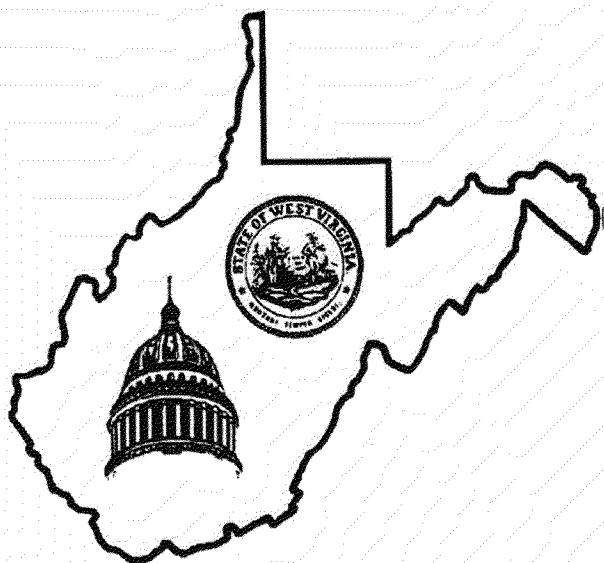




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**Kris Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770**

(304) 558-6000

sos.wv.gov

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

Accountancy, WV Bd. of
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Health
Health Care Authority
Higher Education Policy Commission
Human Services
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Juvenile Services
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CHRONOLOGICAL INDEX

CHRONOLOGICAL INDEX, VOLUME XLIII ISSUE 40			
NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

EMERGENCY RULES FILED THIS WEEK			
AGENCY/RULE	RULE NAME	AUTHORITY	COMMENT END DATE
Higher Education Policy Commission (133-06)	Higher Education Future Workforce Grant Program	§18B-1-6	ERD by November 13, 2026
Higher Education Policy Commission (133-42)	West Virginia Higher Education Grant Program	§18B-1-6	ERD by November 13, 2026



1900 Kanawha Blvd. E.
Building 1, Suite 157K
Charleston, West Virginia 25305

Kris Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

- | | | |
|--------|-----|---|
| Column | 1. | Agency Name, (Title and Series Number) |
| Column | 2. | Rule Title 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 Amendment Filed, Emergency Rule Decision Date (ERD), and Effective Date of Emergency Rule |
| Column | 6. | Date Agency Approved Rule Filed (Legislative Rules Only) |
| Column | 7. | Review date by the Legislative Rule-Making Review Committee or Legislative Oversight Commission on Education Accountability, and Action Taken |
| Column | 8. | Legislative Action |
| Column | 9. | Date Agency Final Files the Rule |
| Column | 10. | Date Rule is Effective |

-
- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2, & 5. An Agency must file for a 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 (example: holding an additional comment period)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 1	ACCOUNTANCY
TITLE 2	ARCHITECTS
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 4	CHIROPRACTIC EXAMINERS
TITLE 5	DENTISTRY
TITLE 6	FUNERAL SERVICE EXAMINERS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 19	REGISTERED NURSES
TITLE 20	SANITARIANS
TITLE 22	FORESTRY
TITLE 24	OSTEOPATHIC MEDICINE
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE 30	RESPIRATORY CARE
TITLE 31	DIETITIANS
TITLE 32	ACUPUNCTURE
TITLE 33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE 35	OIL AND GAS
TITLE 36	COAL MINE HEALTH AND SAFETY
TITLE 38	MINING AND RECLAMATION
TITLE 42	LABOR
TITLE 45	AIR QUALITY
TITLE 47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE 53	PUBLIC ENERGY AUTHORITY
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 71	OFFICE OF THE INSPECTOR GENERAL
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 87	FIRE COMMISSION
TITLE 89	PUBLIC DEFENDER SERVICES
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 103	FIRE MARSHAL
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 114	INSURANCE COMMISSION
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 145	DEVELOPMENT OFFICE
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 155	AUDITOR
TITLE 157	HIGHWAYS
TITLE 164	SCHOOL BUILDING AUTHORITY
TITLE 174	REAL ESTATE COMMISSION
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY COMMISSION
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/13/2026	6/26/2026		7/20/2026	Approved 8/12/2026		
Administration (148-03)	State-Owned Vehicles Legislative	6/29/2026	7/29/2026		7/30/2026			
Administration (148-26)	Construction Management At-Risk Contracting Legislative	6/25/2026	7/25/2026		7/29/2026			
Agriculture (61-01C)	Disposal of Poultry Mortality Legislative	6/9/2026	7/9/2026		7/9/2026			
Agriculture (61-01D)	List of Restricted Live, Modified Live and Killed Vaccines for Animals Legislative	6/10/2026	7/10/2026		7/24/2026			
Agriculture (61-02)	West Virginia Apiary Rule Legislative	6/17/2026	7/17/2026		7/24/2026			
Agriculture (61-02A) Sunset Provision	Labeling of Imported Honey, Honey Products or Honey Bee By-Products; Adulterated Honey, Honey Products or Honey Bee By-Products Legislative				6/5/2026			
Agriculture (61-04) Sunset Provision	Traditional Cheese Production Legislative				6/2/2026			
Agriculture (61-04A) Sunset Provision	Production of Milk and Cream for Manufacturing Purposes Legislative				6/10/2026			
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	5/15/2026	6/15/2026	5/15/2026 Approved 6/2/2026	6/17/2026			
Agriculture (61-06D)	Nutrient Management Certification Legislative	6/9/2026	7/9/2026		7/9/2026			
Agriculture (61-07A) Sunset Provision	Marketing of Eggs Rule Legislative				6/10/2026			
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/22/2026	7/22/2026		7/30/2026			
Agriculture (61-11B)	Auctioneers Legislative	5/27/2026	6/27/2026		6/30/2026			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-12) Sunset Provision	Structure for the Pesticide Control Act of 1990 Legislative				6/12/2026				
Agriculture (61-12C) Sunset Provision	Wood Destroying Insect Treatment Standards Legislative				6/8/2026				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/30/2026	7/30/2026		7/31/2026				
Agriculture (61-28)	Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas Legislative	6/17/2026	7/17/2026		7/30/2026				
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products Hemp Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/22/2026	7/22/2026		7/30/2026				
Agriculture (61-38)	Farmers Market Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-42)	Cottage Foods-Homemade Potentially Hazardous Food Items Legislative	6/1/2026	6/30/2026	6/1/2026 Approved 6/2/2026	7/1/2026				
Agriculture (61-43)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Kratom Legislative	6/24/2026	7/24/2026	6/24/2026 Approved 6/29/2026	7/30/2026				
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	6/4/2026	7/7/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2026	7/7/2026		7/31/2026				
Alcohol Beverage Control Commission (175-12)	Vape or Smoke Shop Licensure and Enforcement Legislative	6/22/2026	7/21/2026	6/22/2026 Approved 6/23/2026	7/29/2026				
Attorney General (142-03)	Legislative Rule Pertaining to the Establishment and Qualification of Third-Party Dispute Mechanisms Legislative	6/22/2026	7/21/2026			Authorized w/Certain Amendments 10/8/2025	HB4275 SB320 Bundled HB4265		
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative	6/22/2026	7/21/2026			Authorized w/Certain Amendments 10/8/2025	HB4276 SB321 Bundled HB4265		
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative	6/22/2026	7/21/2026			Authorized w/Certain Amendments 10/8/2025	HB4277 SB322 Bundled HB4265		
Attorney General (142-06)	Legislative Rule Pertaining to the Prevention of Unfair or Deceptive Acts or Practices in Sale of Damaged Goods or Damaged Products Legislative	6/22/2026	7/21/2026			Authorized w/Certain Amendments 10/8/2025	HB4278 SB323 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Attorney General (142-08)	Administration of Prenatal Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025	HB4279 SB324 Bundled HB4265		
Auditor (155-08)	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body Legislative	4/22/2026	5/22/2026		7/29/2026				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	4/22/2026	5/22/2026		7/29/2026				
Chiropractic Examiners (4-06) Sunset Provision	Fees Pertaining to the Practice of Chiropractic Legislative				7/27/2026				
Chiropractic Examiners (4-09) Sunset Provision	Chiropractic Telehealth Practice Legislative				7/15/2026				
Coal Mine Health & Safety (36-22)	Rule Governing No Act Permitted Endangering Security of Mine; Search for Intoxicants, Matches, Etc. Legislative Exempt	9/30/2026	10/31/2026						
Community & Tech. College Education (135-08)	West Virginia Invests Grant Program Legislative	6/5/2026	7/6/2026		7/27/2026	Modified & Approved 9/14/2026 Filed 9/16/2026			
Community & Tech. College Education (135-35)	Business, Occupational, and Trade Schools Legislative	6/8/2026	7/9/2026		8/14/2026	Approved 9/14/2026			
Corrections (90-01, repeal)	Incorporation of Policy Directives Manual Legislative	6/29/2026	7/29/2026		7/31/2026				
THE ABOVE RULE HAS BEEN WITHDRAWN 10/8/2026									
Corrections (90-08, repeal)	Fees for Electronic Monitoring of Offenders Legislative	6/29/2026	7/29/2026		7/31/2026				
THE ABOVE RULE HAS BEEN WITHDRAWN 10/8/2026									
Counseling (27-02) Sunset Provision	Licensed Professional Counselors Fees Rule Legislative								

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-09) Sunset Provision	Marriage and Family Therapist Fees Rule Legislative								
Counseling (27-10) Sunset Provision	Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements Legislative								
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Dentistry (5-03)	Fees Established by the Board Legislative	5/21/2026	6/22/2026		7/21/2026				
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	2/12/2026	3/16/2026	2/3/2026 Effective 3/17/2026	4/21/2026				
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	5/21/2026	6/22/2026		7/21/2026				
Dentistry (5-16)	Teledentistry Legislative	5/21/2026	6/22/2026		7/21/2026				
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025		8/3/2026				
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	6/30/2026	7/30/2026		7/30/2026				
Family Protection Services Board (191-03)	Batterer Intervention and Prevention Programs Licensure Legislative	7/1/2026	7/31/2026		7/31/2026				
THE ABOVE RULE HAS BEEN WITHDRAWN 10/7/2026									
Fire Commission (87-04)	State Building Code Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	6/29/2026	7/29/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-11)	Specialized Membership Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-12)	Junior Firefighters Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/29/2026	7/29/2026		7/31/2026				
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026		3/31/2026				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/15/2026	7/16/2026	6/16/2026 Approved 6/24/2026	7/20/2026				
Health (64-07) Sunset Provision	Reportable Diseases, Events, and Conditions Legislative				10/8/2026				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-17)	Food Establishments Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-18)	General Sanitation Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-24, repeal)	Newborn Hearing Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-42)	Childhood Lead Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-43) Sunset Provision	Food Manufacturing Facilities Legislative				10/8/2026				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-49, repeal)	Drinking Water Treatment Revolving Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-81)	Birth Defects Information System Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-91)	Newborn Screening System Legislative	6/25/2026	7/25/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-92) Sunset Provision	Clandestine Drug Laboratory Remediation Legislative				10/8/2026				
Health (64-97) Sunset Provision	Maternal Risk Screening Legislative				10/8/2026				
Health (64-100, repeal)	Pulse Oximetry Newborn Testing Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Health (64-112)	Medical Cannabis Program Dispensaries Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-116)	Distribution of Funds from Emergency Medical Services Crisis Response and Mental Health Treatment Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Hearing Aid Dealers (8-01)	Rule Governing the West Virginia Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-02)	Contested Case Hearing Procedure Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-03)	Disciplinary and Complaint Procedures for Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	6/29/2026	7/29/2026		7/31/2026				
Higher Education Policy Commission (133-06)	Higher Education Future Workforce Grant Program Legislative	6/12/2026	7/13/2026	10/2/2026 ERD by 11/13/2026	7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-07)	West Virginia Providing Real Opportunities for Maximizing In- State Student Excellence (PROMISE) Scholarship Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-34)	Medical Student Loan Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-41)	Health Sciences Service Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-42)	West Virginia Higher Education Grant Program Legislative	6/15/2026	7/15/2026	10/2/2026 ERD by 11/13/2026	7/16/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025 6/29/2026	7/24/2025 7/29/2026		8/7/2025 7/30/2026				
Highways (157-05)	Traffic and Safety Rules Legislative	11/10/2025 6/29/2026	12/10/2025 7/29/2025	11/10/2025 Effective 12/22/2025	12/11/2025 7/30/2026				
Human Services (78-26)	Pilot Program for Drug Screening of Applicants Legislative	7/1/2026	7/31/2026		7/31/2026				
Human Services (78-29)	Licensure and Certification of Alcohol and Drug Counselors Legislative	7/1/2026	7/31/2026		7/31/2026				
Insurance Commission (114-42) Sunset Provision	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative				5/13/2026	Approved 8/12/2026			

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Insurance Commission (114-98) Sunset Provision	Adoption of Valuation Manual Legislative				5/13/2026	Approved 8/12/2026		
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/24/2026	7/24/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/17/2026		
Insurance Commission (114-102) Sunset Provision	Term and Universal Life Insurance Reserve Financing Legislative				5/13/2026	Approved 8/12/2026		
Juvenile Services (101-01, repeal)	West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities Legislative	6/29/2026	7/29/2026		7/31/2026			
THE ABOVE RULE HAS BEEN WITHDRAWN 10/8/2026								
Labor (42-34)	Regulation of Heating, Ventilating, and Cooling Work Legislative	7/1/2026	7/31/2026		7/31/2026			
Lottery Commission (179-01) Sunset Provision	West Virginia Lottery State Lottery Rules Legislative				5/7/2026	Approved 8/12/2026		
Lottery Commission (179-05)	West Virginia Lottery Limited Video Lottery Rule Legislative	6/29/2026	7/29/2026		7/30/2026			
Medicine (11-01A)	Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders Legislative	7/1/2026	7/31/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Modified & Approved 8/12/2026 Filed 8/25/2026		
Medicine (11-05) Sunset Provision	Dispensing of Prescription Drugs by Practitioners Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026		
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Approved 8/12/2026		
Medicine (11-07)	Formation and Approval of Professional Limited Liability Companies Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-09, repeal)	Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistants Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-10) Sunset Provision	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative				5/4/2026 *	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-11, repeal)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-14) Sunset Provision	Registration to Practice During Declared State of Emergency Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-15) Sunset Provision	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-17)	Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits Legislative	6/8/2026	7/8/2026	6/8/2026 Approved 6/9/2026	7/31/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-18)	Emeritus Status Licensure for Retired Providers Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Miners' Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia Legislative	12/15/2025	1/16/2026	12/15/2025 Effective 1/26/2026	1/23/2026				
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/30/2026	7/30/2026		7/31/2026	Authorized w/Certain Amendments 8/12/2026			
Motor Vehicles (91-09) Sunset Provision	Collection of Tax on the Sale of a Vehicle Legislative				6/29/2026	Approved 8/12/2026			
Natural Resources (58-38) Sunset Provision	Public Shooting Ranges Legislative				3/31/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-63) Sunset Provision	Commercial Sale of Wildlife Legislative				3/31/2026	Approved 8/12/2026			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/26/2026	7/27/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 9/9/2026			
Nursing Home Administration Licensing Board (21-01)	Nursing Home Administrators Legislative	5/6/2026	6/5/2026		7/31/2026				
Occupational Therapy (13-01)	Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants Legislative	6/10/2026	7/13/2026		7/14/2026	Modified & Approved 8/12/2026 Filed 8/31/2026			
Office of Inspector General (71-11)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	7/1/2026	7/31/2026		7/31/2026				
Office of Inspector General (71-27)	Medication-Assisted Treatment - Opioid Treatment Programs Legislative	7/1/2026	7/31/2026		7/31/2026				
Office of Technology (163-02, repeal)	Chief Information Officer Review Legislative	6/26/2026	7/26/2026		7/29/2026				
Office of Technology (163-03)	Cyber Reporting Legislative	6/26/2026	7/25/2026		7/29/2026				
Oil and Gas (35-04)	Oil and Gas Wells and Other Wells Legislative	6/24/2026	7/24/2026		7/31/2026				
Oil and Gas (35-08)	Rules Governing Horizontal Well Development Legislative	6/24/2026	7/24/2026		7/31/2026				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	8/11/2026	9/11/2026	8/11/2026 Approved 8/18/2026					
Personnel (143-01)	Administrative Rule of the West Virginia Division of Personnel Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-02)	Leave Donation Program Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-04)	Pre-Employment Reference and Inquires Rule Legislative	6/30/2026	7/30/2026		8/4/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Personnel (143-06)	Appeal of Adverse Suitability Determination Procedural	6/30/2026	7/30/2026						
Personnel (143-07)	Interdepartmental Transfer of Permanent State Employees Legislative	6/30/2026	7/30/2006		8/4/2026				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-03)	Board of Pharmacy Rules for Continuing Education for Licensure of Pharmacists Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026				
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026				
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	6/30/2026	7/30/2026		7/30/2026				
Public Service Commission (150-41)	General Investigation into Adopting and Implementing Rules Governing Electric Generating Capacity Regulations Legislative	7/20/2026	8/20/2026 Extended Hearing 9/28/2026						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Legislative	6/10/2026	7/10/2026		7/30/2026				
Real Estate Appraiser Licensing and Certification Board (190-03)	Renewal of Licensure or Certification Legislative	6/10/2026	7/10/2026		7/30/2026				
Records Management and Preservation Board (100-01)	County Records Management and Preservation Grant Program Legislative	6/29/2026	7/29/2026		7/31/2026				
Records Management and Preservation Board (100-02)	Rules for General Management and Preservation of County Records Legislative	6/29/2026	7/29/2026		7/31/2026				
Secretary of State (153-03) Sunset Provision	Voter Registration at the Division of Motor Vehicles Legislative				6/24/2026	Approved 8/12/2026			
Secretary of State (153-05) Sunset Provision	Voter Registration List Maintenance by the Secretary of State Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-30) Sunset Provision	Use of Digital Signatures Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-43) Sunset Provision	Regulation of Political Party Headquarters Finances Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-45) Sunset Provision	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-48) Sunset Provision	Real Property Electronic Recording Standards and Regulations Legislative				6/29/2026	Approved 8/12/2026			
Securities Commission (111-01)	West Virginia Securities Rules and Regulations Legislative	7/1/2026	7/31/2026		7/31/2026				
Social Work Examiners (25-03) Sunset Provision	Fee Schedule Legislative				7/25/2025	Approved 8/5/2025	HB4322 SB373 Bundled HB4265		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/26/2026 6/29/2026	6/26/2026 7/29/2026	4/28/2026 Approved 6/2/2026	7/31/2026				
Speech Language Pathology and Audiology (29-02)	Rule Governing Speech-Language Pathology and Audiology Assistants Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-03)	Contested Case Hearing Procedure Procedural	6/29/2026	7/29/2026						
Speech Language Pathology and Audiology (29-04)	Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-05)	West Virginia Board of Examiners for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
State Police (81-20)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Tax (110-13KK)	West Virginia Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/23/2026	7/23/2026		7/30/2026	Approved 8/12/2026			
Tax (110-13Y)	Disaster Repair and Recovery Tax Credit Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Tax (110-15F)	Sales Tax Holiday Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-24)	Corporation Net Income Tax Legislative				5/6/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Transportation (217-01, repeal)	Employment Procedures Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Treasurer (112-01)	West Virginia Security for Deposits Act Collateralall of Public Fund Deposits Legislative	6/26/2026	7/27/2026	6/26/2026 Effective 8/7/2026	7/30/2026				
Treasurer (112-02) Sunset Provision	Substitute Checks-Exceptional Items Fund Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-04)	Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/4/2026	7/6/2026	6/5/2026 Approved 6/24/2026	7/15/2026	Approved 8/12/2026			
Treasurer (112-06) Sunset Provision	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-07)	Selection of State Depositories for Receipt Accounts Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-08) Sunset Provision	Procedures for Processing Payments from the State Treasury Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-10)	Reporting Debt Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-12) Sunset Provision	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-13)	Procedures for Providing Services to Political Subdivision Legislative	5/8/2026	6/8/2026		6/26/2026	Approved 8/12/2026			
Treasurer (112-17)	Exempt Purchasing Procedural	9/9/2026	10/9/2026						
Treasurer (112-18)	Hope Scholarship Program Legislative	6/26/2026	7/27/2026		7/30/2026				
Veterans Assistance, Dept. of (86-05)	West Virginia Military Hall of Fame Legislative	8/12/2026	9/1/2026		10/6/2026				
Veterinary Medicine (26-04)	Standards of Practice Legislative	6/15/2026	7/16/2026		7/27/2026				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-06)	Schedule of Fees Legislative	6/15/2026	7/16/2026		7/27/2026				
Water Resources, Div. of Water & Waste Mgmt. (47-05B)	Disaster Repair and Recovery Tax Credit Certification Process Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	9/28/2026				
Water Resources, Div. of Water & Waste Mgmt. (47-32)	Environmental Laboratories Certification and Standards of Performance Legislative	6/25/2026	7/27/2026		7/31/2026				
Water Resources, Division of Water and Waste Management (47-63)	Aboveground Storage Tanks Legislative	6/25/2026	7/27/2026		8/3/2026				

STATE OF WEST VIRGINIA
DEPARTMENT OF HOMELAND SECURITY
Building 1, Suite W-400
1900 Kanawha Blvd., East
Charleston, West Virginia 25305
Established May 28, 2020



OFFICE OF THE SECRETARY
MICHAEL T. BAYLOUS
CABINET SECRETARY
Email: Michael.T.Baylous@wv.gov
Telephone: 304-558-2930
Website: dhs.wv.gov

LEGISLATIVE

October 7, 2026

FILED
2026 OCT -8 A 8:03
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

90 CSR 01
Title 90
Legislative rule
Department of Corrections
Series 1
"Incorporation of Policy Directives Manual"

90 CSR 01, the legislative rule titled "Incorporation of Policy Directives Manual" was Notice filed on June 29, 2026, with the Secretary of State.

The written public comment period ended July 29, 2026, at 12:00 pm. No public comments were received.

Subsequently, the rule was Agency Approved filed on July 31, 2026.

The rule is currently on the Legislative Rule Making Review Committee agenda for consideration on Monday, October 12, 2026.

The West Virginia Division of Corrections and Rehabilitation proposed a repeal of this rule; however, it has been decided not to continue to pursue the repeal of the rule.

As such, the West Virginia Division of Corrections and Rehabilitation has decided to withdraw the legislative rule for further consideration.

HONORING THE PAST, EMBRACING THE PRESENT, CREATING THE FUTURE

Administrative Services - Corrections and Rehabilitations - Emergency Management - Fusion Center
General Counsel - Parole Board - Protective Services - State Fire Marshal - State Police

STATE OF WEST VIRGINIA
DEPARTMENT OF HOMELAND SECURITY
Building 1, Suite W-400
1900 Kanawha Blvd., East
Charleston, West Virginia 25305
Established May 28, 2020



OFFICE OF THE SECRETARY
MICHAEL T. BAYLOUS
CABINET SECRETARY
Email: Michael.T.Baylous@wv.gov
Telephone: 304-558-2930
Website: dhs.wv.gov

October 7, 2026

FILED
2026 OCT -8 A 8:04
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

90 CSR 08
Title 90
Legislative rule
Division of Corrections
Series 8
"Fees for Electronic Monitoring of Offenders"

90 CSR 08, the legislative rule titled "Fees for Electronic Monitoring of Offenders" was Notice filed on June 29, 2026, with the Secretary of State.

The written public comment period ended July 29, 2026, at 12:00 pm. No public comments were received.

Subsequently, the rule was Agency Approved filed on July 31, 2026.

The rule is currently on the Legislative Rule Making Review Committee agenda for consideration on Monday, October 12, 2026.

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HONORING THE PAST, EMBRACING THE PRESENT, CREATING THE FUTURE

Administrative Services - Corrections and Rehabilitations - Emergency Management - Fusion Center
General Counsel - Parole Board - Protective Services - State Fire Marshal - State Police



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/8/2026 4:18:24 PM
Office of West Virginia
Secretary Of State



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/8/2026 4:24:27 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Counseling TITLE-SERIES: 27-02
RULE TYPE: Legislative CITE STATUTORY AUTHORITY: W. Va. Code §30-31-6.
RULE NAME: 27-02 Licensed Professional Counselors Fees Rule
PLEASE SELECT A SUNSET PROVISION OPTION:
☒ EXTEND THE SUNSET DATE OF THE RULE.
5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).
☐ LET THIS RULE EXPIRE.
PLEASE INDICATE IF THIS RULE INCLUDES:
RELEVANT FEDERAL STATUTES OR REGULATIONS ☒ INCORPORATED BY REFERENCE ☒
PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes fee requirements related to the licensing of professional counselors, renewal of the licenses, and application and monitoring of continuing professional education providers and their programs.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

This rule provides the fees established by the Board.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The fees charged are the Board's source of revenue.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

All applicants are required to pay an application fee for licensure.

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Counseling TITLE-SERIES: 27-09
RULE TYPE: Legislative CITE STATUTORY AUTHORITY: W. Va. Code §30-31-6.
RULE NAME: 27-09 Marriage and Family Therapist Fees Rule
PLEASE SELECT A SUNSET PROVISION OPTION:
☒ EXTEND THE SUNSET DATE OF THE RULE.
5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).
☐ LET THIS RULE EXPIRE.
PLEASE INDICATE IF THIS RULE INCLUDES:
RELEVANT FEDERAL STATUTES OR REGULATIONS ☒ INCORPORATED BY REFERENCE ☒
PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes fee requirements related to the licensing of marriage and family therapists, renewal of the licenses, and application and monitoring of continuing professional education providers and their programs.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

This rule provides the fees established by the Board.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The fees charges are the Board's source of revenue.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

All applicants are required to pay an application fee for licensure/



LEGISLATIVE

October 7, 2026

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Counseling TITLE-SERIES: 27-10
RULE TYPE: Legislative CITE STATUTORY AUTHORITY: W. Va. Code §30-31-5 and §30-31-6.
RULE NAME: 27-10 Marriage and Family Therapist License Renewal and Continuing Professional Education Requirements

PLEASE SELECT A SUNSET PROVISION OPTION:

☒ EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

☐ LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS ☒ INCORPORATED BY REFERENCE ☒

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes standards for license renewal requirements, continuing professional education requirements, and the sanctions to be imposed for failure to comply with the requirements.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

Continuing education and license renewal is required by the Board.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The renewal fee charged is part of the Board's annual revenue.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

All license individuals pay a \$145 annual renewal fee.

FILED
2026 OCT -7 A 10:17
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Kris Warner
West Virginia Secretary of State
State Capitol Building
Charleston, WV 25305
(via e-filing through Secretary of State's website)

Re: Withdraw of Proposed Rule 191 CSR 3

Secretary of State Warner:

The Department of Human Services desires to withdraw the proposed rule 191 CSR 3. The agency approved version of the rule, 191 CSR 3, is currently before the Legislative Rule-making Review Committee.

The initial reasoning for filing this proposed rule was to amend 191 CSR 3 to be more compliant with W. Va. Code § 48-26-403, as amended by HB 5466 passed during the 2026 Regular Session. HB 5466 amended the Board's enabling statute to allow licensed abuse intervention programs to offer "live, synchronous virtual classes." The proposed rule adds language to 191 CSR 3 that is specific to virtual classes.

However, the Family Protection Services Board, the state entity charged with promulgating such rules, has brought a number of concerns to the Department's attention regarding the current version of the rule. The concerns are substantial and reasonable in nature and present the question of whether the proposed rule is in accordance with W. Va. Code § 48-26-403(a) given the Board's concerns with the current version of the proposed rule.

Accordingly, the Department requests that the rule be withdrawn so that the Board's feedback and overall vision with respect to virtual abuse intervention classes can be fully incorporated in a future proposed rule.

Sincerely,

Id Daron A. Light

Daron A. Light
Deputy General Counsel





LEGISLATIVE

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

AGENCY: Health TITLE-SERIES: 64-07
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 64-07 Reportable Diseases, Events, and Conditions

PRIMARY CONTACT
NAME: Virginia M Payne
ADDRESS: 321 Capitol Street
Charleston, WV 25301
EMAIL: virginia.m.payne@wv.gov
PHONE NUMBER: 304-389-9183

CITE STATUTORY AUTHORITY: W. Va. Code §§16-1-4, 16-3-1, 16-3C-8, 16-4-1, 16-22-3, 16-35-4, and 16-40-7.
EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:
W. Va. Code §§16-1-4, 16-3-1, 16-3C-8, 16-4-1, 16-22-3, 16-35-4, and 16-40-7.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes
IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 10/8/2026
DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 10/8/2026
COMMENTS RECEIVED: No
(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)
PUBLIC HEARING: No



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

AGENCY: Health TITLE-SERIES: 64-43
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 64-43 Food Manufacturing Facilities

PRIMARY CONTACT
NAME: Virginia M Payne
ADDRESS: 321 Capitol Street
Charleston, WV 25301
EMAIL: virginia.m.payne@wv.gov
PHONE NUMBER: 304-389-9183

CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4 and §16-7-1.
EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:
W. Va. Code §16-1-4 and §16-7-1.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes
IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 10/8/2026
DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 10/8/2026
COMMENTS RECEIVED: No
(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)
PUBLIC HEARING: No



LEGISLATIVE

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

AGENCY: Health TITLE-SERIES: 64-92
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 64-92 Clandestine Drug Laboratory Remediation
PRIMARY CONTACT
NAME: Virginia M Payne
ADDRESS: 321 Capitol Street
Charleston, WV 25301
EMAIL: virginia.m.payne@wv.gov
PHONE NUMBER: 304-389-9183

CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4 and §60A-11-3.

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

W. Va. Code §16-1-4 and §60A-11-3.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes
IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 10/8/2026
DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 10/8/2026
COMMENTS RECEIVED: No
(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)
PUBLIC HEARING: No



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

AGENCY: Health TITLE-SERIES: 64-97
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 64-97 Maternal Risk Screening
PRIMARY CONTACT
NAME: Virginia M Payne
ADDRESS: 321 Capitol Street
Charleston, WV 25301
EMAIL: virginia.m.payne@wv.gov
PHONE NUMBER: 304-389-9183

CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4 and §16-4E-4.

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

W. Va. Code §16-1-4 and §16-4E-4.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes
IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 10/8/2026
DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 10/8/2026
COMMENTS RECEIVED: No
(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)
PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE MAC WARNER ADMINISTRATIVE LAW DIVISION INCOME MAINTENANCE MANUAL CHANGE FORM		Please Stamp Filing Date FILED 2026 OCT -8 A 10: 25 OFFICE OF WEST VIRGINIA SECRETARY OF STATE	
NOTICE OF FILING CHANGES TO PUBLIC ASSISTANCE MANUAL WITH THE SECRETARY OF STATE			
AGENCY: West Virginia Department of Human Services	BUREAU: Family Assistance		
TITLE OF MANUAL TO WHICH POLICY IS BEING FILED: Income Maintenance Manual 882			
STATE RULE:	FEDERAL RULE:	EFFECTIVE DATE:	November 1, 2026
CHANGE NUMBER:	Updated New Income Maintenance Manual		
CHAPTERS/SECTIONS EFFECTED: 4, 18			
SEE DW-17 FORM FOR SPECIFIC CHANGES / MODIFICATIONS			
REASON FOR MANUAL CHANGE:	Section 10103 of the Big Beautiful Bill Act of 2025 (OBBB) amends how State agencies treat receipt of a payment under the Low-Income Home Energy Assistance act of 1981 (LIHEAA) or other similar energy assistance program for the purposes of the Heating and Cooling Standard (HCS) Standard Utility Allowance (SUA) for SNAP. Prior to the OBBB, State agencies were required to make the HCS SUA available to any household that received a LIEAP payment (or household on behalf of which a payment was made), in the current month or in the immediately preceding 12 months. Section 10103 of the OBBB now requires that households receiving a qualifying LIEAP Payment contain elderly (age 60 or older) or disabled member in order to have the HCS SUA automatically applied to their SNAP. This does not change the policies for qualifying for any SUA based on the utility expenses they are responsible for. Section 10103 of the OBBB also changes how SNAP treats third-party energy assistance payments provided under a State law. To create a component for child-only and caretaker relative cases. This change adds a component to issue supportive payments to coincide with Medicaid Community Engagement.		

THIS IS PART OF AN EXISTING LEGISLATIVE RULE

The above policy is hereby filed as an incorporated portion of an existing legislative rule.

STATE OF WEST VIRGINIA
DEPARTMENT OF HOMELAND SECURITY
Building 1, Suite W-400
1900 Kanawha Blvd., East
Charleston, West Virginia 25305
Established May 26, 2020



OFFICE OF THE SECRETARY
MICHAEL T. BAYLOUS
CABINET SECRETARY
Email: Michael.T.Baylous@wv.gov
Telephone: 304-558-2930
Website: dhs.wv.gov

LEGISLATIVE

FILED
2026 OCT -8 A 8: 04
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

October 7, 2026

101 CSR 01
Title 101
Legislative rule
Juvenile Facilities Standards Commission
Series 1
"West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities"

101 CSR 01, the legislative rule titled "West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities" was Notice filed on June 29, 2026, with the Secretary of State.

The written public comment period ended July 29, 2026, at 12:00 pm. No public comments were received. Subsequently, the rule was Agency Approved filed on July 31, 2026.

The rule is currently on the Legislative Rule Making Review Committee agenda for consideration on Monday, October 12, 2026.

The West Virginia Division of Corrections and Rehabilitation proposed a repeal of this rule; however, it has been decided not to continue to pursue the repeal of the rule.

As such, the West Virginia Division of Corrections and Rehabilitation has decided to withdraw the legislative rule for further consideration.

HONORING THE PAST, EMBRACING THE PRESENT, CREATING THE FUTURE

Administrative Services - Corrections and Rehabilitations - Emergency Management - Fusion Center
General Counsel - Parole Board - Protective Services - State Fire Marshal - State Police



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/6/2026 5:39:53 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Veterans Assistance Department of TITLE-SERIES: 86-05
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 86-05 West Virginia Military Hall of Fame

PRIMARY CONTACT

NAME: Jill Connolly
ADDRESS: 1900 Kanawha Blvd
Bldg 5 Room 205
Charleston, WV 25305
EMAIL: jill.e.connolly@wv.gov
PHONE NUMBER: 304-558-3661

CITE STATUTORY AUTHORITY: West Virginia Department of Veterans Assistance / §9A-6-1. West Virginia
Military Hall of Fame

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

West Virginia Code §9A-6-1 is the enabling statute for these rules. West Virginia Military Hall of Fame. The following are the effects of each provision of the Legislative Rule: §86-5-1 Provides the General scope and authority of the rule. §86-5-2 Provides for definitions to be utilized within the rule. §86-5-3 Provides the overall mission of the West Virginia Military Hall of Fame. §86-5-4 Creates a West Virginia Military Hall of Fame Board in compliance with the enabling statute. §86-5-5 Provides the nomination process for potential inductees into the West Virginia Military Hall of Fame. §86-5-6 Provides eligibility criteria for potential inductees into the West Virginia Military Hall of Fame. §86-6-7 provides a review and selection process to determine which potential inductees will be inducted into the West Virginia Military Hall of Fame. §86-5-8 provides guidance on the recognition of new inductees into the West Virginia Military Hall of Fame. §86-5-9 provides a process by which inductions may be revoked under narrow circumstances.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/12/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/11/2026

COMMENTS RECEIVED: Yes



EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes
RULE NAME: 133-06 Higher Education Future Workforce Grant Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

18B-1-6

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

18C-5-7(e)

PRIMARY CONTACT:

NAME: Cindy L. Anderson
ADDRESS: 2001 Union Carbide Drive
Building 2000
EMAIL: cindy.anderson@wvhepc.edu
PHONE NUMBER: 304-558-4016

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

NOTICE OF AN EMERGENCY RULE

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-42
RULE TYPE: Legislative Amendment to Existing Rule: Yes
RULE NAME: 133-42 West Virginia Higher Education Grant Program

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

18B-1-6

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

18C-5-1(d)

PRIMARY CONTACT:

NAME: Cindy L. Anderson
ADDRESS: 2001 Union Carbide Drive
Building 2000
EMAIL: cindy.anderson@wvhepc.edu
PHONE NUMBER: 304-558-4016

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
2026-03	Accountancy, WV Board of	Kiley M. Wagner	8/31/2026
26-1/2/4/5/6/7/8/9/10/11-13754-X	Health Care Authority	Community Services, Inc.	9/9/2026
25-78-W	Medicine, West Virginia Board Of	Avi Factor, MD	9/28/2026



State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

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

October 6, 2026

The Honorable Randy E. Smith
Senate President – Lieutenant Governor
State Capitol, Room M-229
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear President Smith:

You have asked for an Opinion of the Attorney General on whether a sitting member of the West Virginia Senate may accept employment with a municipality of this State while retaining his or her Senate seat.

We are issuing this Opinion pursuant to West Virginia Code § 5-3-1, which makes it “the duty of the Attorney General to render to the President of the Senate ... a written opinion or advice upon any questions submitted ... whenever he or she is requested in writing so to do.”

Your letter presents questions in general terms, so we must answer them in general ways. This Opinion does not address the circumstances of any particular Senator or any particular municipal position. For any potential employment arrangement, we would strongly recommend that the Senator consult with counsel who could better engage with its specifics.

Your letter raises three legal questions:

- 1) Is there any statutory or constitutional prohibition, or other legal concern, that would prevent a sitting state Senator from accepting employment with a municipality within the State of West Virginia and simultaneously retaining his or her senatorial seat?
- 2) Does employment by a municipality raise any constitutional or statutory issues or create a conflict between the Senator’s responsibilities as an elected member of the Legislature and the Senator’s duties and interests as an employee of a local governmental entity?

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AG

The Honorable Randy E. Smith
Page 2

- 3) Would any particular circumstances affect the analysis, including the nature of the municipal employment, the duties performed by the Senator, the compensation received, or matters that may come before the Legislature involving the municipality?

We conclude that West Virginia state law *generally* does not directly prohibit a sitting state Senator from accepting employment with a municipality and retaining his or her seat. But in particular circumstances, concurrent service may not be possible. So in answer to your questions:

- No West Virginia constitutional provision or statute categorically prohibits a sitting Senator from accepting municipal employment. Article VI, Section 13 reaches only lucrative office or employment “under this [S]tate,” and a person hired, paid, and supervised by a municipality ordinarily does not hold such a position. Federal law, however, may limit a Senator whose municipal salary is paid entirely with federal funds. And ultimately, whether a particular position disqualifies a Senator is a question for the Senate itself. See W. Va. CONST. art. VI, § 24.
- Municipal employment can raise constitutional issues in particular cases—under Article V, Section 1, under the contracts clause of Article VI, Section 15, and, for municipal offices, under the common-law incompatibility doctrine. And an employment relationship could present conflicts between legislative and municipal duties, which the Ethics Act regulates through its limits on use of office, dual compensation, voting, and disclosure.
- The circumstances you identify in your letter matter. The analysis turns chiefly on whether the position is an “office” or merely an employment position; how far its duties involve state law, state agencies, or state contracts; whether its salary depends on a state or county contract authorized during the Senator’s term, or on federal funds; and whether matters affecting the municipality come before the Senator as a legislator.

DISCUSSION

I. The Constitution Does Not Expressly Prohibit a Sitting State Senator from Accepting Municipal Employment, but Problems May Arise Depending on the Position.

In reviewing any relevant constitutional provisions, we apply their plain terms as written, syl. pt. 3, *State ex rel. Smith v. Gore*, 150 W. Va. 71, 143 S.E.2d 791 (1965), while giving effect “to every part and to every word,” syl. pt. 2, *Diamond v. Parkersburg-Aetna Corp.*, 146 W. Va. 543, 122 S.E.2d 436 (1961).

A. Article VI, Section 13 Does Not Reach Employment by a Municipality.

We start with Article VI, Section 13 of the West Virginia Constitution, which provides: “No person holding any other lucrative office or employment under this state, the United States, or any foreign government; no member of Congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.” Three terms in Section 13 dictate whether a person is disqualified from a state Senate seat while holding another position. The

position must first be "lucrative," W. VA. CONST. art. VI, § 13, that is, compensated. See *Office*, BLACK'S LAW DICTIONARY (12th ed. 2024) (defining "lucrative office"). It must also be an "office or employment"; because the people added "or employment" in 1970, the distinction between "office" and "employment" no longer matters in this context. W. VA. CONST. art. VI, § 13; see Legislative Improvement Amendment, H.R.J. Res. No. 8, 1970 W. Va. Acts 456. And it must be "under this [S]late, the United States, or any foreign government." W. VA. CONST. art. VI, § 13. A position is "under" the government that creates it and in whose service it is held.¹

The position that you have generally described likely would be "lucrative" "employment," so the question turns on whether municipal employment constitutes employment "under this State." See generally *State ex rel. Rist v. Underwood*, 206 W. Va. 258, 524 S.E.2d 179 (1999). A person holds "lucrative employment under this State" when three conditions are met:

- First, that "person is a payee named on a State warrant."
 - Second, that person "occupies a position whereby he performs service for state government."
 - And third, that person works "under conditions where the state government retains the right to control or supervise the work being performed, such as to the means, manner, methods and details thereof."
- Off. of the W. Va. Att'y Gen., Opinion Letter to the Hon. Glen B. Gainer, Jr. (Jan. 4, 1980), 1980 WL 119397, at *3 (quoting Off. of the W. Va. Att'y Gen., Opinion Letter to the Hon. Ivor F. Bolarsky (Jan. 12, 1971), 1971 WL 126093, at *11).

Under this test, municipal employees do not serve "under this State"; they are not paid by state warrant, do not perform services for the state government, and are directly supervised by local officials.² And while this test comes from this Office's prior opinions rather than from a decision of the Supreme Court of Appeals, it tracks the ordinary meaning of "under" described above. Indeed, even state supervision and state funding of a local position do not render that position a "state" role. In public education, for example, the State Board of Education exercises general supervision over the schools and the State funds much of teachers' compensation, see W. VA. CODE § 18-9A-1 et seq., yet the Supreme Court of Appeals has held that the county board of education remains teachers' "exclusive employer," *Meadows ex rel. Pro. Emps. of W. Va. Educ. Ass'n v. Hey*, 184 W. Va. 75, 78, 399 S.E.2d 657, 660 (1990) (holding that teachers are not employed by the State).

¹ The Constitution elsewhere says "under this or any other government" when it means every government, W. VA. CONST. art. VIII, § 7, and "in this state" when it means a geographic reach, *id.* art. IV, § 10; art. VI, §§ 14, 45.

² Other areas of state law also treat the State and political subdivisions as distinct employers. For example, the Governmental Tort Claims and Insurance Reform Act defines an employee as "an officer, agent, employee, or servant ... who is authorized to act and is acting within the scope of his or her employment for a political subdivision." W. VA. CODE § 29-12A-3(a). The Act expressly excludes "political subdivisions" from its definition of "State." *Id.* § 29-12A-3(e).

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Article VI, Section 13's text confirms that municipal and local employment should be treated as distinct from state employment. For instance, it separately disqualifies any person "who is sheriff, constable, or clerk of any court of record," W. VA. CONST. art. VI, § 13. Sheriffs and constables are county officers, *id.* art. IX, §§ 1-2, and the clerks of courts of record include the clerks of the circuit courts, *id.* art. VIII, § 9. If "office under this State" already reached county offices, that clause would do no work. *Syl.* pt. 2, *Diamond*, 146 W. Va. 543, 122 S.E.2d 436; *accord Rist*, 206 W. Va. at 270-71, 524 S.E.2d at 191-92. "If possible, [a West Virginia court] must give effect to every word, clause, and sentence; it must not read a statute so as to render any part inoperative, superfluous, or insignificant." *In re A.P.*, 245 W. Va. 248, 858 S.E.2d 873, 879 (2021) (cleaned up).³

Had Section 13's drafters wished to exclude municipal or county employees from serving in the Legislature, they would have said so. The Constitution names counties and municipalities whenever it means to include them. Section 14, the very next section, speaks of public money "whether state, county, township, district, or other municipal organization." Section 15 speaks of contracts "with the state, or any county thereof." Section 27 speaks of officers "whether state, county, district or municipal," and Section 35 of "the state ... including any subdivision thereof, or any municipality therein." Most telling is Section 33. In 1970, in the same joint resolution that added "or employment" to Section 13, the people rewrote Section 33 and barred from the new compensation commission "officers and employees of the state or of any county, municipality or other governmental unit of the state." Legislative Improvement Amendment, 1970 W. Va. Acts at 459; see *Rist*, 206 W. Va. at 272, 524 S.E.2d at 193. The drafters of that resolution knew how to reach municipal employees. They did so in Section 33 and not in Section 13. That omission should be assumed to be "intentional." *Cf. State ex rel. Riffle v. Ranson*, 195 W. Va. 121, 128, 464 S.E.2d 763, 770 (1995).

One caveat applies where a municipal position, whether office or employment, carries substantial state functions. In that case, "[i]t may be successfully argued ... that [they] hold[] either an office or employment 'under this State.'" Off. of the W. Va. Att'y Gen., Opinion Letter to the Hon. Ken Hechler (Jan. 9, 1991), 1991 WL 628001, at *2 (cleaned up). That argument remains untested, but the scope and type of state-connected duties a sitting legislator performs in his or her municipal role would no doubt bear upon its success. See Off. of the W. Va. Att'y Gen., Opinion Letter to the Hon. Robert S. Kiss (Sept. 26, 2002), 2002 WL 31250294, at *2-3.

³ Consistent with our usual practice, in addressing the questions you raise in your letter, we have applied principles of interpretation that we expect a West Virginia court might apply. But in truth, "[e]ach house of the West Virginia Legislature is ... the sole and exclusive judge of whether or not one of its own members satisfies the qualifications set forth in the State Constitution and is eligible to have administered to him the oath of office and is to be given a seat in the hall of the legislative body to which he was elected." Bolarsky Letter, *supra*, at *11; see W. VA. CONST. art. VI, § 24. And the question of whether a state Senator could take his or her seat despite his or her municipal employment is the sort of qualification question that the relevant house would have to determine for itself. W. VA. CONST. art. VI, § 24.

B. Depending on the Position, Article V, Section 1 and Article VI, Section 15 May Be Implicated.

We have also examined Article V, Section 1 of the West Virginia Constitution, which forbids any person from “exercising the powers of more than one” department “at the same time.” An executive-agency employee participates in the executive power of the State. *See* Off. of the W. Va. Att’y Gen., Opinion Letter to the Hon. Mark A. Hunt (Oct. 27, 2025), 2025 WL 3101404, at *2.

As noted, a municipal employee generally does not exercise state-level executive power. The departments of Article V are those of state government. *See* W. VA. CONST. art. VI, § 1; art. VII, § 1; art. VIII, § 1. In contrast, municipalities act under general law on “municipal affairs.” *Id.* art. VI, § 39a. And it is a “general rule” that the “separation of powers doctrine applies to state government and state officers and ordinarily does not extend to the government of municipal corporations.” *Hubby v. Carpenter*, 177 W. Va. 78, 83, 350 S.E.2d 706, 710 (1986).

Still, separation-of-powers problems could arise if a sitting legislator accepted a municipal position with a substantial nexus to state funds, policies, or government. We have explained before that “any distinction suggesting that [Article V, Section 1] applies only to State (rather than county) officers, ignores the reality of [its] underlying purpose—to prevent a consolidation of both legislative and executive power in a single public officer.” Kiss Letter, *supra*, at *3 (cleaned up). Factors including the Legislature’s involvement, the scope of state-related duties, and the interconnectedness of a particular position with state government would all weigh on the constitutionality of that dual service. *See id.*

Municipal judgeships present a distinct question. Article V, Section 1 separates the judicial department as well as the executive, and a municipal judge hears and decides cases, imposes fines, and may impose jail sentences for ordinance violations. Article VIII, Section 1 vests “[t]he judicial power of the State” in the Supreme Court of Appeals, the circuit courts, and such intermediate appellate and magistrate courts as the Legislature establishes. Municipal courts are not on that list. The Constitution addresses them separately in Article VIII, Section 11, and confines them to enforcing municipal ordinances. That structure, together with *Hubby* (which relied on Section 11), suggests that a municipal judge exercises municipal rather than state judicial power. But the question is unsettled, and a Senator serving as a municipal judge may also be subject to judicial-conduct limits on political activity that are difficult to reconcile with legislative service. We therefore advise special caution before a sitting Senator accepts a municipal judgeship.⁴

⁴ Article VIII, Section 7 bars a “justice, judge or magistrate” from holding any other office or becoming a candidate for nonjudicial elective office, and the Code of Judicial Conduct requires a judge to resign upon becoming such a candidate. *See* W. VA. CONST. art. VIII, § 7; W. VA. CODE OF JUD. CONDUCT R. 4.5(A). We do not decide here whether those provisions reach municipal judges. *Cf. Robinson v. City of Bluefield*, 234 W. Va. 209, 216, 764 S.E.2d 740, 747 (2014) (Benjamin, J., concurring) (appearing to assume that these provisions do not reach municipal judges). But if they do, they cannot be reconciled with legislative service—providing yet another reason for caution.

Further, Article VI, Section 15 may restrict sitting Senators from accepting a municipal position that depends on state or county contracts. Section 15 has two parts: a bar on certain appointments and a bar on certain contract interests. It reads:

No senator or delegate, during the term for which he shall have been elected, shall be elected or appointed to any civil office of profit under this state, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people. Nor shall any member of the Legislature be interested, directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

Section 15 serves dual aims. It “is aimed not just at eliminating self-dealing on the part of legislators; rather, it is also intended to forestall even the remotest possibility of executive influence over the legislature.” *Rist*, 206 W. Va. at 269, 524 S.E.2d at 190. To that end, it “provides a straightforward and absolute bar against a member of the Legislature obtaining any public office that was created, or the emoluments of which were increased, during the legislator’s term of office.” *Id.* at 263, 524 S.E.2d at 184. Because that first sentence reaches only offices “under this State,” it ordinarily does not apply to a municipal position, for the reasons given in Part I.A. And that sentence expressly excepts “offices to be filled by election by the people,” W. VA. CONST. art. VI, § 15, so it would not reach an elected municipal office in any event.

On one hand, Section 15’s contracts clause never mentions municipalities, and Article VI elsewhere distinguishes municipalities from counties. *See, e.g.,* W. VA. CONST. art. VI, §§ 14, 27, 39. A municipal employment agreement is not a contract with the State or a county. On the other hand, Section 15 restrains state Senators from maintaining any interest, direct or indirect, in state or county contracts authorized by a law passed during their terms.

We can imagine certain factors that would affect whether a particular municipal position violates Section 15. The clearest concern would arise if a municipal position’s salary were funded by a contract with the State or a county authorized by a law passed during the Senator’s term. A position that required the Senator to seek or administer such contracts on the municipality’s behalf could raise the same concern, depending on whether the Senator’s stake rises to an “interest” in the contract.

The question of whether Section 15 applies will be a fact-intensive and circumstance-specific inquiry. *See, e.g.,* Hunt Letter, *supra*, at *2. So as with the separation-of-powers considerations addressed above, the limited information you have given us prevents us from offering more specific guidance than these general warnings.

II. The Incompatibility Doctrine Does Not Apply to Municipal Employees, but It Could Bar Legislators from Holding Municipal Offices.

Beyond these specific constitutional prohibitions, a person also may not hold two offices whose “inconsistent nature” and “relation to each other” make it “improper, from considerations

of public policy for one person to perform the duties of both.” *State ex rel. Thomas v. Wysoing*, 125 W. Va. 369, 373, 24 S.E.2d 463, 466 (1943) (citing *Bryan v. Cattell*, 15 Iowa 538 (1864)).

Municipal employment does not raise incompatibility concerns. The doctrine applies to offices, not employment, and West Virginia distinguishes the two by asking whether a position is created by law; is designated an office; has prescribed qualifications; is assigned specific duties, tenure, salary, bond, or oath; or involves the exercise of some portion of the sovereign power. *State ex rel. Key v. Bond*, 94 W. Va. 255, 118 S.E. 276 (1923); syl. pt. 5, *State ex rel. Carson v. Wood*, 154 W. Va. 397, 175 S.E.2d 482 (1970). Teachers, for example, are employees—so the incompatibility doctrine does not cover them. Kiss Letter, *supra*, at *3 n.5; see also, e.g., Off. of the W. Va. Att’y Gen., Opinion Letter to the Hon. Thomas H. Newbrough (June 5, 1981), 1981 WL 157189, at *3 (explaining that incompatibility doctrine did not apply to county commissioner who served as beer investigator).

A municipal office is different. Where a municipal position is an office, the question is whether one office supervises, audits, appoints, removes, or pays the other, or whether their duties inherently conflict. Incompatibility primarily turns on the scope, duties, and powers of both positions. See Kiss Letter, *supra*, at *2-3. The Legislature’s general authority over municipalities as a body, see W. VA. CONST. art. VI, § 39a, does not by itself render every municipal office incompatible with a Senate seat; if it did, no municipal officer could serve in the Legislature, a result the Constitution’s text does not support. The inquiry instead focuses on the particular office. “Public policy demands that an officer exercise his best efforts, free from any taint of bias in the discharge of his duties as a public officer.” Off. of the W. Va. Att’y Gen., Opinion Letter to the Hon. Ken Hechler (Dec. 28, 1990), 1990 WL 596836, at *1. So when “the responsibilities of one office can in any manner influence the actions of the public officer in the discharge of the duties of his second office,” the two are incompatible. *Id.* (cleaned up).

We have concluded before that if a county office has the authority to contract with a municipal office, to make grants to that office, and to finance acquisitions by that office, the two offices are incompatible. Dec. 1990 Hechler Letter, *supra*, at *2; see also Kiss Letter, *supra*, at *3. But without more specific information, we cannot say whether a particular municipal office would be incompatible with serving as a state Senator.

III. The Ethics Act Permits and Regulates Such Arrangements.

We are not aware of any provision of the West Virginia Code that automatically prohibits a legislator’s municipal employment. But certain statutory provisions would impose important limits. The statute most directly on point is the Ethics Act, which applies to officials and employees “in state, county, municipal governments and their respective boards, agencies, departments, and commissions.” W. VA. CODE § 6B-2-5(a). A Senator who takes a municipal position is therefore subject to the Act in both roles.

The Act does not forbid the arrangement. It provides that nothing in its contracts provision “shall be construed to prevent or make unlawful the employment of any person with any governmental body” or “to prohibit a member of the Legislature from entering into a contract with any governmental body.” W. VA. CODE § 6B-2-5(d)(1). The Ethics Commission has read the Act

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the same way. See W. Va. Ethics Comm’n, Advisory Op. 1997-21 (July 10, 1997) (legislator may hold public or private employment absent misuse of office); W. Va. Ethics Comm’n, Advisory Op. 2023-09 (Sept. 7, 2023) (state college employee may serve in Legislature); W. Va. Ethics Comm’n, Advisory Op. 2024-02 (Apr. 4, 2024) (“[G]enerally, no provision in the Ethics Act prohibits a public official from holding another public office or having other public employment.”).

Nor do two neighboring restrictions apply. The Act’s vendor-employment restrictions reach only full-time officials, W. VA. CODE § 6B-2-5(h), and West Virginia Code § 61-10-15 reaches county officers, not legislators.

Still, the Act does regulate how the arrangement would operate. Four important limits appear:

- First, a Senator may not use the prestige of office to obtain the local position. W. VA. CODE § 6B-2-5(b)(1).
- Second, a Senator may not be paid by the municipality “for working the same hours” spent on legislative duties absent reduced pay, leave, or verified time records. *Id.* § 6B-2-5(i).
- Third, conflicts might arise in legislative voting. The Act recognizes that some conflicts are inherent in part-time public service and do not always require a member to step aside. *Id.* § 6B-1-2(c). Legislation affecting municipalities will thus not ordinarily disqualify a Senator who works for one. But when the conflict becomes personal, the Senator should seek to be excused from voting. *Id.* Examples include an appropriation to the employing municipality, a bill directed specifically at that municipality’s powers or revenues, and legislation affecting the Senator’s own position or pay. The request is then resolved under the Senate’s rules, and a Senator who asks to be excused but is required by the presiding officer to vote does not violate the Act by casting that vote. *Id.* § 6B-2-5(i); see Advisory Op. 2023-09, *supra*.
- Fourth, the Senator must disclose the employment. W. VA. CODE §§ 6B-2-6, 6B-2-7.

So long as the Senator respects these limits, we see nothing in the Ethics Act that would bar municipal employment of the kind your letter describes.

IV. A Senator Must Consider Other Sources of Law Before Undertaking Municipal Employment.

Finally, two sources of law outside the provisions discussed above may bear on a particular arrangement.

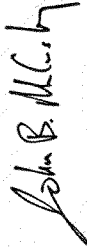
First, federal law. The Hatch Act provides that a state or local officer or employee may not be a candidate for elective office “if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency.” 5 U.S.C. § 1502(a)(3). The prohibition does not apply to nonpartisan elections, *id.* § 1503, but elections to the West Virginia Senate are partisan. A Senator whose municipal salary is entirely federally

funded therefore could be barred under federal law from seeking reelection while holding that position, even though state law does not bar the employment itself.⁵ We express no view on the application of federal law to any particular position.

Second, the municipality's own law. Municipal charters, ordinances, and personnel rules—and, for police and fire departments, the civil-service provisions of Chapter 8 of the Code—may restrict outside employment, political activity, or leave. Those limits bind the Senator as a municipal employee rather than as a legislator, and they should be reviewed for any position.

All of the above suggests that sitting legislators should proceed cautiously before accepting a municipal position. Caution is especially warranted where the position involves duties under state law, state contracts, or state policy; requires direct dealings with state agencies; involves lobbying state officials; or carries a salary tied to a state or county contract authorized during the legislator's term, or to federal funds. Even where no constitutional bar applies, the Ethics Act's limits on dual compensation and its disclosure and recusal requirements, described in Part III, govern the day-to-day conflicts your second question raises. Given that, we again urge any Senator to consult with counsel, who can better advise him or her about any prospective municipal employment arrangement.

Sincerely,



John B. McCuskey
West Virginia Attorney General

S. Hallie Hovey-Murray
Assistant Solicitor General

⁵ Section 1502(c)(4) exempts "an individual holding elective office," but that exemption has been read to turn on the position that brings the person within the Act, so a Senator covered through a separate municipal job should not assume it applies. See *N. Va. Reg'l Park Auth. v. U.S. Civ. Serv. Comm'n*, 437 F.2d 1346, 1351 (4th Cir. 1971).