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

NO NEW EMERGENCY RULES WERE FILED THIS WEEK				
AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR 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

- 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		
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		
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		
Administrative Hearings (105-1)	Appeal Procedures Legislative	7/1/2014	7/31/2014		7/31/2014	Modified & Approved 12/17/2014 Filed 12/23/2014	SB 193 HB 2305		
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		
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		
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		
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		
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		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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		
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		
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		
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		
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		
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		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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		
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		
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		
Air Quality (45-30)	Requirements for Operating Permits Legislative	6/4/2014	7/7/2014		7/23/2014	Approved 9/11/2014	SB 169 HB 2285		
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		
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing Legislative	6/13/2014	7/13/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 10/29/2014	SB 191 HB 2316		
Alcohol Beverage Control Comm-Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/24/2014	7/24/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 10/29/2014 11/6/2014	SB 190 HB 2317		
Community & Technical College Ed. (135-12)	Capital Project Management Legislative	12/16/2013	1/16/2014		1/28/2014				
Community & Technical College Ed. (135-17)	Transferability of Credits and Grades at WV Public College and Universities Procedural	1/6/2015	2/6/2015						
Community & Technical College Ed. (135-23)	Basic Guidelines and Standards for Admissions at Comm. & Tech. Colleges Procedural	1/6/2015	2/6/2015						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Conservation Committee (63-2)	WV Conservation Agency Financial Assistance Programs Legislative	6/13/2014	7/14/2014		7/28/2014	Modified & Approved 11/20/2014 Filed 11/21/2014	SB 195 HB 2358		
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors Legislative	6/24/2014	7/24/2014		7/31/2014	Approved 9/11/2014	SB 144 HB 2278		
Consolidated Public Retirement Board (162-8)	Service Credit for Accrued and Unused Sick and Annual Leave Legislative	6/24/2014	7/24/2014		7/31/2014	Approved 9/11/2014	SB 229 HB 2279		
Consolidated Public Retirement Board (162-10)	Deputy Sheriff Retirement System Legislative	6/24/2014	7/24/2014		7/31/2014	Approved 9/11/2014	SB 145 HB 2277		
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	8/4/2014	9/5/2014		9/9/2014	Modified & Approved 10/23/2014 Filed 10/29/2014	SB 194 HB 2327		
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		
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		
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		
Dentistry (5-9)	Application Procedures for Licensure or Certificate Procedural	12/17/2014	1/16/2014						
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		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-7)	Education in WV's Correctional Institutions: Mission and Goals (1471) Legislative Exempt	5/15/2014 7/11/2014 2ND Comment Period Withdrawn 10/9/2014 10/9/2014	6/16/2014 8/11/2014 2ND Comment Period Withdrawn 10/9/2014 11/10/2014					12/11/2014	1/12/2015
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	10/9/2014	11/10/2014					12/11/2014	7/1/2016
The Above Rule Has Been Withdrawn 1/15/2015									
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						
Education (126-44M)	Common Core Content Standards for Career and Technical Education in WV Schools (2520.13) Legislative Exempt	12/11/2014	1/12/2015						
Education (126-72)	Establishment and Operation of Regional Education Service Aencies (3233) Legislative Exempt	10/9/2014	11/10/2014					12/11/2014	1/12/2015
Education (126-94)	Procedures for the Collection, Maintenance and Disclosure of Student Data (4350) Legislative Exempt	1/15/2015	2/27/2015						
Enterprise Resource Planning Board (213-1)	Enterprise Resouce Planning System User Fee Legislative	4/7/2014	5/9/2014	4/7/2014 Approved 4/22/2014	6/26/2014	Approved 10/23/2014	SB 198 HB 2291		
Environmental Protection – Secretary's Office (60-4)	Awarding of WV Stream Partners Program Grants Rule Legislative	6/26/2014	7/25/2014		7/29/2014	Approved 11/20/2014	SB 160 HB 2287		
Family Protection Services Board (191-1)	Operation of the Family Protection Advisory Board Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/30/2014	SB 180 HB 2320		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Family Protection Services Board (191-2)	Family Protection Programs, Outreach Services and Shelter Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014	SB 178 HB 2321		
Family Protection Services Board (191-3)	Perpetrator Intervention Programs Licensure Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014	SB 228 HB 2322		
Family Protection Services Board (191-4)	Monitored Parenting and Exchange Program Certification Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014	SB 179 HB 2323		
Family Protection Services Board (191-5)	Perpetrator Intervention Programs Licensure for Correctional Institutions Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014	SB 181 HB 2324		
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		
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		
Forestry (22-1)	Ginseng Regulations Legislative	6/27/2014	7/31/2014		8/1/2014	Modified & Approved 9/11/2014 Filed 9/18/2014	SB 159 HB 2326		
Health (64-3)	Public Water Systems Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 10/23/2014	SB 175 HB 2333		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
Health (64-27)	Statewide Trauma/Emergency Care System Legislative	6/27/2014	7/28/2014		7/31/2014	Modified & Approved 9/11/2014 Filed 10/14/2014	SB 177 HB 2331		
Health (64-29)	Fatality and Mortality Review Team Legislative	6/27/2014	7/28/2014		7/31/2014	Modified & Approved 9/11/2014 Filed 10/14/2014	SB 172 HB 2332		
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		
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		
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative	6/18/2014	7/18/2014	5/20/2014 Approved 6/30/2014	7/31/2014	Approved 10/23/2014	SB 171 HB 2293		
Higher Education Policy Comm. (133-12)	Capital Project Management Legislative	12/12/2013	1/13/2014		1/24/2014				
Higher Education Policy Comm. (133-17)	Transerability of Credits and Grades at the Undergraduate Level Procedural	12/1/2014	12/31/2014					1/13/2015	2/13/2015
Higher Education Policy Comm. (133-23)	Standards and Procedures for Undergraduate Admission at Four-Year Colleges and Universities Procedural	12/1/2014	12/31/2014					1/15/2015	2/13/2014
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	2/24/2014	3/26/2014	2/24/2014 Effective 2/24/2014	4/4/2014	Approved 6/2/2014			
Higher Education Policy Comm. (133-41)	Health Sciences Scholarship Program Procedural	12/1/2014	12/31/2014					1/13/2015	2/13/2015

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Comm. (133-58)	Nursing Scholarship Program Legislative	8/4/2014	9/4/2014	8/1/2014 Effective 8/1/2014					
Information Services and Communications Division (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			
THE ABOVE RULE HAS BEEN REASSIGNED TO "OFFICE OF TECHNOLOGY" 163-1									
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		
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		
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		
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		
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		
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		
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		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	4/30/2014	5/30/2014	4/30/2014 Approved 6/6/2014 Amendment 6/12/2014 Approved 6/17/2014	7/22/2014	Modified & Approved 11/20/2014 Filed 11/20/2014	SB 197 HB 2341		
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		
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		
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	7/2/2014	8/1/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/21/2014	SB 152 HB 2344		
Natural Resources (58-26)	Special Boating Rules Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 10/23/2014	SB 151 HB 2295		
Natural Resources (58-41)	Wildlife Damage Control Agents Legislative	6/23/2014	7/23/2014		7/30/2014	Modified & Approved 9/11/2014 Filed 9/29/2014	SB 150 HB 2345		
Natural Resources (58-46)	Defining the Terms Used In All Hunting and Trapping Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 9/11/2014	SB 146 HB 2296		
Natural Resources (58-49)	General Hunting Legislative	6/23/2014	7/23/2014		7/30/2014	Modified & Approved 10/23/2014 Filed 11/7/2014	SB 148 HB 2346		
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 9/11/2014	SB 149 HB 2297		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-71)	Hunting, Trapping and Fishing License and Stamp Fees Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 9/11/2014	SB 147 HB 2298		
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		
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		
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		
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	6/27/2014	7/27/2014		8/1/2014	Modified & Approved 11/20/2014 Filed 1/8/2015	SB 223 HB 2349		
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	6/25/2014	7/26/2014		8/1/2014	Modified & Approved 11/20/2014 Filed 1/8/2015	SB 204 HB 2351		
Pharmacy (15-8)	Controlled Substances Monitoring Legislative	6/27/2014	7/27/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 1/8/2015	SB 205 HB 2352		
Pharmacy (15-12)	Immunizations Administered by Pharmacists Legislative	6/25/2014	7/26/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 1/8/2015	SB 203 HB 2350		
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		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Professional Engineers (7-1)	Examination, Licensure and Practice of Professional Engineers Legislative	1/27/2014 10/15/2014	3/3/2014 11/17/2014	12/27/2013 Approved 1/2/2014	3/27/2014 Withdrawn 12/3/2014 Filed 12/3/2014 Recommend Withdraw 12/17/2014		SB 199 HB 2364		
Public Service Comm. (150-2)	Rules & Regs. For the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carrier by Motor Vehicle Legislative Exempt	5/20/2014	7/18/2014 Written Comments 7/8/2014	5/20/2014 Approved 6/6/2014 Expired 9/5/2014				11/12/2014	1/11/2015
Public Service Comm. (150-6)	The Government of Telephone Utilities Legislative Exempt	1/7/2015	3/6/2015						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/24/2014	7/24/2014		7/29/2014	Approved 9/11/2014	SB 187 HB 2301		
Real Estate Appraiser Licensing & Cert. Bd. (190-5)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/6/2014	7/9/2014	6/6/2014 Approved 7/10/2014	8/1/2014	Modified & Approved 12/17/2014 Filed 12/23/2014	SB 197 HB 2353		
Registered Professional Nurses (19-9)	Disciplinary Action Procedural	4/18/2014	5/21/2014						
THE ABOVE RULE EXPIRED NOVEMBER 21, 2014									
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		
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014	Modified & Approved 9/11/2014 Filed 9/9/2014	SB 225 HB 2355		
Secretary of State (153-46)	Notaries Public Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014	Modified & Approved 9/11/2014 Filed 9/9/2014	SB 226 HB 2356		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-50)	Schedule of Fees Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014	Modified & Approved 9/11/2014 Filed 9/9/2014	SB 227 HB 2357		
Senior Services (76-3)	WV State Plan for Aging – Title V Interpretive	10/17/2014	11/17/2014						
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		
Tax Department (110-1Q)	Appointment of Special Assessors by the State Tax Commissioner	6/24/2014	7/24/2014		7/31/2014	Modified & Approved 9/11/2014 Filed 9/26/2014	SB 186 HB 2360		
Veterans' Assistance (86-1)	State Home for Veterans Procedural	5/28/2014	6/28/2014						
THE ABOVE RULE EXPIRED DECEMBER 28, 2014									
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 (86-3)	Operation of the Division of Veterans Affairs Procedural	5/28/2014	6/28/2014						
THE ABOVE RULE EXPIRED DECEMBER 28, 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		
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		

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. (47-2)	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		
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		
Water Resources, Div. of Water & Waste Mgmt. (47-63)	Aboveground Storage Tanks Legislative	12/22/2014	1/21/2015						

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

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2015 JAN 29 P 2:00

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PROCEDURAL

EXPIRATION OF FILING OF PROCEDURAL RULE

AGENCY: Registered Registered Nurses TITLE NUMBER: 19

SERIES NUMBER OF RULE BEING PROPOSED: 9

TITLE OF RULE BEING PROPOSED: Disciplinary Action

THE ABOVE RULE EXPIRED November 21, 2014 DUE TO THE FAILURE OF AGENCY TO FINAL FILE AFTER THE CONCLUSION OF THE HEARING/PUBLIC COMMENT PERIOD WITHIN SIX MONTHS AFTER THE CLOSE OF THE PUBLIC COMMENT AS REQUIRED BY W. VA. CODE §29A-3-8. IF YOU WANT TO CONTINUE THE RULE MAKING PROCESS ON THIS RULE, YOU MUST RESUBMIT THE ENTIRE RULE AND ASSOCIATED FORMS WITH THE SECRETARY OF STATE FOR ANOTHER HEARING/PUBLIC COMMENT PERIOD.

Judy Cooper

DIRECTOR, ADMINISTRATIVE LAW DIVISION

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2015 JAN 29 P 2:01

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SECRETARY OF STATE

EXPIRATION OF FILING OF PROCEDURAL RULE

AGENCY: Veterans Assistance TITLE NUMBER: 86

SERIES NUMBER OF RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: State Home for Veterans

THE ABOVE RULE EXPIRED December 28, 2014 DUE TO THE FAILURE OF AGENCY TO FINAL FILE AFTER THE CONCLUSION OF THE HEARING/PUBLIC COMMENT PERIOD WITHIN SIX MONTHS AFTER THE CLOSE OF THE PUBLIC COMMENT AS REQUIRED BY W. VA. CODE §29A-3-8. IF YOU WANT TO CONTINUE THE RULE MAKING PROCESS ON THIS RULE, YOU MUST RESUBMIT THE ENTIRE RULE AND ASSOCIATED FORMS WITH THE SECRETARY OF STATE FOR ANOTHER HEARING/PUBLIC COMMENT PERIOD.

Judy Cooper

DIRECTOR, ADMINISTRATIVE LAW DIVISION

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2015 JAN 29 P 2:10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

PROCEDURAL

EXPIRATION OF FILING OF PROCEDURAL RULE

AGENCY: Veterans Assistance TITLE NUMBER: 86

SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Operation of the Division of Veterans Affairs

THE ABOVE RULE EXPIRED December 28, 2014 DUE TO THE FAILURE OF AGENCY TO FINAL FILE AFTER THE CONCLUSION OF THE HEARING/PUBLIC COMMENT PERIOD WITHIN SIX MONTHS AFTER THE CLOSE OF THE PUBLIC COMMENT AS REQUIRED BY W. VA. CODE §29A-3-8. IF YOU WANT TO CONTINUE THE RULE MAKING PROCESS ON THIS RULE, YOU MUST RESUBMIT THE ENTIRE RULE AND ASSOCIATED FORMS WITH THE SECRETARY OF STATE FOR ANOTHER HEARING/PUBLIC COMMENT PERIOD.

Judy Cooper

DIRECTOR, ADMINISTRATIVE LAW DIVISION

Orders Report

Docket Number	Agency	Respondent	Date Rendered
14-1/2/3/5/6/10-103230-A	Health Care Authority	Acadia Healthcare Company Inc	1/20/2015
14-6-10184-A	Health Care Authority	Alecto Healthcare Services Fairmont LLC	1/23/2015
14-6-10184-A	Health Care Authority	MPT of Fairmont-Alecto LLC	1/23/2015
14-6-10184-A	Health Care Authority	MPT of Fairmont-Alecto Hospital LLC	1/23/2015
15-2-10379-X	Health Care Authority	Autism Services Center	1/20/2015
14-10-10374-X	Health Care Authority	F. C. of West Virginia Inc	1/20/2015
14-3/5/6/7/8/9/10-10378-X	Health Care Authority	Home Base Inc	1/21/2015
14-2/3/4-10377-X	Health Care Authority	Lasting Solutions	1/20/2015
14-6-10354-X	Health Care Authority	Monongalia General Hospital	1/20/2015
14-3/5-10134-BH	Health Care Authority	Necco Inc	1/20/2015
15-8-10386-X	Health Care Authority	Northern West Virginia Home Health LLC	1/20/2015
14-8-10372-X	Health Care Authority	Potomac Valley Hospital	1/20/2015
14-1-10330-A	Health Care Authority	Princeton Center LLC	1/23/2015
14-1-10330-A	Health Care Authority	Glenwood Park Properties LLC	1/23/2015
02-1-7505-H	Health Care Authority	Raleigh General Hospital	1/20/2015
06-9-8255-H	Health Care Authority	West Virginia University Hospitals-East	1/20/2015
13-6-9817-P	Health Care Authority	West Virginia University Hospitals Inc	1/20/2015
14-AP-FINCON-02009	Insurance Commission	Red Rock Insurance Company	1/27/2015
0713A	Veterinary Medicine	Anna C. Smith	12/11/2014

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2015 JAN 29 P 2:33
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

January 20, 2015

Brian Farkas
Executive Director
West Virginia Conservation Agency
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Mr. Farkas:

You have asked on behalf of the Commissioner of Agriculture, in his capacity as the Chairman of the State Conservation Committee, for an Opinion of the Attorney General pertaining to whether West Virginia Conservation Districts have the legal authority to award scholarships using public funds. This Opinion is being issued pursuant to West Virginia Code § 5-3-1, which provides that the Attorney General "shall give written opinions and advise upon questions of law, . . . whenever required to do so, in writing, by . . . any . . . 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 letter to the Attorney General's Office.

According to your letter, a question has arisen concerning scholarships that have been administered by the State's Conservation Districts. You explain that Conservation Districts have awarded scholarships to "individuals and groups" for some period of time, and "encompass such activities as school tuition, entry fees, workshop expenses or direct cash payments." These scholarships are given "for various reasons," but "are usually tied to agriculture or conservation activities and programs." In two recent opinions requested by Conservation Districts, however, the West Virginia Ethics Commission noted that it was "unable to find express or implied authority to use the Requester's public funds for the purpose of awarding scholarships." A.O. 2012-42 at 3 (addressing whether a Conservation District "may expend public funds to award a $500.00 scholarship to a District supervisor's child who resides with his parents"); *accord* A.O. 2013-06 at 4 n.8 (noting that the Ethics Commission has "found no explicit statutory authorization for a District to expend its public money on scholarships"). The Ethics Commission specifically recommended that an opinion be sought from this Office "as to whether Conservation Districts are authorized to grant scholarships." A.O. 2012-42 at 3.

Your letter raises the following legal question:

Are West Virginia Conservation Districts legally authorized to award scholarships using public funds?

The governing provisions of law are found in West Virginia Code § 19-21A-1 *et seq.* Section 2 declares it to be "the policy of the Legislature" to "provide for the conservation of the soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damage and for furthering the conservation, development, utilization and disposal of water." W. Va. Code § 19-21A-2(d). To that end, the law recognizes the formation and existence of Conservation Districts throughout the State, which have numerous powers relating to "soil erosion and floodwater and sediment damage." *Id.* § 19-21A-8(1). The Conservation Districts are overseen in a way by the State Conservation Committee, which is permitted to offer assistance to District supervisors and to "allocate money" to the Districts "to assist them in carrying on their operations." *Id.* § 19-21A-4(g)(1), (6).

The various powers of a Conservation District are specific and comprehensively set forth. The vast majority relate to: collecting information related to soil erosion, floodwater, and sediment damage; remedying identified problems; or preventing future problems. These powers include:

- Conducting "surveys, investigations and research" on soil erosion, floodwater, and sediment damage, as well as the conservation, development, utilization, and disposal of water, *id.* § 19-21A-8(1);
- Conducting "demonstrational projects," *id.* § 19-21A-8(2);
- Enacting "preventive and control measures and works of improvement within the district," *id.* § 19-21A-8(3);
- Acquiring property, *id.* § 19-21A-8(5);
- Making available "equipment, fertilizer, seeds and seedlings," *id.* § 19-21A-8(6);
- "Construct[ing], improv[ing], operat[ing] and maintain[ing] such structures as may be necessary or convenient" to fulfill the purposes of the article, *id.* § 19-21A-8(7);
- Developing "comprehensive plans for the conservation of soil resources," the prevention of soil erosion and prevention of flooding, and conservation of water resources, *id.* § 19-21A-8(8); and
- Taking over and administering "any soil-conservation, flood-prevention, drainage, irrigation, water-management, erosion-control or erosion-prevention project, or combinations thereof," located within the District's boundaries, under certain conditions, *id.* § 19-21A-8(9).

A number of ancillary powers are also given, such as the authority to enter into contracts, *id.* § 19-21A-8(13), the power to sue and be sued, *id.* § 19-21A-8(10), and the ability to require

contributions from those receiving benefits from the District's work, *id.* § 19-21A-8(11). Unlike some agencies or boards created by the Legislature, a Conservation District is *not* granted the residual power to "do all things which are necessary to further the purposes and intent of this article." W. Va. Code § 31-15A-12 (concerning the water development authority).

We do not find among the Districts' enumerated powers the authority to award the scholarships in question using public funds. A review of all of the governing Code for the Districts, as well as the legislative rules enacted pursuant to that authority, reveal only one grant of authority concerning the expenditure of funds. A Conservation District is permitted

> [t]o cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of erosion-control and prevention operations and works of improvement within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this article.

W. Va. Code § 19-21A-8(4).

This enumerated power does not resemble the language that the Legislature typically uses to authorize the awarding of scholarships. Throughout the Code, the Legislature has created and explicitly authorized "scholarships." For example, scholarships are provided for the dependent children of individuals who are killed in the line of duty while serving the State in a law enforcement or first responder capacity. *See* W. Va. Code §§ 5-10-27 ("a scholarship to be applied to the career development education"), 7-14D-20 (same), 8-22A-22 (same), 15-2-33 (same), 15-2A-12 (same), 16-5V-25 (same). Other expressly created scholarships include the Promise Scholarship, *see* W. Va. Code § 18B-17-5, the Underwood-Smith Scholarship, *see* W. Va. Code § 18C-4-1, and the Health Sciences Scholarship Fund, *see* W. Va. Code § 18C-3-3. *See also* W. Va. Code §§ 17-2A-4b (granting explicit authority for the award of scholarships from state funds to address the "wide and continuing need for trained personnel in the division of highways of this state"), 18-10H-3 (establishing a "scholarship program for outstanding secondary vocational-technical education graduates to pursue additional post-secondary college work in a related career or technical field"), 18C-3-4 (authorization for the administration of the Nursing Scholarship Program and setting forth its parameters). In contrast, the Conservation District's authority to expend funds does not specifically mention or authorize the awarding of scholarships.

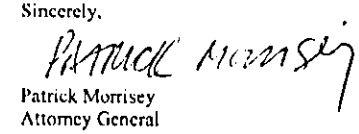
Moreover, even if this grant of authority could be construed as permitting the awarding of scholarships, the facts set forth in your letter do not satisfy the statutory limitations. The "furnish[ing of] financial or other aid" to a private person is permitted only where the recipient is an "occupier of lands within the district" and where the funds will assist the recipient "in carrying on of erosion-control and prevention operations and works of improvement within the district." W. Va. Code § 19-21A-8(4). Your correspondence states merely that the scholarships in question are provided "for various reasons" and are "usually tied to agriculture or conservation activities and programs." Even under the most generous reading, this description does not

AG OPINION

suggest that the outlay of funds is properly restricted to "occupier of lands within the district" or to soil-conservation efforts "within the district."

In sum, we must conclude that the West Virginia Conservation Districts lack authority to award the scholarships in question using public funds. Should you have further questions, please do not hesitate to contact this Office.

Sincerely,



Patrick Morrisey
Attorney General

Elbert Lin
Solicitor General

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

MEMORANDUM

FILED
2015 JAN 28 A 11: 22
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TO: Interested Parties

FROM: Robert W. DeCrease, P. E., Manager
Drinking Water Treatment Revolving Fund

DATE: January 27, 2015

RE: Clay Battelle PSD - Water System Improvement Project
Environmental Review – Finding of No Significant Impact (FONSI)
WVIJDC Project #: **2013W-1399**
SRF Project #: **14DWTRFA003**
Monongalia County

Please find attached the Clay Battelle Public Service District's Water System Improvement Project's Finding of No Significant Impact (FONSI).

The review process indicated no significant environmental impacts would result from the proposed action. Consequently, a preliminary decision has been made not to prepare an Environmental Impact Statement.

This action is based on a careful review of the Environmental Information Document and other supporting data. These documents are on file in the West Virginia Bureau for Public Health, Environmental Engineering Division, and are available for public review upon request.

Comments supporting or disagreeing with this preliminary decision may be submitted for consideration to Benjamin J. Savage, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to our office at (304) 558-0691.

After evaluating all comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this FONSI. No administrative action will be taken with respect to this proposal during this time frame.

RWD:bjs

Attachment

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

OTHER

FINDINGS OF NO SIGNIFICANT IMPACT

January 27, 2015

TO: ALL INTERESTED PARTIES

In accordance with the state regulations found in Title 64, Series 49, "Drinking Water Treatment Revolving Fund", the Bureau for Public Health, Environmental Engineering Division, has performed an environmental review on the proposed project described below and on the attached environmental assessment:

Clay Battelle Public Service District
3416 University Ave., P.O. Box 4678
Morgantown, WV 26504
WVIJDC Project #: **2013W-1399**
SRF Project #: **14DWTRFA003**
Water System Improvements Project

(Official Project Name and Number)

Clay Battelle Public Service District
P.O. Box 4678
Morgantown, WV 26504

(Project Applicant)

Core, Blacksville, Wadestown, Daybrook, and Other Unnamed Areas
Monongalia County, West Virginia

(Project Location, City, County, State)

$ 5,379,958

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 5,379,958

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
Clay Battelle Public Service District – Water System Improvements Project
Project #: **2013W-1399 / 14DWTRFA003**

OTHER

I. PROJECT DESCRIPTION:

The Clay Battelle Public Service District (PSD), located in Monongalia County West Virginia, owns and operates a water distribution system in the western area of Monongalia County serving approximately 1,640 customers. This area is primarily rural-residential. Clay Battelle PSD is listed with the West Virginia Department of Health and Human Resources (DHHR) under PWSID# 3303121.

Clay Battelle PSD purchases all of its potable water from the Morgantown Utility Board (MUB). Water is supplied to Clay Battelle PSD from the MUB 500,000 Gallon, Cassville Tank located along West Virginia Route 7, west of Cassville. Clay Battelle PSD does not treat the water but has the ability to add chlorine as needed at the existing Core Pump Station, the main pump station in the Clay Battelle PSD system. The treated water is pumped, using eight (8) pump stations, to eight (8) water storage tanks and distributed to customers through approximately 110 miles of existing water mains. Currently, only two (2) of the tanks and booster stations have wired telemetry while the remaining rely on using tank gauges and pump timers to maintain water levels. This has led to occasional overflows and low tank water levels. Along with providing potable water to its customers, Clay Battelle PSD has 18 fire hydrants for fire protection. Based on the information reported in the 2013 PSC Annual Report, the existing system serves 1,548 residential customers, 73 commercial customers, 4 industrial customers and 15 public authorities and experiences approximately 22.72% water loss.

In 2010, the DHHR conducted a Sanitary Survey and listed the lack of fencing around all eight (8) water storage tanks as a significant deficiency. The failure to maintain residual chlorine levels of a minimum of 0.2 ppm in all locations of the distribution system was also a significant deficiency identified in the report. Moderate deficiencies included less than 85% water accountability and the need for strategically placed flowmeters to help identify and quantify leaks in various sub areas of the system. Minor deficiencies noted in the report were the lack of telemetry between some of the pump stations and tanks, lack of pressure gauges at some of the pump stations and a disconnected overflow pipe on one of the tanks. The disconnected overflow has been corrected.

This proposed project will consist of four (4) separate contracts which are outlined below:

Contract No. 1: Water Lines, Pump Station, Control Stations, Telemetry, Flow Meters, and Generators

- Replacement of approximately 5000 LF of four inch (4") waterline with new six inch (6") waterline in the Wadestown area (Wadestown Road and Range Road) because of low pressure problems identified in the Kentucky Pipe analyses.

- Extension of approximately 2200 LF of two inch (2") waterline along Mahogany Run to serve five (5) new customers. The customers in this area are currently served by private wells; however, no documented lab results were supplied to determine the quality of the well water.

- Extension of approximately 1800 LF of two inch (2") waterline along Sine Hollow to serve five (5) new customers. The customers in this area are currently served by private wells; however, no documented lab results were supplied to determine the quality of the well water.

- Replacement of approximately 5000 LF of old (circa 1920's), deteriorated six inch (6") cast iron waterline with new six inch (6") waterline in the Town of Blacksville and approximately 400 LF of two inch (2") waterline. This will reduce the number of breaks in the waterline and improve the service to the community.

- A new 535 GPM booster pump station to replace the existing 360 GPM Core booster pump station that feeds the system's largest storage tank, Price (500,000 gallons). The new booster pump station will include a chlorinator and flowmeter as well as a generator given the need to maintain flow during electrical outages. The existing 360 GPM booster pump station with flow meter will be demolished as part of the project.

  The flow rate of 535 GPM was dictated by MUB as the maximum flow rate at which they can fill their Cassville storage tank. The new 535 GPM booster pump station will cut the run time down to about 67% of the current run time of the existing 360 GPM water booster pump station.

  The FEMA 100-year flood plain elevation at the booster pump station site is 924.0. The finished floor elevation will be 926.0.

  Variable frequency drives will be included to minimize start up and shut down water hammer.

- Replacement of approximately 11,200 LF of existing eight inch (8") waterline with new twelve inch (12") waterline on the suction side of the new 535 GPM booster pump station that will be replacing the existing 360 GPM Core booster pump station. This will reduce suction losses as well as improve service to existing customers on Pedlar Run.

- Replacement of approximately 8000 LF of existing eight inch (8") waterline with new twelve inch (12") on the discharge side of the new 535 GPM booster pump station that will be replacing the existing 360 GPM Core booster pump station. This will reduce the discharge pressures to less than or equal to the existing discharge pressure so as not to over pressurize the existing waterlines.

- Installation of two (2) solenoid control valves stations with flow metering to replace two (2) deteriorated and malfunctioning altitude control valves. One (1) of these is near Wadestown to control flow to the Wadestown storage tank and one (1) near Blackville to control flow to the Blacksville storage tank. This is conjunction with the new

telemetry system will improve control over water tank elevations to maximize pressures and reduce overflows.

- Installation of a thirteen (13) unit satellite telemetry system at the five (5) pump stations and (5) tanks that do not currently have telemetry as well two (2) new solenoid control valve stations and one (1) central monitoring station at a new office and shop building. Given the low number of customers that they serve, the existing wired telemetry between the Ella Walls booster pump station and the Ella Walls storage tank and between the Brewer Hill booster pump station and Brewer Hill storage tank will remain. The Walker Hollow/Behlar booster pump station and corresponding pressure tank do not have telemetry. Given the low number of customers on the Walker Hollow sub system, no telemetry is proposed there. These improvements will improve control over water tank elevations to maximize pressures and reduce overflows.

  Summary of Telemetry
  New 535 GPM booster pump station and Price storage tank
  Jakes Run booster pump station and Sandy Run storage tank
  Days Run booster pump station and Daybrook storage tank
  Blacksville Solenoid Control Station and Blacksville storage tank
  Daybrook/Bula pump station and Bula storage tank
  Wadestown Solenoid Control Station and Wadestown storage tank
  New office and shop building (reporting/monitoring center)

- Flow meters at seven (7) locations including the two (2) new solenoid control valve stations, one (1) at Crossroads (CR 15), one (1) at Daybrook (WV 218 South), one (1) at the existing Daybrook/Bula booster pump station, one (1) at the existing Brewer Hill booster pump station, and one (1) at the new 535 GPM booster pump station. These improvements will allow for the systematic monitoring of water flow to help isolate and identify leaks to minimize water loss.

- A new, permanent generator with the new 535 GPM booster pump station. A new, permanent generator at the existing Day Run booster pump station that feeds the existing 200,000 gallon Daybrook storage tank A new, transportable generator to serve the other booster pump stations. These improvements will allow for operation of the facilities during times of power outages and thus improving service.

Contract No. 2: Existing Tank Painting and Fencing

This contract will consist of the repainting of the two (2) largest storage tanks in the system, Price (500,000 gallons) and Daybrook (200,000) as well as the Ella Walls storage tank (10,000 gallons), all of which exhibit levels of deterioration that Clay Battelle would like to address. The Price storage tank was last painted in 1988. Two (2) paint samples obtained from this tank were tested for lead. The results were 1,613 parts per million (ppm) and 13,444 ppm. The Daybook storage tank was last painted in 1995. Two (2) paint samples obtained from this tank were tested for lead. The results were 62.5 ppm and 35.5 ppm. The Ella Walls storage tank was

OTHER

last painted in 1996. One (1) paint sample obtained from this tank was tested for lead. The result was 72,500 ppm. Section 09950 of the Contract Documents and Detailed Specifications for Contract #2 – Tank Painting and Fencing, outlines the procedures in which the Contractor shall handle the lead-based paint including the removal, storing and disposing of the lead-contaminated material. The lead paint test results are also included within this section of the document. Maintaining a regular maintenance schedule of tanks to include repair and repainting will help ensure that these assets last much longer and provide better, continued service throughout their life expectancy.

Also included within this contract will be the installation of fencing and gates around all of the existing storage tanks as well as the existing generator at Daybrook/Bula booster pump station and the new generator at the existing Days Run booster pump station. In addition, a small amount of access road work at the Daybrook storage tank and some additional fencing and relocation of an existing gate and new farm fence at the Bula storage tank access road to allow vehicles to pull safely off the highway before opening the gate. These improvements will provide required security as well as better access to the tanks.

Contract No. 3: Office/Shop Building

This contract will consist of the construction of a new office and shop building. The existing office building is located in Star City, West Virginia, about seven (7) miles from the service area. The existing shop is rented and is located near Mooreville, about fifteen (15) miles from the existing office building.

Pending the purchase of the property which is for sale, the new office and shop building may be located on a two (2) acre parcel of land near the Mason Dixon Historical Park off of CR 39 (Buckeye Road). The site is near Dunkard Creek with a 100-year flood plain elevation of 920.0. The proposed finished floor elevation would be a minimum of 922.0.

Public water, natural gas, electricity, and telephone are available. The site has on-lot sewerage permitted by the Monongalia County Health Department. Recent discussions between Health Department personnel and Engineer indicate that the Office/Shop Building will be able to utilize the existing septic tank and leech fields.

This building will provide a more centralized office building for billing, payments, and meetings, as well as a shop building which will house operation and maintenance materials and equipment.

Contract No. 4: New Water Storage Tank

This contract will consist of the construction of a new, 62,000 gallon storage tank to replace the existing 30,000 gallon storage tank at Wadestown. The new tank will include fencing and some limited improvements to the access road.

The average daily consumption in the Wadestown service area is about 27,000 GPD. To provide two (2) days of storage, a minimum tank size of 54,000 gallons would be required. The 62,000 gallon storage tank depicted in the plans and described in the specifications is the

smallest size available from the glass-lined tank vendor most closely matching the existing storage tank height from floor to overflow.

A painted steel alternate and a glass-lined alternate will be bid with pre-computed allowances for life cycle costs included in their respective specification sections as a basis of comparison and award.

This tank will improve service to Wadestown as well as meet the minimum required storage standards.

II. PURPOSE AND NEED:

According to the 2010 Sanitary Survey, the following water and health problems were noted and need to be corrected in order to comply with the West Virginia Bureau of Public Health Standards:

- Lack of fencing at all tank sites
- Lacking of padlocks at several access ladder hatches
- Low chlorine level (0.2 ppm) at three (3) different locations
- Low and overflowing tank levels due to the lack of adequate telemetry between the pump stations and the tanks
- Existing storage tanks in poor condition
- Too high of an unaccounted water loss within the distribution system

The proposed project will address each of these problems, improve service to the entire area, and extend water lines to serve an additional ten (10) customers.

III. ENVIRONMENTAL CONSEQUENCES IF PROJECT IS NOT BUILT:

The project area is in need of a system upgrade to address the problems cited in the 2010 Sanitary Survey and to improve service to meet current and anticipated future demands. Without the upgrades, the Core pump station would continue running for nearly 15 hours a day which would result in longer running times as the area continues to expand. Tank levels would continue to read low and overflows would continue to occur from little telemetry. Leaks in the system would continue to arise without the ability to detect them with flow meters. Customers would not have a reliable water source during power outages. Access around tanks would continue to be uncontrolled.

IV. COMPARISON OF ALTERNATIVES:

Alternative #1 – Upgrade existing water system

Alternative #1 proposes to upgrade the existing system as previously described.
Total estimated cost for this alternative is $5,379,958.

OTHER

Alternative #2 – Do Nothing

This alternative to the proposed water system upgrade project is to not make the upgrades to the Clay Battelle PSD system.

Selected Alternative

The PSD will pursue Alternative #1 to make the necessary improvements to the water system. Alternative #2 was not selected because it does not address the problems city on the 2010 Sanitary Survey nor provide improved service.

V. ENVIRONMENTAL CONSEQUENCES AND MITIGATION FOR THE SELECTED ALTERNATIVE:

Through the use of an Environmental Screening Checklist the following environmental factors have been addressed (references have been provided as appropriate) and it has been determined this project has no significant impact on any of these elements:

1. Archeological and Historic Preservation Act of 1974 – A letter from the WV Division of Culture and History regarding the Clay Battelle Public Service District's Water Project, dated January 7, 2015, states..."The Phase I Archaeological Literature Review and Reconnaissance Survey for the Clay Battelle PSD's Proposed Office/Shop Building Site in Monongalia County, West Virginia addresses our concerns regarding the presence of cultural resources within the proposed project area. Systematic survey conducted in the project area did not identify any deposits associated with 46MG20 and did identify one new archaeological resource, 46MG309, an isolated prehistoric isolated find. The consultant concludes that site 46MG309 is not eligible for inclusion in the National Register of Historic Places. We concur with this conclusion. In our opinion, the proposed project will have no effect on any archaeological resources eligible for or listed in the National Register of Historic Places. No further consultation is necessary; however, we ask that you contact our office if your project should change." (See attached documentation.)

2. National Historic Preservation Act of 1966 – A letter from the WV Division of Culture and History regarding the Clay Battelle Service District's Water Project, dated October 27, 2014, states..."we determined that there are on architectural properties which are eligible for or listed in the National Register of Historic Places within the Area of Potential Effects (APE). The remainder of the project is underground and will have no effect to architecture. No further consultation regarding architectural resources is necessary; however, we ask that you contact our office if you project should change." (See attached documentation.)

3. Air Quality / Clean Air Act, Pub. L. 84-159 – During construction, there will be minor emissions from vehicles and other construction equipment as well as the creation of dust typically associated with this type of project. However, these are of a temporary nature and are not normally considered to create adverse air quality issues. When the system is operational, there will be no emissions, dust or odors produced by the project facilities.

4. Endangered Species Act – A letter from the United States Department of the Interior, Fish and Wildlife Service – dated September 9, 2014 – states that "As a result of this information,

the Service has concluded that the project may affect, but is not likely to adversely affect and federally listed endangered and threatened species. No biological assessment or further section 7 consultation under the ESA is required with the service." A letter from WV Division of Natural Resources – dated August 19, 2014 – states that "We have no known records of any RTE species or sensitive habitats within the project area." (See attached documentation.)

5. **Protection of Wetlands** – Within an Environmental Report dated September 16, 2014 and submitted to the Bureau for Public Health, Steven V. Buchanan, P.E. of The Thrasher Group, Inc. stated that "No impact to wetlands or streams is anticipated during the project. Horizontal directional bores will be provided under any and all streams, perennial, intermittent, and/or ephemeral. Wetlands will be avoided." (See attached documentation.)

6. **Fish and Wildlife Coordination Act** – Reference item #4.

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated June 7, 1999 – states that "A segment of the Bluestone River in Summers County is the only Wild and Scenic designation in the State." Re-affirmed by letter- dated January 23, 2009. (See attached documentation.)

8. **Farmland Protection Policy** – Correspondence from the Natural Resources Conservation Service dated August 29, 2014, states that the project will not impact any prime or other important farmland (See attached documentation).

9. **Flood Plain Management** – FEMA Flood Plain Maps #54061C0055E and 54061C0080E correspond to the project location. The Monongalia County Commission issued a Floodplain Development Permit in a letter dated September 17, 2014 (see attached documentation).

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved April 14, 2011) and was granted a Health Department permit to construct August 26, 2014 (#19,476).

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low income populations. The Rural Development Environmental Justice and Civil Rights Impact Analysis notes this project has no impact on environmental justice. (See attached documentation.)

VI. PUBLIC PARTICIPATION:

Copies of the Clay Battelle Public Service District's Board Meeting Minutes have been provided and are available upon request.

VII. Exhibits:

Documents used to complete this Environmental Assessment are noted in Section V.

OTHER

Statutory Checklist

All DWTRF funded projects must comply with the following environmental statutes and executive orders.

Project Sponsor: Clay Battelle Public Service District **Phone:** 304-292-4003

Address: 3416 University Ave., P.O. Box 4678, Morgantown, WV 26504

Public Water System: Clay Battelle Public Service District **County:** Monongalia

Project: Water System Improvements Project

Statutory or Regulatory Compliance	Affected By Project?		Compliance?		Mitigating Measures Required?		Mitigating Measures Complete?	References (must be included for each statute)
	Yes	No	Yes	No	Yes	No	Date or NA	
Archeological & Historic Preservation Act of 1974		X	X			X	NA	WV Div. Cult/Hist
National Historic Preservation Act of 1966		X	X			X	NA	WV Div. Cult/Hist
Clean Air Act, Pub. L. 84-159, as amended	X		X		X		During Construction Period	Contract Documents
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act		X	X			X	NA	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X	NA	The Thrasher Group, Inc.
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Policy		X	X			X	NA	NRCS, USDA Forest Service
Floodplain Management	X		X			X	Comply with USACOE NWP 12	USACOE
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	Region VI PDC, WVBPH
Lead Paint Abatement on Water Tanks	X		X		X		During Construction Period	Contract Documents

Prepared By: Benjamin J. Savage, P.E. **Title:** Engineer

Signature: Benjamin J. Savage **Date:** January 28, 2015 **Telephone:** 304-356-4966

Address: WVBPH, 350 Capitol Street, Room 313, Charleston, WV 25301

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

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2015 JAN 27 A 10: 11

OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

January 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 **January 23, 2015**.

EXPEDITED APPLICATIONS RECEIVED

January 20, 2015 – Oak Health and Rehabilitation Center, Inc., Bala Cynwyd, Pennsylvania, Oak HRC Fairmont LLC, Fairmont, Marion County, Oak HRC 2 LLC, Bala Cynwyd, Pennsylvania, CON File #14-6-10367-A, for the acquisition of the licensed operations of the Arbors at Fairmont; capital expenditure: $60,000.

January 22, 2015 – United Hospital Center, Bridgeport, Harrison County, CON File #15-6-10383-P, for the employment of a physician who will continue to provide office-based services relating to general surgery one day a week in Marion County; capital expenditure: $50,000.

January 23, 2015 – St. Joseph's Hospital of Buckhannon, Buckhannon, Upshur County, CON File #15-7-10388-P, for the development of an ambulatory health care facility in Elkins, Randolph County, for the provision of pre and post obstetrical care and gynecological services in an office-based certified nurse mid-wife practice to the residents of Pocahontas, Randolph and Tucker counties; capital expenditure: $25,000.

PROJECTS DETERMINED NOT REVIEWABLE

January 20, 2015 – Autism Services Center, Huntington, Cabell County, CON File #15-2-10379-X, for the acquisition of a residential home located at 1424 Fifteenth Street, Huntington, Cabell County; capital expenditure: $183,000.

January 20, 2015 – F.C. of West Virginia, Inc. d/b/a Intrepid USA Healthcare Services, Weirton, Brooke County, CON File #14-10-10374-X, for the relocation of its parent home health agency from 2129 National Road, Suite 1 to 2110 Lumber Avenue, Suite 1, Wheeling, Ohio County; no capital expenditure.

January 20, 2014 – Lasting Solutions, Winfield, Putnam County, CON File #14-2/3/4-10377-X, for the establishment of behavioral health services in Cabell, Fayette, Kanawha, Lincoln, Putnam and Wayne counties; no capital expenditure.

January 20, 2015 – Northern West Virginia Home Health, LLC, Keyser, Mineral County, CON File #15-8-10386-X, for the complete relocation of its home office from 363 Sunrise Boulevard to 25072 Northwestern Pike, Romney, Hampshire County; capital expenditure: $7,000.

January 20, 2015 – Potomac Valley Hospital, Keyser, Mineral County, CON File #14-8-10372-X, for the relocation of its wound care services to another location on PVH's campus; no capital expenditure.

January 21, 2015 – Home Base, Inc., Charleston, Kanawha County, CON File #14-3/5/6/7/8/9/10-10378-X, for the expansion of behavioral health services in Berkeley, Kanawha, Grant, Marion, Ohio, Randolph and Wood counties; no capital expenditure.

PROJECT EXEMPT FROM REVIEW

January 20, 2015 – Monongalia General Hospital, Morgantown, Monongalia County, CON File #14-6-10354-X, for the development of a hospital based health care facility in Monongalia County by way of the acquisition of Morgantown Surgical Associates, Inc. (MSA), a general surgery and gastroenterology medical practice located at 200 Wedgewood Drive, Suite 202, Morgantown. MSA is a private practice that provides general surgery consults, gastroenterology and other primary care related services at this location. There are two (2) physicians practicing at this location; capital expenditure: $900,000.

CERTIFICATE OF NEED APPROVALS ISSUED

January 20, 2015 – Acadia Healthcare Company, Inc., Franklin, Tennessee, CON File #14-1/2/3/5/6/10-10323-A, for a merger which will result in a change of control of CRC Health Group, Inc. As a result of the merger, Acadia will own 100% of CRC's ownership interests and become CRC's immediate parent. CRC, through subsidiaries, operates the following seven outpatient clinics that each provide licensed behavioral health substance abuse treatment services and licensed opioid treatment program services: Beckley Treatment Center, Charleston Treatment Center, Clarksburg Treatment Center, Huntington Treatment Center, Parkersburg Treatment Center, Wheeling Treatment Center and Williamson Treatment Center; capital expenditure: $89,000,000.

January 20, 2015 – Necco, Inc., South Point, Ohio, CON File #14-3/5-10134-BH, to expand its current services to include outpatient behavioral health, substance abuse and in-home services to youth and adults up to 64 years of age in Kanawha, Jackson and Roane counties; no capital expenditure.

January 23, 2015 – Princeton Center LLC, Glenwood Park Properties LLC, Princeton, Mercer County, CON File #14-1-10330-A, for the acquisition of the real property and equipment and the licensed operations associated with GlenWood Park Retirement Village, a 67 bed nursing home and retirement community located in Princeton, Mercer County, West Virginia; capital expenditure: $7,150,000.

RENEWALS GRANTED

January 20, 2015 – Raleigh General Hospital, Beckley, Raleigh County, CON File #02-1-7505-H, for the renovations related to its emergency department, surgery, cardiac catheterization, endoscopy, radiology, and selected outpatient services within the hospital; capital expenditure: $33,000,000.

Renewal granted through December 31, 2015.

January 20, 2015 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #13-6-9817-P, for the construction of WVU Healthcare Outpatient Center, an ambulatory care/outpatient center at University Town Center in Morgantown on property owned by WVUH; capital expenditure: $52,250,000.

Renewal granted through June 30, 2015.

January 20, 2014 – West Virginia University Hospitals-East, Morgantown, Monongalia County, CON File #06-9-8255-H, for the implementation of a Facility Strategic Plan; capital expenditure: $41,515,000.

Renewal granted through December 31, 2015.

NOTICE OF SUBSTANTIAL COMPLIANCE

January 23, 2015 – Alecto Healthcare Services Fairmont LLC, Los Angeles County, Los Angeles, California, MPT of Fairmont-Alecto, LLC and MPT of Fairmont-Alecto Hospital, LLC, Birmingham, Jefferson County, Alabama, CON File #14-6-10184-A, for the acquisition of Fairmont General Hospital, located in Fairmont, Marion County, and any related health care facilities; capital expenditure: $15,419,047.

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

OTHER

WEST VIRGINIA
STATE BOARD OF SANITARIANS

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713

January 22, 2015

Natalie Tennant
West Virginia Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd, East
Charleston, West Virginia 25305-0770

FILED
2015 JAN 23 A 11: 13
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Tennant:

As required by West Virginia Code, enclosed is the 2014 Annual Report for the West Virginia State Board of Sanitarians.

Should you have any questions or need additional information, please let me know.

Sincerely,

David P. Thornton, RS
Secretary
WV State Board of Sanitarians

Enclosure

STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
State Tax Commissioner

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2015 JAN 27 P 3:03
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SECRETARY OF STATE

ADMINISTRATIVE NOTICE 2015-01

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
FOR THE DETERMINATION OF ROYALTY RATES FOR PRODUCING COAL AND OTHER NATURAL RESOURCES FOR AD VALOREM PROPERTY TAX PURPOSES FOR TAX YEAR 2015, PURSUANT TO §§110 CSR 1I-4.1.6 AND 1K-4.1.6

On August 29, 2014, the State Tax Department filed valuation variables to be used in conjunction with legislative regulations for the appraisal of natural resource properties. (See: §§ 110 CSR 1-H, 1-I, 1-J and 1-K) This notice will address one of the variables, royalty rate(s), setting forth the procedures used in developing the rate(s) for producing coal and other natural resources exclusive of oil and natural gas for Tax Year 2015.

DISCUSSION

In West Virginia, natural resources royalty rates are generally negotiated at a stated price per ton or as a percent of the selling price per ton of the resource produced. As most leases are negotiated as a percentage of selling price, it is necessary to obtain lease and sales information and to analyze this information in order to develop leasing and sales price patterns typical of the industry.

The Department's review of coal industry leasing patterns during the previous eight (8) years reveals that leases for surface mining operations (6.17%) are typically higher than for deep mining operations (5.74%). Review of sales prices reported in *Coal Week*, the Tax Year 2014 returns and other sources, further reveal a difference in typical selling prices of steam coal ($59.64 per ton) and metallurgical coal ($123.29 per ton).

Thus, royalty rates typically negotiated by the coal industry have been as follows:

Steam Coal/Deep Mine	$ 59.64 per ton	X	5.74%	=	$3.42 per ton
Metallurgical Coal/Deep Mine	$123.29 per ton	X	5.74%	=	$7.08 per ton
Steam Coal/Surface Mine	$ 59.64 per ton	X	6.17%	=	$3.68 per ton
Metallurgical Coal/ Surface Mine	$123.29per ton	X	6.17%	=	$7.61 per ton

Similar research of royalty rates for other natural resources revealed the following:

Limestone/Deep	22¢ per ton
Limestone/Surface	22¢ per ton
Sandstone	30¢ per ton
Clay/Shale	11¢ per ton
Sand/Gravel	40¢ per ton
Salt	10¢ per ton

For more information concerning natural resource properties' royalty rate(s), contact the State Tax Department at (304) 558-3940.

Notice of this determination will be filed in the West Virginia Register.

Issued: January 27, 2015

Mark W. Matkovich
State Tax Commissioner

State Tax Department
Property Tax Division
P. O. Box 2389
Charleston, WV 25328-2389

Operator on Duty 8:30 am - 5:00 pm
Monday through Friday
Phone: (304) 558-3940
FAX: (304) 558-1843

STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
State Tax Commissioner

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SECRETARY OF STATE

OTHER

ADMINISTRATIVE NOTICE 2015-02

**PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
CONCERNING PRIMARY RELIANCE ON THE INCOME
APPROACH TO VALUE FOR APPRAISALS OF PRODUCING AND
RESERVE COAL, PRODUCING OIL AND GAS, AND PRODUCING
OTHER MINED MINERALS PURSUANT TO §§ 110 CSR 1I-4, 1J-4 AND 1K-4**

The Legislative Rule §§ 110 CSR 1J-1, *et seq.* concerning the appraisal of producing and reserve oil and gas properties became effective June 1, 2005, §§ 110 CSR 1I-1, *et seq.* for the appraisal of producing and reserve coal properties became effective May 1, 2006 and §§ 110 CSR 1K-1, *et seq.* for the appraisal of producing other mined mineral properties became effective May 1999. This notice will address these rules' primary reliance on the income approach to value when appraising active and reserve coal, producing oil and gas, and other mined mineral properties for property tax purposes.

DISCUSSION

There are three (3) generally accepted approaches to value that must be considered when estimating market value of property for ad valorem tax purposes. These are the cost, market, and income approaches. These approaches to value must be considered and should be developed, if appropriate, to properly estimate market value in compliance with generally accepted appraisal principles. The following is a brief discussion of these three (3) approaches to value and their potential use when estimating the market value of producing natural resource properties for ad valorem tax purposes.

COST APPROACH

The cost approach to value is based upon the assumption that the cost of a property, less depreciation (loss in value), yields a reasonable estimate of market value. There are three (3) generally accepted types of cost approach appraisal methods; these are: original cost less depreciation, reproduction cost less depreciation, and replacement cost less depreciation. Depreciation is a loss in value due to physical deterioration through use, functional obsolescence through design or utility and economic obsolescence due to outside market forces.

Property Tax Division
P. O. Box 2389
Charleston, WV 25328 - 2389
Phone 304-558-3940 FAX 304-558-1843

Original cost less depreciation is the cost of acquisition of a property less a loss in value due to physical deterioration, functional obsolescence and economic obsolescence. This approach is widely employed in the appraisal of "cost-based" regulated utilities, however it has a limited application when appraising producing natural resource properties, as many of these types of properties were acquired years ago at substantially less than current market value.

Reproduction cost less depreciation is the cost of reproducing an exact replica of a property less physical deterioration, functional obsolescence, and economic obsolescence. This approach is employed in appraising one-of-a-kind properties such as works of art or special purpose properties, an example of which is the State's Capitol Building. Coal, oil and gas, and other mined minerals are a nonrenewable natural resource and therefore cannot be reproduced. Because of their nonrenewable nature, producing natural resource properties do not lend themselves to development of a reproduction cost less depreciation appraisal.

Replacement cost less depreciation is the cost of replacing a property with one of like utility less physical deterioration and economic obsolescence. This approach is the most widely used of the three (3) cost approaches to value and is widely employed in the appraising of commercial and industrial personal property. Replacement cost has limited application, however, in the appraisal of nonrenewable natural resource properties, as the resource cannot, by its nature, be replaced.

MARKET APPROACH

The market approach to value is based upon the assumption that the recent selling price of comparable properties if properly analyzed and adjusted, if appropriate, will yield a reasonable estimate of current market value. This valuation approach is widely employed in the valuation of residential real estate where a considerable number of properties transfer on a reasonably frequent basis. Natural resource properties sell infrequently and when they do sell they are quite often only a portion of the property acquisition thus diluting the purity of the market transaction. Therefore, the market approach to value has limited application because of the lack of a sufficient number of sales of natural resource properties to statistically support development of the approach for natural resource properties.

INCOME APPROACH

The income approach to value is based upon the assumption that a property is worth the future income, discounted to present worth, that it will generate for a perspective buyer. The income approach is widely used in the appraisal of various types of income producing properties and is appropriately used in several taxing jurisdictions to value producing natural resource properties, i.e. natural resource properties that produce an income stream. In addition, the income approach can be developed for non-producing properties through use of estimating the unit income value and apportioning the value to non-producing properties based upon their probable time of mining.

APPLICATION

From the above discussion it becomes readily apparent that development of a cost or a market approach valuation for producing and reserve coal and producing oil and gas and other minerals properties is inappropriate. The Tax Department therefore developed and relied upon an income approach appraisal; as the income approach is the only one (1) of the three (3) generally accepted approaches to value that can properly be developed to yield reasonable estimates of current market value when used in a mass appraisal environment.

For further information concerning the use of the income approach to value natural resource properties see §§ 110 CSR 1I-1, 1J-1 and 1K-1 et seq. or contact the State Tax Department at (304) 558-3940.

Notice of this determination will be filed in the West Virginia Register.

Issued: January 27, 2015

Mark W. Matkovich
State Tax Commissioner

State Tax Department
Property Tax Division
P. O. Box 2389
Charleston, WV 25328-2389

Operator on Duty 8:30 am - 5:00 pm
Monday through Friday
Phone: (304) 558-3940
FAX: (304) 558-1843

OTHER

STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
State Tax Commissioner

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2015 JAN 27 P 3:04
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ADMINISTRATIVE NOTICE 2015-03

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
FOR THE DETERMINATION OF THE IN-PLACE TONNAGE PER ACRE-FOOT OF COAL AND OTHER NATURAL RESOURCES

The Legislative Rules filed by the State Tax Department became effective on May 1, 1999 (see §§ 1K-1, *et seq.*) and May 1, 2006, (see §§ 110 CSR 1I-1, *et seq.*) for the appraisal of coal properties and other natural resource properties. This notice will address these Rules' use of the in-place tonnage per acre-foot for coal properties, referenced in § 110 CSR 1I-3.59 and for other natural resource properties, referenced in § 110 CSR 1K-3.27.

DISCUSSION

The specific gravity[1] of bituminous coal ranges between 1.15 and 1.5 depending on rank, moisture content, and ash content, and averages 1.32. The Legislative Rule's equation for the determination of tons per acre-foot is as follows:

$$\frac{\text{62.4 lbs. per ft3 water} \times \text{43,560 ft3 per acre-ft.} \times \text{natural resource specific gravity}}{\text{2000 lbs./ton}} = \text{tons per acre-ft.}$$

Substituting the specific gravity of coal into the formula we find that there are approximately 1800 tons of coal in place per acre-foot as follows:

$$\frac{62.4 \times 43{,}560 \times 1.32}{2000} = 1{,}793.97 \text{ or } 1800 \text{ tons per acre-ft.}$$

[1]specific gravity - The ratio of the weight of an object in air to the weight of an equal volume of water

It should be noted here that the 1800 tons per acre-foot establishes a benchmark for determination of a recovery rate. If the specific gravity of coal being mined is less than or greater than 1.32 then the recovery rate per acre mined should be adjusted accordingly, thus eliminating the potential of inaccurate calculations of acres mined.

Similar calculations for other mined minerals yield the following results:

Limestone	=	3,600 acre-ft.
Sandstone	=	3,400 acre-ft.
Clay/Shale	=	3,250 acre-ft.
Sand/Gravel	=	2,400 acre-ft.
Salt	=	2,950 acre-ft.

For more information concerning the development of the in-place tonnage of natural resource properties see §§ 110 CSR 1I-1 and 1K-1 et seq. or contact the State Tax Department at (304) 558-3940.

Notice of this determination will be filed in the West Virginia Register.

Issued: January 27, 2015

Mark W. Matkovich
State Tax Commissioner

State Tax Department
Property Tax Division
P. O. Box 2389
Charleston, WV 25328-2389

Operator on Duty 8:30 am - 5:00 pm
Monday through Friday
Phone: (304) 558-3940
FAX: (304) 558-1843

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STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Mark W. Matkovich
State Tax Commissioner

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ADMINISTRATIVE NOTICE 2015-04

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
CONCERNING PRIMARY RELIANCE ON THE MARKET
COMPARABLE APPROACH FOR APPRAISING RESERVE
OTHER NATURAL RESOURCES PURSUANT TO § 110 CSR 1K-4.2

On May 1, 1999, the Legislative Rule filed by the State Tax Department for the appraisal of natural resources other than coal, oil and natural gas (see §§ 110 CSR 1K-1, *et seq.*) became effective. This notice will address this Rule's primary reliance on the market comparable approach to value when appraising reserve other natural resource properties for ad valorem property tax purposes.

DISCUSSION

There are three (3) generally accepted approaches to value that must be considered when estimating market value of properties for ad valorem tax purposes. These are the cost, market, and income approaches to value. These approaches to value must be considered and should be developed, if appropriate, to properly estimate market value in compliance with generally accepted appraisal principles. The following is a brief discussion of these three (3) approaches to value and their potential use when estimating the market value of reserve natural resource properties other than coal and oil and gas for ad valorem tax purposes.

COST APPROACH

The cost approach to value is based upon the assumption that the cost of a property, less depreciation (loss in value), yields a reasonable estimate of market value. There are three (3) generally accepted types of cost approach appraisal methods; these are: original cost less depreciation, reproduction cost less depreciation, and replacement cost less depreciation. Depreciation is a loss in value due to physical deterioration through use, functional obsolescence through design or utility and economic obsolescence due to outside market forces.

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Original cost less depreciation is the cost of acquisition of a property less a loss in value due to physical deterioration, functional obsolescence and economic obsolescence. This approach is widely employed in the appraisal of "cost-based" regulated utilities, however it has a limited application when appraising reserve natural resource properties, as many of these types of properties were acquired years ago at substantially less than current market value.

Reproduction cost less depreciation is the cost of reproducing an exact replica of a property less physical deterioration, functional obsolescence, and economic obsolescence. This approach is employed in appraising one-of-a-kind properties such as works of art or special purpose properties, an example of which is the State's Capitol Building. Other mineral properties are a nonrenewable natural resource and therefore cannot be reproduced. Because of their nonrenewable nature, reserve natural resource properties do not lend themselves to development of a reproduction cost less depreciation appraisal.

Replacement cost less depreciation is the cost of replacing a property with one of like utility less physical deterioration and economic obsolescence. This approach is the most widely used of the three (3) cost approaches to value and is widely employed in the appraisal of commercial and industrial personal property. Replacement cost has limited application, however, in the appraisal of nonrenewable natural resource properties, as the resource cannot, by its nature, be replaced. Because of their nonrenewable nature, reserve natural resource properties do not lend themselves to the development of replacement cost new less depreciation appraisals.

INCOME APPROACH

The income approach to value is based upon the assumption that a property is worth the future income, discounted to present worth, that it will generate for a prospective buyer. The income approach is widely used in the valuation of various types of income producing properties; however, the approach has limited application in valuing properties that do not produce an income stream. Reserve other natural resource properties do not readily produce an income stream and do not therefore readily lend themselves to application of an income approach valuation.

MARKET APPROACH

The market approach to value is based upon the assumption that the recent selling price of comparable properties, if properly analyzed and adjusted, will yield a reasonable estimate of current market value. Consistent with the above referenced Legislative Rule, the State Tax Department developed a market comparable approach for reserve other mineral properties. The Department has reviewed sales during at least the five (5) calendar years prior to the July 1st appraisal date of 2014 in various fashions and has constructed measures of central tendency concerning sales transacted during the aforementioned period of time. These sales have been analyzed according to methods established in § 110 CSR 1K-4.2 for reserve other natural resource properties. The Department published and filed final variables on August 29, 2014.

OTHER

Reserve rates for the various other mined minerals are as follows:

Limestone	$3,000/acre
Sandstone	$2,300/acre
Clay/Shale	$ 850/acre
Sand/Gravel	$4,000/acre
Salt	$1,140/acre

For more information concerning the appraisal of reserve other mineral properties consult § 110 CSR 1K-1 or contact the State Tax Department at telephone number (304) 558-3940.

Notice of this determination will be filed in the West Virginia Register.

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ADMINISTRATIVE NOTICE 2015-05

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
FOR VALUE ANALYSIS OF RESERVE COAL PROPERTIES
PURSUANT TO § 110 CSR 1I-4.2

On May 1, 2006, the Legislative Rule filed by the State Tax Department relating to the appraisal of producing and reserve coal properties (see §§ 110 CSR 1I-1, *et seq.*) became effective. This notice will address valuation of reserve coal properties conducted by the State Tax Department pursuant to § 110 CSR 1I-4.2.

DISCUSSION

Legislative Rule § 110 CSR 1I-4.2 requires reserve coal properties to be appraised based upon coal bed mapping information from which a reserve coal valuation model (RCVM) is derived.

RESERVE COAL VALUATION MODEL (RCVM)

Legislative Rule § 110 CSR 1I-4.2.3 requires the establishment of a reserve coal valuation model (RCVM) by the systematic analysis of Geographic Information System (GIS) data sets relating to the following: coal bed maps, mine maps, pricing and market analysis (including royalties), property transactions, environmental factors, property location, use conflicts and coal bed characteristics, including quality considerations. This analysis is designed to produce a valuation of individual coal beds per individual coal reserve properties.

Data sets for this analysis will be derived from a variety of sources, including but not limited to, the following: taxpayer annual returns, questionnaires, West Virginia Geological and Economic Survey, West Virginia Department of Environmental Protection, West Virginia Division of Natural Resources, United States Department of Interior (United States Geological Survey)*, and any other reliable source(s) which may come to the attention of the Commissioner.

* See USGS Circular 891.

For more information concerning the calculations for developing the RCVM consult §§ 110 CSR 1I-1, *et seq.* or contact the State Tax Department at telephone number (304) 558-3940.

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ADMINISTRATIVE NOTICE 2015-06

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT FOR THE DETERMINATION OF THE CAPITALIZATION RATES FOR PRODUCING AND RESERVE COAL, OIL AND GAS AND OTHER MINED MINERALS FOR PROPERTY TAX PURPOSES FOR TAX YEAR 2015, PURSUANT TO §§ 110 CSR 1I-4.1.7, 1J-4.5 AND 1K-4.1.7

On August 29, 2014, the State Tax Department filed valuation variables to be used in conjunction with legislative rules for the appraisal of producing natural resource properties. (See: §§ 110 CSR 1-I, 1-J and 1-K) This notice will address one of the variables, the capitalization rate, setting forth the generally accepted appraisal procedures used in developing the respective rates and in applying the rates to income streams generated by natural resource properties. To this end, this notice will discuss development of industry capitalization rates for properties containing coal, and/or oil and gas, and/or other mined minerals.

DISCUSSION

The International Association of Assessing Officers text *Property Appraisal and Assessment Administration*, 1990, defines a capitalization rate as: "Any rate used to convert an estimate of income to an estimate of market value; the ratio of net operating income to market value." In other words a rate used to convert an estimate of future income into an estimate of present value.

Generally, there are three (3) components that must be considered and if appropriate developed and included in an overall capitalization rate. These components are: the discount component, the recapture component, and the property tax component. The development of each of these three (3) components will be discussed in the remainder of this Notice.

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DISCOUNT COMPONENT

Of the three (3) generally accepted methods of estimating a discount component, the bands-of-investment method and the summation method have received primary consideration. Consideration was given to use of the comparison method; however, the Tax Department is of the opinion that the bands-of-investment and summation methods are the more appropriate methods to employ for properties containing coal, and/or oil and gas, and/or other mined minerals as there are a limited number of sales of these types of properties and these methods lend themselves more readily to the conversion of the equity rate portion of the discount component to a pre-tax rate.

The first step in the process is to construct a capital structure. The capital structure of an industry depicts typically the sources of capital financing (i.e.: what portion of the total capital financing is raised through debt and through equity financing). The Tax Department developed an average industry capital structure based on mining and oil and gas industries as grouped in the Value Line Investment Survey. The capital structure was segregated into percentages of capital financing generated through debt and through equity financing in order to develop a profile for typical leveraging characteristics by type industry. (Equity financing represents capital acquired through sale of stock and earnings retention and debt financing represents capital acquired through issuance of instruments of debt.)

Once the capital structure had been established a return on investment is developed for each financing band. The Tax Department analyzed the financial information of companies grouped by industry in the Value Line Investment Survey in order to develop a return by type industry for common stocks. This "after-tax" return was then adjusted to a "pre-tax" return where applicable and used in developing the equity portion of the discount component.

The debt return for the debt finance band was established, by adding two percent (2%) to the Prime Rate Charged by Banks as published in the Economic Indicators Prepared by the Council of Economic Advisors for the Joint Economic Committee. Once a safe rate and a risk rate are developed from the previously mentioned analysis, a management rate (for management of investment portfolios), a nonliquidity rate (time required to sell the investment), and an inflation rate (rate used to adjust the discount component to a real rate net of inflationary expectations) are estimated.

RECAPTURE COMPONENT

The discount component previously discussed provides an investor with a rate of return-on-investment (interest). The second capitalization rate component, recapture, provides the investor with a return-of-investment principal (i.e.: provides an estimate of return necessary for the investor to recover the principal invested). Once a capitalization rate has been developed for coal, oil and gas, and other mined mineral properties, the income series is discounted to present worth through selection of a multiplier(s) extracted from a standard mid-year life Inwood table. The Inwood table has a factor for recapture built into the table coefficients thus removing the need to separately accommodate for recapture in the capitalization rate.

PROPERTY TAX COMPONENT

The third component, property taxes, was derived by multiplying the assessment rate by the statewide average of tax rates on Class III property. Tax Department research indicates that in addition to royalty rates negotiated in producing coal property leases, property taxes are customarily paid by the coal producer. Thus the capitalization rate for producing coal properties does not contain a property tax component as the income stream does not contain income to be used to pay property taxes.

APPLICATION

The summation of the previously discussed components (i.e.: discount, recapture, and property tax components) yields a reasonable estimate for the overall capitalization rate. The overall capitalization rate is used to select the factor(s) from a standard mid-year life Inwood table (i.e.: present worth of one (1) per period) that converts the income stream(s) into an estimate of present worth.

For more information concerning the development of capitalization rates for producing natural resource properties see §§ 110 CSR 1-I, 1-J and 1-K, or contact the State Tax Department at (304) 558-3940.

Notice of this determination will be filed in the West Virginia Register.

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ADMINISTRATIVE NOTICE 2015-07

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
FOR THE DETERMINATION OF PRODUCTION DECLINE RATES FOR PRODUCING OIL AND GAS PROPERTIES FOR PROPERTY TAX PURPOSES
FOR TAX YEAR 2015, PURSUANT TO § 110 CSR 1J-4.4

FILED

On August 29, 2014, the State Tax Department filed valuation variables to be used in conjunction with the legislative rule for the appraisal of oil and gas properties. (See: §§ 110 CSR 1J-1, *et seq.*) This notice will address one of the variables, the production decline rate(s), setting forth the procedures used in developing the rate(s) for Tax Year 2015.

DISCUSSION

The income stream generated from a producing oil or gas well is directly dependent upon the quantity of the natural resource produced from the well. Once drilled an oil or gas well will experience a sharper production decline, typically for the first two (2) years of production. This is known as flush production. Thereafter production decline levels off into what is known as settled production. The rate of production decline is dependent upon the physical location of the well and the stratigraphic formation(s) from which the well is producing.

The West Virginia Geological and Economic Survey ("Survey") has in past years created a database that contains well-by-well production data by producing formation(s). The Tax Department contracted with the Survey to develop an analytical model to plot production declines by location/formation throughout the State using data available at the time of the contract.

The Survey has divided the State into ten (10) regions that contain similar oil and gas geological characteristics. A map of the State depicting each of the ten (10) regions and a complete list of the oil and gas decline rates can be found in the above referenced variables filed on August 29, 2014.

For Tax Year 2014, in addition to the data from the Survey, the Tax Department also did a survey for Marcellus wells. The results from this data were used in the above-referenced variables as well.

OTHER

The appropriate production decline rate(s) are applied to individual well gross receipts to develop a probable future income series for the respective wells. The income streams from these wells are then discounted to present value.

For more information concerning the development of oil and gas well production decline rates contact the State Tax Department at (304) 558-3940.

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ADMINISTRATIVE NOTICE 2015-08

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
FOR THE DETERMINATION OF OIL AND GAS OPERATING EXPENSES FOR PROPERTY TAX PURPOSES FOR TAX YEAR 2015, PURSUANT TO § 110 CSR 1J-4.3

The Legislative Rule for the appraisal of oil and gas properties (See §§ 110 CSR 1J-1, *et seq.*) became effective June 1, 2005. This notice will address one of the valuation variables referenced in the Rule, oil and gas operating expenses, setting forth procedures used in developing these expenses and their application against receipts for the working interest of oil and gas producing properties.

DISCUSSION

In 2014, the Tax Department received responses from over 16,000 producing wells. This information involved the average annual operating expenses for a "typical" West Virginia well under present economic conditions. The Tax Department has developed the following criteria for the direct ordinary operating expenses as a result of this research activity. Direct ordinary operating expenses will be estimated to be 30% of the gross receipts derived from gas production, not to exceed $5,000, 35% of gross receipts derived from oil production, not to exceed $5,750, and 35% of the gross receipts derived from enhanced recovery oil wells, not to exceed $9,000. In 2014, the Tax Department also received responses from a survey specifically for Marcellus and horizontal wells other than Marcellus. Utilizing that information, the Tax Department developed the following criteria for Marcellus wells and horizontal other than Marcellus wells. For Marcellus vertical wells, the maximum operating expenses allowed is 30% of the gross receipts derived from gas production, not to exceed $30,000. For Marcellus horizontal wells the maximum operating expense allowed is 20% of the gross receipts derived from gas production, not to exceed $150,000. For horizontal, other than Marcellus, the maximum operating expenses allowed is 30% not to exceed $20,000. As required in the amended Rule, the Tax Department will review such rates every five years.

In instances where the well is producing both oil and gas, the allotted maximum ordinary operating expense will vary between $5,000 and $5,750 depending on the percentage of gas versus oil receipts involved. For Marcellus vertical wells the allotted maximum operating expense will vary between $5,750 and $30,000 depending upon the percentage of gas versus oil receipts involved. For Marcellus horizontal wells the allotted maximum operating expense will vary between $5,750 and $150,000 depending upon the percentage of gas versus oil receipts involved. For horizontal, other than Marcellus, the allotted maximum operating expense will vary between $5,750 and $20,000 depending upon the percentage of gas versus oil receipts involved.

In the event a producer's ordinary expenses, as a direct result of the production, exceeds the stated maximums for oil and gas production, the Tax Department will accept and review documentation on wells for the previous three years that is provided by the producer. This information must be submitted on or before August 1, the due date for the Oil and Gas Producer/Operator return in order that it may be considered for any given tax year.

For additional information concerning oil and gas annual operating expenses see § 110 CSR 1J-1 et seq. or call the State Tax Department at (304) 558-3940.

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ADMINISTRATIVE NOTICE 2015-09

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT FOR THE DETERMINATION OF THE SOIL PRODUCTIVITY MAPS FOR MANAGED TIMBERLAND, PURSUANT TO § 110 CSR 1H-3.16

On May 1, 1999, the Legislative Rule for the valuation of timberland and managed timberland (See §§ 110 CSR 1H-1, *et seq.*) became effective. This rule addresses, in section three (3.16), managed timberland soil productivity maps. This notice will discuss development of these maps and reference source materials used in their compilation.

DISCUSSION

The Legislative Rule requires the use of the United States Department of Agriculture Natural Resource Conservation Service (NRCS) Soil Survey Geographic Database (SSURGO) data or the best information available if these data are not available. For the 2015 Tax Year, the Department has used the below referenced soil survey data.

The Department entered into contracts with the West Virginia University College of Agriculture and Forestry and with Dr. David E. White, Professor of Forest Economics and Policy, to develop soil productivity maps reflecting productivity grades. Soil productivity maps were developed and delivered to the Department in 1985. These maps were used (with the exception of Webster County) as a basis for grading and pricing approved managed timberland applications. A composite of surrounding county soil productivity types was used for the portions of Webster County where no soil data was available. The Department also contracted with Charles Yuill of West Virginia University to determine soil productivity through a GIS mapping technique.

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For more information concerning the soil productivity maps see §§ 110 CSR 1H-1, *et seq.* or contact the State Tax Department at (304) 558-3940.

Notice of this determination will be filed in the West Virginia Register.

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ADMINISTRATIVE NOTICE 2015-10

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
CONCERNING PRIMARY RELIANCE ON THE INCOME APPROACH FOR
APPRAISING RESERVE OIL AND GAS PROPERTY PURSUANT TO § 110 CSR 1J-1

On June 1, 2005, the State Legislature amended Legislative Rule §§ 110 CSR 1J-1, *et seq.* (for the appraisal of producing and reserve oil and gas properties) became effective. This notice will address this rule's primary reliance on the income approach to value when appraising reserve oil and gas properties for property tax purposes.

DISCUSSION

There are three (3) generally accepted approaches to value that must be considered when estimating market value of properties for ad valorem tax purposes. These are the cost, market and income approaches to value. These approaches to value must be considered and should be developed, if appropriate, to properly estimate market value in compliance with generally accepted appraisal principals. The following is a brief discussion of these three (3) approaches to value and their potential use when estimating the market value of reserve oil and gas natural resource properties for ad valorem tax purposes.

COST APPROACH

The cost approach to value is based upon the assumption that the cost of a property, less depreciation (loss in value), yields a reasonable estimate of market value. There are three (3) generally accepted types of cost approach appraisal methods; these are: original cost less depreciation, reproduction cost less depreciation, and replacement cost less depreciation. Depreciation is a loss in value due to physical deterioration through use, functional obsolescence through design or utility and economic obsolescence due to outside market forces.

Original cost less depreciation is the cost of acquisition of a property less a loss in value due to physical deterioration, functional obsolescence and economic obsolescence. This approach is widely employed in the appraisal of "cost-based" regulated utilities, however it has a limited

application when appraising reserve oil and gas properties, as many of these types of properties were acquired years ago at substantially less than current market value.

Reproduction cost less depreciation is the cost of reproducing an exact replica of a property less physical deterioration, functional obsolescence, and economic obsolescence. This approach is employed in appraising one-of-a-kind properties such as works of art or special purpose properties, an example of which may be the State's Capitol Building. Oil and gas properties are a nonrenewable natural resource and can therefore not be reproduced. Because of their nonrenewable nature, reserve oil and gas properties do not lend themselves to development of a reproduction cost less depreciation appraisal.

Replacement cost less depreciation is the cost of replacing a property with one of like utility less physical deterioration and economic obsolescence. This approach is the most widely used of the three (3) cost approaches to value and is widely employed in the appraisal of commercial and industrial personal property. Replacement cost has limited application, however, in the appraisal of nonrenewable natural resource properties, as the resource cannot by its nature be replaced. Because of their nonrenewable nature, reserve oil and gas properties do not lend themselves to the development of replacement cost new less depreciation appraisals.

MARKET APPROACH

The market approach to value is based upon the assumption that the recent selling price of comparable properties, if properly analyzed and adjusted, will yield a reasonable estimate of current market value. While sales of reserve oil and gas properties do occur within the State, the sales are infrequent and quite often oil and gas interests represent only a portion of the property acquisition thus diluting the purity of the market transaction. Because of these drawbacks the Legislative Rule does not contemplate the development of a market comparable approach to value for reserve oil and gas properties.

INCOME APPROACH

The income approach to value is based upon the assumption that a property is worth the future income, discounted to present worth, that it will generate for the prospective buyer. In the oil and gas industry, a common business practice of negotiating advance payments ("delay rentals") for the right to, at some future date, produce oil and gas has developed. By analyzing the amount and duration, typically, of delay rentals and by discounting the resulting income series to present worth an estimate of the probable selling price of reserve oil and gas properties can be developed. This procedure contained in § 110 CSR 1J-4.7 is the method used by the Department to develop, on a county and district basis, the per acre market value of reserve (non-producing acreage) oil and gas properties. The resultant per acre values were developed and published, in finalized form, in the State Register on August 29, 2014.

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For more information concerning the appraisal of reserve oil and gas properties consult § 110 CSR 1J-1 et seq. or contact the State Tax Department at telephone number (304) 558-3940.

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ADMINISTRATIVE NOTICE 2015-11

**PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
FOR THE DETERMINATION OF THE CAPITALIZATION
RATES FOR MANAGED TIMBERLAND FOR PROPERTY
TAX PURPOSES FOR TAX YEAR 2015, PURSUANT TO § 110 CSR 1H-12**

On May 1, 1999, the Legislative Rule for the appraisal of managed timberland properties (See § 110 CSR 1H) became effective. This notice will address one of the valuation variables, the capitalization rate, setting forth the generally accepted appraisal procedures used in developing the respective rates and in applying the rates to income streams generated by managed timberland properties. To this end, this notice will discuss development of capitalization rates for managed timberland.

DISCUSSION

The International Association of Assessing Officers text *Property Appraisal and Assessment Administration,* 1990, defines a capitalization rate as: "Any rate used to convert an estimate of income to an estimate of market value; the ratio of net operating income to market value." In other words a rate used to convert an estimate of future income into an estimate of present value.

The average statewide capitalization rate (based on a 5-year weighted moving average of various components) for managed timberland is determined annually by the Tax Commissioner through the use of generally accepted methods of determining such rates. The rate is based on the assumption of a discounted cash flow model based upon harvest intervals reflected in Appendix 4 of § 110 CSR 1H.

Generally, there are three (3) components that must be considered and, if appropriate, developed and included in an overall capitalization rate. These components are: the discount component, the recapture component, and the property tax component. The development of the components is discussed in the Rule under Section § 110 CSR 1H-12.1. These are as follows:

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DISCOUNT COMPONENT

The summation technique is used to develop a discount component of the capitalization rate. The five sub-components of the discount component are:

Safe Rate. – The safe rate reflects a rate of return that an investor could expect on an investment of minimal risk. This rate is developed through weighted averages of interest rates offered on five-year United States Treasury Bills for the five years immediately preceding the appraisal date.

Nonliquidity. – The nonliquidity rate is developed through an annual review to determine a reasonable estimate of time that timberland, when exposed for sale, remains on the market before being sold. The time thus determined is used to identify United States Treasury Bills with similar time differentials in excess of thirteen-week Treasury Bills. The interest differential between these securities is used to represent the nonliquidity rate. For example, if it is determined that a tract of timberland remains on the market for an average of nine months (39 weeks) before being sold, the nonliquidity rate is derived by subtracting the rate on 13-week Treasury Bills from the rate on one-year Treasury Bills. This review considers the weighted average of these differences for a five-year period immediately preceding the appraisal date.

Risk Rate. – The relative degree of risk of an investment in timberland is developed through an annual review of thirty-year United States Treasury Bills less five-year United States Treasury Bills. The review considers the weighted averages of debt and equity components of these differences for a five-year period immediately preceding the appraisal date.

Management Rate. – The management rate represents the cost of managing the investment, not the cost of managing the timberland. Historically, the management rate has been one-half of one percent (0.5%); therefore, this rate is considered the industry standard for current applications.

Inflation Rate (negative). – Nominal interest rates, including the "safe rate" mentioned above, are higher than real rates by an amount representing expectation of future inflation. Therefore, the capitalization rate must be a real rate, net of expectation of inflation. The inflation rate is established through a weighted average analysis of the most recent five calendar year's urban consumer price index as determined by the United States Department of Labor, Bureau of Labor Statistics.

In determining the discount component of the capitalization rate, the Tax Commissioner determines the sum of the safe rate, the nonliquidity rate, the risk rate, and the management rate, and deducts from this sum the inflation rate.

OTHER

RECAPTURE COMPONENT

The discount component previously discussed provides an investor with a rate of return-on-investment (interest). The second capitalization rate component, recapture, provides the investor with a return-of-investment principal (i.e.: provides an estimate of return necessary for the investor to recover the principal invested). Once a capitalization rate has been developed, the income series is discounted to present worth through selection of a multiplier(s). The multiplier has a built in factor for recapture thus removing the need to separately accommodate for recapture in the capitalization rate.

PROPERTY TAX COMPONENT

The final component, property taxes, is derived for Class II, Class III, and Class IV properties by multiplying the assessment rate by the statewide average of tax rates on such classes of property.

APPLICATION

The rates as developed above (and shown on attachments) are applied against the difference between future values of the harvest (at determined harvest intervals) less the future value of the management costs less a property tax adjustment for each class of property.

For more information concerning the development of capitalization rates for managed timberland properties see § 110 CSR 1H or contact the State Tax Department at (304) 558-3940.

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STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

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FILED

ADMINISTRATIVE NOTICE 2015-12

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT CONCERNING PRIMARY RELIANCE ON THE COST APPROACH TO VALUE FOR APPRAISALS OF INDUSTRIAL PERSONAL PROPERTY (I.E. MACHINERY, EQUIPMENT, FURNITURE, FIXTURES, AND LEASEHOLD IMPROVEMENTS) PURSUANT TO § 110 CSR 1P-2.5.3.1

On July 26, 1991, the State Tax Department filed Legislative Rule §§ 110 CSR 1P-1, *et seq.* relating to the appraisal of industrial machinery, equipment, furniture, fixtures, and leasehold improvements. This notice will address the Tax Commissioner's primary reliance on the cost approach to value when appraising industrial machinery, equipment, furniture, fixtures, and leasehold improvements, for property tax purposes.

DISCUSSION

There are three (3) generally accepted approaches to value that must be considered when estimating market value of property for ad valorem tax purposes. These are the cost, market, and income approaches. These approaches to value must be considered and should be developed, if appropriate, to properly estimate market value in compliance with generally accepted appraisal principles. The following is a brief discussion of these three (3) approaches to value and their potential use when estimating the market value of industrial machinery, equipment, furniture, fixtures, and leasehold improvements for ad valorem tax purposes.

MARKET APPROACH

The market approach to value is based upon the assumption that the recent selling price of comparable properties if properly analyzed and adjusted, if appropriate, will yield a reasonable estimate of current market value. This valuation approach is widely employed in the appraisal of residential real estate where a considerable number of properties transfer on a reasonably frequent basis. Industrial machinery, equipment, furniture, fixtures, and leasehold improvements sell infrequently and are often liquidation sales, which typically are not at market value. The market approach to value is of little, if any, use in appraising industrial personal property due principally to the lack of a sufficient number of meaningful sales to statistically support development of the approach.

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INCOME APPROACH

The income approach to value is based upon the assumption that a property is worth the future income, discounted to present worth, that it will generate for a prospective buyer. The income approach is widely used in the appraisal of various types of income producing properties; however, the approach has limited use in the appraisal of industrial machinery, equipment, furniture, fixtures, and leasehold improvements because of the difficulty in estimating future net benefits; except in the case of certain kinds of leased equipment. When reliable data on equipment leases is available, the income approach can provide reliable estimates of fair market value.

COST APPROACH

The cost approach to value is based upon the assumption that the cost of a property, less depreciation (loss in value), yields a reasonable estimate of market value. Depreciation is a loss in value due to physical deterioration through use, functional obsolescence through design or utility, and economic obsolescence due to outside market forces.

Costs used in the cost approach can be original, acquisition, replacement, or reproduction costs, although often only original or acquisition costs are readily available. Original cost is the cost of acquisition of a property. Reproduction cost is the cost of reproducing an exact replica of a property. Replacement cost is the cost of replacing a property with one of like utility. The cost approach may be most consistently applied to machinery, equipment, furniture, fixtures, and leasehold improvements because of the availability of reliable data such as the original or acquisition cost.

The State Tax Department trends the original or acquisition cost to today's replacement cost and depreciates the replacement cost, based on age and condition, to estimate a property's current market value. This process is recommended by the International Association of Assessing Officers' Standards on the Valuation of Personal Property.

This process is as follows:

Original or Acquisition Cost	X	Trend Factor	=	Today's Replacement or Reproduction Cost	X	Depreciation Factor	=	Current Market Value

The Tax Commissioner uses the *Marshall Valuation Service*, an appraisal guide, as the source of information for the trend and depreciation tables and provides this information to all fifty-five counties as a guide for the appraisal of personal property. The *Marshall Valuation Service* is compiled, published and updated quarterly by Marshall and Swift of Los Angeles, California. The *Marshall Valuation Service* has a circulation of users in all 50 states, plus the District of Columbia, Puerto Rico, Guam and Canada. Users include independent appraisers, insurance companies, savings and loan associations, banks, architects, developers, accountants, assessors and engineers.

For further discussion concerning the use of a cost approach appraisal, or use of the *Marshall Valuation Service*, please direct your inquiries to the Property Tax Division of the State Tax Department at telephone number (304) 558-3940.

Notice of this determination will be filed in the West Virginia Register.

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ADMINISTRATIVE NOTICE 2015-13

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT
CONCERNING PRIMARY RELIANCE ON THE *GREEN GUIDE*
FOR THE APPRAISAL OF USED HEAVY EQUIPMENT

On July 26, 1991, the State Tax Department filed Legislative Regulations §§ 110 CSR 1P-1, *et seq.* concerning the appraisal of industrial real and personal property. This notice will address the Department's primary reliance on the *Green Guide* for the appraisal for property tax purposes of used heavy equipment.

DISCUSSION

The *Green Guide for Administrative Valuation and Assessment of Used Construction Equipment* provides a comprehensive, reliable, and up-to-date source for estimates of current market value of construction equipment manufactured during the past ten years.

The values in this guide are derived from an extensive data reporting system supplied by equipment dealers and distributors, manufacturers, auctioneers, and contractors. This information is analyzed by the professional staff of the *Green Guide* using the most up-to-date computerized methods. The values presented in the *Green Guide* are compiled from analysis of used heavy equipment sales. Standard economic analysis (including such factors as inflation and depreciation rates, current replacement costs, average life of equipment, supply and demand, and current construction industry activity) is used in conjunction with actual sales reports and are relied upon when sufficient sales data on any particular piece of equipment is not available.

The values presented in the *Green Guide* represent a nationwide average for equipment in typical working condition. Any dollar amounts shown in this guide are adjusted to fit the mechanical condition of a specific unit. Market conditions also have a bearing on the value of equipment and can vary in different areas. Each section in the *Green Guide* has a value modification map, and where sufficient data exists a percentage change (plus or minus) from average values is indicated by region.

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The *Green Guide* has been in publication for over thirty (30) years and there are numerous guides in circulation today that are used by the following industries or categories of industries.

Agriculture Equip. Mfg.	Hwy/Heavy Const. Contractors
Gen. Bldg. Contractors	Const. Material Mfg.
Logging Companies	Mining Companies
State Government	County/Local Government
Construction Dealers	Lift Truck Dealers
Consulting Engineers	Unions/Trade Associations
Appraisers	Auctioneers
Leasing Companies	Banks
Utility/Power	Heavy Equip. Mfg.
Lift Truck Mfg.	Federal Government
Architects	Insurance Companies
Import/Export Companies	Construction Mfg.

The *Green Guide*'s average resale value for heavy equipment that is used by the State Tax Department reflects the national average of prices, adjusted to this region, reflecting equipment sold by dealers and contractors under fair market conditions. It is considered to be the price that an end user and willing buyer will pay for a machine for which he has an immediate use. The *Green Guides* are used and accepted by a wide range of industries and have long been the standard used by the State Tax Department for referencing used heavy equipment values.

For more information concerning the appraisal of used heavy equipment, please contact the Property Tax Division of the State Tax Department at telephone number (304) 558-3940.

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ADMINISTRATIVE NOTICE 2015-14

PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT FOR THE ALLOCATION OR SEPARATION OF VALUES OF A POLLUTION CONTROL FACILITY PURSUANT TO §110 CSR 6-5

This notice will discuss the methods contained in Legislative Rules for the valuation of pollution control facilities (see §§ 110 CSR 6-1, *et seq.*) employed by the State Tax Department to allocate or separate salvage value treatment where the pollution control facility produces a profitable by-product or where a part of such facility is required for the operation of the business without regard to the requirements of state or federal air or water quality standards.

DISCUSSION

The State Tax Department has developed two (2) methods by which a pollution control facility will be allocated or separated to establish that portion of value attributable to pollution control activity where the pollution control facility produces a profitable by-product or where a part of such facility is required for the operation of the business without regard to the requirements of State or federal air or water quality standards. These methods are as follows:

COMPONENT METHOD

The component method will receive primary consideration as a method of allocation or separation of values of a pollution control facility. The component method of allocation or separation of values requires the identification of the specific item or component of machinery and/or equipment which is used for the purpose of pollution abatement control but which is also an integral part of the production process and the identification of the acquisition cost of the specific item or component. The component thus identified will be appraised at five percent (5%) of acquisition cost. (For example, a conveyor belt system is used to transport fuel to a boiler to produce energy. The conveyor belt line, while not a pollution abatement control device, contains water sprays and is totally enclosed to retard dust during the transportation process. While the belt line is not a pollution abatement control device but an integral part of the production process, the dust conveyors and the water sprays are eligible pollution abatement facilities. The acquisition costs of these items eligible for salvage value treatment are readily discernible and will receive salvage value treatment.)

If an item or the cost associated with an item were not discernible, the alternative substitution method would be used.

SUBSTITUTION METHOD

When acquisition costs for eligible pollution abatement control items or components are not discernible or the items or components' use or purposes are such an integral part of the production process that the specific use or task is not clearly ascertainable, the substitution method will be applied.

The substitution method of allocation or separation of valuation is based on the assumption that the value attributable to pollution control equipment is the difference between the value of a similar facility that has the same utility without the pollution abatement attributes and the value of the subject property being appraised which has pollution abatement attributes. (For example, a double-walled pipe used for the transportation of a product from the manufacturing area of the plant to the loading area. A single-walled pipe or other means of transportation is required for the operation of the business whereas the double-walled pipe is specially designed and installed to prevent leaks should the single-wall fail. The cost of double-walled pipe is twenty-five percent higher than single wall. The additional cost of the twenty-five percent would represent the value attributable to pollution abatement control for the purposes of ad valorem taxation.)

For more information concerning the allocation or separation of values of a pollution control facility, please direct your inquiries to the Property Tax Division of the State Tax Department at telephone number (304) 558-3940.

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PROPERTY TAX
STATE TAX COMMISSIONER'S STATEMENT CONCERNING METHODS BY WHICH RESIDENTIAL REAL ESTATE IS APPRAISED STATEWIDE

This notice will discuss the method by which local county assessors appraise residential real estate statewide through the use of an Integrated Assessment System (IAS).

DISCUSSION

Several years ago the State Tax Department purchased real estate mass appraisal software called IAS. This software is installed on the network server in Charleston and is accessed through computers in each County Assessor's Office.

Generally, IAS will separately value raw land and structures. This software provides for the entry of data by the local Assessor concerning "comparable sales" of land in particular "neighborhoods" in the county and then prices the value of this land on a "price per front foot or square foot" or by acreage. All such data is entered by tax map and parcel number. In addition, this software contains "replacement cost" pricing features for structures that will allow the local Assessor to enter data such as the size and dimensions of a structure and its rooms, construction materials utilized, quality of construction, date of construction, present condition, style, mechanical systems such as air conditioning and/or furnace, bathrooms, porches, decks, garages, basements, chimneys, exterior and outbuildings. Data collected by the field data collectors/appraisers is entered upon a field card called a "property record card" or "review document" which corresponds to an IAS data entry screen. A data entry clerk then will enter the information taken from the field card into a computer. The IAS software then prices the improvements utilizing construction cost data particularized for that area of the State. A county modifier is utilized to modify the price of the improvements based upon current construction costs.

The local Assessor divides his or her county into "neighborhoods" giving consideration to similarities such as parcel size, roads, topography, costs, type and quality of improvements for land pricing. A neighborhood is "a geographical area exhibiting a high degree of homogeneity in residential amenities, land use, economic and social trends and housing characteristics". Sometimes a large subdivision, town or city will contain several "neighborhoods". Other times a subdivision or agricultural area will be unique and will stand alone as a single neighborhood.

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The County Clerk prepares a "Certificate of Transfer" which will state change of ownership, legal description and whether the transfer is deed stamp exempt or not and whether consideration was paid. The County Clerk provides these "Certificates of Transfer" to the Assessor.

The Assessor will receive a copy of the "Certificate of Transfer" for each such conveyance. The Assessor, by tax map and parcel number, will enter into the computer these "transfers" indicating the "consideration" paid for a particular parcel but also indicating by "validity code" whether the sale is a "valid sale", "involved additional parcels", "not open market", "changed after sale", "related person", "forced sale", "land contract", "construction costs" or "included personal property".

Based upon the "transfer" values, that are identified by the Assessor as being valid arms-length sales as defined by State law, the Assessor will generate a "price per front foot or square foot" for smaller parcels or a monetary per acre value for larger parcels in each neighborhood. Again all data is entered by tax map and parcel number. In those "neighborhoods" where there have been insufficient numbers of "transfers" of unimproved land to generate a "price per front foot or square foot" or a monetary per acre value, the Assessor will take a valid "transfer" price for an improved parcel, value the improvements and subtract the price of the improvements to arrive at a value for the land. This method, commonly referred to as a "land residual method", will then generate a "price per front foot" or a per acre value for the raw land in that neighborhood. Each parcel is physically reviewed and adjustments applied to reflect individual variations with each neighborhood.

Mapping is crucial to any mass appraisal. The county tax maps have been generated over the years utilizing recorded plats, recorded descriptions and aerial photography. Tax map and parcel numbers are assigned to each parcel in the county. Based upon lot measurement or acreage derived by mapping, lot dimensions or acreage is entered into the IAS system by tax map and parcel number for each lot or parcel. The "price per front foot" or acreage value for the neighborhood is then applied to each lot or parcel in the neighborhood, as the case may be, to arrive at an appraised value for the land. This appraised value will reflect market value for the subject land.

Field data collection is the key to "pricing" an improvement. The field data collector or appraiser will visit the structure. He will note on the "property record card" the type of structure, the exterior walls, the style of the structure, the age of the structure, the living accommodations to include total number of rooms, bedrooms, family rooms, plumbing, basement, heating, attic, physical condition, other features such as recreation room area, finished basement living area, basement garage, unfinished area, grade factor, cost and design factor and CDU (condition, desirability and utility factor). The field data collector or appraiser will measure the structure and other structures on the lot or parcel and note on the "property record card" the dimensions of each structure and will draw a ground floor sketch of the dwelling or main structure and additions. Finally, the field data collector or appraiser will visit the "other buildings and yard improvements" and note on the "property record card" the "type code", "quantity", "year", "size", "grade", and "condition" of the other improvements. The data entered on the "property record card" or "review document" is then entered into the IAS system by the data entry clerk and the IAS system then generates the depreciated replacement cost value, which is market value of the improvements.

OTHER

The appraised values for improved real property thus determined are compared to the arms-length selling prices of properties that have recently sold to develop an appraisal/sales ratio for each neighborhood. Results from the appraisal/sales ratio are analyzed and neighborhood-pricing factors adjusted to bring the ratio in each neighborhood to within 10% plus or minus of average selling price.

For additional information concerning the appraisal of residential property using the IAS system, please contact the Property Tax Division of the State Tax Department at (304) 558-3940.

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