25-1)	Qualifications for the Profession of Social Work Legislative			5/26/2015 ERD by 7/7/2015					
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology and Audiology Legislative	4/22/2015	6/5/2015						
Speech-Language Pathology & Audiology (29-2)	Rule Governing Speech-Language Pathology and Audiology Assistants Legislative	4/22/2015	6/5/2015						
State Police (81-9)	WV DNA Databank Legislative	6/25/2014	7/25/2014		7/25/2014	Modified & Approved 12/17/2014 Filed 12/30/2014	SB 182 HB 2359 BUNDLED SB 182	4/20/2015	7/1/2015
Veterans' Assistance (86-2)	State Home for Veterans-Fiscal Legislative	5/29/2014	6/28/2014	5/28/2014 Approved 6/2/2014	8/1/2014				
Veterans' Assistance (86-4)	VA Headstones or Markers Legislative	5/28/2014	6/28/2014		8/1/2014				
Waste Management, Div. of Water & Wast Mgmt. (33-1)	Solid Waste Management Rule Legislative	6/30/2014	7/30/2014	6/30/2014 Approved 7/10/2014		Modified & Approved 10/23/2014 Filed 10/22/2014 Modified w/certain amendments & Approved 12/17/2014	SB 165 HB 2363 BUNDLED HB 2283	5/1/2015	6/1/2015
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/24/2014	Hearing 7/24/2014 Written Comments 7/28/2014		7/30/2014	Approved 11/20/2014	SB 161 HB 2288 BUNDLED HB 2283	4/7/2015	6/1/2015
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	6/4/2014	Hearing 7/1/2014 Written Comments 7/21/2014		8/1/2014	Approved 12/17/2014	SB 167 HB 2289 BUNDLED HB 2283		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources, Div. of Water & Waste Mgmt. (47-30)	WV/NPDES Rule for Coal Mining Facilities Legislative	6/24/2014	7/24/2014		7/25/2014	Approved 12/17/2014	SB 166 HB 2290 BUNDLED HB 2283	4/30/2015	7/1/2015
Water Resources, Div. of Water & Waste Mgmt. (47-63)	Aboveground Storage Tanks Legislative	12/22/2014	1/21/2015						
Water Resources, Div. of Water & Waste Mgmt. (47-64)	Aboveground Storage Tank Fee Assessments Legislative	2/5/2015	3/10/2015						

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED

2015 MAY 22 P 4:03

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

RULE TYPE: Legislative CITE AUTHORITY: WV Code Section 30-5-7

AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Licensure and Practice of Pharmacy

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 24, 2015 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Pharmacy
2310 Kanawha Boulevard East
Charleston, West Virginia 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

David E. Potters
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

LEGISLATIVE rm #2

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

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2015 MAY 22 P 4:03

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

RULE TYPE: Legislative CITE AUTHORITY: WV Code Sections 30-5-7 and 60A-3-301

AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Rules of the Board of Pharmacy for the Uniform Controlled Substances Act

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 24, 2015 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Pharmacy
2310 Kanawha Boulevard East
Charleston, West Virginia 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

David E. Potters
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

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2015 MAY 22 P 4:04

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

RULE TYPE: Legislative CITE AUTHORITY: WV Code Section 30-5-7

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Record Keeping and Automated Data Processing Systems

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 24, 2015 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Pharmacy
2310 Kanawha Boulevard East
Charleston, West Virginia 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

David E. Potters
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

LEGISLATIVE

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

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2015 MAY 22 P 4:04

OFFICE WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

RULE TYPE: Legislative CITE AUTHORITY: WV Code Sections 30-5-7 and 60A-8-9

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Licensure of Wholesale ~~Dug~~ Drug Distributors, Third-Party Logistics Providers, and Manufacturers

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 24, 2015 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Pharmacy
2310 Kanawha Boulevard East
Charleston, West Virginia 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

David E. Potters
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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5/27/2015 8:46:36 AM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

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

AGENCY **Secretary Of State**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **153-03**
RULE NAME **Registration Forms and Receipts**

CITE AUTHORITY **3-1A-6, 3-2-19, 3-2-20, 3-2-41, and 29A-1-3(c)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, June 30, 2015 12:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Dave Nichols
1900 Kanawha Blvd E
Bldg 1 Ste 157-K
Charleston, WV 25305

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

Yes
Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 153-03 Rule Id: 9801 Document: 26710

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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5/27/2015 8:54:12 AM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Secretary Of State**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **153-09**
RULE NAME **Elimination of Precinct Registration Books**

CITE AUTHORITY **3-2-21**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, June 30, 2015 12:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Dave Nichols
1900 Kanawha Blvd E
Bldg 1 Ste 157-K
Charleston, WV 25313

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

Yes
Natalie E Tennant -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 153-09 Rule Id: 9802 Document: 26712

WEST VIRGINIA SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

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5/27/2015 8:50:57 AM
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

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

AGENCY **Secretary Of State**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **153-23**
RULE NAME **Absentee Voting by Military Voters Who Are Members of Reserve Units Called to Active Duty**
CITE AUTHORITY **3-1A-6**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, June 30, 2015 12:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Dave Nichols
1900 Kanawha Blvd E
Bldg 1 Ste 157-K
Charleston, WV 25305

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

Yes
Natalie E Tennant – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 153-23 Rule Id: 9803 Document: 26711

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #7

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2015 MAY 26 P 3:20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: WV Board of Social Work TITLE NUMBER: 25-Series 1

CITE AUTHORITY: WV Code 30-30-6

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Qualifications for the Profession of Social Work

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

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

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Senate Bill 559 gave the Department of Health and Human Resources the ability to hire individuals with a Bachelor's degree outside the scope of related degrees specified in Legislative Rule. The Board was authorized to file an emergency rule to implement the provisions of this section (WV Code 30-30-16.b). This same legislation has also given the Department authority to satisfy social work education requirements with the Social Work training program with the West Virginia Department of Health and Human Resources. Following legislation passage, the Department notified existing Provisional Licensees that they were no longer requiring them to take the required social work education coursework. The Board has set up a category of Restricted Provisional License to accommodate the Department's ability to utilize a broader range of educational backgrounds and restricting that practice solely to the DHHR. This will also provide a process for existing Provisional Licensees to apply for a Restricted Provisional License and remain in good standing with the Board of Social Work.

e additional sheets if necessary

Rita M. Brown
Authorized Signature

Orders Report

Docket Number	Agency	Respondent	Date Rendered
15-6-10444-A	Health Care Authority	FC Domino Acquisition LLC	5/22/2015
15-6-10444-A	Health Care Authority	FC Domino Holdco I LLC	5/22/2015
15-6-10444-A	Health Care Authority	FC Domino Holdco II LLC	5/22/2015
15-6-10444-A	Health Care Authority	Safanad Senior Care Investments Partnership VI, LP	5/22/2015
15-3-10453-X	Health Care Authority	Thomas Health System	5/18/2015
15-3-10453-X	Health Care Authority	Thomas Memorial Hospital	5/18/2015
14-7-10325-A	Health Care Authority	United Hospital Center Inc	5/19/2015
14-AP-FP-02015	Insurance Commission	State Farm Mutual Automobile Insurance Company	5/22/2015
15-AP-PRLC-02018	Insurance Commission	Eugene Hoston	5/20/2015

FILED

2015 MAY 27 P 3:29

OFFICE 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

May 27, 2015

Eugene White, Director
WV Office of Miners' Health, Safety & Training
#7 Players Club Road
Suite 2
Charleston, WV 25311

Dear Mr. White:

You have asked for an Opinion of the Attorney General regarding the meaning of "exclusively by rail" as used in West Virginia Code § 22A-2-37(a). This Opinion is being issued pursuant to West Virginia Code § 5-3-1, which provides that the Attorney General "shall give written opinions and advice upon questions of law . . . whenever required to do so, in writing, by . . . [a] state officer, board or commission." To the extent this Opinion relies on facts, it is based solely upon the factual assertions set forth in your correspondence and other communications with the Office of the Attorney General.

In your letter, you explain the historical interpretation of West Virginia Code § 22A-2-37(a) by the Office of Miners' Health, Safety & Training ("OMHST"). Specifically, OMHST has concluded that track must be maintained to within five hundred feet of the face when track-mounted personnel carriers are used as the only means to transport miners to a working section, but that track does not need to be so maintained if a mine utilizes a combination of track-mounted and rubber-tired personnel carriers to transport miners to the working section. You have further explained that the OMHST interpretation of "exclusively by rail" is not changed by the recent amendments to Section 22A-2-37(a).

Your letter raises the following legal question:

Under West Virginia Code § 22A-2-37(a), when is a mine operator required to maintain track within the statutorily mandated distance of the nearest working face?

We turn first to the plain text of the statute. West Virginia Code § 22-2-37(a) currently provides, in relevant part, that "[w]here transportation of personnel is exclusively by rail, track shall be maintained to within five hundred feet of the nearest working face, except that when any section is fully developed and being prepared for retreating, then the distance of such maintenance can be extended to eight hundred feet if a rubber tired vehicle is readily available." This provision was amended during the 2015 legislative session to read, in relevant part, that "[w]here transportation of personnel is exclusively by rail, track shall be maintained to within one thousand five hundred feet of the nearest working face. . . *Provided*, That in any case where such track is maintained to within a distance of more than five hundred feet and not more than one thousand five hundred feet of the nearest working face, a self-propelled rubber-tired vehicle capable of transporting an injured worker shall be readily available." *See* Senate Bill No. 357. The amendment will take effect on June 1, 2015.

It is well settled that the Legislature's intent is primarily expressed in a statute's plain language. The Supreme Court of Appeals of West Virginia has long recognized that legislative intent—the controlling factor in interpreting a statute—is best determined from the language of the statute. *State v. Gen. Daniel Morgan Post No. 548, Veterans of Foreign Wars*, 144 W. Va. 137, 144-45, 107 S.E.2d 353, 358 (1959); *see also* Syl. Pt. 4, *Pond Creek Pocahontas Co. v. Alexander*, 137 W. Va. 864, 865, 74 S.E.2d 590, 591 (1953) ("In ascertaining the intent of the Legislature in the enactment of a statute and determining whether it is unambiguous, the grammatical construction, while not controlling, is an important aid.") Further, it is presumed "that a legislature says in a statute what it means and means in a statute what it says there." *King v. W. Virginia's Choice, Inc.*, 234 W. Va. 440, 766 S.E.2d 387, 391 (2014) (citations omitted).

Here, the language in the statute is clear. The Legislature specifically used the word "exclusively" to trigger the requirement to maintain track within the statutorily mandated distance of the nearest working face. That term has an ordinary and familiar meaning, of which the Legislature was undoubtedly aware. *See* Syl. Pt. 4, *State v. Gen. Daniel Morgan Post No. 548, Veterans of Foreign Wars*, 144 W. Va. 137, 107 S.E.2d 353 (holding that words of a statute are "to be given their ordinary and familiar significance and meaning, and regard is to be had for their general and proper use"). Something exclusive is "not shared" or is "available to only one person or group." *Exclusive*, Merriam-Webster Online, http://www.merriam-webster.com/dictionary/exclusively (last visited May 26, 2015). Indeed, the Supreme Court of Appeals said nearly ninety years ago that the word "exclusively" is synonymous with the words "only" and "solely," and is "a word of restriction and exclusion." *United Fuel Gas Co. v. Morley Oil & Gas Co.*, 102 W. Va. 374, 135 S.E. 399, 400 (1926).

Applying the ordinary and familiar meaning of "exclusively," it is plain the Legislature intended to limit the application of Section 22A-2-37(a) to situations where the transportation of miners is conducted "only" or "solely" by rail. In other words, the requirement of maintaining track within the statutorily mandated distance of the nearest working face applies only *if* a mine operator chooses to transport miners solely by track-mounted vehicles. If a mine operator does not choose to do so, it need not comply with the requirements of Section 22A-2-37(a). This Opinion does not address what other means a mine operator may legally employ to transport

miners underground, though the law plainly contemplates alternative methods of doing so. *See, e.g.*, W. Va. Code § 22A-2-38(e) ("When belts are used for transporting miners. . .").

While we do not find any ambiguity in the law, we believe that any court finding ambiguity would nevertheless defer to OMHST's interpretation, which is consistent with that described above. As the Supreme Court of Appeals has often reiterated, "[i]nterpretations of statutes by bodies charged with their administration are given great weight unless clearly erroneous." Syl. Pt. 4, *Sec. Nat. Bank & Trust Co. v. First W. Va. Bancorp., Inc.*, 166 W. Va. 775, 277 S.E.2d 613 (1981). Moreover, "[a] contemporary exposition of a statute, uncertain in its meaning, recognized and acquiesced in, for a long period of time, by the officers charged with the duty of enforcing it, the courts, the Legislature and the people, will be adopted unless it is manifestly wrong." Syl. Pt. 4, *State ex rel. Ballard v. Vest*, 136 W. Va. 80, 65 S.E.2d 649 (1951). There is nothing clearly or manifestly wrong with OMHST's interpretation, which tracks the plain text of the statutes.

Sincerely,

Patrick Morrisey
Attorney General

Elbert Lin
Solicitor General

Steven Travis
Assistant Attorney General

AG Opinion

FILED

2015 MAY 27 P 3:29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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

May 27, 2015

Honorable Jason A. Wharton
Prosecuting Attorney
Wood County Prosecuting Attorney's Office
317 Market Street
Parkersburg, WV 26101

Dear Prosecutor Wharton:

You have asked for an Opinion of the Attorney General that addresses the imposition of a county fire service fee under West Virginia Code § 7-17-12 and the significance of the petition required under that statute. 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 set forth in your correspondence with the Office of the Attorney General.

You explain in your letter that the Wood County Commission (the "Commission") and the Wood County Fire Board (the "Board") disagree over the scope of the Commission's authority to impose a county fire service fee under Section 7-17-12. The statute requires that the Commission receive a petition signed by 10% of qualified voters "directing" the imposition of a reasonable service fee "before" the Commission "can impose" such a fee. According to your letter, the Commission argues that the required petition is a condition precedent to its exercise of authority to adopt an ordinance imposing a reasonable service fee, but that it has the discretion to refuse such a petition. You further state that the Board disagrees and contends that the Commission is obligated to impose the fee upon receipt of a petition that satisfies the statutory requirements.

Your letter raises the following legal question:

Does West Virginia Code § 7-17-12 mandate that a county commission impose an ordinance setting forth a reasonable fire service fee upon receiving a petition signed by 10% of qualified voters that directs the commission to impose such a fee?

We conclude that the Commission—and not the Board—is correct. West Virginia Code § 7-17-12 provides that "[e]very county commission which provides fire protection services has *plenary* power and authority to provide by ordinance for the continuance or improvement of such service, to make regulations with respect thereto and to impose by ordinance, upon the users of such services, reasonable fire service rates, fees and charges to be collected in the manner specified in the ordinance." W. Va. Code § 7-17-12 (emphasis added). "However," the statute continues, "before a county commission can impose by ordinance, upon the users of such service, a reasonable fire service fee, ten percent of the qualified voters shall present a petition duly signed by them in their own handwriting, and filed with the clerk of the county commission directing that the county commission impose such a fee." *Id.* The statute further provides that a timely objection by "thirty percent of the qualified voters of the county by petition duly signed by them in their own handwriting and filed with the clerk of the county commission," *id.*, will delay the effectiveness of any such fee "until it is ratified by a majority of the legal votes cast thereon by the qualified voters of such county at any primary, general or special election as the county commission directs," *id.* As we explain below, we believe that the plain language of this statute makes clear that the required petition of 10% of qualified voters is a *non-binding* condition precedent to the Commission's exercise of its discretionary authority to impose a reasonable fire fee.

Read together, numerous provisions in the statute indicate that the petition in question is merely a non-binding condition precedent to the Commission's exercise of its own discretion. *First*, the statute grants the Commission the "plenary power and authority" to impose a reasonable fire service fee. As the West Virginia Supreme Court of Appeals has noted, the word "plenary" means "'[f]ull, entire, complete, absolute, perfect, unqualified.'" *State ex rel. Clark v. Blue Cross Blue Shield of W. Virginia, Inc.*, 203 W. Va. 690, 701, 510 S.E.2d 764, 775 (1998) (quoting Black's Law Dictionary 1154 (6th ed. 1990)). It would be inconsistent with the settled meaning of "plenary power" to bind the Commission to follow the dictate of a group constituting only 10% of qualified voters. *Second*, the law plainly states that the petition must be filed "before a county commission *can* impose" the fee. W. Va. Code § 7-17-12 (emphasis added). The word "can"—as opposed to "shall"—suggests discretion on the part of the Commission. *Third*, there is nothing in the statute that alters the ordinary meaning of the word "petition"—a "formal written *request* presented to a court or other official body"—to make it binding on the Commission. Black's Law Dictionary 1329 (10th ed. 2014) (emphasis added). You explain that the Board focuses on the phrase "directing that the county commission impose such a fee," but we believe that phrase simply describes the substance of the request that the petition must make to satisfy the statute. *Fourth*, the provision that allows an opposing petition signed by 30% of qualified voters to force a referendum vote on any new or amended fire service fee, *see* W. Va.

AG Opinion

Code § 7-17-12, suggests that the Legislature's overriding purpose was to protect county residents from a fee that they do not support. In light of that purpose, it would be strange to bind the Commission to impose a fee based on a petition signed by only 10% of qualified voters.

Case law supports this plain reading of the statute. In *Putnam County Fire Service Board v. Kelly*, the West Virginia Supreme Court of Appeals upheld the constitutionality of West Virginia Code § 7-17-12, and in doing so noted that the Putnam County Commission had been presented with a petition "*asking* the Commission to impose an ordinance creating a fire service fee in the county," and that the Commission then "*adopted*" the petition. 192 W. Va. 37, 38-39, 449 S.E.2d 508 (1994) (emphasis added). Similarly, the Supreme Court of Appeals held in *Scott v. Marion County Commission* that "a petition to *initiate* a fire service fee for the benefit of county volunteer fire departments required the signatures of ten percent of the registered voters only in the area that would pay the fee and receive the benefit of the service." Syl., 180 W. Va. 483, 377 S.E.2d 476 (1988) (emphasis added). The word "initiate," which is commonly defined as "to cause the beginning of (something)," again suggests that the Court understood the required petition as simply the start of the procedural process. *Initiate*, Merriam-Webster Online, http://www.merriam-webster.com/dictionary/initiate (last visited May 26, 2015). Finally, the U.S. District Court for the Northern District of West Virginia has explained that Section 7-17-12 "requires that 10% of the qualified voters must petition for the imposition of the fee before the ordinance *can be presented*." *McMahon v. Co. Com'n of Morgan Co.*, No. 91-30-M, 1992 WL 691152, at *3 (N.D. W. Va. 1992). The word "presented" suggests that a county commission retains discretion over whether to adopt the ordinance.

In sum, we conclude that the petition at issue is merely a condition precedent to the Commission's otherwise plenary power and authority to enact an ordinance imposing a reasonable service fee. Under West Virginia Code § 7-17-12, the Commission may only enact an ordinance imposing a reasonable fire service fee upon the receipt of a petition signed by 10% of qualified voters, but receipt of such a petition does not mandate that the Commission adopt the requested fee.

Sincerely,

Patrick Morrisey

Patrick Morrisey
Attorney General

Elbert Lin
Solicitor General

Julie Warren
Assistant Attorney General

PUBLIC NOTICE

WEST VIRGINIA MEDICAID PROGRAM

1915(b) WAIVER AMENDMENT

FOR

MEDICAID MANAGED CARE

FILED
2015 APR 28 P 1:
OTHER
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TAKE NOTICE that the Department of Health and Human Resources/Bureau for Medical Services ("Bureau") will be submitting an amendment to the 1915(b) Mountain Health Trust ("MHT") Waiver to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in order to implement proposed state fiscal year 2016 program changes. These changes, which relate to Managed Care, are being proposed in order to enable better care coordination and utilization management, and to generate cost savings to the state. These changes apply to certain groups or populations as well as services that were previously excluded or exempt from Managed Care. This Notice is intended to satisfy the requirements of all Federal Law and regulations including, but not limited to, *42 U.S.C. §1396a* et seq. and *42 C.F.R. § 447.205.*

WAIVER AMENDMENT:

1. The Bureau is requesting authority for an additional service area for The Health Plan of Upper Ohio Valley to include the counties of Berkeley and McDowell.

2. The Bureau is requesting authority to deliver the Behavioral Health Benefits to MHT members through the Managed Care Organizations.

3. The Bureau is requesting the authority to serve the Patient Protection and Affordable Care Act ("ACA") adult expansion group now covered under Section 1937 optional coverage through the MHT Managed Care Organizations.

The waiver amendment, if approved, will take effect beginning July 1, 2015. An aggregate cost savings of $29,580,000 in Federal and State Funds is expected from these changes for SFY 2016.

Documents detailing these proposed actions 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 May 1, 2015 through May 31, 2015 and on the web at: www.dhhr.wv.gov/bms under Public Notices.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706 or on the web at www.dhhr.wv.gov/bms under Public Notices or by email to SPAcomments@wv.gov. Any written comments received will be available for review at the above address during normal business hours of 8:30 a.m. to 4:30 p.m., beginning May 1, 2015 through May 31, 2015 or on the web at www.dhhr.wv.gov/bms under Public Notices.

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

FILED

2015 MAY 27 A 10: OTHER

OFFICE WEST VIRGINIA SECRETARY OF STATE

May 26, 2015

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **May 22, 2015**.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

May 21, 2015 – Bio-Medical Applications of West Virginia, Inc. d/b/a Fresenius Medical Care Braxton County, Raleigh, North Carolina, CON File #15-7-10507-R, for the establishment of a new 10 station dialysis facility in Flatwoods, Braxton County; capital expenditure: $1,558,582.

REQUEST FOR EXEMPTION RECEIVED FOR HOSPITAL AMBULATORY HEALTH CARE FACILITY

May 22, 2015 – United Hospital Center, Bridgeport, Harrison County, CON File #15-6-10509-X, for the development of a hospital ambulatory health care facility in Harrison County. The facility will be located at 211 South Chestnut Street, Clarksburg, Harrison County. UHC plans to employ one (1) or two (2) ophthalmologists at this location.

The capital expenditure associated with the project is $500,000.

Any affected person may oppose this proposal by submitting a letter stating the reason for opposition within thirty (30) days of the first date of publication of the public notice to: Marianne Kapinos, General Counsel, West Virginia Health Care Authority, Certificate of Need Program, 100 Dee Drive, Charleston, West Virginia 25311-1600.

The last date upon which an affected party may file a letter of opposition to this proposal is June 29, 2015.

EXPEDITED APPLICATIONS RECEIVED

May 21, 2015 – Dennis J. Parrucci Trust and Dennis J. Parrucci Marital Trust, Morgantown, Monongalia County, CON File #15-6-10498-A, for the transfer of the ownership interests of Mulberry Street Management Services, Inc. d/b/a Coordinating Council for Independent Living to the Applicants; capital expenditure: $11,533,000.

May 21, 2015 – Raleigh General Hospital, Beckley, Raleigh County, CON File #15-1-10496-P, for the development of an urgent care center at Summit Bechtel Family National Scout Reserve in Fayette County; capital expenditure: $10,000.

May 21, 2015 – Thomas Memorial Hospital and THS Physician Partners, South Charleston, Kanawha County, CON File #15-3-10497-P, for the development of an ambulatory care facility through the location of a primary care practice in the Winfield area of Putnam County; capital expenditure: $325,000.

HEARING NOTICE

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matter:

May 19, 2015 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #14-7-10325-A, for the acquisition of St. Joseph's Hospital of Buckhannon and any related facilities and services.

Prehearing Conference:	**Tuesday, July 28, 2015 at 1:30 p.m.**
Administrative Hearing:	**Friday, August 7, 2015 at 9:00 a.m.**

The prehearing conference and administrative hearing in the above-referenced matter will be held in the offices of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

TIME FRAME ORDER ISSUED

May 19, 2015 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #14-7-10325-A, for the acquisition of St. Joseph's Hospital of Buckhannon and any related facilities and services.

PROJECT EXEMPT FROM REVIEW

May 18, 2015 – Thomas Health System and Thomas Memorial Hospital, South Charleston, Kanawha County, CON File #15-3-10453-X, for the development of a hospital based health care facility located at 221 4th Avenue, Saint Albans, Kanawha County that will provide primary care services; capital expenditure: less than $20,000.

CERTIFICATE OF NEED APPROVAL ISSUED

May 22, 2015 – FC Domino Acquisition, LLC, FC Domino Holdco I, LLC, FC Domino Holdco II, LLC, and Safanad Senior Care Investments Partnership VI, LP, Fairmont, Marion County, CON File #15-6-10444-A, for the acquisition of real property (land, building, and equipment) associated with the Arbors of Fairmont, a 120 bed nursing home located in Fairmont, Marion County; capital expenditure: $14,138,201.

LETTERS OF INTENT EXPIRED

W.Va. (C.S.R. § 65-7-11.3) states, in part, that letters of intent are effective for one year from the date of their filing. The following represents a letter of intent that has expired:

May 14, 2015 – Apex Care Residential Services LLC, Beckley, Raleigh County, CON File #14-1/4/9-10189-Z, for the provision of services of skilled nursing, physical therapy, medical social services, occupational therapy, and home health aide services in Berkeley, Raleigh, Fayette, Summers and Wyoming counties; no capital expenditure.

May 19, 2015 – Blue Systems, LLC, Morgantown, Monongalia County, CON File #14-6-10196-PC, for the provision of personal care services in Monongalia County; capital expenditure: $50,000.

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

OTHER

DIVISION OF NATURAL RESOURCES
324 4th Avenue, Room 342
South Charleston, West Virginia 25303-1228
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Earl Ray Tomblin
Governor

Robert C. Fala
Director

FILED

2015 MAY 22 P 2:22

OFFICE WEST VIRGINIA SECRETARY OF STATE

May 22, 2015

The Honorable Natalie Tennant
Secretary of State
Building #1, Suite 157-K
1900 Kanawha Blvd., E.
Charleston, WV 25303

ATTENTION STATE REGISTER

Re: Publication of Notice to the Public

The West Virginia Division of Natural Resources Wildlife Resources Section is scheduling a series of public informational meetings for review of the agency's proposed State Wildlife Action Plan at the following locations, dates, and times.

Monday, June 15, 2015 6:00 p.m. – 8:00 p.m.

- South Charleston – Division of Natural Resources Main Office
- Morgantown – West Virginia University (Percival Hall)

Tuesday, June 16, 2015 6:00 p.m. – 8:00 p.m.

- Martinsburg – James Rumsey Technical Institute

Point of Contact for Meetings:

Scott A. Warner
Assistant Chief in Charge of Wildlife Diversity
(304) 558-2771
Scott.A.Warner@WV.Gov