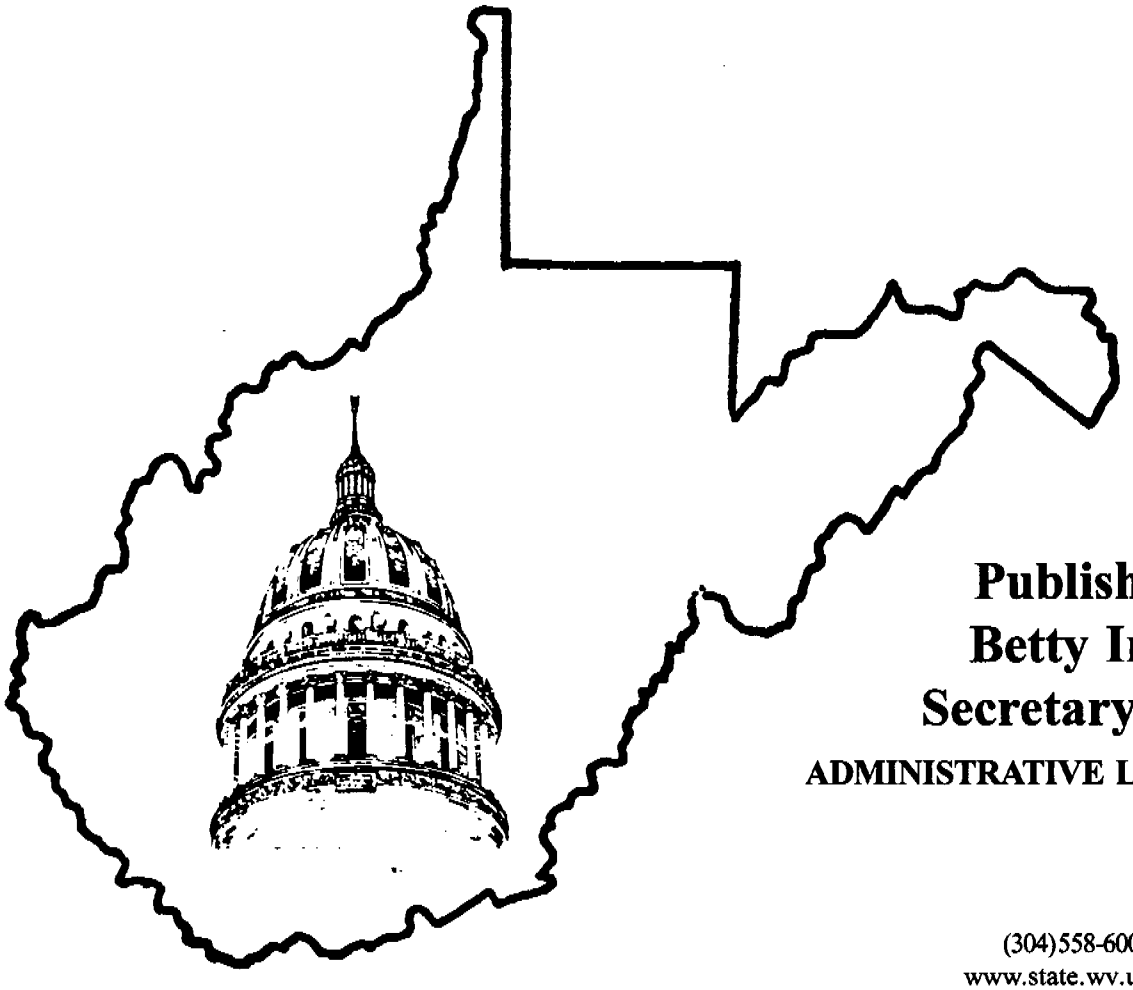
# 2005

# STATE OF WEST VIRGINIA

## Code of State Rules

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## DIVISION OF ENVIRONMENTAL PROTECTION
## OFFICE OF ABANDONED MINE LANDS RECLAMATION

### SERIES 1 - ABANDONED MINE LANDS RECLAMATION RULE

Authority - §§22-1-3; 22-1-3a
Type - Legislative
Price - $5.00
Effective - June 1, 1995


Section 1. General
Section 2. General Regulations
Section 3. Abandoned Mine Reclamation Funds
Section 4. General Reclamation Requirements
Section 5. Rights of Entry
Section 6. Acquisition Management and Disposition of Lands and Waters
Section 7. Reclamation on Private Land
Section 8. State Reclamation Grants

# TITLE 1

# STATE BOARD OF ACCOUNTANCY

## SERIES 1 - BOARD RULES AND REGULATIONS AND RULES OF PROFESSIONAL CONDUCT

Authority - §§30-9-4(8); 30-9-5; 29A-3 et seq.
Type - Legislative
Price - $8.20
Effective - April 30, 2004

Section 1. General
Section 2. Definitions
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Section 4. Certification
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Section 6. Foreign Designation Certificate Requirements
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Section 19. Fees
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## SERIES 2 - CONTESTED CASE HEARING

Authority - §§30-9-1; 30-1-1 et seq.
Type - Procedural
Price - $3.20
Effective - December 19, 2001

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Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
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## SERIES 3 - DISCIPLINARY AND COMPLAINT PROCEDURE FOR PUBLIC ACCOUNTANTS

Authority - §§30-9-1 et seq; 30-1-1 et seq; 29A-5-1 et seq.
Type - Procedural
Price - $2.60
Effective - December 19, 2001

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TOTAL COST FOR ALL OF TITLE 32 - $29.20

## SERIES 1 - MEETINGS OF THE BOARD OF ACUPUNCTURE

Authority §30-36-7
Type - Procedural
Price - $2.40
Effective - September 2, 1998


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application and Enforcement |
| Section | 3. | Definitions |
| Section | 4. | Meetings |
| Section | 5. | Proceeding to be Open; Exceptions; Executive Session Prohibited |
| Section | 6. | Minutes |
| Section | 7. | Majority Vote Required; Vote by Proxy Prohibited |
| Section | 8. | Records of the Board - Public |


## SERIES 2 - RESERVED

## SERIES 3 - APPLICATIONS FOR LICENSURE TO PRACTICE ACUPUNCTURE

Authority - §30-36-7
Type - Legislative
Price - $3.40
Effective - May 21, 1999


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application |
| Section | 3. | Definitions |
| Section | 4. | Board Approval for Licensure |
| Section | 5. | Licensure Qualifications |
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| Section | 7. | Verification |
| Section | 8. | Translation Required |
| Section | 9. | Application Deadline |
| Section | 10. | Review and Processing of Applications |
| Section | 11. | Board Examinations of Credentials and Demonstration of Competency |
| Section | 12. | Documentation of Training |
| Section | 13. | Abandonment of Applications |
| Section | 14. | Failure to Appeal for Oral Examinations of Application |
| Section | 15. | Denial of Application |
| Section | 16. | Inactive License |

## SERIES 4 - FEES OF THE BOARD OF ACUPUNCTURE

Authority - §§30-36-7; 30-36-8
Type - Legislative
Price - $2.40
Effective - May 21, 1999

Section 1. General
Section 2. Application
Section 3. Fees
Section 4. Acupuncture Tutorials
Section 5. Continuing Education Providers
Section 6. Expired License Renewal

## SERIES 5 - ADVERTISING BY LICENSED ACUPUNCTURISTS

Authority §§30-36-7; 30-36-14(f)
Type - Legislative
Price - $2.40
Effective - May 21, 1999

Section 1. General
Section 2. Application and Enforcement
Section 3. Recognized Titles
Section 4. Advertising
Section 5. Use of the Title Doctor

## SERIES 6 - STANDARDS OF PRACTICE OF ACUPUNCTURE BY LICENSED ACUPUNCTURISTS

Authority - §30-36-7
Type - Legislative
Price - $3.00
Effective - May 21, 1999

Section 1. General
Section 2. Application
Section 3. Definition
Section 4. Conditions of Office
Section 5. Disposable Needles; Sterilization Equipment
Section 6. Treatment Procedures
Section 7. Informed Consent
Section 8. Treatments Outside the Office
Section 9. Content and Retention Acupuncture Medical Records
Section 10. Financial Responsibility

## SERIES 7 - RESERVED

Repealed by SB 299
Effective April 23, 2001

## SERIES 8 - RESERVED

## SERIES 9 - CONTINUING EDUCATION REQUIREMENTS

Authority - §§30-36-7(a); 30-36-14(c)
Type - Legislative
Price - $3.80
Effective - May 21, 1999

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Board Approval for Providers
Section 5. Approved Providers
Section 6. Approval of Continuing Education Courses
Section 7. Content of Courses Applicable for Continuing Education Credits
Section 8. Application for Course Approval
Section 9. Instructors
Section 10. Advertisements
Section 11. Denial, Withdrawal and Appeal of Approval
Section 12. Reporting Continuing Education Requirements to the Board

## SERIES 10 - CODE OF ETHICS FOR LICENSED ACUPUNCTURISTS

Authority - §§30-36-7(a); 30-36-7(b)
Type - Legislative
Price - $2.60
Effective - May 21, 1999

Section 1. General
Section 2. Application
Section 3. Code of Ethics
Section 4. Ethics Regarding the Sale of Oriental Medicine in the Office

## SERIES 11 - EDUCATION REQUIREMENTS

Authority - §30-36-7
Type - Legislative
Price - $3.20
Effective - May 21, 1999

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. General Criteria for Approval of Acupuncture Training Programs
Section 5. Specific Course Requirements for Approval of Acupuncture Training
Section 6. Course of Training Evaluation
Section 7. Documentation Required for Approval
Section 8. Suspension or Revocation of Approval
Section 9. School Monitoring: Records; Reporting

## SERIES 12 - TUTORIAL EDUCATION REQUIREMENTS

Authority - §30-36-7
Type - Legislative
Price - $3.40
Effective - May 21, 1999

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Prior Approval to Practice as an Acupuncture Trainee
Section 5. Prior Approval to Supervise an Acupuncture Trainee
Section 6. Filing of Application: Credit for Prior Training
Section 7. Requirements for Approval of an Acupuncture Tutorial
Section 8. Supervising Acupuncturist's Responsibilities
Section 9. Trainee's Responsibility
Section 10. Termination or Modification of Tutorial
Section 11. Application for Examination of Credentials and Oral Examination
Section 12. Denial, Suspension or Revocation of Registration as a Supervisor
Section 13. Denial, Suspension or Revocation of Registration as a Trainee
Section 14. Proceedings

## SERIES 13 - FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES

Authority - §31B-13-1304
Type - Legislative
Price - $2.60
Effective - May 21, 1999

Section 1. General
Section 2. Definitions
Section 3. Procedures for Formation and Approval of Professional Limited Liability Companies for Acupuncturists; Fees
Section 4. Notification of Non-Compliance, Cessation of Rendering Professional Service
Section 5. Practitioner - Patient Relationship

# TITLE 141

# THE ADJUTANT GENERAL

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**SERIES 3 - BENEFITS FOR ARNG MEMBERS OR THEIR SURVIVORS**

Authority - §15-1A-3
Type - WVMR 608-4
Price - $4.00
Effective - April 8, 1969

Section 1. General
Appendix

**SERIES 4 THRU 16 - RESERVED**

**SERIES 17 - SIGNATURES**

Authority - §15-1A-3
Type - WVMR 340-5
Price - $2.40
Effective - January 15, 1992

Section 1. Official Signature
Section 2. Examples

**SERIES 18 THRU 21 - RESERVED**

**SERIES 22 - OFFICER CAREER MANAGEMENT**

Authority - §15-1A-3
Type - WVMR 600-3
Price - $3.20
Effective - November 20, 1974

Section 1. Reference
Section 2. Purpose
Section 3. Responsibility
Section 4. Officer Career Management Team
Section 5. Officer Career Preference Statement
Section 6. Officer Assignment
Section 7. Tour of Duty
Section 8. Troop Duty
Section 9. Detail of Lieutenants
Section 10. Personnel Action
Section 11. Performance Counseling
Section 12. Career Counseling
Section 13. Officer Career Plan
Section 14. Special and Additional Duty Assignments
Section 15. Instructor Experience
Section 16. Education
Section 17. Officer Screening Roster
Section 18. Career Assignment Calendar
Section 19. Career Assignment

**SERIES 23 - NON-DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

Authority - §15-1A-3
Type - WVMR 600-23
Price - $3.00
Effective - January 11, 1975

Section 1. General
Appendix

**SERIES 24 THRU 25 - RESERVED**

**SERIES 26 - WVARNG INTERNAL CONTROL REVIEW PROGRAM**

Authority - §15-1A-3
Type - WVMR 11-2
Price - $12.20
Effective - June 21, 1988

Section 1. General
Section 2. Introduction
Section 3. General Information
Section 4. The State Internal Control Administrator's Role
Section 5. Management's Responsibility
Section 6. The Internal Control Review (TCR) Process
Section 7. Completing the Internal Control Review (The Operating Manager's Role)
Section 8. Analysis of the General Control Environment
Section 9. Internal Control Program Reporting Requirements for Operating Managers
Section 10. Internal Control Reviews Conducted in the WVARNG
Appendices

**SERIES 27 THRU 28 - RESERVED**

**SERIES 29 - UNIFORM REQUIREMENTS (OFFICERS)**

Authority - §15-1A-3
Type - WVMR 670-5
Price - $2.40
Effective - February 24, 1993

Section 1. General
Section 2. Annual Uniform Allowance

**SERIES 30 - ASSIGNMENT AND PROMOTION OF OFFICERS, WEST VIRGINIA NATIONAL GUARD**

Authority - §15-1A-3
Type - WVMR 600-100-3
Price - $2.80
Effective - August 1, 1978

Section 1. Purpose
Section 2. Policy
Section 3. Zones of Consideration
Section 4. Qualifications
Section 5. Assignment to Higher T/O Position Vacancy
Section 6. Seniority
Section 7. Declination of Promotion
Section 8. Precedence and Date of Rank
Section 9. Federal Recognition Examining Boards
Section 10. Technical Waivers (Branch Transfers)
Section 11. Changing Primary Specialties
Section 12. Retention
Section 13. Membership in National Guard Association of the United States and National Guard Association of West Virginia

**SERIES 31 - INTRODUCTION TO OFFICER PERSONNEL MANAGEMENT SYSTEM (OPMS)**

Authority - §15-1A-3
Type - WVMR 600-100-1
Price - $11.80
Effective - August 1, 1978

Section 1. Introduction to OPMS
Section 2. Objectives of Officer Personnel Management System
Section 3. Management Functions of OPMS
Section 4. Officer Personnel Management System Control Devices
Section 5. Officer Career Counseling
Section 6. OPMS Career Planning and Professional Development
Section 7. Officer Military Education Programs

**SERIES 32 - OFFICER PERSONNEL MANAGEMENT SYSTEM SOP FOR ALL WEST VIRGINIA ARMY NATIONAL GUARD COMMISSIONED OFFICERS**

Authority - §15-1A-3
Type _ WVMR 600-100-2
Price - $5.60
Effective - August 1, 1978

Section 1. References
Section 2. Purpose
Section 3. Policy
Section 4. Inventory of All Officer Specialties by Grade, Authorized the West Virginia Army National Guard
Section 5. West Virginia Army National Guard Master Development Plan for OPMS
Section 6. Designating Primary Specialties
Section 7. Officers who do not Qualify for Designation of a Primary Specialty
Section 8. West Virginia Army National Guard Officer Counseling

**SERIES 33 - NON-COMMISSIONED OFFICERS EDUCATION SYSTEM**

Authority - §15-1A-3
Type - WVMR 351-3
Price - $4.80
Effective - November 18, 1991

Section 1. General
Section 2. References
Section 3. Purpose
Section 4. Organization
Section 5. Objectives
Section 6. Personnel
Section 7. Administrative
Section 8. Courses
Appendix

**SERIES 34 - ADMINISTRATION OF THE WEST VIRGINIA ARMY NATIONAL GUARD SAFETY PROGRAM**

Authority - §15-1A-3
Type - WVMR 385-10
Price - $12.50
Effective - November 12, 1992

Section 1. General
Section 2. Safety Training
Section 3. Reports and Records
Section 4. Occupational Safety and Health Act (OSHA)
Section 5. ARNG Aircraft Accident Reporting and Investigation
Section 6. Promotional and Educational Materials
Section 7. Awards Program
Appendix

**SERIES 35 - WEST VIRGINIA MILITARY ACADEMY**

Authority - §15-1A-3
Type - WVMR 351-5
Price - $4.00
Effective - November 18, 1991

Section 1. General
Section 2. Officer Candidate School
Section 3. Noncommissioned Officer Education System
Section 4. Additional Courses of Instruction

**SERIES 36 - PRIVACY ACT PROGRAM FOR WEST VIRGINIA ARMY NATIONAL GUARD**

Authority - §15-1A-3
Type - WVMR 340-21
Price - $5.00
Effective - June 1, 1981

Section 1. Purpose
Section 2. References
Section 3. General Policies
Section 4. Applicability and Scope
Section 5. Statutory Authority
Section 6. Responsibility
Section 7. Collection of Information
Section 8. Access to Records
Section 9. Amendment to Records
Section 10. Denial of Access or Amendment Refusal
Section 11. Processing Access and Amendment Requests
Section 12. Disclosures of Information
Section 13. Privacy Review Board

**SERIES 37 THRU 40 - RESERVED**

**SERIES 41 - AGO BLANK FORMS MANAGEMENT**

Authority - §15-1A-3
Type - WVMR 310-2
Price - $4.00
Effective - July 17, 1989

Section 1. Purpose
Forms

**SERIES 42 - OUTSTANDING ENLISTED PERSONNEL**

Authority - §15-1A-3
Type - WVMR - 672-20
Price - $6.40
Effective - March 8, 1993

Section 1. General
Section 2. The Governor's Trophy
Section 3. Sergeant Major Trophy

**SERIES 43 - VERIFICATION OF 20 YEARS' SATISFACTORY FEDERAL SERVICE FOR RETIRED PAY AND SUBMISSION OF SURVIVOR BENEFIT PLAN ELECTION FORM**

Authority - §15-1A-3
Type - WVMR 608-1
Price - $2.40
Effective - November 6, 1990

Section 1. General
Section 2. Processing "Request for Notification of Retired Pay at Age Sixty"
Section 3. Survivor Benefit Plan (SBP) Election Certificate
Appendix

**SERIES 44 - RESERVED**

**SERIES 45 - INSTALLATION FACILITIES PLANNING BOARD**

Authority - §15-1A-3
Type - WVMR 415-10
Price - $4.00
Effective - June 1, 1981

Section 1. References
Section 2. Purpose
Section 3. Definitions
Section 4. Composition of the Installation Facilities Planning Board
Section 5. Responsibilities
Section 6. Project Development Procedures
Section 7. Installation Facilities Planning Board Meetings

## SERIES 46 - ENLISTED EVALUATION SYSTEM - SQT TESTING

Authority - §15-1A-3
Type - WVMR 611-2
Price - $2.80
Effective - October 1, 1990

Section 1. General
Section 2. Procedures
Section 3. Procurement and Security of Test Materials

## SERIES 47 - BILLETING FEES POLICY - CAMP DAWSON

Authority - §15-1A-3
Type - WVMR 210-3
Price - $3.20
Effective - February 24, 1993

Section 1. References
Section 2. Purpose
Section 3. Utilization of Camp Dawson
Section 4. Billeting Fees
Section 5. Official Users
Section 6. Reimbursement

## SERIES 48 - RESERVED

## SERIES 49 - MILITARY JUSTICE

Authority - §15-1A-3
Type - WVMR 27-10
Price - $11.40
Effective - July 27, 1987

Section 1. General
Section 2. Jurisdiction
Section 3. Non-Judicial Punishment
Section 4. Pre-Trial Procedure
Section 5. Trial Procedure
Section 6. Post Trial Procedure
Appendix

## SERIES 50 - RADIATION SAFETY

Authority - §15-1A-3
Type - WVMR 40-14
Price - $4.00
Effective - June 15, 1989

Section 1. General
Section 2. Receipt, Storage, Transportation and Use of Radioactive Devices
Section 3. Records and Reports
Appendix

## SERIES 51 - ADMINISTRATION AND CONTROL OF FUNDS

Authority - §15-1A-3
Type - WVMR 37-20
Price - $2.80
Effective - April 10, 1986

Section 1. References
Section 2. General
Section 3. Definitions
Section 4. Obligation of Funds
Section 5. Authority
Section 6. Delegation of Authority
Section 7. Review and Analysis (ARNG)
Section 8. Adjustments of Obligations, Commitments and Fund Reservations
Section 9. Adjustment of Funds
Section 10. Records
Section 11. Emergencies

## SERIES 52 - OFFICE SYMBOLS

Authority - §15-1A-3
Type - WVMR 310-4
Price - $2.60
Effective - February 24, 1993

Section 1. Office Symbols

## SERIES 53 - RESERVED

## SERIES 54 - DRIVER/OPERATOR, SELECTION, TRAINING TESTING LICENSING

Authority - §15-1A-3
Type - WVMR 600-55
Price - $5.20
Effective - January 6, 1987

Section 1. General
Section 2. Battery II Tests
Section 3. Physical Evaluation Measures
Section 4. Training
Section 5. Performance Tests
Section 6. Licensing
Section 7. Supervision
Section 8. Review Procedures
Appendix

## SERIES 55 - RESERVED

## SERIES 56 - STATE AREA COMMAND, WEST VIRGINIA ARMY NATIONAL GUARD

Authority - §15-1A-3
Type - WVMR 10-1
Price - $13.00
Effective - August 1, 1990

Section 1. General
Section 2. Mission and Command Structure
Section 3. Command Division
Section 4. Chief of Staff Division
Section 5. Special Staff Section
Section 6. Personnel/Administration Division
Section 7. Plans/Operations/Readiness/Training Division
Section 8. Logistics/Service Support Division
Section 9. Maintenance Division
Section 10. Facility Management Division
Section 11. Headquarters Detachment
Section 12. Troop Command
Section 13. Army Training Site (ATS), Camp Dawson

## SERIES 57 - ENVIRONMENTAL PROTECTION AND ENHANCEMENT

Authority - §15-1A-3
Type - WVMR 200-1
Price - $7.00
Effective - May 1, 1983

Section 1. Introduction
Section 2. Policies and Responsibilities
Section 3. Natural Resources Management
Section 4. Material Disposal
Appendix

## SERIES 58 - COMPETITIVE MARKSMANSHIP PROGRAM

Authority - §15-1A-3
Type - WVMR 350-20
Price - $5.80
Effective - June 1, 1986

Section 1. References
Section 2. General
Section 3. Matches and Awards
Section 4. Definitions
Section 5. Service Rifle Competition
Section 6. Pistol Competition
Section 7. Conduct of Service Rifle and Pistol Matches
Section 8. Indoor Smallbore Rifle and Pistol Matches
Section 9. West Virginia Marksmanship Training Unit

## SERIES 59 - ADMINISTRATION OF THE WEST VIRGINIA NATIONAL GUARD AVIATION SAFETY PROGRAM

Authority - §15-1A-3
Type - WVMR 385-95
Price - $4.20
Effective - November 12, 1992

Section 1. Purpose
Section 2. Scope
Section 3. Policy
Section 4. Responsibilities
Section 5. Aviation Accident Prevention
Section 6. Aviation Safety Officer
Section 7. Aviation Safety Non-commissioned Officers
Section 8. Army Aviation Medical Officers or Flight Surgeon
Section 9. Aviation Education and Training
Section 10. Promotional and Education Materials
Section 11. Safety Signs
Section 12. Safety Meetings
Section 13. Aviation Safety Councils
Section 14. Safety Inspections
Section 15. Aviation Accident Prevention Awards
Section 16. Aircraft Accident Reporting and Investigation
Section 17. References

## SERIES 60 - OCCUPATIONAL HEALTH MEDICAL SURVEILLANCE PROGRAM

Authority - §15-1A-3
Type - WVMR 385-14
Price - $4.60
Effective - July 1, 1983

Section 1. References
Section 2. Purpose
Section 3. Scope and Applicability
Section 4. Objectives
Section 5. Medical Monitoring
Section 6. Responsibility
Section 7. Preplacement Examinations
Section 8. Obtaining Periodic Job Related Medical Monitoring Examinations
Section 9. Reports of Unsafe or Unhealthful Conditions
Section 10. Glossary of Abbreviations
Section 11. Definitions
Section 12. Department of Labor Poster
Appendix

## SERIES 61 - WVARNG ENERGY CONSERVATION PLAN

Authority - §15-1A-3
Type - WVMR 11-27
Price - $4.20
Effective - July 8, 1983

Section 1. Purpose
Section 2. Objective
Section 3. Energy Management
Section 4. Energy Conservation Evaluation
Section 5. Responsibilities
Appendix

**SERIES 62 - HUMAN RELATIONS/EQUAL OPPORTUNITY AFFIRMATIVE ACTIONS PLAN**

Authority - §15-1A-3
Type - WVMR 600-21
Price - $9.20
Effective - May 1, 1988

Section 1. Introduction
Section 2. Equal Opportunity
Section 3. Human Relations
Appendix

**SERIES 63 - AWARDS AND DECORATIONS**

Authority - §15-1A-3
Type - WVMR 672-5
Price - $5.40
Effective - October 15, 1990

Section 1. General Information
Section 2. State Awards
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**SERIES 64 - RESERVED**

**SERIES 65 - CENTRALIZED ACCIDENT INVESTIGATION OF GROUND ACCIDENTS (CAIG)**

Authority - §15-1A-3
Type - WVMR 385-9
Price - $2.80
Effective - March 6, 1992

Section 1. General
Section 2. References
Section 3. Purpose
Section 4. Scope
Section 5. Unit/Activity Actions
Section 6. TAG Headquarters Actions
Section 7. Collateral Board
Appendix

**SERIES 66 - OFFICIAL MAIL CONTROL PROGRAM**

Authority - §15-1A-3
Type - WVMR 340-3
Price - $3.20
Effective - October 22, 1991

Section 1. References
Section 2. Purpose
Section 3. Responsibilities
Section 4. Training Army Mailers
Section 5. Inspections
Section 6. Questions

**SERIES 67 THRU 68 - RESERVED**

**SERIES 69 - NON-TACTICAL (ADMINISTRATIVE USE) VEHICLE MANAGEMENT**

Authority - §15-1A-3
Type - WVMR 58-1
Price - $3.80
Effective - January 24, 1990

Section 1. References
Section 2. Purpose
Section 3. Responsibilities
Section 4. Authorized Usage and Operation
Section 5. Requests for Use of Administrative Use Vehicles
Section 6. Requests for Use of Administrative Use Vehicles
Section 7. Vehicle Operation and Use
Section 8. Safety
Section 9. Maintenance of Vehicles
Section 10. Vehicle Operation and Maintenance Records
Appendix

**SERIES 70 - WEST VIRGINIA NATIONAL GUARD PARACHUTE DEMONSTRATION TEAM**

Authority - §15-1A-3
Type - WVMR 350-11
Price - $4.40
Effective - April 1, 1992

Section 1. References
Section 2. Purpose
Section 3. General
Section 4. Participation and Membership
Section 5. Proficiency Training
Section 6. Demonstrations
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**SERIES 71 - RESERVED**

**SERIES 72 - PLANNING, PROGRAMMING AND BUDGETING**

Authority - §15-1A-3
Type - WVMR 37-15
Price - $5.20
Effective - April 10, 1986

Section 1. References
Section 2. Purpose
Section 3. Objectives
Section 4. Glossary
Section 5. Program Budget Advisory Committee (PBAC)
Section 6. Working Program Budget Advisory Committee (WPBAC)
Section 7. State Operating Budget Submission
Section 8. State Operating Budget Mark-Up
Section 9. State Operating Budget Mid-Year Review
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**SERIES 73 - RESERVED**

## SERIES 74 - NATIONAL GUARD STATE DUTY - ADMINISTRATIVE INSTRUCTIONS

Authority - §15-1A-3
Type - WVMR 37-27
Price - $11.00
Effective - November 12, 1992

Section 1. General
Section 2. Payroll - State Duty
Section 3. Subsistence
Section 4. Services - Local Purchase
Section 5. Travel - State Duty
Section 6. POL - State Duty
Section 7. Sick or Injured Personnel - State Duty
Section 8. Reports
Section 9. Earnings Statement - State Duty Pay
Section 10. Lost or Stolen Duty Paycheck

## SERIES 75 - INSPECTOR GENERAL POLICIES AND PROCEDURES

Authority - §15-1A-3
Type - WVMR 20-1
Price - $2.40
Effective - August 1, 1984

Section 1. Purpose
Section 2. Authority
Section 3. Relationship
Section 4. Mission
Section 5. Functions
Section 6. Orders and Assistance
Section 7. Inspections
Section 8. Investigations

## SERIES 76 - MILEAGE AND SUBSISTENCE ALLOWANCES PAID FROM STATE FUNDS

Authority - §15-1A-3
Type - WVMR 37-26
Price - $2.60
Effective - August 7, 1984

Section 1. Travel Within State
Section 2. Out-of-State Travel

## SERIES 77 - INSPECTOR GENERAL POLICIES AND PROCEDURES

Authority - §15-1A-3
Type - WVMR 20-2
Price - $5.20
Effective - September 1, 1984

Section 1. References
Section 2. General

## SERIES 78 - WEST VIRGINIA NATIONAL GUARD PUBLICATIONS

Authority - §15-1A-3
Type - WVMR 310-3 (Army); WVMR 5-1 (Air)
Price - $2.60
Effective - May 25, 1989

Section 1. General
Section 2. Force and Effect
Section 3. WV Military Regulations (Army)
Section 4. WV Military Regulations (Air)
Section 5. Numbered Memorandums
Section 6. Permanent Orders
Section 7. Orders
Section 8. Numbered Maintenance Bulletin
Section 9. Field Training Memorandums
Section 10. Numbered Training Bulletin
Section 11. Training Circular
Section 12. Numbered Pamphlets

## SERIES 79 - NATIONAL GUARD ARMORIES

Authority - §15-1A-3
Type - WVMR 210-2
Price - $2.60
Effective - April 1, 1992

Section 1. Recession
Section 2. General
Section 3. Armory Manager
Section 4. Armory Building Maintenance Mechanic
Section 5. Armory Managerial Committee
Section 6. Public Use of Armory
Section 7. Fees for Use of Armory
Section 8. Rental Agreements
Section 9. Disposition of and Accounting for Funds
Section 10. Utilities, Repairs, Alterations
Section 11. Unit Activities, Unit Sponsored Activities
Section 12. Property
Section 13. Flags

## SERIES 80 - AUTOMATION SECURITY

Authority - §15-1A-3
Type - WVMR 380-19
Price - $9.60
Effective - October 1, 1991

Section 1. General
Section 2. Chain of Command/Responsibilities
Section 3. Threat/Risk Management Program
Section 4. Accreditation
Section 5. File and Software Security
Section 6. Hardware Security
Section 7. Communication Security
Section 8. Physical/Environmental Security
Section 9. Contingency Planning
Section 10. Battlefield Automation Systems (BAS)
Appendices

## SERIES 81 - RESERVED

**SERIES 82 - AGO BLANK FORMS MANAGEMENT**

Authority - §15-1A-3
Type - WVMR 310-2
Price - $3.80
Effective - August 7, 1985

Section 1. Purpose
Section 2. Index of Forms

**SERIES 83 - ADMINISTRATION OF THE WEST VIRGINIA NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT PROGRAM**

Authority - §15-1A-3
Type - WVMR 600-200-5
Price - $3.00
Effective - April 5, 1991

Section 1. Purpose
Section 2. General
Section 3. Responsibilities
Section 4. Policies
Section 5. Educational Institutions
Section 6. Authorized Courses
Section 7. Actions for Applicant
Section 8. Change of Status and Reimbursement
Appendix

**SERIES 84 - COMMAND INSPECTIONS**

Authority - §15-1A-3
Type - WVMR 1-201
Price - $3.80
Effective - August 6, 1990

Section 1. General
Section 2. Implementation

**SERIES 85 - FORCE INTEGRATION**

Authority - §15-1A-3
Type - WVMR 71-1
Price - $5.80
Effective - March 1, 1986

Section 1. General
Section 2. State Force Integration Committee
Section 3. Responsibilities
Section 4. Force Integration Process
Appendix. A, B, C & D

## SERIES 86 - SUPERVISED ON THE JOB TRAINING PROGRAMS

Authority - §15-1A-3
Type - WVMR (Army) 350-5
Price - $4.00
Effective - February 10, 1988

Section 1. References
Section 2. Purpose
Section 3. Responsibilities
Section 4. General
Section 5. Program Development
Section 6. Program Administration
Section 7. Program Evaluation
Section 8. Summary

## SERIES 87 - CONTROLLING TOBACCO USE

Authority 15-1A-3
Type - WVMR (Army) 600-63; WVMR (Air) 600-63
Price - $2.60
Effective - September 13, 1990

Section 1. References
Section 2. Purpose
Section 3. General
Section 4. Policy
Section 5. Enforcement

## SERIES 88 - MOTOR TRANSPORTATION: MILITARY VEHICLE/CONVOY OPERATIONS

Authority - §15-1A-3
Type - WVMR 55-312
Price - $3.60
Effective - June 25, 1991

Section 1. Reference
Section 2. Purpose
Section 3. Applicability
Section 4. Responsibilities
Section 5. Domicile-to-Duty Policy for Commercially Designed Tactical Vehicles, Tactical Vehicles and Approving Authority
Section 6. Convoy Movement Authority
Section 7. Movement of Oversize Vehicles
Section 8. Convoy Operations
Section 9. Convoy Identification
Section 10. Convoy Organization
Section 11. Convoy Procedures
Section 12. Accident Procedures
Section 13. Wrecker and/or Emergency Roadside Repair Services
Section 14. Transportation of Hazardous Material by Motor Vehicle

## SERIES 89 - COMMAND PAY AND COMPENSATION FOR CLERICAL SERVICES

Authority 15-1B-17
Type - WVMR 35-1; 37-300
Price - $3.40
Effective - July 1, 1997

Section 1. General
Section 2. Command Pay and payment of Compensation for Clerical Services
Section 3. Administrative Instructions
Forms

# TITLE 148

# DEPARTMENT OF ADMINISTRATION


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TOTAL COST FOR ALL OF TITLE 148 WITHOUT INCORPORATED DOCUMENTS - $38.80

ED. NOTE: The State Auditor has a joint rule with the Department of Administration (155 CSR 7), STATE PURCHASING CARD PROGRAM,

## SERIES 1 - PURCHASING

Authority - §5A-3-4
Type - Legislative
Price - $3.80
Effective - April 7, 1999


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Applicability |
| Section | 4. | Authority and Remedies of Director |
| Section | 5. | Remedies |
| Section | 6. | Registration, Bidding and Award |
| Section | 7. | Purchasing Methods |
| Section | 8. | Protests |
| Section | 9. | Late Payments |
| Section | 10. | Violations |


## SERIES 2 - LEASING SPACE FOR AND ON BEHALF OF STATE EXECUTIVE AGENCIES

Authority - §5A-3-42
Type - Legislative
Price - $2.80
Effective - June 1, 2004


| | | |
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| Section | 1. | General |
| Section | 2. | Request for Space |
| Section | 3. | Fair Rental Value and Appraisals |
| Section | 4. | Authority, Selection, Negotiation, Preparation and Occupancy |
| Section | 5. | Office Space Layout and Standard Specifications |
| Section | 6. | Lease |
| Section | 7. | Cancellation |
| Section | 8. | Permanent Changes |
| Section | 9. | Delegation of Authority for Leasing of Temporary Space |
| Section | 10. | Agreements Between State Spending Units |
| Section | 11. | Emergency Situations |

## SERIES 3 - STATE OWNED VEHICLES

Authority - §5A-3-48
Type - Procedural
Price - $3.80
Effective - December 6, 1992

Section 1. General
Section 2. Definitions
Section 3. Questions and Interpretations
Section 4. Titles to State Owned Vehicles
Section 5. Leasing of Vehicles -- Generally
Section 6. Use of State Owned Vehicles
Section 7. Insurance Coverage
Section 8. Safe Operation Required
Section 9. Permissible Uses
Section 10. Leasing and/or Purchasing Non-Travel Management Vehicles
Section 11. Leasing Travel Management Office Vehicles
Exhibit

## SERIES 4 - SURPLUS PROPERTY DIVISION: PLAN OF OPERATIONS

Authority - §5A-8-1
Type - Legislative
Price - $3.60 (Without Chart)
($12.40 With Chart)
Effective - December 22, 1983

Section 1. General
Section 2. Organizational Structure
Section 3. Advisory Boards
Section 4. Inventory Control
Section 5. Accounting System
Section 6. Eligibility
Section 7. Terms and Conditions of Donable Property
Section 8. Compliance
Section 9. Financing and Service Charge
Section 10. Criteria for Property Distribution
Section 11. Return of Donated Property
Section 12. Non-Utilized Donable Property
Section 13. Audits
Section 14. Records and Retention
Section 15. Cooperative Agreements
Section 16. Liquidation Procedures
Chart

## SERIES 5 - AVAILABILITY OF STATE SURPLUS BUILDINGS AND EQUIPMENT TO CHARITY FOOD BANKS

Authority - 9-8-7
Type - Legislative
Price - $2.40
Effective - April 3, 1991

Section 1. General
Section 2. Definitions
Section 3. Charity Food Bank Eligibility
Section 4. State Surplus Buildings
Section 5. State Surplus Equipment
Section 6. Restrictions

## SERIES 6 - PARKING

Authority - 5A-4-5
Type - Legislative
Price - $2.60
Effective - June 1, 2004

Section 1. General
Section 2. Parking Areas
Section 3. Personnel
Section 4. Metered Parking
Section 5. Parking
Section 6. Violations
Section 7. Penalties

## SERIES 7 - RESERVED

See Auditor 155CSR7

## SERIES 8 - REPORTING OF STATE ASSETS BY FINANCIAL INSTITUTIONS

Authority - §5A-1-9
Type - Legislative
Price - $2.40
Effective - April 16, 1992

Section 1. General
Section 2. Definitions
Section 3. Bank Confirmation

## SERIES 9 - RESERVED

## SERIES 10 - PREFERENCE FOR USE OF DOMESTIC ALUMINUM GLASS OR STEEL PRODUCTS IN PUBLIC WORKS PROJECTS

Authority - §5-19-2
Type - Legislative
Price - $2.80
Effective - July 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Preference
Section 5. Unreasonable Bid or Offer Price
Section 6. Lowering Bid or Offer Price
Section 7. Contractor Certification

## SERIES 11 - RULES FOR SELECTING DESIGN-BUILDER UNDER DESIGN-BUILD PROCUREMENT ACT

Authority - §5-22A-1 et seq.
Type - Legislative
Price - $3.60
Effective - July 2, 2001

Section 1. General
Section 2. Applicability
Section 3. Minimum Qualification Requirements for Firms Providing Design-Build Services and Qualification for Design-Build Projects
Section 4. Public Announcement Procedures
Section 5. Technical Review Committee
Section 6. Procedures for Selection of Performance Criteria Developer and Preparation of the Performance Criteria
Section 7. Preparation and Contents of the Request for Proposals
Section 8. The Procedure for Preparing and Submitting Proposals
Section 9. Evaluation of Proposals
Section 10. Negotiations Prior to Acceptance of a Proposal
Section 11. Award of Design-Build Contract
Section 12. Protests

## SERIES 12 - GENERAL ADMINISTRATION OF RECORDS MANAGEMENT AND PRESERVATION

Authority - §§5A-8-1 through 5A-8-20
Type - Legislative
Price - $2.80
Effective - July 1, 2003

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Duties
Section 5. Executive Agency Records Management Program
Section 6. Special Programs
Section 7. Electronic Media

## SERIES 13 - RECORDS RETENTION AND DISPOSAL SCHEDULING

Authority - §§5A-8-1 through 5A-8-20
Type - Legislative
Price - $2.60
Effective - July 1, 2003

Section 1. General
Section 2. Applicability
Section 3. Destruction of Record and Non-Record Material
Section 4. Inventory of Agency Records Holdings
Section 5. Records Retention Authorization
Section 6. Record Retention and Disposal Schedules
Section 7. Retirement of Records to Records Center
Section 8. Destruction of Records by the Agency
Section 9. Microfilming
Section 10. Filing Plans
Section 11. Forms

## SERIES 14 - MANAGEMENT OF RECORDS MAINTAINED BY RECORDS CENTER

Authority - §§5A-8-1 through 5A-8-20
Type - Legislative
Price - $2.40
Effective - July 1, 2003

Section 1. General
Section 2. Applicability
Section 3. Records Center
Section 4. Selection of Records for Retirement
Section 5. Standard Records Storage
Section 6. Authorized Personnel
Section 7. Procedure
Section 8. Disposal of Records by Records Center Personnel
Section 9. Request for Authorization to Destroy Records Stored in Records Center
Section 10. Destruction of Eligible Records by the Records Center

## SERIES 15 - RULES FOR TECHNOLOGY ACCESS FOR VISUALLY IMPAIRED

Authority - §18-10N-3
Type - Legislative
Price - $3.20
Effective - July 1, 2003

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Technical Standards
Section 5. Functional Performance Criteria
Section 6. Information, Documentation and Support

# TITLE 171

# THE WEST VIRGINIA STATE AERONAUTICS COMMISSION

## SERIES 1 - RESERVED

Repealed by HB 2685
Effective April 25, 2001

## SERIES 2 - MATTERS PERTAINING TO AERONAUTICS IN THE STATE OF WEST VIRGINIA

Authority - §29-2A-3
Type - Procedural
Price - $2.80
Effective - December 28, 1982

Section 1. General
Section 2. General Offices and Meetings
Section 3. Director to Furnish Information
Section 4. Records
Section 5. Filing Papers
Section 6. Parties
Section 7. Complaints
Section 8. Hearings
Section 9. Stipulation of Facts
Section 10. Witnesses
Section 11. Witness Fees
Section 12. Service of Subpoenas, Notices and Orders
Section 13. Reporting of Hearings
Section 14. Depositions
Section 15. Rules of Evidence and Procedure
Section 16. Briefs
Section 17. Further Hearing, Reopening or Rehearing
Section 18. Continuance of Hearings
Section 19. Certified Copies
Section 20. Representation at Formal Hearings

## SERIES 3 - MATTERS RELATING TO EXPENDITURE OF STATE FUNDS FOR CIVIL AIR PATROL

Authority - §29-2A-3
Type - Procedural
Price - $2.00
Effective - December 28, 1982

Section 1. General
Section 2. Civil Air Patrol Expenses, Commission May Expend Fund Pursuant to Rules

## WEST VIRGINIA COMMISSION ON AGING

See West Virginia Bureau of Senior Services

# TITLE 61

# DEPARTMENT OF AGRICULTURE

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TOTAL COST OF ALL OF TITLE 61 WITHOUT INCORPORATED DOCUMENTS - $192.00

## SERIES 1 - ANIMAL DISEASE CONTROL

Authority - §19-9-2
Type - Legislative
Price - $6.00
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Biologicals
Section 4. Quarantines
Section 5. Tuberculosis or Brucellosis in Cattle
Section 6. Animal Importation
Section 7. Rules for Livestock Sales
Section 8. Requirements for West Virginia Fairs, Festivals and Purebred Consignment Sales
Section 9. Official Vaccinates
Section 10. Establishment and Maintenance of a Certified Brucellosis Free Herd
Section 11. Equine Infectious Anemia
Section 12. Pseudorabies in Swine
Section 13. Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication
Section 14. Laboratory Services and User Fees

## SERIES 1A - FEEDING OF UNTREATED GARBAGE TO SWINE

Authority - §19-9a
Type - Legislative
Price - $2.00
Effective - May 31, 1985

Section 1. General
Section 2. Permit for Feeding Garbage to Swine
Section 3. Interstate Movement of Swine Fed Uncooked Garbage

## SERIES 1B - REGISTRATION FORMS AND TAGS FOR THE REGISTRATION, TAXATION AND CONTROL OF DOGS

Authority - §19-20-4
Type - Legislative
Price - $2.00
Effective - May 31, 1985

Section 1. General
Section 2. Certificate of Registration
Section 3. Record of Registrations
Section 4. Registration Tags

## SERIES 1C - DISPOSAL OF DEAD POULTRY

Authority - §19-9-34A
Type - Procedural
Price - $2.40
Effective - April 27, 1992

Section 1. General
Section 2. Definitions
Section 3. Rules Pertaining to the Disposal of Dead Poultry
Section 4. Standards for Site Location for Disposal Pits

## SERIES 1D - 2005 LIST OF RESTRICTED LIVE, MODIFIED LIVE AND KILLED VACCINES FOR ANIMALS

Authority - §19-9-2
Type - Legislative
Price - $2.00
Effective - May 16, 2005

Section 1. General
Section 2. Restricted Animal Vaccine List

## SERIES 2 - WEST VIRGINIA APIARY LAW OF 1991

Authority - §19-13-3
Type - Legislative
Price - $2.60
Effective - April 27, 1992

Section 1. General
Section 2. Registration of Bees: Identification of Apiaries
Section 3. Right of Entry; Apiary Inspections; Quarantines

## SERIES 3 - REGULATIONS GOVERNING STATE AID FOR FAIRS AND FESTIVALS

Authority - §19-7-11
Type - Legislative
Price - $2.40
Effective - June 21, 2002

Section 1. General
Section 2. Administrative

## SERIES 4 - TRADITIONAL CHEESE PRODUCTION

Authority - 19-11D-3
Type - Legislative
Price - $4.60
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Minimum Quality Standards
Section 4. Minimum Testing Requirements
Section 5. Inhibitory Substances
Section 6. Abnormal Milk
Section 7. Adulteration
Section 8. Milkhouse - Construction and Facilities
Section 9. Milkhouse - Cleanliness
Section 10. Milking Barn or Parlor - Construction and Maintenance
Section 11. Milking Barn or Parlor - Cleanliness
Section 12. Barnyard
Section 13. Water Supply
Section 14. Toilet Facilities
Section 15. Making Utensils and Equipment - Construction, Cleaning, Storage and Handling
Section 16. Milking - Flanks, Udders and Teats
Section 17. Milking- Surcingles, Milk Stools and Anti-kickers
Section 18. Protection from Contamination
Section 19. Personnel -0 Hand Washing Facilities
Section 20. Personnel - Cleanliness
Section 21. Personnel - Health
Section 22. Animal Health
Section 23. Insect and Rodent Control
Section 24. Farm Inspection
Section 25. Cheese Kitchen - Construction and Facilities
Section 26. Cheese Kitchen - Utensils and Equipment
Section 27. Farm Exclusion
Section 28. Permit to Operate

## SERIES 4A - PRODUCTION OF MILK AND CREAM FOR MANUFACTURING PURPOSES

Authority - §19-11
Type - Legislative
Price - $4.40
Effective - April 10, 1990

Section 1. General
Section 2. Definitions
Section 3. Minimum Quality Standards
Section 4. Minimum Testing Requirements
Section 5. Inhibitory Substances
Section 6. Sediment
Section 7. Abnormal Milk
Section 8. Milking Barn, Stable or Parlor - Construction and Maintenance
Section 9. Milking Barn, Stable or Parlor - Cleanliness
Section 10. Barnyard
Section 11. Milkhouse or Room - Construction and Facilities
Section 12. Milkhouse or Room - Cleanliness
Section 13. Water Supply
Section 14. Utensils and Equipment - Construction
Section 15. Utensils and Equipment - Cleaning
Section 16. Utensils and Equipment - Storage
Section 17. Utensils and Equipment - Handling
Section 18. Milking - Flanks, Udders and Teats
Section 19. Milking - Surcingles, Milk Stool & Antikickers
Section 20. Protection From Contamination
Section 21. Personnel - Hand Washing Facilities

Section 22. Personnel - Cleanliness
Section 23. Insect & Rodent Control
Section 24. Farm Inspection
Section 25. Farm Exclusion
Section 26. Rejected and Excluded Milk
Section 27. Animal Health
Section 28. Personnel Health
Section 29. Permit to Operate

## SERIES 4B - FROZEN DESSERTS AND IMITATION FROZEN DESSERTS

Authority - §19-11B-10
Type - Legislative
Price - $3.80
Effective - July 1, 2004

Section 1. General
Section 2. Incorporation by Reference
Section 3. Definitions
Section 4. Definitions and Standards of Identity
Section 5. Frozen Dessert Manufacturer Permit
Section 6. Labeling
Section 7. Misbranded
Section 8. Adulteration
Section 9. Manufacturing Conditions
Section 10. Prohibited Acts
Section 11. Animal Health
Section 12. Powers and Duties of the Commissioner
Section 13. Approved Sampling and Testing Methods
Section 14. Enforcement Policy
Section 15. Cleaning and Sanitizing

## SERIES 4C - DAIRY PRODUCTS AND IMITATION DAIRY PRODUCTS

Authority - §19-11A-10
Type - Legislative
Price - $3.40
Effective - July 1, 2004

Section 1. General
Section 2. Incorporated by Reference
Section 3. Definitions and Standards of Identity
Section 4. Permits
Section 5. Labeling
Section 6. Misbranded
Section 7. Adulteration
Section 8. Prohibited Acts
Section 9. Animal Health
Section 10. Powers and Duties of the Commissioner
Section 11. Approved Sampling and Testing Methods
Section 12. Enforcement Policy
Section 13. Suspensions, Embargo Orders

## SERIES 4D - LABELING OF DAIRY PRODUCTS FOR rBST OR rBGH

Authority - §§19-11A-10(a); 19-11B-10(a)
Type - Legislative
Price - $4.40
Effective - June 15, 1995

Section 1. General
Section 2. Definitions
Section 3. General Program and Policy
Section 4. Labeling Statement Guidelines
Section 5. Prohibited Acts
Section 6. Substantiation of Labeling Claims
Section 7. Enforcement Policy

## SERIES 5 - COMMERCIAL FEED

Authority - §19-14-3
Type - Legislative
Price - $4.60
Effective - July 1, 2005

Section 1. General
Section 2. Incorporation by Reference
Section 3. Definition and Terms
Section 4. Policy
Section 5. Permits; Registration
Section 6. Reports and Inspection Fees
Section 7. Labeling
Section 8. Expression of Guarantees
Section 9. Substantiation of Nutritional Suitability
Section 10. Ingredients
Section 11. Directions for Use and Precautionary Statements
Section 12. Non-Protein Nitrogen
Section 13. Drug and Feed Additives
Section 14. Adulteration
Section 15. Laboratory Services
Section 16. Powers and Duties of the Commissioner
Section 17. Enforcement Policy
Section 18. Good Manufacturing Practices
Section 19. Certain Mammalian Proteins Prohibited in Ruminant Feed
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## SERIES 6 - SALE AND DISTRIBUTION OF COMMERCIAL FERTILIZER

Authority - §19-15-12
Type - Legislative
Price - $2.60
Effective - June 1, 2001

Section 1. General
Section 2. Administrative
Section 3. Permits, Inspection, Tonnage, Reports and Registration
Section 4. Labeling Requirements
Section 5. Secondary and Micronutrient Elements
Section 6. Additional Information Required on Mixed Fertilizers
Section 7. Safe Use of Regulated Product
Section 8. Methods of Analysis and Publication Results
Section 9. Sampling: Analysis Investigational Allowances and Index Value
Section 10. Methods for Determining Deficiencies for Soil Amendments and Horticultural Growing
Section 11. Deficiency Penalties
Section 12. Commercial Value
Section 13. Hearings, Penalties and Prosecutions
Appendix

## SERIES 6A - AGRICULTURAL LIMING MATERIALS

Authority - §19-15A
Type - Legislative
Price - $2.40
Effective - April 15, 1991

Section 1. General
Section 2. Calcium Carbonate Equivalent Standards
Section 3. Fineness Classification Standards
Section 4. Blends
Section 5. Low-grade Agriculture Liming Materials
Section 6. Labels
Section 7. Registration

## SERIES 6B - PRIMARY AND SECONDARY CONTAINMENT OF FERTILIZERS

Authority - §20-5M-5C
Type - Legislative
Price - $4.40
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. General Program and Policy
Section 4. Powers and Duties of the Commissioner
Section 5. Permits and Design Plans
Section 6. Inspection, Maintenance and Record Keeping Requirements
Section 7. Discharge Response Plan
Section 8. Storage and Handling of Dry Bulk Fertilizer
Section 9. Primary Containment: Storage Containers and Appurtenances for Fluid Fertilizers
Section 10. Operational Area Containment for Fluid Fertilizer
Section 11. Secondary Containment of Fluid Bulk Fertilizer - Dikes and Elephant Rings
Section 12. Drainage from Secondary Areas
Section 13. Hearings, Penalties, Orders and Injunctive Relief
Section 14. Special Revenue Account and Groundwater Remediation Fund

## SERIES 6C - GENERAL GROUNDWATER PROTECTION RULES FOR FERTILIZER AND MANURE

Authority - §50-5M-5C
Type - Legislative
Price - $3.00 (Without Incorporated References)
Effective - July 1, 1993

Section 1. General
Section 2. Incorporation by Reference
Section 3. Definitions
Section 4. Program and Policy Statements
Section 5. Powers and Duties of Commissioner
Section 6. Protection of Groundwater from Point Sources
Section 7. Remediation
Section 8. Hearings, Penalties, Orders and Injunctive Relief

## SERIES 7 - ENRICHED FLOUR AND BREAD

Authority - §19-11A-4
Type - Legislative
Price - $2.80
Effective - January 10, 1946

Section 1. General
Section 2. Definitions
Section 3. Labeling of Flour
Section 4. Bakers Certificate
Section 5. Bread Labeling
Section 6. Applying Labels
Section 7. Prohibited Labeling
Section 8. Inspection
Section 9. Amendment #1
Section 10. Enforcement
Appendix

## SERIES 7A - MARKETING OF EGGS LAW

Authority - §19-10A-10
Type - Legislative
Price - $2.60
Effective - June 1, 2000

Section 1. General
Section 2. Permits and Inspection Fees
Section 3. Exemptions for Small Producers
Section 4. Prohibited Acts
Section 5. Embargo Orders
Section 6. Labeling Requirements
Section 7. Advertising
Section 8. Egg Handling Facilities, Temperature and Humidity, Sanitation and Cleaning

## SERIES 8 - WEST VIRGINIA GRADES AND STANDARDS FOR APPLES

Authority - §19-5
Type - Legislative
Price - $3.80
Effective - June 1, 1966

Section 1. General
Section 2. Red, Partial Red or Blushed Varieties
Section 3. Green or Yellow Varieties
Section 4. Combination Grades
Section 5. Color Requirements
Section 6. Tolerances
Section 7. Packing Requirements
Section 8. Definition of Terms - General
Section 8a. Appendix
Section 9. Definition of Terms - Red, Partially Red and Blushed Varieties
Section 10. Definition of Terms - Green or Yellow Varieties
Section 11. West Virginia State Condition Standards
Section 12. Official Certificates
Appendix

## SERIES 8A - FRESH FRUITS AND VEGETABLES SOLD IN WEST VIRGINIA

Authority - §19-5
Type - Legislative
Price - $2.40
Effective - August 25, 1960

Section 1. General
Section 2. Declaration of Policy
Section 3. Closed Package - Defined
Section 4. Labeling or Marking of Containers
Section 5. Grades and Standards
Section 6. Artificial Coloring and/or Waxing
Section 7. Miscellaneous

## SERIES 8B - SCHEDULE OF CHARGES FOR INSPECTION SERVICES: FRUIT

Authority - §19-2-5
Type - Legislative
Price - $2.00
Effective - June 21, 2002

Section 1. General
Section 2. Declaration of Policy

## SERIES 8C - FRUITS AND VEGETABLES: CERTIFICATION OF POTATOES FOR SEEDING PURPOSES

Authority - §19-16
Type - Legislative
Price - $2.80
Effective - April 15, 1946

Section 1. General
Section 2. Certification Log
Section 3. Eligibility of Grower
Section 4. Applications
Section 5. Fees
Section 6. General Procedure
Section 7. General Requirements
Section 8. Causes for Rejection of Field
Section 9. Definitions
Section 10. Commissioner Not Responsible

## SERIES 8D - STANDARDS FOR MULTIPLICATION PLOT: SEED POTATOES

Authority - §19-2
Type - Legislative
Price - $2.40
Effective - May 10, 1946

Section 1. General
Section 2. Definitions

## SERIES 8E - CONTROLLED ATMOSPHERIC STORAGE OF APPLES

Authority - §19-5A-3, 7 & 9
Type - Legislative
Price - $2.40
Effective - June 21, 2002

Section 1. General
Section 2. Administrative
Section 3. Controlled Atmosphere Components and Time Limits
Section 4. Forms
Section 5. Minimum Condition Standards

## SERIES 9 - WEST VIRGINIA SEED LAW REGULATIONS

Authority - §19-16-6
Type - Legislative
Price - $4.00
Effective - July 1, 2004

Section 1. General
Section 2. Policy
Section 3. Weed Seeds and Size of Working Samples
Section 4. Germination Standards and Tolerances
Section 5. Additional Forest Seed Labeling Requirements
Section 6. Hybrid Seed Corn
Section 7. Certificate of Registration
Section 8. Sampler or Display Unit -Reporting of Pounds of Seed Sold
Section 9. Laboratory Services to Individuals, Farmers and Dealers
Section 10. Hold Over Seed
Section 11. Establishment of Certifying Agency
Section 12. Treated Seed
Section 13. Noxious Weed Seeds
Section 14. Certified Seed Potatoes
Appendix

## SERIES 10 - GRAIN INSPECTION, DEPARTMENT FEE CHARGES

Authority - §19-2-5
Type - Legislative
Price - $2.00
Effective - February 1, 1959

Section 1. General
Section 2. Declaration of Policy
Appendix

## SERIES 11 - PUBLIC MARKETS

Authority - §19-1-4B; 19-2; 19-2A
Type - Legislative
Price - $4.20
Effective - April 15, 1991

Section 1. General
Section 2. Definitions of Words and Terms
Section 3. Permits
Section 4. Facilities
Section 5. Weighmen, Graders, Auctioneers
Section 6. Operations
Appendix

## SERIES 11A - RESERVED

## SERIES 11B - REGULATIONS GOVERNING THE LICENSING OF AUCTIONEERS

Authority - §19-2C-5
Type - Legislative
Price - $2.60
Effective - April 15, 1994

Section 1. General
Section 2. Declaration of Policy
Section 3. Application
Section 4. Bond Requirements
Section 5. License
Section 6. License Renewal
Section 7. Receipts
Section 8. Examination of Applicants
Section 9. Accredited Auctioneering Schools
Section 10. Suspension, Revocation, Expiration or Termination of Supervising Auctioneer's License
Section 11. Reciprocity
Section 12. Waiver of Apprenticeship
Section 13. Advertising
Section 14. Contracts
Section 15. Board of Review

## SERIES 11C - CONDUCT OF BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT PROGRAM REFERENDUMS

Authority - §19-2f
Type - Legislative
Price - $2.80
Effective - May 31, 1985

Section 1. General
Section 2. General Purpose
Section 3. Referendum Procedures
Appendix

## SERIES 11D - LICENSING OF LIVESTOCK DEALERS

Authority - §19-10B-9
Type - Legislative
Price - $2.60
Effective - April 27, 1992

Section 1. General
Section 2. Definitions
Section 3. License Applications and Fee
Section 4. Bond Requirements
Section 5. Maintenance of Records of Transactions
Section 6. Information to be Recorded by Licensed Livestock Dealers

## SERIES 12 - FEE STRUCTURE FOR THE PESTICIDE CONTROL ACT OF 1990

Authority - §19-16A-4
Type - Legislative
Price - $2.40
Effective - June 1, 2001

Section 1. General
Section 2. Examinations
Section 3. Classification & Fees of Pesticide Business Licenses
Section 4. Classification of Fees of Applicator Certificates
Section 5. Product Registration

## SERIES 12A - CERTIFIED PESTICIDE APPLICATOR RULES AND REGULATIONS

Authority - §19-16A-4
Type - Legislative
Price - $4.40
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Certification of Pesticide Applicators
Section 4. Categorization of Commercial Applicators
Section 5. Categorization of Private Applicators
Section 6. Certification Standards for Pesticide Applicators
Section 7. Recertification
Section 8. Supervision of Non-Certified Applicators
Section 9. Record Keeping
Section 10. Reciprocity
Section 11. Federal Employees
Section 12. Equipment

## SERIES 12B - LICENSING OF PESTICIDE BUSINESSES

Authority - §§19-16-4, 8 and 9
Type - Legislative
Price - $3.00
Effective - April 27, 1992

Section 1. General
Section 2. Definitions
Section 3. General Requirements for all Business Licenses
Section 4. Requirements for Pesticide Application Business
Section 5. Requirements for Pesticide Dealer Business Licensing
Section 6. Requirements for Pesticide Consultant Business Licensing
Section 7. Record Keeping Requirements for Pesticide Businesses
Section 8. Financial Security Requirements
Section 9. Liability for Pesticide Use

## SERIES 12C - WOOD DESTROYING INSECT TREATMENT STANDARDS

Authority - §19-16A-4
Type - Legislative
Price - $3.40
Effective - April 27, 1992

Section 1. General
Section 2. Definitions
Section 3. General Requirements for Termite Treatments in West Virginia
Section 4. Minimum Standards for Termite Control of Existing Structures in West Virginia
Section 5. Termite Control for New Construction (Pre-Treat)
Section 6. Treatment Near Water Wells
Section 7. Requirements for the Treatment of Wood Destroying Beetles
Section 8. Exceptions

## SERIES 12D - AERIAL APPLICATION OF HERBICIDES TO UTILITY RIGHTS-OF-WAY

Authority - §19-16B-4a
Type - Legislative
Price - $2.60
Effective - April 27, 1992

Section 1. General
Section 2. Definitions
Section 3. Prior Notification
Section 4. Procedural Prohibitions and Restrictions
Section 5. Minimum Spray Distances
Section 6. Company Monitoring of Herbicide Applications on Their Right-of-Ways
Section 7. Exceptions

## SERIES 12E - REGISTRY OF PERSONS WITH HEALTH SENSITIVITY TO PESTICIDE DRIFT

Authority - §19-16A-6(k)
Type - Procedural
Price - $2.00
Effective - January 21, 1991

Section 1. General
Section 2. Operation
Section 3. Requirements for Registration

## SERIES 12F - ASSESSMENT OF CIVIL PENALTIES AND PROCEDURES FOR CONSENT AGREEMENT OR NEGOTIATED SETTLEMENT

Authority - §§19-16A-4; 19-16A-22
Type - Legislative
Price - $3.40
Effective - April 27, 1992

Section 1. General
Section 2. Definitions
Section 3. Procedure
Section 4. Consent Agreement and Negotiated Settlement
Tables

## SERIES 12G - GENERAL GROUNDWATER PROTECTION FOR PESTICIDES

Authority - §§19-16A-4; 20-5M-5C
Type - Legislative
Price - $2.80 (Without Incorporation)
Effective - July 1, 1993

Section 1. General
Section 2. Incorporation by Reference
Section 3. Definitions
Section 4. Program and Plica Statements
Section 5. Powers and Duties of the Commissioner
Section 6. Protection of Groundwater from Point Sources
Section 7. Protection of Groundwater from Non-Point Sources
Section 8. Remediation
Section 9. Hearings and Civil Penalties

## SERIES 12H - BULK PESTICIDE OPERATIONAL RULES

Authority - §19-16A-4
Type - Legislative
Price - $3.40
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Repackaging and Distribution of Bulk Pesticides
Section 4. Bulk Pesticide Storage Facility Registry
Section 5. Bulk Pesticide Storage Facility Requirements
Section 6. Emergency and Discharge Response Plan
Section 7. Transportation of Bulk Pesticides
Section 8. Underground Bulk Pesticide Storage

## SERIES 12I - NON-BULK PESTICIDE RULES FOR PERMANENT OPERATIONAL AREAS

Authority - §19-16A-4
Type - Legislative
Price - $2.60
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Permanent Operational Areas
Section 4. Recovery, Storage and Use of Discharges
Section 5. Hearings and Penalties

## SERIES 12J - INTEGRATED PEST MANAGEMENT PROGRAMS IN SCHOOLS AND DAY CARE CENTERS

Authority - §19-16A-4
Type - Legislative
Price - $3.40
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Integrated Pest Management
Section 4. Integrated Pest Management Programs for Schools
Section 5. Integrated Pest Management Programs for Day Care Centers
Section 6. Monitoring for Pest Infestations
Section 7. Use of the Least Hazardous Materials - Re-entry Intervals
Section 8. Prior Notification
Section 9. Application of Pesticides to Schools and Day Care Centers
Section 10. Record Keeping
Section 11. Implementation.

## SERIES 13 - POULTRY - STANDARDS FOR QUALITY AND GRADES OF LIVE POULTRY

Authority - §19-2
Type - Legislative
Price - $2.80
Effective - June 30, 1955

Section 1. General
Section 2. Standards for Quality of Live Poultry
Section 3. Standards of Quality
Section 4. Grades for Live Poultry

## SERIES 13A - RULES FOR HATCHERIES, GROWERS AND CONTRACTS PERTAINING TO POULTRY DISEASE CONTROL AND ERADICATION

Authority - §19-9
Type - Legislative
Price - $2.40
Effective - June 30, 1955

Section 1. General
Section 2. Regulation

## SERIES 14 - WEST VIRGINIA PLANT PEST ACT

Authority - §§19-12-3, 5, 6 & 16
Type - Legislative
Price - $3.80
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Sale of Nursery Stock
Section 4. Display of Certificates
Section 5. Multiple Sales Locations
Section 6. Revealing of Sources and Posting Certifications
Section 7. Reciprocal Registration
Section 8. Hindrance to Nursery Inspection
Section 9. Collection of Native Nursery Stock
Section 10. Vegetable Plants
Section 11. Assessment of Civil Penalties and Procedures for Consent Agreements and Negotiated Settlements
Tables

## SERIES 14A - RULES AND REGULATIONS DEALING WITH NOXIOUS WEEDS

Authority - §19-12D-4
Type - Legislative
Price - $2.40
Effective - May 31, 1985

Section 1. General
Section 2. Declaration of Policy
Section 3. Definitions
Section 4. Cooperative Suppression and Control
Section 5. Declaration of Noxious Weeds
Section 6. Sale, Use or Distribution of Noxious Weed Plants Prohibited

## SERIES 15 - WEST VIRGINIA SEAL OF QUALITY

Authority - §19-2
Type - Legislative
Price - $2.40
Effective - August 21, 1959

Section 1. General
Section 2. Declaration of Policy
Section 3. Rules and Regulations

## SERIES 16 - INSPECTION OF MEAT AND POULTRY

Authority - §19-2B-3
Type - Legislative
Price - $4.00
Effective - July 1, 2005

Section 1. General
Section 2. Incorporation by Reference of Federal Meat and Poultry Inspection Regulations
Section 3. Deleted Regulations
Section 4. Definitions
Section 5. The United States Department of Agriculture's Guidelines and Procedures Applicable to the West Virginia Department of Agriculture
Section 6. Licensing
Section 7. Official Inspection Marks and Devices
Section 8. Overtime and Holiday Inspection Service

## SERIES 17 - RULES AND REGULATIONS FOR THE CONDUCT OF HEARINGS BEFORE THE COMMISSIONER OF AGRICULTURE OF WEST VIRGINIA

Authority - §19-2
Type - Procedural
Price - $2.40
Effective - August 2, 1967

Section 1. General
Section 2. Rules of Hearings

## SERIES 18 - LICENSING AND OTHER FEES

Authority - §19-1-4a
Type - Legislative
Price - $2.60
Effective - April I, 1986

Section 1. General
Section 2. Definitions (Reserved)
Section 3. Fee Schedule

## SERIES 19 - RESERVED

## SERIES 20 - CONDUCT OF TREE FRUIT INDUSTRIES SELF-IMPROVEMENT ASSESSMENT PROGRAM REFERENDUMS

Authority - §19-26-1
Type - Procedural
Price - $2.60
Effective - September 23, 1989

Section 1. General
Section 2. General Purpose
Section 3. Referendum Procedures
Appendices

## SERIES 21 - FREEDOM OF INFORMATION REQUEST

Authority - §29B-1
Type - Procedural
Price - $2.60
Effective - October 5, 1990

Section 1. General
Section 2. Definitions
Section 3. Request Procedures
Section 4. Exemptions
Section 5. Responsibilities of the Department
Section 6. Partial Disclosure
Section 7. Fees
Section 8. Payment of Fees

## SERIES 22 - GENERIC STATE MANAGEMENT PLAN FOR PESTICIDES AND FERTILIZERS IN GROUNDWATER

Authority - §§19-16A-4; 20-5M-5
Type - Procedural
Price - $4.40
Effective - November 1, 1992

Section 1. General
Section 2. Definitions
Section 3. Goals and General Program Policies
Section 4. State Agencies and Responsibilities
Section 5. Legal Authority
Section 6. Enforcement Mechanisms
Section 7. Resource/Technical Expertise
Section 8. Basis for Assessment and Planning
Section 9. Groundwater Contamination Prevention Measures
Section 10. Information Dissemination
Section 11. Monitoring
Section 12. Actions in Response to Contamination
Section 13. Public Awareness and Participation
Section 14. Records/Reporting of Programs Progress

## SERIES 22A - BEST MANAGEMENT PRACTICES AT TEMPORARY OPERATIONAL AREAS FOR NON-BULK PESTICIDE MIXING AND LOADING LOCATIONS

Authority - §19-16A-4
Type - Procedural
Price - $2.80
Effective - November 1, 1992

Section 1. General
Section 2. Definitions
Section 3. Recommendations for Temporary Operational Areas
Section 4. Recovery, Storage and Use of Discharges

## SERIES 22B - BEST MANAGEMENT PRACTICES FOR FERTILIZERS AND MANURES

Authority - §20-5M-5C
Type - Procedural
Price - $2.60
Effective - December 6, 1992

Section 1. General
Section 2. Definitions
Section 3. Protection of Groundwater from Point Sources
Section 4. Protection of Groundwater from Non-Point Sources

## SERIES 23 - WEST VIRGINIA AQUACULTURE FARM RULES

Authority - §19-29-4; 19-29-1 et seq.
Type - Legislative
Price - $3.60
Effective - May 1, 1995

Section 1. General
Section 2. Definitions
Section 3. Hazard Analysis Critical Control Point Plan
Section 4. Site Selection and Water Source Critical Control Points
Section 5. Feed Critical Control Points
Section 6. Drugs, Feed and Color Additives and Pesticides Critical Control Points
Section 7. Transport
Section 8. Laboratory Testing
Section 9. Prohibited Acts
Section 10. Confidentiality of Trade Secrets
Section 11. Powers and Duties of the Commissioner
Section 12. Enforcement Policy

## SERIES 23A - WEST VIRGINIA FISH PROCESSING RULES

Authority - §19-29-1 et seq.
Type - Legislative
Price - $5.20
Effective - June 15, 1998

Section 1. General
Section 2. Incorporated by Reference
Section 3. Definitions
Section 4. Powers and Duties of the Commissioner
Section 5. Hazard Analysis and Hazard Analysis (HACCP) Plan Critical Control Point Plan
Section 6. Corrective Actions
Section 7. Verification
Section 8. Records
Section 9. Training
Section 10. Sanitation Control Procedures
Section 11. Processor Licensing
Section 12. Buildings and Facilities
Section 13. Equipment
Section 14. Product Management
Section 15. Employees
Section 16. Transport
Section 17. Laboratory Testing
Section 18. Prohibited Acts
Section 19. Penalties
Section 20. Confidentiality of Trade Secrets
Section 21. Enforcement Policy
Section 22. Humane Slaughter

## SERIES 23B - RESERVED

## SERIES 23C - RESERVED

## SERIES 23D - INSPECTION OF NONTRADITIONAL DOMESTICATED ANIMALS

Authority - §19-29-1, 4
Type - Legislative
Price - $2.60
Effective - July 1, 1995

Section 1. General
Section 2. Incorporated by Reference of Federal Regulations on Inspection of Exotic Animals and Rabbits
Section 3. Definitions
Section 4. The place of Slaughter and Processing of Nontraditional, Domesticated Animals
Section 5. Official Inspection Marks
Section 6. Exemptions
Section 7. Overtime and Holiday Inspection Service

## SERIES 24 - ADMINISTRATIVE RULES FOR THE PERSONNEL OF THE WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Authority - §§19-1-4j; 19-1-3
Type - Procedural
Price - $13.00
Effective - September 26, 1994

Section 1. General
Section 2. Definitions
Section 3. General
Section 4. Wage and Hour Rules
Section 5. Leave
Section 6. Flex-Time
Section 7. Work Related Injuries
Section 8. Drug-Free Workplace
Section 9. Probationary Period
Section 10. Employee Assistance Program
Section 11. Smoking and Tobacco Policy
Section 12. Personnel Records
Section 13. Disciplinary Action
Section 14. Administrative Review
Section 15. Recycling
Section 16. Political Activities
Section 17. Equal Employment Policy
Section 18. Hospitality and Promotions
Section 19. Sexual Harassment

## SERIES 25 - RESERVED

Repealed effective August 1, 2001

# TITLE 45

## DIVISION OF ENVIRONMENTAL PROTECTION
## OFFICE OF AIR QUALITY


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TOTAL COST FOR ALL OF TITLE 45 - $205.60 (WITHOUT INCORPORATED REFERENCES)

## SERIES 1 - $NO_x$ BUDGET TRADING PROGRAM AS A MEANS OF CONTROL AND REDUCTION OF NITROGEN OXIDES

Authority - §22-5-1 et seq.
Type - Legislative
Price - $17.00
Effective - May 1, 2004

Section 1. General
Section 2. Definitions
Section 3. Measurements, Abbreviations and Acronyms
Section 4. $NO_x$ Budget Trading Program Applicability
Section 5. Retired Unit Exemption
Section 6. $NO_x$ Budget Trading Program Standard Requuirements
Section 7. Computation of Time
Section 8. Reserved
Section 9. Reserved
Section 10. Authorization and Responsibilities of the $NO_x$ Authorized Account Representative
Section 11. Alternate $NO_x$ Authorized Account Representative
Section 12. Changing the $NO_x$ Authorized Account Representative and the Alternate $NO_x$ Authorized Account Representative; Changes in Owners and Operators
Section 13. Account Certificate of Representation
Section 14. Objections Concerning the $NO_x$ Authorized Account Representative
Section 15. Reserved
Section 16. Reserved
Section 17. Reserved
Section 18. Reserved
Section 19. Reserved
Section 20. General $NO_x$ Budget Trading Program Permit Requirements
Section 21. $NO_x$ Budget Permit Applications
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Section 42. State $NO_x$ Allowance Allocations
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Section 50. $NO_x$ Allowance Tracking System Accounts
Section 51. Establishment of Accounts
Section 52. $NO_x$ Allowance Tracking System Responsibilities of $NO_x$ Authorized Account Representative
Section 53. Recordation of $NO_x$ Allowance Allocations
Section 54. Compliance
Section 55. $NO_x$ Allowance Banking
Section 56. Account Error
Section 57. Closing of General Accounts
Section 58. Reserved
Section 59. Reserved
Section 60. Submission of $NO_x$ Allowance Transers
Section 61. Allowance Transfer Recordation

Section 62. Notification
Section 63. Reserved
Section 64. Reserved
Section 65. Reserved
Section 66. Reserved
Section 67. Reserved
Section 68. Reserved
Section 69. Reserved
Section 70. General Monitoring Requirements
Section 71. Initial Certification and Recertification Procedures
Section 72. Out of Control Periods
Section 73. Notifications
Section 74. Recordkeeping and Reporting
Section 75. Petitions
Section 76. Additional Requirements to Provide Heat Input Data
Section 77. Reserved
Section 78. Reserved
Section 79. Reserved
Section 80. Individual Opt-in Applicability
Section 81. Opt-in General Requirements
Section 82. Opt-in $NO_x$ Authorized Account Representative
Section 83. Applying for $NO_x$ Budget Opt-in Permit
Section 84. Opt-in Process
Section 85. $NO_x$ Budget Opt-in Permit Contents
Section 86. Withdrawal from $NO_x$ Budget Trading Program
Section 87. Change in Regulatory Status
Section 88. $NO_x$ Allowance Allocations to Opt-in Units
Section 89. Reserved
Section 90. Reserved
Section 91. Reserved
Section 92. Reserved
Section 93. Reserved
Section 94. Reserved
Section 95. Reserved
Section 96. Reserved
Section 97. Reserved
Section 99. Reserved
Section 100. Requirements for Emissions of $NO_x$ from Cement Manufacturing Kilns
Section 110. Inconsistency Between Rules

**SERIES 2 - TO PREVENT AND CONTROL PARTICULATE AIR POLLUTION FROM COMBUSTION OF FUEL IN INDIRECT HEAT EXCHANGERS**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $8.20
Effective - August 31, 2000

Section 1. General
Section 2. Definitions
Section 3. Visible Emissions of Smoke and/or Particulate Matter Prohibited and Standards of Measurement
Section 4. Weight Emission Standards
Section 5. Control of Fugitive Particulate Matter
Section 6. Registration
Section 7. Permits
Section 8. Monitoring, Recordkeeping and Reporting
Section 9. Start-ups, Shut-downs and Malfunctions
Section 10. Variances
Section 11. Exemptions
Section 12. Inconsistency Between Rules
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## SERIES 2A - TESTING, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS UNDER 45CSR2

Authority - §22-5-1 et seq; WV 45CSR2
Type - Interpretive
Price - $4.00
Effective - March 15, 2001

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Registration of Allowable Emission Rates for Individual Stacks
Section 5. Testing Requirements
Section 6. Visible Emission Monitoring Plan Requirements
Section 7. Recordkeeping and Reporting Requirements
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## SERIES 3 - TO PREVENT AND CONTROL AIR POLLUTION FROM THE OPERATION OF HOT MIX ASPHALT PLANTS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.80
Effective - August 31, 2000

Section 1. General
Section 2. Definitions
Section 3. Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement - Visible
Section 4. Emission of Smoke and/or Particulate Matter Prohibited and Standards of Measurement - Weight Emissions
Section 5. Permits
Section 6. Reports and Testing
Section 7. Variance
Section 8. Circumvention
Section 9. Inconsistency Between Rules

## SERIES 4 - TO PREVENT AND CONTROL THE DISCHARGE OF AIR POLLUTANTS INTO THE OPEN AIR WHICH CAUSES OR CONTRIBUTES TO AN OBJECTIONABLE ODOR

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.40
Effective - October 1, 1967

Section 1. General
Section 2. Definitions
Section 3. Objectionable Odor Prohibited
Section 4. Accidental and Other Infrequent Emissions, Reporting
Section 5. Notice of Violation
Section 6. Variance
Section 7. Exemptions

**SERIES 5 - TO PREVENT AND CONTROL AIR POLLUTION FROM THE OPERATION OF COAL PREPARATION PLANTS, COAL HANDLING OPERATIONS AND COAL REFUSE DISPOSAL AREAS**

Authority - §22-5-1 et seq
Type - Legislative
Price - $4.80
Effective - August 31, 2000

Section 1. General
Section 2. Definitions
Section 3. Emission of Particulate Matter Prohibited and Standards of Measurement
Section 4. Control and Prohibition of Particulate Emissions from Coal Thermal Drying Operations of a Coal Preparation Plant
Section 5. Control and Prohibition of Particulate Emissions from an Air Table Operation of a Coal Preparation Plant
Section 6. Control and Prohibition of Fugitive Dust Emissions from Coal Handling Operations and Preparation Plants
Section 7. Standards for Coal Refuse Disposal Areas
Section 8. Burning Coal Refuse Disposal Areas
Section 9. Monitoring of Operations
Section 10. Construction, Modifications and Relocation Permits
Section 11. Operating Permits
Section 10. Reports and Testing
Section 11. Variance
Section 12. Transfer of Permits

**SERIES 6 - TO PREVENT AND CONTROL AIR POLLUTION FROM COMBUSTION OF REFUSE**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $3.00
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Open Burning Prohibited
Section 4. Emission Standards for Incinerators and Incineration
Section 5. Registration
Section 6. Permits
Section 7. Reports and Testing
Section 8. Variances
Section 9. Inconsistency Between Rules

**SERIES 7 - TO PREVENT AND CONTROL PARTICULATE MATTER AIR POLLUTION FROM MANUFACTURING PROCESSES AND ASSOCIATED OPERATIONS**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $5.20
Effective - August 31, 2000

Section 1. General
Section 2. Definitions
Section 3. Emission of Smoke and/or Particulate Matter Prohibited and Standard of Measurement
Section 4. Control and Prohibition of Particulate Emissions by Weight from Manufacturing Process Source Operations
Section 5. Control of Fugitive Particulate Matter
Section 6. Registration
Section 7. Permits
Section 8. Reporting and Testing
Section 9. Variance
Section 10. Exemptions
Section 11. Alternative Emission Limits for Duplicate Source Operations
Section 12. Inconsistency Between Rules
Tables

## SERIES 7A - TP-4 - COMPLIANCE TEST PROCEDURES FOR SERIES 7

Authority - §§22-5-1 et seq.; 29A-1-2(g) and WV 45CSR7
Type - Procedural
Price - $4.20
Effective - February 1, 1999

Section 1. General
Section 2. Visible Emission Test Procedures
Section 3. Mass Emission Test Procedures

## SERIES 8 - AMBIENT AIR QUALITY STANDARDS FOR SULFUR OXIDES AND PARTICULATE MATTER

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.60
Effective - July 1, 2002

Section 1. General
Section 2. Anti-Degradation Policy
Section 3. Definitions
Section 4. Ambient Air Quality Standards
Section 5. Methods of Measurement

## SERIES 9 - RULES PERTAINING TO AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE AND OZONE

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.40
Effective - July 1, 2002

Section 1. General
Section 2. Anti-Degradation Policy
Section 3. Definitions
Section 4. Ambient Air Quality Standards
Section 5. Methods of Measurement

## SERIES 10 - TO PREVENT AND CONTROL AIR POLLUTION FROM THE EMISSION OF SULFUR OXIDES

Authority - §22-5-1 et seq.
Type - Legislative
Price - $4.40
Effective - August 31, 2000

Section 1. General
Section 2. Definitions
Section 3. Sulfur Dioxide Weight Emission Standards for Fuel Burning Units
Section 4. Standards for Manufacturing Process Source Operations
Section 5. Combustion of Refinery or Process Gas Streams
Section 6. Permits
Section 7. Testing, Monitoring, Record Keeping and Reporting
Section 8. Reports and Testing
Section 9. Variance
Section 10. Exemptions and Recommendations
Section 11. Circumvention
Section 12. Inconsistency Between Rules
Table

## SERIES 10A - TESTING, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS UNDER 45CSR10

Authority - §22-5-1 et seq; WV 45CSR10
Type - Interpretive
Price - $4.00
Effective - March 15, 2001

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Fuel Burning Unit(s)--Registration of Allowable Emission Rates for Individual Stacks
Section 5. Testing Requirements
Section 6. Monitoring Plan Requirements
Section 7. Recordkeeping and Reporting Requirements
Appendix

## SERIES 11 - PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

Authority - §22-5-1 et seq.
Type - Legislative
Price - $4.80
Effective - April 25, 1990

Section 1. General
Section 2. Definitions
Section 3. Episode Criteria
Section 4. Methods of Measurement
Section 5. Preplanned Reduction Strategies
Section 6. Emission Reduction Plans
Section 7. Air Pollution Emergencies; Contents of Order; Hearings; Appeals
Section 8. Inconsistency Between Regulations
Tables

## SERIES 12 - AMBIENT AIR QUALITY STANDARDS FOR NITROGEN DIOXIDE

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.40
Effective - June 1, 2000

Section 1. General
Section 2. Anti-Degradation Policy
Section 3. Definitions
Section 4. Ambient Air Quality Standard
Section 5. Methods of Measurement

## SERIES 13 - PERMITS FOR CONSTRUCTION, MODIFICATION, RELOCATION AND OPERATION OF STATIONARY SOURCES OF AIR POLLUTANTS, NOTIFICATION REQUIREMENTS, ADMINISTRATIVE UPDATES, TEMPORARY PERMITS, GENERAL PERMITS AND PROCEDURES FOR EVALUATION

Authority - §22-5-1 et seq.
Type - Legislative
Price - $6.00
Effective - June 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Reporting Requirements for Stationary Sources
Section 4. Administrative Updates to Existing Permits
Section 5. Permit Application and Report Requirements for Stationary Construction of and Modifications to Stationary Sources
Section 6. Determination of Compliance of Stationary Sources
Section 7. Modeling
Section 8. Public Review Procedures
Section 9. Public Meetings
Section 10. Permit Transfer, Suspension, Revocation and Responsibility
Section 11. Temporary Construction or Modification Permits
Section 12. Permit Application Fees
Section 13. Inconsistency Between Rules
Section 14. Stationary Air Pollution
Section 15. Hazardous Air Pollutants
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## SERIES 13A - THE PERMITTING OF RESEARCH AND DEVELOPMENT (R&D) ACTIVITIES UNDER 45CSR13

Authority - §22-5-1 et seq.; WV 45CSR13
Type - Interpretive
Price - $2.40
Effective - March 30, 2002

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Activities Exempt from Permitting
Section 5. Effect on Other Rules

## SERIES 13B - THE PERMITTING OF LABORATORY FACILITIES UNDER 45CSR13

Authority - §22-5-1 et seq.; WV 45CSR13
Type - Interpretive
Price - $2.60
Effective - March 30, 2002

Section 1. General
Section 2. Definitions
Section 3. Facilities Exempt from Permitting
Section 4. Additional Facilities Exempt from Permitting
Section 5. Effect on Other Rules

## SERIES 14 - PERMITS FOR CONSTRUCTION AND MAJOR MODIFICATION OF MAJOR STATIONARY SOURCES OF AIR POLLUTION FOR THE PREVENTION OF SIGNIFICANT DETERIORATION

Authority - §22-5-4
Type - Legislative
Price - $6.00
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Ambient Air Quality Increments and Ceilings
Section 5. Area Classification
Section 6. Prohibition of Dispersion Enhancement Techniques
Section 7. Registration, Report and Permit Requirements for Major Stationary Sources and Major Modifications
Section 8. Requirements Relating to Control Technology
Section 9. Requirements Relating to the Source's Impact on Air Quality
Section 10. Modeling Requirements
Section 11. Air Quality Monitoring Requirements
Section 12. Additional Impacts Analysis Requirements
Section 13. Additional Requirements and Variances for Sources Impacting Federal Class I Areas
Section 14. Procedures for Sources Employing Innovative Control Technology
Section 15. Exclusions from Increment Consumption
Section 16. Specific Exemptions
Section 17. Public Review Procedures
Section 18. Public Meetings
Section 19. Permit Transfer, Cancellation and Responsibility
Section 20. Disposition of Permits
Section 21. Conflict With other Permitting Rules
Section 22. Clean Unit Test for Emissions Units that are Subject to BACT or LAER
Section 23. Clean Unit Provisions for Emissions Units that Achieve an Emission Limitation Comparable to BACT
Section 24. PCP Exclusion Procedural Requirements
Section 25. Actuals PALs
Section 26. Inconsistency Between Rules

## SERIES 15 - EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS PURSUANT TO 40 CFR PART 61

Authority - §22-5-4
Type - Legislative
Price - $2.60
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Requirements
Section 4. Adoption of Standards
Section 5. Secretary
Section 6. Permits
Section 7. Inconsistency Between Rule

## SERIES 16 - STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES PURSUANT TO 40 CFR PART 60

Authority - §22-5-4
Type - Legislative
Price - $2.60
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Requirements
Section 4. Adoption of Standards
Section 5. Secretary
Section 6. Permits
Section 7. Inconsistency Between Rules

**SERIES 17 - TO PREVENT AND CONTROL PARTICULATE MATTER AIR POLLUTION FROM MATERIALS HANDLING, PREPARATION, STORAGE AND OTHER SOURCES OF FUGITIVE PARTICULATE MATTER**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.60
Effective - June 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Control and Prohibition of Fugitive Particulate Emissions
Section 4. Control Programs and Schedules
Section 5. Variance
Section 6. Exemption
Section 7. Enforcement
Section 8. Inconsistency Between Rules

**SERIES 18 - TO PREVENT AND CONTROL EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $3.20
Effective - May 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Exemptions
Section 4. Requirements
Section 5. Secretary
Section 6. Permits
Section 7. Compliance Dates for Existing Commercial and Industrial Solid Waste Incineration Units
Section 8. Effect of the Rule
Section 9. Inconsistency Between Rules
Table

**SERIES 19 - PERMITS FOR CONSTRUCTION AND MAJOR MODIFICATION OF MAJOR STATIONARY SOURCES OF AIR POLLUTION WHICH CAUSE OR CONTRIBUTE TO NONATTAINMENT**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $5.40
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Conditions for a Permit Approval for Proposed Major Sources That Would Contribute to a Violation of NAAQS
Section 5. Conditions for Permit Approval for Sources Locating in Attainment or Unclassifiable Areas That Would Cause a New Violation of a NAAQS
Section 6. Reserved
Section 7. Baseline for Determining Credit for Emission Offsets
Section 8. Location of Emission Offsets
Section 9. Administrative Procedures for Emission Offset Proposals
Section 10. Reserved
Section 11. Reserved
Section 12. Reasonable Further Progress
Section 13. Source Impact Analysis
Section 14. Permit Requirements for Major Stationary Sources and Major Modifications
Section 15. Public Review Procedures

Section 16. Public Meetings
Section 17. Permit Transfer, Cancellation and Responsibility
Section 18. Disposition of Permits
Section 19. Requirements for Air Quality Models
Section 20. Clean Unit Test for Emissions That are Subject to LAER
Section 21. Clean Unit Provisions for Emissions Units That Achieve an Emission Limitation Comparable to LAER
Section 22. Exclusion Procedural Requirements
Section 23. Actuals PAL
Section 24. Conflict with Other Permitting Rules
Section 25. Inconsistency Between Rules

## SERIES 20 - GOOD ENGINEERING PRACTICE AS APPLIES TO STACK HEIGHTS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.80
Effective - July 14, 1989

Section 1. General
Section 2. Definitions
Section 3. Standards
Section 4. Public Review Procedures
Section 5. Inconsistency Between Regulations

## SERIES 21 - TO PREVENT AND CONTROL AIR POLLUTION FROM THE EMISSION OF VOLATILE ORGANIC COMPOUNDS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $23.20
Effective - May 1, 1996

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Compliance Certification, Recordkeeping and Reporting Procedures for Coating Sources
Section 5. Compliance Certification, Recordkeeping and Reporting Procedures for Non-Coating Sources
Section 6. Requirements for Sources Complying by Use of Control Devices
Section 7. Circumvention
Section 8. Handling, Storage and Disposal of Volatile Organic Compounds (VOCs)
Section 9. Compliance Programs, Registration, Variance, Permits, Enforceability
Section 10. Reserved
Section 11. Can Coating
Section 12. Coil Coating
Section 13. Paper Coating
Section 14. Fabric Coating
Section 15. Vinyl Coating
Section 16. Coating of Metal Furniture
Section 17. Coating of Large Appliances
Section 18. Coating of Magnet Wire
Section 19. Coating of Miscellaneous Metal Parts
Section 20. Coating of Flat Wood Paneling
Section 21. Bulk Gasoline Plants
Section 22. Bulk Gasoline Terminals
Section 23. Gasoline Dispensing Facility - Stage 1 Vapor Recovery
Section 24. Leaks from Gasoline Tank Trucks
Section 25. Petroleum Refinery Sources
Section 26. Leaks From Petroleum Refinery Equipment
Section 27. Petroleum Liquid Storage in External Floating Roof Tanks
Section 28. Petroleum Liquid Storage in Fixed Roof Tanks
Section 29. Leaks From Natural Gas/Gasoline Processing Equipment

Section 30. Solvent Metal Cleaning
Section 31. Cutback and Emulsified Asphalt
Section 32. Manufacture of Synthesized Pharmaceutical Products
Section 33. Reserved
Section 34. Graphic Arts Systems
Section 35. Petroleum Solvent Dry Cleaners
Section 36. Reserved
Section 37. Leaks From Synthetic Organic Chemicals, Polymer and Resin Manufacturing Equipment
Section 38. Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins
Section 39. Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry
Section 40. Other Facilities That Emit Volatile Organic Compound (VOC)
Section 41. Test Methods and Compliance Procedures: General Provisions
Section 42. Test Methods and Compliance Procedures: Determine the Volatile Organic Compound (VOC) Content of Coatings and Inks
Section 43. Test Methods and Compliance Procedures: Alternative Compliance Methods for Surface Coatings
Section 44. Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements
Section 45. Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device
Section 46. Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Compounds (VOCs)
Section 47. Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons
Section 48. Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS)
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## SERIES 22 - AIR QUALITY MANAGEMENT FEE PROGRAM

Authority - §22-5-1 et seq.
Type - Legislative
Price - $3.00
Effective - May 6, 1991

Section 1. General
Section 2. Definitions
Section 3. Requirements for Permit to Construct, Modify or Relocate
Section 4. Certificate to Operate
Section 5. Collection

## SERIES 23 - TO PREVENT AND CONTROL FROM MUNICIPAL SOLID WASTE LANDFILLS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.60
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Requirements
Section 4. Director
Section 5. Permits
Section 6. Inconsistency Between Rules

**SERIES 24 - TO PREVENT AND CONTROL EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $3.60
Effective - May 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Exemptions
Section 4. Requirements
Section 5. Director
Section 6. Permits
Section 7. Compliance Dates
Section 8. Inconsistency Between Rules
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**SERIES 25 - TO PREVENT AND CONTROL AIR POLLUTION FROM HAZARDOUS WASTE, TREATMENT, STORAGE OR DISPOSAL FACILITIES**

Authority - §§22-5-4; 22-18-1 et seq.
Type - Legislative
Price - $5.40
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Adoption by Reference
Section 4. Requirements
Section 5. Permit Process
Section 6. Exclusion and Exemptions
Section 7. Application Fees
Section 8. Inconsistency Between Rules
Table

**SERIES 26 - $NO_X$ BUDGET TRADING PROGRAM AS A MEANS OF CONTROL AND REDUCTION OF NITROGEN OXIDES FROM ELECTRIC GENERATING UNITS**

Authority - §22-5-1 et seq.
Type - Legislative
Price - $9.00
Effective - June 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Measurements, Abbreviations and Acronyms
Section 4. $No_x$ Budget Trading Program Applicability
Section 5. Retired Unite Exemption
Section 6. $No_x$ Budget Trading Program Standard Requirements
Section 7. Computation of Time
Section 8. Reserved
Section 9. Reserved
Section 10. Authorization and Responsibilities of $NO_X$ Authorized Account Representative
Section 11. Alternate $NO_X$ Authorized Account Representative
Section 12. Changing the $NO_X$ Authorized Account Representative and the Alternate $NO_X$ Authorized Account Representative; Changes in Owners and Operators
Section 13. Account Certificate of Representation
Section 14. Objections Concerning the $NO_X$ Authorized Account Representative
Section 15. Reserved
Section 16. Reserved
Section 17. Reserved
Section 18. Reserved

Section 19. Reserved
Section 20. General $NO_X$ Budget Trading Program Permit Requirements
Section 21. $NO_X$ Budget Permit Application
Section 22. Information Requirements for $NO_X$ Budget Permit Applications
Section 23. $NO_X$ Budget Permit Contents
Section 24. $NO_X$ Budget Permit Revision
Section 25. Reserved
Section 26. Reserved
Section 27. Reserved
Section 28. Reserved
Section 29. Reserved
Section 30. Compliance Certification Report
Section 31. Secretary's and Administrator's Action on Compliance Certifications
Section 32. Reserved
Section 33. Reserved
Section 34. Reserved
Section 35. Reserved
Section 36. Reserved
Section 37. Reserved
Section 38. Reserved
Section 39. Reserved
Section 40. State $NO_X$ Trading Program Budget
Section 41. Timing Requirements for State $NO_X$ Allowance Allocations
Section 42. State $NO_X$ Allowance Allocation
Section 43. Compliance Supplement Pool
Section 44. Reserved
Section 45. Reserved
Section 46. Reserved
Section 47. Reserved
Section 48. Reserved
Section 49. Reserved
Section 50. $NO_X$ Allowance Tracking System Accounts
Section 51. Establishment of Accounts
Section 52. $NO_X$ Allowance Tracking System Responsibilities of $NO_X$ Authorized Account Representative
Section 53. Recordation of $NO_X$ Allowance Allocations
Section 54. Compliance
Section 55. $NO_X$ Allowance Banking
Section 56. Account Errors
Section 57. Closing of General Account
Section 58. Reserved
Section 59. Reserved
Section 60. Submission of $NO_X$ Allowance Transfers
Section 61. Allowance Transfer Recordation
Section 62. Notification
Section 63. Reserved
Section 64. Reserved
Section 65. Reserved
Section 66. Reserved
Section 67. Reserved
Section 68. Reserved
Section 69. Reserved
Section 70. General Monitoring Requirements
Section 71. Initial Certification and Recertification Procedures
Section 72. Out of Control Periods
Section 73. Notifications
Section 74. Recordkeeping and Reporting
Section 75. Petitions
Section 76. Additional Requirements to Provide Heat Input Data

## SERIES 27 - TO PREVENT AND CONTROL THE EMISSIONS OF TOXIC AIR POLLUTANTS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $3.20
Effective - June 30, 1990

Section 1. General
Section 2. Definitions
Section 3. Chemical Processing Units
Section 4. Fugitive Emissions of Toxic Air Pollutants
Section 5. Tanks
Section 6. Wastewater from Chemical Processing Units
Section 7. Loading and Unloading Railcars and Tank Trucks
Section 8. Registration
Section 9. Permits
Section 10. Reports, Records and Testing
Section 11. Compliance, Programs and Schedules
Section 12. Variance
Section 13. Inconsistency Between Regulations

## SERIES 28 - AIR POLLUTANT EMISSIONS BANKING AND TRADING

Authority - §22-5-1 et seq.
Type - Legislative
Price - $6.40
Effective - August 31, 2000

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Prohibitions and Restrictions
Section 5. Ozone Season Restrictions
Section 6. Emission Reduction Credit Baseline
Section 7. Eligibility of Emission Reductions for Emission Reduction Credits; Generation and Calculation
Section 8. Emission Monitoring and Quantification
Section 9. Record Keeping Requirements
Section 10. The Use of Emission Reduction Credits Within and Between Geographic Areas and Sources
Section 11. Emissions Reduction Credit Discounts and Emission Reduction Credit Retirement for Air Quality Benefit
Section 12. Registration of Emission Reduction for the Generation of Emission Reduction Credits to be Used or Traded
Section 13. Registration of Use, Trading or Retirement of Emission Reduction Credits
Section 14. Emission Trading Registry; Registration Fees
Section 15. Enforcement
Section 16. Program Evaluations and Individual Audits
Section 17. Interstate Trading

## SERIES 29 - REGULATION REQUIRING THE SUBMISSION OF EMISSION STATEMENTS FOR VOLATILE ORGANIC COMPOUND EMISSIONS AND OXIDES OF NITROGEN EMISSIONS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.80
Effective - July 7, 1993

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Compliance Schedule
Section 5. Emission Statement Requirements
Section 6. Enforceability
Section 7. Severability

## SERIES 30 - REQUIREMENTS FOR OPERATING PERMITS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $10.40
Effective - June 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Permits
Section 4. Application for Permits
Section 5. Permit Content
Section 6. Permit Issuance, Renewal, Reopenings and Revisions
Section 7. Permit Review by U. S. EPA and Affected States
Section 8. Fees
Section 9. Transition Plan
Section 10. Enforcement
Section 11. Permit Suspension, Modification, Revocation and Reissuance
Section 12. Authority to Director to Establish Applicable Requirements
Section 13. Severability
Section 14. Conflict With Other Rules
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## SERIES 30A - DEFERRAL OF AREA SOURCES FROM PERMITTING REQUIREMENTS

Authority - §§22-5-4; 22-5-12; 29A-1-2(c); WV 45CSR30
Type - Interpretive
Price - $2.40
Effective - February 1, 1999

Section 1. General
Section 2. Definitions
Section 3. Deferral of Area Sources
Section 4. Deferral Period
Section 5. Effect of Deferral

## SERIES 30B - IDENTIFICATION AND COUNTING OF FUGITIVE EMISSIONS IN MAJOR SOURCE DETERMINATIONS UNDER WV 45CSR30

Authority - §22-5-4; 22-5-12; 29A-1-2(c); WV 45CSR30
Type - Interpretive
Price - $2.40
Effective - October 5 , 1995

Section 1. General
Section 2. Definitions
Section 3. Sources Required to Count Fugitive Emissions in Making Major Source Determinations
Section 4. Sources Not Required to Count Fugitive Emissions in Making Major Source Determinations

## SERIES 31 - CONFIDENTIAL INFORMATION

Authority - §22-5-1 et seq.
Type - Legislative
Price - $3.00
Effective - September 25, 1997

Section 1. General
Section 2. Definitions
Section 3. Claim of Confidentiality
Section 4. Determination of Confidentiality
Section 5. Use of Confidential Material by the Director
Section 6. Types and Amounts of Air Pollutants Discharged

## SERIES 31A - RELEASE OF PREVIOUSLY SUBMITTED CONFIDENTIAL INFORMATION

Authority - §§22-5-4; 22-5-10; 29A-1-2(c) & 45CSR31
Type - Interpretive
Price - $2.20
Effective - September 21, 1998

Section 1. General
Section 2. Definitions
Section 3. Release of Confidential Information

## SERIES 31B - CONFIDENTIAL BUSINESS INFORMATION AND EMISSION DATA

Authority -- §§22-5-4; 22-5-10; 29A-1-2(c) & 45CSR31
Type - Interpretive
Price - $2.60
Effective - November 10, 2003

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. What Information Constitutes Emission Data
Section 5. Contents of Permit
Section 6. Information Determined Emission Data by EPA

## SERIES 32 - SERIOUS AND MINOR VIOLATIONS OF APPLICABLE RULES

Authority - §20-5-1 et seq.
Type - Legislative
Price - $2.60
Effective - July 7, 1993

Section 1. General
Section 2. Definitions
Section 3. Serious Violations
Section 4. Separate Violations
Section 5. Severability

## SERIES 33 - ACID RAIN PROVISIONS AND PERMITS

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.40
Effective - June 1, 2003

Section 1. General
Section 2. Requirements
Section 3. Definitions
Section 4. Adoption of Standards
Section 5. Inconsistency Between Rules

## SERIES 34 - EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES PURSUANT TO 40 CFR PART 63

Authority - §22-5-4
Type - Legislative
Price - $2.60
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Requirements
Section 4. Adoption of Standards
Section 5. Secretary
Section 6. Permits
Section 7. Inconsistency Between Rules

## SERIES 35 - REQUIREMENTS FOR DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO APPLICABLE AIR QUALITY

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.40
Effective - May 1, 1995

Section 1. General
Section 2. Definitions
Section 3. Adoption of Criteria, Procedures and Requirements
Section 4. Requirements

## SERIES 36 - REQUIREMENTS FOR DETERMINING CONFORMITY OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS DEVELOPED, FUNDED OR APPROVED UNDER TITLE 23 U.S.C. OR THE FEDERAL TRANSIT LAWS TO APPLICABLE AIR QUALITY IMPLEMENTATION PLANS (TRANSPORTATION CONFORMITY)

Authority - §22-5-4
Type - Legislative
Price - $2.60
Effective - June 1, 2004

Section 1. General
Section 2. Definitions
Section 3. Requirements
Section 4. Adoption of Policies and Procedures
Section 5. Consultation
Section 6. Inconsistency Between Rules
Appendix

## SERIES 37 - RESERVED

## SERIES 38 - PROVISIONS FOR DETERMINATION OF COMPLIANCE WITH AIR QUALITY MANAGEMENT RULES

Authority - §22-5-1 et seq.
Type - Legislative
Price - $2.40
Effective - May 1, 1995

Section 1. General
Section 2. Definitions
Section 3. Compliance Determination Methods and Procedures
Section 4. Compliance Certification by a Source Owner or Operation
Section 5. Enforcement of Emission Standards or Limitations by the Director

# TITLE 52

# AIR QUALITY BOARD

(SEE TITLE 45, DIVISION OF ENVIRONMENTAL PROTECTION, OFFICE OF AIR QUALITY)

## SERIES 1 - PROCEDURAL RULES GOVERNING APPEALS BEFORE THE AIR QUALITY BOARD

Authority - §§29A-3-3; 22B-1-3(c)
Type - Procedural
Price - $3.00
Effective - December 30, 1994


Section 1. General
Section 2. Notice of Appeal; Answer
Section 3. The Certified Record
Section 4. Filing and Service of Documents
Section 5. Orders of the Board; Submission of Motions
Section 6. Evidentiary Hearings
Section 7. Ex Parte Contracts
Section 8. Confidential Information
Appendix


## SERIES 2 - RULES ON REQUESTS FOR INFORMATION

Authority - §§29B-1 et seq.; 29-3-3
Type - Procedural
Price - $3.20
Effective - February 2, 1996


Section 1. General
Section 2. Definitions
Section 3. Policy on Disclosure
Section 4. Form of Request
Section 5. Requests Which do not Reasonably Describe Records Sought
Section 6. Misdirected Requests; Oral Requests
Section 7. Responsibilities of the Board
Section 8. Denials of Request
Section 9. Exemptions
Section 10. Partial Disclosure
Section 11. Fees

# TITLE 175

# ALCOHOL BEVERAGE CONTROL COMMISSION

Index for the Alcohol Beverage Control Commission


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TOTAL COST OF TITLE 175 - $44.50

## SERIES 1 - RETAIL LICENSEE OPERATIONS

Authority - §60-3A-6
Type - Legislative
Price - $5.40
Effective - May 13, 2005


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| Section | 1. | General |
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| Section | 3. | Authorized Retail Licensee Activities |
| Section | 4. | Ordering, Receiving and Paying |
| Section | 5. | Manufacturer Prohibitions |
| Section | 6. | Advertising |
| Section | 7. | Transportation |


Appendices

## SERIES 2 - PRIVATE CLUB LICENSING

Authority - §60-7-10
Type - Legislative
Price - $4.80
Effective - May 13, 2005


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Licensure |
| Section | 4. | Operation of Private Club |
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## SERIES 3 - FARM WINERIES

Authority - §§60-2-16; 29A-3-1 et seq.
Type - Legislative
Price - $4.20
Effective - April 15, 1991

Section 1. General
Section 2. Definitions
Section 3. Licensure
Section 4. Operation of Farm Wineries
Section 5. Reserved for Future Use
Section 6. Advertising
Section 7. Violations
Section 8. Enforcement
Section 9. Hearing and Appeal Procedure
Section 10. Severability

## SERIES 4 - RETAIL SALE OF WINE IN GROCERY STORES, WINE SPECIALTY SHOPS AND PRIVATE WINE RESTAURANTS

Authority - §§60-2-16; 60-8-23; 29A-3-1 et seq.
Type - Legislative
Price - $8.40
Effective - April 15, 1992

Section 1. General
Section 2. Definitions
Section 3. Suppliers
Section 4. Wine Distributors
Section 5. Wine Retailers
Section 6. Private Wine Restaurant
Section 7. Wine Liter Tax and Municipal Tax on Wine Sales; Reports Required
Section 8. Advertising
Section 9. Trade Practices and Conduct of Business Generally
Section 10. Refusal, Suspension or Revocation of License
Section 11. Hearing and Appeal Procedure
Section 12. Severability

## SERIES 5 - LICENSING OF RETAIL LIQUOR STORES

Authority - §60-3A-6(C)(2)
Type - Legislative
Price - $12.30
Effective - June 15, 2001

Section 1. General
Section 2. Definitions
Section 3. Criteria, Limitation and Necessity for Retail Operations
Section 4. Limitations on Holding Licenses
Section 5. General Powers and Duties of Board and Commissioner
Section 6. Duties of Successful Bidders for Class A Licenses to Open and Operate Its Authorized Stores; Limitation on Number of Retail Outlets a Person May Hold
Section 7. Retail License Application Requirements; Federal Licensing Requirements
Section 8. Investigation of Applicants for Retail License
Section 9. Bidding Procedure
Section 10. Preference for Resident Bidders
Section 11. Criminal Penalties for Unlawful Inducement
Section 12. Bonding Requirements
Section 13. Annual Retail License Fee
Section 14. Sale, Assignment or Transfer of Retail License

Section 15. Surrender of Retail License
Section 16. Restriction on Location of Retail Outlets
Section 17. Wholesale Prices Set by Commissioner
Section 18. Days and Hours Retail Licensees May Sell Liquor
Section 19. Limitation on Amount to be Sold
Section 20. Nonapplication of Rules to Retail Sales of Nonintoxicating Beer
Section 21. Tax on Purchases of Alcoholic Liquor
Section 22. Requirement for Posting Information Sign
Section 23. Records Required of Retail Licensees; Inspection of Records
Section 24. Unlawful Acts by Persons
Section 25. Certain Acts of Retain Licensees Prohibited; Criminal Penalties
Section 26. Civil Penalties
Section 27. Suspension or Revocation of Retail License
Section 28. Revocation of License for Failure to Operate Retail Outlet and Forfeiture of Retail Outlet for Failure to Operate Retail Outlet
Section 29. Notice of Hearing on Boundary Disputes
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## SERIES 6 - BAILMENT POLICIES AND PROCEDURES

Authority - §§60-2-16; 29A-3-1 et seq.
Type - Legislative
Price - $4.00
Effective - May 13, 2005

Section 1. General
Section 2. Definitions
Section 3. Conversion in Bailment
Section 4. Delivering Merchandise
Section 5. Unloading and Storage
Section 6. Use of Bailment Inventory
Section 7. Defective Merchandise and Concealed Damage or Shortage
Section 8. Withdrawal of Bailment Inventory by the Supplier
Section 9. Maximum Inventory Levels
Section 10. Special Orders
Section 11. Handling Charges
Section 12. Reserved for Future Use
Section 13. Physical Count of Inventory
Section 14. Listing and Delisting of Inventory Products
Section 15. Reports
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## SERIES 7 - RESERVED

## SERIES 8 - CIGARETTES PRODUCED FOR EXPORT/IMPORTED CIGARETTES

Authority - §60-9-5
Type - Legislative
Price - $3.00
Effective - June 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Imported Cigarettes -- Requirements
Section 4. Cigarettes Produced for Export -- Prohibitions; Unstamped Tobacco Products
Section 5. Penalties
Section 6. Enforcement of Youth Smoking Laws; ABCC; Use of Minors in Inspections
Section 7. Administrative Sanctions
Section 8. Hearing and Appeal Procedure
Section 9. General Enforcement Provisions
Section 10. Unfair Trade Practices
Section 11. Manufacturers Relationships with Retailers
Section 12. Procedure for Filing Complaint
Section 13. Hearing and Appeal Procedure

## SERIES 9 - PROHIBITING SALE OF TOBACCO PRODUCTS IN VENDING MACHINES

Authority - §§16-9A-8; 29A-3-1 et seq.
Type - Legislative
Price - $2.40
Effective - June 1, 2001


Section 1. General
Section 2. Definitions
Section 3. Tobacco Registration License Tax
Section 4. Cigarette Vending Machine Operators
Section 5. Enforcement - Standards for Location of Vending Machines
Section 6. Enforcement of Youth Smoking Laws; Alcohol Beverage Control Commission Class A License Establishments, Use of Minors in Inspections
Section 7. Penalties; Exceptions
Section 8. Hearing and Appeal Procedure
Section 9. Severability

# TITLE 176

# ALCOHOL BEVERAGE CONTROL COMMISSION - BEER

## SERIES 1 - RULES AND REGULATIONS PERTAINING TO THE WEST VIRGINIA NON-INTOXICATING BEER COMMISSION

Authority - §§11-16-22; 29A-3-1
Type - Legislative
Price - $6.20
Effective - July 1, 1995


Section 1. General
Section 2. Definitions
Section 3. Licenses
Section 4. Labels, Brewer's Reports, Taxation, Distributor's Reports, Record Management by Brewers and Distributors
Section 5. Reserved
Section 6. Unlawful Acts
Section 7. Advertising
Section 8. Sanitation
Section 9. Reserved
Section 10. Deposit for Packages, Container, Deposits, Rebates
Section 11. Chipped or Broken Bottles
Section 12. Flat Beer
Section 13. Brewers, Qualifications, Shipment into State, Bond, Contract
Section 14. Revocations or Suspension of License
Section 15. Hearing on Sanctioning of License

# TITLE 2

# WEST VIRGINIA BOARD OF ARCHITECTS

## SERIES 1 - REGISTRATION OF ARCHITECTS

Authority - §§30-12-1; 30-12-3; 30-1-7a
Type - Legislative
Price - $4.00
Effective - April 14, 2004


Section 1. General
Section 2. Definitions
Section 3. General Provisions
Section 4. Applications for Registration
Section 5. Registration Standards
Section 6. Reciprocal Registration
Section 7. Examination
Section 8. Registration
Section 9. Rules of Professional Conduct
Section 10. Causes for Denial, Suspension or Revocation of Registration or Other Disciplinary Action


## SERIES 2 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR ARCHITECTS

Authority - §§30-12-1; 30-12-3; 30-1-7A
Type - Procedural
Price - $3.60
Effective - January 12, 2001


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Suspension or Revocation of Registration, or Other Disciplinary Action
Section 5. Disposition of Complaints
Section 6. Requests for Hearing Following Denial of Registration
Section 7. Hearing Procedure
Section 8. Transcription of Testimony and Evidence
Section 9. Submission of Proposal Findings of Fact and Conclusion of Law
Section 10. Depositions and Discovery
Section 11. Orders
Section 12. Notification to NCARB
Section 13. Appeal


## SERIES 3 - FEES FOR REGISTRATION OF ARCHITECTS

Authority - §30-1-6
Type - Legislative
Price - $2.00
Effective - May 1, 2001


Section 1. General
Section 2. Definitions
Section 3. Fees

# TITLE 180

# ARCHIVES AND HISTORY COMMISSION

NO RULES ON FILE

# TITLE 177

# WEST VIRGINIA ATHLETIC COMMISSION

## SERIES 1 - ADMINISTRATIVE RULES AND REGULATIONS OF THE STATE ATHLETIC COMMISSION

Authority - §29-5A-24
Type - Legislative
Price - $5.20
Effective - July 10, 2002


Section 1. General
Section 2. Definitions
Section 3. Press Relations
Section 4. Licenses
Section 5. Bond
Section 6. Individual Sanction and Permits for Professionals and Amateurs
Section 7. Insurance for Boxers
Section 8. Promoter's Report
Section 9. Inspectors or Deputies
Section 10. Failure to Submit Report of Contests
Section 11. Minimum Age Limit
Section 12. Assumed Names
Section 13. Designation of Officials
Section 14. Failure to Appear
Section 15. Weigh In
Section 16. Weights and Classes
Section 17. Contracts
Section 18. Fake Contests
Section 19. No Pay Before Contest
Section 20. Wagering
Section 21. Length of Rounds
Section 22. Reporting In
Section 23. Interval Between Bouts
Section 24. Dressing Room
Section 25. Managers
Section 26. Boxers with no Managers
Section 27. Seconds
Section 28. Timekeepers
Section 29. The Announcer
Section 30. Physician; Medical Requirements
Section 31. Decisions
Section 32. Fouls
Section 33. Referee's License
Section 34. "Down" Without Being Struck; Counted Out
Section 35. Withholding Purse
Section 36. Counting
Section 37. A Contestant is Down
Section 38. Gloves
Section 39. Bandages
Section 40. Contestant's Costumes
Section 41. The Ring
Section 42. Ring Ropes
Section 43. Obstructions
Section 44. Water Buckets, Etc.
Section 45. Semi Professional Fights, also Known as "Toughperson" Style Elimination Tournaments
Section 46. Amateur Boxing Rules
Section 47. National Anthem
Section 48. Ultimate Fight
Section 49. Officials Fees

# TITLE 142

# ATTORNEY GENERAL

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TOTAL COST OF ALL OF TITLE 142 - $41.20

## SERIES 1 - RULES AND REGULATIONS FOR THE ATTORNEY GENERAL PERTAINING TO THE WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT

Authority - §46A-7-102(1)(e)
Type - Procedural
Price - $2.40
Effective - April 3, 1975


Section 1. General
Section 2. Definition
Section 3. Hearings

## SERIES 2 - FREEDOM OF INFORMATION RULES

Authority - §29B-1-3
Type - Procedural
Price - $2.00
Effective - December 21, 1988

Section 1. General
Section 2. Request Procedure
Section 3. Exemptions
Section 4. Request for Complications
Section 5. Fees for Reproduction of Records

## SERIES 3 - ESTABLISHMENT AND QUALIFICATION OF THIRD PARTY DISPUTE MECHANISMS FOR THE RESOLUTION OF NEW MOTOR VEHICLE WARRANTY DISPUTES BETWEEN THE CONSUMER AND THE MANUFACTURER, ITS AGENT OR ITS AUTHORIZED DEALER

Authority - §§46A-6-103 and 46A-6A-8
Type - Legislative
Price - $3.40
Effective - August 1, 1985

Section 1. General
Section 2. Definitions
Section 3. Option to Establish Informal Dispute Settlement Procedure
Section 4. Duties of Warrantor
Section 5. Minimum Requirement of the Mechanism

## SERIES 4 - STATE GUIDELINES FOR FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

Authority - §61-11A-6
Type - Legislative
Price - $2.60
Effective - July 1, 1984

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Services to Victims of Crime
Section 5. Compliance Within Limits of Available Resources and Constitutional Requirements
Section 6. No Cause of Action Created

## SERIES 5 - PREVENTION OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN HOME IMPROVEMENT TRANSACTIONS

Authority - §§49A-6-103, 46A-7-102(e)
Type - Legislative
Price - $3.00
Effective - June 15, 1987

Section 1. General
Section 2. Definitions
Section 3. Home Improvement and Home Construction Transactions
Section 4. Remedies

**SERIES 6 - PREVENTION OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN SALE OF DAMAGED GOODS OR DAMAGED PRODUCTS**

Authority - §§46A-6-103, 46A-7-102(e)
Type - Legislative
Price - $2.40
Effective - June 15, 1987

Section 1. General
Section 2. Definitions
Section 3. Sale of Damaged Goods or Damaged Products
Section 4. Remedies

**SERIES 7 - QUALIFICATION AND APPROVAL OF MOTOR VEHICLE MANUFACTURER'S INFORMAL DISPUTE SETTLEMENT MECHANISMS**

Authority - §§46A-6-103, 46A-6A-8
Type - Procedural
Price - $2.80
Effective - June 1, 1987

Section 1. General
Section 2. Definitions
Section 3. Application for Qualification
Section 4. Review of Application
Section 5. Provisionally Qualified Mechanisms
Section 6. Continuing Obligations of Qualified Mechanisms
Section 7. Revocation of Qualification
Section 8. Unqualified Mechanisms

**SERIES 8 - ADMINISTRATION OF PRENEED BURIAL CONTRACTS**

Authority - §§47-14-9; 46A-6-103; 46A-7-203(1)(e)
Type - Legislative
Price - $3.40
Effective - August 25, 1988

Section 1. General
Section 2. Definitions
Section 3. Annual Report
Section 4. Application for Certificate of Authority or License; Contents of Application
Section 5. Initial Examinations
Section 6. Second or Subsequent Examinations
Section 7. Trust Accounts
Section 8. Provision of Goods and Services Under Preneed Funeral Contract at Death of Contract Beneficiary
Section 9. Contents and Execution of Contracts
Section 10. Default by the Contract Buyer
Section 11. Sale or Transfer of Certificate of Authority or License Prohibited
Section 12. Multiple Price Lists Prohibited
Section 13. Disciplinary Proceedings
Section 14. Insolvency
Section 15. Notice of Contract Irrevocability
Section 16. Applicability of Freedom of Information Act
Section 17. Violation of Rule; Enforcement

## SERIES 9 - ALLOWING PERSONS WHO ARE INDIRECTLY INJURED BY VIOLATIONS OF THE WEST VIRGINIA ANTITRUST ACT TO RECOVER DAMAGES

Authority - §47-18-20
Type - Legislative
Price - $2.00
Effective - April 2, 1990

Section 1. General
Section 2. General Recoverable by Persons Indirectly Injured

## SERIES 10 THRU 12 - RESERVED

## SERIES 13 - HEALTH SPAS

Authority - §§46A-7-102(1)(e); 46A-6-103
Type - Legislative
Price - $3.80
Effective - July 1, 1990

Section 1. General
Section 2. Definitions
Section 3. Surety Bond, Letter of Credit and Alternatives
Section 4. Contract Requirements
Section 5. Cancellation of Contracts
Section 6. Pre-opening Sale of Contracts
Section 7. Unfair or Deceptive Acts or Practices
Section 8. Violation of the Rule; Enforcement

## SERIES 14 - LIMITATION OF ACTION AND RECOVERY OF INVESTIGATIVE COSTS AND A REASONABLE ATTORNEY'S FEE BY THE ATTORNEY GENERAL IN ENFORCEMENT ACTIONS

Authority - §47-18-20
Type - Legislative
Price - $2.00
Effective - April 9, 1991

Section 1. General
Section 2. Continuing Violations
Section 3. Investigative Costs and Attorney's Fees

## SERIES 15 - DEFINING THE TERM "FEDERAL ANTITRUST LAWS" AND PROHIBITING TYING AND RECIPROCITY

Authority - §47-18-20
Type - Legislative
Price - $2.00
Effective - April 9, 1991

Section 1. General
Section 2. Definitions of "Federal Antitrust Laws" as Used in West Virginia Code §47-18-17
Section 3. Prohibited Conduct

**SERIES 16 - AUTHORIZING THE ATTORNEY GENERAL TO REQUIRE PERSONS UPON WHOM SUBPOENAS ARE SERVED TO ANSWER WRITTEN QUESTIONS UNDER OATH**

Authority 47-18-20
Type - Legislative
Price - $2.00
Effective - April 9, 1991

Section 1. General
Section 2. Written Responses to Subpoenas

**SERIES 17 - RESERVED**

**SERIES 18 - REGULATED BUSINESS EXEMPTION UNDER THE WEST VIRGINIA ANTITRUST ACT**

Authority - §47-18-20
Type - Legislative
Price - $2.00
Effective - April 9, 1991

Section 1. General
Section 2. Exemption from the West Virginia Antitrust Act for Regulated Businesses

**SERIES 19 - ASSISTANCE OF PUBLIC OFFICIALS IN INVESTIGATIONS AND THE COMMENCEMENT OF PROCEEDINGS TO COMPEL COMPLIANCE**

Authority - §47-48-20
Type - Legislative
Price - $2.00
Effective - April 9, 1991

Section 1. General
Section 2. Proceedings to Enforce Compliance by Public Officials and Employees in Antitrust Investigations
Section 3. Priority in Actions Brought by the Attorney General to Compel Compliance with Subpoenas or Other Investigative Requests

**SERIES 20 THRU 21 - RESERVED**

**SERIES 22 - WEST VIRGINIA CONSUMER GOODS RENTAL PROTECTIVE ACT**

Authority - §§46A-6-103; 46A-7-102(e); 46B-3-10
Type - Legislative
Price - $3.40
Effective - May 9, 1994

Section 1. General
Section 2. Definitions
Section 3. Disclosure
Section 5. Termination Notice
Section 6. Transfer of Warranties

# TITLE 155

# AUDITOR

ED. NOTE: The State Auditor has a joint rule with the Department of Administration (148 CSR 7), STATE PURCHASING CARD PROGRAM, and with the Treasurer of State (112 CSR 2), SUBSTITUTE CHECKS-EXCEPTIONAL ITEMS FUND


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TOTAL COST FOR ALL OF TITLE 155 - $13.80

## SERIES 1 - STANDARDS FOR REQUISITIONS FOR PAYMENT ISSUED BY STATE OFFICERS ON THE AUDITOR

Authority - §12-3-10
Type - Legislative
Price - $2.80
Effective - April 3, 2003


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| Section | 1. | General |
| Section | 2. | Definitions |
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## SERIES 2 - RESERVED

SEE TREASURER 112CSR2

## SERIES 3 - STANDARDS FOR VOLUNTARY PAYROLL DEDUCTIONS

Authority - §12-3-13B
Type - Legislative
Price - $2.40
Effective - April 1, 1998


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| Section | 2. | Definitions |
| Section | 3. | State Auditor's office Responsibilities |
| Section | 4. | Method of Deductions |
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**SERIES 4 - TRANSACTION FEE AND RATE STRUCTURE**

Authority - §12-3-10C
Type - Legislative
Price - $2.40
Effective - April 23, 2004

Section 1. General
Section 2. Definitions
Section 3. Transaction Fee Structure
Section 4. Penalty Fee Structure
Section 5. Disposition of Fees
Section 6. Accounting Requirements

**SERIES 5 - STATE AUDITOR'S COMPUTER AND TECHNOLOGY DONATION PROGRAM**

Authority - §12-4B-2
Type - Legislative
Price - $3.20
Effective - April 4, 2003

Section 1. General
Section 2. Definitions
Section 3. Director's Duties
Section 4. Administration
Section 5. Notice
Section 6. Selection
Section 7. Liability and Miscellaneous

**SERIES 6 - RESERVED**

**SERIES 7 - PURCHASING CARD PROGRAM**

Authority - §12-3-10a
Type - Legislative
Price - $3.00
Effective - April 23, 2004

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Power and Authority
Section 5. Point of Sale Vendor Participation
Section 6. Purchasing Methods
Section 7. Itemizing Claims for Payments
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# TITLE 106

## COMMISSIONER OF BANKING

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TOTAL COST OF ALL OF TITLE 106 - $48.20

### SERIES 1 - RULE PERTAINING TO THE WV CONSUMER CREDIT AND PROTECTION ACT AND THE MONEY AND INTEREST ARTICLE OF CHAPTER 47

Authority - §31A-2-4(c)(12)
Type - Legislative
Price - $3.00
Effective - June 2, 1997


Section 1. General
Section 2. Rules of General Application
Section 3. Loan Investigation Fee, Loan Origination Fee, Loan Assumption Fee


### SERIES 2 - THE SALE OF INSURANCE PRODUCTS BY STATE-CHARTERED BANKS

Authority - §§31A-4-13(i); 13A-2-4(c)(11)
Type - Legislative
Price - $2.40
Effective - May 1, 1999


Section 1. General
Section 2. Notice and Conduct of Insurance Activities
Section 3. Safety and Soundness
Section 4. Enforcement and Penalties

## SERIES 3 - RULE GOVERNING THE OPERATIONS OF THE OFF-PREMISE BOOKKEEPING SERVICES OF INSTITUTIONS IN WEST VIRGINIA

Authority - §31A-2-4(c)(11)
Type - Legislative
Price - $2.00
Effective - June 2, 1997

Section 1. General
Section 2. Maintenance of Records and Accounts

## SERIES 4 - REGULATIONS PERTAINING TO THE WV CONSUMER CREDIT AND PROTECTION ACT

Authority - §31A-2-4(c)(12)
Type - Legislative
Price - $2.60
Effective - June 2, 1997

Section 1. General
Section 2. Regulated Consumer Lender Restrictions

## SERIES 5 - RULE PERTAINING TO RESIDENTIAL MORTGAGE LENDERS, BROKERS AND LOAN ORIGINATORS

Authority - §§31-17-3; 31-17-11(a)
Type - Legislative
Price - $3.20
Effective - July 1, 2004

Section 1. General
Section 2. Time Frames for Record Keeping By Licensees
Section 3. Records That Must be Maintained by Licensed Residential Mortgage Lenders Who Provide the Initial Funding for a Loan
Section 4. Records That Must be Maintained by Licensed Residential Mortgage Lenders That Purchase or Take Assignment of a Residential Mortgage Loan
Section 5. Records That Must be Maintained by Licensed Residential Mortgage Servicers
Section 6. Records That Must be Maintained by Licensed Residential Mortgage Brokers
Section 7. Form and Location of Records
Section 8. Advertising
Section 9. Use of Non-local Appraisers
Section 10. Improper Influence of Appraisers
Section 11. Documentation of Ability to Repay
Section 12. Notice of Changes in Loans That Are in Process
Section 13. Criminal Background Checks
Section 14. Payment to Unrelated Third Parties

## SERIES 6 - SUBSIDIARY BANK HOLDING THE STOCK OF ITS PARENT HOLDING COMPANY AS COLLATERAL

Authority - §31A-2-4(c)(11)
Type - Legislative
Price - $2.00
Effective - May 2, 1989

Section 1. General
Section 2. Holding Company Stock as Collateral

## SERIES 7 - INSTALLATION, OPERATION AND SHARING OF CUSTOMER BANK COMMUNICATION TERMINALS AND THE UTILIZATION OF NON-EXCLUSIVE ACCESS INTERCHANGE SYSTEMS

Authority - §31A-8-12b(f)
Type - Legislative
Price - $2.60
Effective - May 11, 1983

Section 1. General
Section 2. Sharing Customer Bank Communication Terminals
Section 3. Non-Exclusive Access Interchange System
Section 4. Night Depository Box Attached to a Customer Bank Communication Terminal

## SERIES 8 - RESERVED

Repealed & Replaced by 106 CSR 1
Effective - June 2, 1997

## SERIES 9 - LEGAL LENDING LIMIT

Authority - §31A-4-26(a)(5)
Type - Legislative
Price - $4.40
Effective - June 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Limitations and Compliance
Section 4. Combining Loans to Non-Affiliated Persons or Entities
Section 5. Combining Loans to Affilitated Persons or Entities
Section 6. Exceptions to the Lending Limits
Section 7. Miscellaneous

## SERIES 10 - PROCEDURAL RULES OF THE COMMISSION OF BANKING

Authority - §29A-4-1 and 29A-5-l(a)
Type - Procedural
Price - $2.40
Effective - February 11, 1985

Section 1. General
Section 2. Declaratory Rulings
Section 3. Contested Case Hearings

## SERIES 11 - PERMISSIBLE ADDITIONAL CHARGES IN CONNECTION WITH A CONSUMER CREDIT SALE OR LOAN

Authority - §§46A-3-109(1)(d) and 31A-2-4(c)(12)
Type - Legislative
Price - $2.60
Effective - May 1, 1999

Section 1. General
Section 2. Documentary Fee or Documentary Charge
Section 3. Flood Mapping Service Fee for Residential Property
Section 4. Over-the-Limit Fees
Section 5. Cash Advance Charges
Section 6. Debt Cancellation Contracts and Insurance
Section 7. Optional End Term Debt Cancellation Fee

## SERIES 12 - COMMUNITY REINVESTMENT ACT

Authority - §31A-8B-5
Type - Legislative
Price - $2.60
Effective - July 1, 1993

Section 1. General
Section 2. Applicability of Federal Community Reinvestment Act of 1977
Section 3. Filing Requirements
Section 4. Assessing the Record of Performance
Section 5. Public Participation
Section 6. Effects on Applications

## SERIES 13 - DEFINING CERTAIN TERMS IN CHAPTER 31A-8C-1 ET SEQ. AND REGULATIONS PROMULGATED THEREUNDER

Authority - §31A-2-4(c)(11); §31A-8C-2 & 4; §29A-3-1 et seq.
Type - Interpretive
Price - $2.40
Effective - January 29, 1989

Section 1. General
Section 2. Definitions as Interpreted by the Commissioner of Banking

## SERIES 14 - IMPLEMENTING THE ACT GOVERNING THE PROVISION OF FINANCIALLY RELATED SERVICES BY BANKS AND BANK HOLDING COMPANIES

Authority - §31A-8C-4
Type - Procedural
Price - $2.60
Effective - January 29, 1989

Section 1. General
Section 2. Application of Procedures
Section 3. Filing Requirements
Section 4. Limitation on Activities
Section 5. Fees

## SERIES 15 - RESERVED

## SERIES 16 - LEASE FINANCING TRANSACTIONS

Authority - §31A-4-38
Type - Legislative
Price - $2.60
Effective - April 24, 1992

Section 1. General
Section 2. Definitions
Section 3. Authority to Engage in Leasing Transactions
Section 4. Lease terms, Legal Lending Limits
Section 5. Residual Value
Section 6. Maintenance and Retention of Records
Section 7. Conflicts

## SERIES 17 - NOTICE AND TREATMENT OF JOINT ACCOUNTS

Authority - §§31A-4-33; 31A-2-4(c)(11)
Type - Legislative
Price - $3.40
Effective - May 5, 1995

Section 1. General
Section 2. Definitions
Section 3. Notice
Section 4. Effect of Written Notice
Section 5. Non-Liability of Bank
Section 6. Severability
Appendix

## SERIES 18 - ACQUISITION OF PROPERTY BY FINANCIAL INSTITUTIONS AND VALUATION OF REAL ESTATE OWNED BY STATE-CHARTERED BANKS

Authority - §§31A-4-13; 31A-8-3; 31A-2-4(c)(11)
Type - Legislative
Price - $2.80
Effective - May 19, 1994

Section 1. General
Section 2. Definitions
Section 3. Valuation of Real Estate Held by State-Chartered Banks
Section 4. Holding Period
Section 5. Appraisal Requirements
Section 6. Additional Expenditures and Notification
Section 7. Prohibited Conduct of Foreclosure and Other Real Estate Sales by Directors, Officers, Employees and Affiliates of a Financial Institution
Section 8. Severability

## SERIES 19 - RULE FOR REVERSE MORTGAGE LOANS

Authority - §47-24-8(b)
Type - Legislative
Price - $4.60
Effective - June 2, 1997

Section 1. General
Section 2. Authorization to Make Reverse Mortgage Loans
Section 3. Definitions
Section 4. Approval for Mortgage Bankers and Other Entities to Make Reverse Mortgage Loans
Section 5. Lending Procedures and Records Retention
Section 6. Requirements for Reverse Mortgage Loans
Section 7. Additional Features of Reverse Mortgage Loans
Section 8. Maintenance of Real Property Securing the Reverse Mortgage Loans
Section 9. Termination of Reverse Mortgage Loans
Section 10. Permitted Fees, Costs and Payments
Section 11. Required Disclosures for Reverse Mortgage Loans
Section 12. Availability of Reverse Mortgage Loans
Section 13. Administrative Penalties and Hearings
Section 14. Special Provisions Regarding Payment of Real Estate Taxes and Insurance
Section 15. Aggregate Loan Limits for Certain Lenders

# TITLE 107

# WEST VIRGINIA BOARD OF BANKING AND FINANCIAL INSTITUTIONS

## SERIES 1 - RULES OF WV BOARD OF BANKING AND FINANCIAL INSTITUTIONS

Authority - §31A-2(a)
Type - Procedural
Price - $3.20
Effective - August 31, 1995

Section 1. General
Section 2. Declaratory Rulings
Section 3. Hearings
Section 4. Severability

## SERIES 2 - OPEN MEETINGS REGULATIONS FOR THE WEST VIRGINIA BOARD OF BANKING AND FINANCIAL INSTITUTIONS

Authority - §6-9A-3
Type - Procedural
Price - $2.00
Effective - November 6, 1981

Section 1. General
Section 2. Meetings

# TITLE 3

## STATE BOARD OF BARBERS AND COSMETOLOGISTS

Index for Board of Barbers and Cosmetologists


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TOTAL COST OF ALL OF TITLE 3 - $24.40

### SERIES 1 - PROCEDURES, CRITERIA AND CURRICULA FOR EXAMINATION AND LICENSURE OF BARBERS, COSMETOLOGISTS AND MANICURISTS and AESTHETICIANS

Authority - §§30-27-1; 30-27-8
Type - Legislative
Price - $5.20
Effective - April 4, 2000


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definition of Aesthetician |
| Section | 3. | License Requirement |
| Section | 4. | Qualification for Licensure |
| Section | 5. | Minimum Curriculum for Barber Permanent Wave License |
| Section | 6. | Minimum Curriculum for Cosmetologists |
| Section | 7. | Minimum Curriculum for Manicurists |
| Section | 8. | Minimum Curriculum for Barbers to Obtain a Cross-over Cosmetologist's License |
| Section | 9. | Minimum Curriculum for Cosmetologists to Obtain a Cross-over Barber License |
| Section | 10. | Minimum Curriculum for Aestheticians |
| Section | 11. | Reciprocity |
| Section | 12. | Administrative Due Process |
| Tables | | |


### SERIES 2 - QUALIFICATIONS, TRAINING, EXAMINATION AND LICENSURE OF INSTRUCTORS IN BARBERING AND BEAUTY CULTURE

Authority - §30-27-8
Type - Legislative
Price - $3.00
Effective - July 1, 1992


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | General Qualifications for Licensure as a Student or Master Instructor |
| Section | 3. | Additional Requirements for Licensure as a Student Instructor |
| Section | 4. | Additional Experience Requirements for Licensure as a Master Instructor |
| Section | 5. | Additional Educational Requirements for Licensure as a Master Instructor |
| Section | 6. | Renewal of Licensure as a Student or Master Instructor |
| Section | 7. | Reciprocity |
| Section | 8. | Revocation of Licensure |
| Section | 9. | Administrative Due Process |
| Section | 10. | Severability |
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## SERIES 3 - RULES AND REGULATIONS FOR LICENSING SCHOOLS OF BARBERING AND BEAUTY CULTURE

Authority - §30-27-1
Type - Legislative
Price - $2.60
Effective - July 1, 1992

Section 1. General
Section 2. Licensing Standards
Section 3. Applications for Licenses
Section 4. Licenses
Section 5. Administrative Due Process
Section 6. Severability

## SERIES 4 - OPERATIONAL STANDARDS FOR SCHOOLS OF BARBERING AND BEAUTY CULTURE

Authority - §30-27-1
Type - Legislative
Price - $3.40
Effective - July 1, 1992

Section 1. General
Section 2. Operation of Schools of Barbering and Beauty Culture
Section 3. Classroom and Equipment Standards for Schools of Beauty Culture
Section 4. Classrooms and Equipment Standards for Schools of Barbering
Section 5. Enrollment
Section 6. Attendance at Schools of Barbering and Beauty Culture
Section 7. Records
Section 8. Teaching Staff
Section 9. Administrative Due Process
Section 10. Severability

## SERIES 5 - OPERATION OF BARBER SHOPS AND SCHOOLS OF BARBERING AND BEAUTY CULTURE

Authority - §30-27-1
Type - Legislative
Price - $2.60
Effective - July 1, 1992

Section 1. General
Section 2. Sanitation and Operation Requirements
Section 3. Duty to Carry Out Rules, Reporting and Complaints
Section 4. Administrative Due Process
Section 5. Severability

## SERIES 6 - SCHEDULE OF FEES

Authority - §30-27-1
Type - Legislative
Price - $2.00
Effective - June 1, 1997

Section 1. General
Section 2. Schedule of Fees

## SERIES 7 - SCHEDULE OF FINES

Authority - §30-1-8
Type - Legislative
Price - $3.20
Effective - March 26, 1999

Section 1. General
Section 2. Schedule of Fines

## SERIES 8 - RESERVED

## SERIES 9 - COMPLAINT PROCEDURES

Authority - §§30-27-8; 30-27-1
Type - Procedural
Price - $2.40
Effective - January 1, 2001

Section 1. General
Section 2. Complaint Procedures

# TITLE 62

# BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT BOARD

## SERIES 1 - BEEF INDUSTRY SELF-IMPROVEMENT ASSESSMENT PROGRAM

Authority - §19-2F-6
Type - Legislative
Price - $2.40
Effective - April 1, 1986


Section 1. General
Section 2. Definitions
Section 3. Regulations
Section 4. Assessments
Section 5. Refunds

# WEST VIRGINIA NON-INTOXICATING BEER COMMISSIONER

(SEE TITLE 176 - ALCOHOL BEVERAGE CONTROL COMMISSION - BEER)

# TITLE 159

# STATE BUILDING COMMISSION

## SERIES 1 - PROCEDURAL RULES FOR MEETINGS

Authority - §6-9A-3
Type - Procedural
Price - $2.80
Effective - July 21, 1995


Section 1. General
Section 2. Office
Section 3. Commission
Section 4. Officers
Section 5. Miscellaneous
Section 6. Amendments

# TITLE 187

## CABLE TELEVISION ADVISORY BOARD

Abolished by 1997 Legislature by HB 2881 effective July 1, 1998.

SEE PUBLIC SERVICE COMMISSION, 150CSR26

# TITLE 70

# CANCER ADVISORY COMMITTEE

## SERIES 1 - WEST VIRGINIA CANCER ADVISORY COMMITTEE MEETINGS AND BYLAWS

Authority - §§6-9A-3; 16-5A-2a(d)
Type - Procedural
Price - $2.60
Effective - August 9, 1993


Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Regular Meetings Established; Notice Required, Time, Place and Purpose
Section 5. Special Meetings, Emergency Meetings
Section 6. Cancellation of Meetings
Section 7. Proceedings to be Open; Exceptions Executive Session Permitted
Section 8. Minutes
Section 9. Quorum; Majority Vote Required; Vote by Proxy Prohibited
Section 10. Election of Officers; Duties of Officers
Section 11. Resignation of Members
Section 12. Severability

# TITLE 188

# CAPITOL BUILDING COMMISSION

## SERIES 1 - PROCEDURAL RULES FOR MEETINGS

Authority - §6-9A-3; 4-8-1 et seq.
Type - Procedural
Price - $2.80
Effective - September 27, 2004

Section 1. General
Section 2. Office
Section 3. Commission
Section 4. Officers
Section 5. Miscellaneous
Section 6. Amendments

## SERIES 2 - PREVIEWING PLANS FOR SUBSTANTIAL PHYSICAL CHANGES TO THE CAPITOL COMPLEX

Authority - §4-8-2, 4 & 5
Type - Interpretive
Price - $2.00
Effective - January 9, 1991

Section 1. General
Section 2. Definitions
Section 3. Approval Requirements
Section 4. Emergencies

# TITLE 72

# CATASTROPHIC ILLNESS COMMISSION

## SERIES 1 - ELIGIBILITY STANDARDS FOR ECONOMIC ASSISTANCE FROM THE "JAMES" TIGER MORTON CATASTROPHIC ILLNESS FUND

Authority - §§16-5Q-2; 16-1-4
Type - Legislative
Price - $3.00
Effective - May 7, 2004


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Applications
Section 5. Purpose for Setting Eligibility Standards
Section 6. Eligibility Standards
Section 7. Approved Care and Services
Section 8. Disapproved Care and Services
Section 9. Determination of Eligibility and Award
Section 10. Confidentiality and Records
Section 11. Administrative Due Process

# COMMISSION ON CHARITABLE ORGANIZATIONS

THE CHARITABLE ORGANIZATIONS COMMISSION WAS TERMINATED
BY THE 1995 LEGISLATURE IN HB 2279

# TITLE 97

## CHILD SUPPORT ENFORCEMENT DIVISION

**SERIES 1 - RESERVED**

**SERIES 2 - RESERVED**

**SERIES 3 - RESERVED**

Repealed by SB 295
Effective April 23, 2001

**SERIES 4 - RESERVED**

Repealed by SB 295
Effective April 23, 2001

# TITLE 79

## COMMISSION ON CHILDREN AND YOUTH

### SERIES 1 - OPERATING RULES AND REGULATIONS FOR THE WEST VIRGINIA COMMISSION ON CHILDREN AND YOUTH

Authority - §49-6C-6
Type - Procedural
Price - $3.00
Effective - October 6, 1987


Section 1. General
Section 2. Organization
Section 3. State Plan
Section 4. Children's Trust Fund Regulations

# TITLE 4

# WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS

Index for West Virginia Board of Chiropractic Examiners


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| Series | 4. | Formation and Approval of Professional Limited Liability Companies | 104 |
| Series | 5. | Disciplinary and Complaint Procedures for Chiropractors | 104 |


TOTAL COST OF ALL OF TITLE 4 - $14.20

## SERIES 1 - REGULATION OF CHIROPRACTIC PRACTICES

Authority - §30-16-5
Type - Legislative
Price - $3.40
Effective - March 29, 1999


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| Section | 3. | Officers and Duties of the Board |
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| Section | 7. | Disciplinary Action |
| Section | 8. | Advertising |
| Section | 9. | Testimonials |
| Section | 10. | Abusive Billing Practices |
| Section | 11. | Unlawful Referral |
| Section | 12. | Unlawful Inducement |
| Section | 13. | Investigation and Formal Hearings |
| Section | 14. | Appeal |
| Section | 15. | Chiropractic Assistance |
| Section | 16. | Fees |


## SERIES 2 - PROCEDURES OF THE WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS

Authority - §30-16-1
Type - Procedural
Price - $2.80
Effective - November 25, 1987


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| Section | 3. | Hearings Shall be Conducted as Follows |
| Section | 4. | Transcription of Reported Testimony and Evidence |
| Section | 5. | Submission of Proposed Findings of Fact and Conclusion of Law |
| Section | 6. | Hearing Examiner |
| Section | 7. | Conferences: Informal Disposition of Cases |
| Section | 8. | Depositions |
| Section | 9. | Subpoenas |
| Section | 10. | Orders |
| Section | 11. | Appeal |

## SERIES 3 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-16-1 et seq.; 30-1-1 et seq.; 29A-5-1 et seq.
Type - Procedural
Price - $3.00
Effective - June 10, 1993

Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Hearing Examiner
Section 7. Conferences; Informal Disposition of Cases
Section 8. Depositions
Section 9. Subpoenas
Section 10. Orders
Section 11. Appeal

## SERIES 4 - FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES

Authority - §31B-13-1304
Type - Legislative
Price - $2.40
Effective - March 29, 1999

Section 1. General
Section 2. Definitions
Section 3. Procedures for Formation and Approval of Professional Limited Liability Companies for Chiropractic Physicians, Fees
Section 4. Notification of Non-Compliance, Cessation of Rendering Professional Services
Section 5. Chiropractic Physician - Patient Relationships

## SERIES 5 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR CHIROPRACTORS

Authority - §30-16-5(3)
Type - Procedural
Price - $2.60
Effective - December 29, 2000

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of License
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

# TITLE 36

## BOARD OF COAL MINE HEALTH AND SAFETY

Index for Coal Mine Health and Safety


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| Series | 14. | Rules and Regulations Governing Electrical Equipment in Mines; Required Examinations | 110 |
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| Series | 22. | Rules and Regulations Governing No Act Permitted Endangering Security of Mine; Search for Intoxicants, Matches, Etc. | 112 |
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TOTAL COST OF ALL OF TITLE 36 - $129.70

## SERIES 1 - RULES AND REGULATIONS GOVERNING APPROVALS AND PERMITS, EXPLOSIVES AND VENTILATION FOR THE CONSTRUCTION OF SHAFT AND/OR SLOPE OPERATIONS IN THE STATE OF WEST VIRGINIA

Authority - §22-6-4
Type - Legislative
Price - $3.40
Effective - May 1, 2005

Section 1. General
Section 2. Surface Disturbed Reclamation Bond
Section 3. No Shaft and/or Slope to be Opened Without Prior Approval of the Director of the Department of Mines
Section 4. Information to be Filed by Company Performing Construction Work; Notices, Orders and Decisions Received by Company Agent; Principal Officer in Charge; Permits to be Obtained by Company Performing Construction Work
Section 5. Posting of Permit Approvals
Section 6. Roof and Rib Control Programs and Plans
Section 7. Use of Authorized Explosives; Storage or Use of Unauthorized Explosives
Section 8. Surface Magazines for Explosives
Section 9. Transportation of Explosives
Section 10. Vehicles Used to Transport Explosives
Section 11. Explosives, Handling and Use
Section 12. Misfires of Explosives
Section 13. Examination Records
Section 14. Ventilation - Working Area
Section 15. Ventilation - Fans
Section 16. Ventilation - Methods - Maintenance Evacuation - Quality - Quantity
Section 17. Device to Detect Overlapping on Hoists

## SERIES 2 - RULES AND REGULATIONS GOVERNING EMERGENCY COMMUNICATIONS REQUIREMENTS FOR SHAFT AND/OR SLOPE OPERATIONS AND ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTING FOR INJURED PERSONS; REPORTING REQUIREMENTS; POSTING REQUIREMENTS AT SHAFT AND/OR SLOPE OPERATIONS

Authority - §22-6-4
Type - Legislative
Price - $2.60
Effective - July 1, 1979

Section 1. General
Section 2. Emergency Communications Requirements
Section 3. Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Reporting Requirements; Posting Requirements
Section 4. Effective Date of Rules and Regulations

## SERIES 3 - RULES AND REGULATIONS GOVERNING THE CERTIFICATION AND STATUTORY DUTIES OF SHAFT AND/OR SLOPE SUPERINTENDENT-EXAMINER-FOREMAN AND EXAMINER-FOREMAN

Authority - §22-6-4
Type - Legislative
Price - $3.40
Effective - September 4, 1978

Section 1. General
Section 2. When Superintendent-Examiner-Foreman and/or Examiner-Foreman Required
Section 3. Employment of Agent
Section 4. Superintendent-Shaft and/or Slope Certification
Section 5. Duties - Shaft and/or Slope Superintendent
Section 6. Duty of Operator; Duty of Superintendent to Notify Operator When Unable to Comply with Rules and Regulations
Section 7. When Examiner-Foreman May be Designated
Section 8. Examiner-Foreman Certification
Section 9. Duties Shaft and/or Slope Foreman
Section 10. Duties - Shaft and/or Slope Examiner
Section 11. Shaft and/or Slope Examiner to Have No Superior Officers
Section 12. Authority of Examiner to Perform Other Duties
Section 13. Definitions

## SERIES 4 - RULES AND REGULATIONS GOVERNING THE MOVEMENT OF MINING EQUIPMENT WITHIN COAL MINES IN THE STATE OF WEST VIRGINIA

Authority - §22-6-4
Type - Legislative
Price - $4.80
Effective - July 19, 1979

Section 1. General
Section 2. Definition
Section 3. Track Mounted Equipment That May Continue to Operate Normally
Section 4. Specific Types of Equipment and Related Types of Equipment That Cannot be Moved With Person Inby On Same Ventilating Air Current
Section 5. Transporting Mining Equipment in Track Haulage Entries With Battery Powered Locomotives
Section 6. Track Equipment, Such as Track Cleaners and Requirements
Section 7. Mining Equipment and Disassembled Mining Machine Parts That may be Transported with Certain Requirements
Section 8. Transporting Mining Supplies
Section 9. Tramming of A.C. Electrical Equipment
Section 10. Tramming of D.C. Electrical Equipment
Section 11. Movement of Disassembled Parts of Mining Equipment and Equipment in Off-Track Entries with Battery Powered Equipment
Section 12. Construction Work and Requirements
Section 13. Rehabilitation Work and Requirements

## SERIES 5 - RULES AND REGULATIONS GOVERNING TELEPHONE SERVICE OF COMMUNICATION FACILITIES

Authority - §22-6-4
Type - Legislative
Price - $2.40
Effective - July 18, 1985

Section 1. General
Section 2. Telephone Service of Communication Facilities

## SERIES 6 - LONGWALL MINING

Authority - §22-6-4
Type - Legislative
Price - $3.00
Effective - June 1, 1994

Section 1. General
Section 2. Effective Law and Regulation
Section 3. Definitions
Section 4. Plans for Longwall Mining; Approval by Office of Miners' Health, Safety and Training
Section 5. Chock and/or Shield Recovery Pan From Longwall Face; Approval by Department of Mines
Section 6. Communications; Longwall Working Face; Longwall Working Section
Section 7. Electrical Deenergizing Devices; Longwall Section Face Conveyor
Section 8. Methane Examinations; Monitor; Face Area
Section 9. Safety Provisions - Longwall Section Face Conveyor
Section 10. Cutting and Welding; Longwall Mining Section
Section 11. Longwall Mining - General Requirements
Section 12. Longwall Mining - First Aid Equipment
Section 13. Accessible Travel Route - Longwall Mining Section
Section 14. Training - Longwall Mining Section

## SERIES 7 - RULES AND REGULATIONS GOVERNING SHORTWALL MINING WITHIN THE STATE OF WEST VIRGINIA

Authority - §22-6-4
Type - Legislative
Price - $2.80
Effective - December 1, 1980

Section 1. General
Section 2. Effective Law and Regulation
Section 3. Definitions
Section 4. Plans for Shortwall Mining; Approval by Department of Mines
Section 5. Chock and/or Shield Recovery Plan from Shortwall Face; Approval by Department of Mines
Section 6. Methane Examinations; Monitor; Face Area
Section 7. Safety Provisions - Shortwall Section
Section 8. Cutting and Welding; Shortwall Mining Section
Section 9. Shortwall Mining - General Requirements
Section 10. Shortwall Mining - First-Aid Equipment
Section 11. Accessible Travel Route - Shortwall Mining Section
Section 12. Training - Shortwall Mining Section

## SERIES 8 - RULES AND REGULATIONS GOVERNING THE RIGHT OF A MINER TO REFUSE TO OPERATE ALLEGED UNSAFE EQUIPMENT

Authority - §22-6-4
Type - Legislative
Price - $2.80
Effective - December 1, 1980

Section 1. General
Section 2. Definitions
Section 3. No Miner Shall be Required to Operate Unsafe Equipment
Section 4. Equipment Examination: Immediate Supervisor-Miner
Section 5. Dispute Procedures: Immediate Supervisor-Miner
Section 6. Operator's Procedure if Dispute Remains Unsettled
Section 7. Inspection: Department of Mines
Section 8. Decision by the Director or the Deputy Director as to Whether or Not the Miner Acted with Good Faith and with Good Cause

## SERIES 9 - RULES AND REGULATIONS GOVERNING ELECTRICAL PROVISIONS IN SHAFT AND/OR SLOPE CONSTRUCTION OPERATIONS WITHIN THE STATE OF WEST VIRGINIA

Authority - §22-6-4
Type - Legislative
Price - $2.80
Effective - December 1, 1980

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Electrical Provisions - Shaft and/or Slope
Section 5. Lights to be Used in Shaft
Section 6. Applicability of Mining Laws

## SERIES 10 - RULES AND REGULATIONS GOVERNING THE USE OF AUTOMATED TEMPORARY ROOF SUPPORT SYSTEMS

Authority - §22-6-4
Type - Legislative
Price - $4.60
Effective - July 15, 1996

Section 1. General
Section 2. Definitions
Section 3. Protection From Falls of Roof, Face and Ribs
Section 4. Mining Methods
Section 5. Roof Bolting
Section 6. Installation of Roof Support Using Mining Machine With Integral Roof Bolting Equipment
Section 7. Conventional Roof Support
Section 8. Pillar Recovery
Section 9. Warning Devices
Section 10. Automated Temporary Roof Support (ATRS) Systems
Section 11. Manual Installation of Temporary Support
Section 12. Roof Testing and Scaling
Section 13. Rehabilitation of Areas With Unsupported Roof
Section 14. Roof Support Removal
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Section 17. Roof Control Plan Information
Section 18. Roof Control Plan - Approval Criteria
Section 19. Evaluation and Revision of Roof Control Plan
Section 20. Underground Auger Mines - Special Requirements

## SERIES 11 - RULES AND REGULATIONS GOVERNING WHEN UNDERGROUND MINE FOREMAN - FIRE BOSS REQUIRED: ASSISTANTS: CERTIFICATION; THE REOPENING OF ABANDONED MINES; AND THE DEENERGIZATION SELF-PROPELLED ELECTRIC COAL FEEDERS: PERFORMANCE REQUIREMENTS

Authority - §22-6-4
Type - Legislative
Price - $2.60
Effective - January 1, 1982

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. When Underground Mine Foreman-Fire Boss Required; Assistants; Certification
Section 5. Reopening of Abandoned Mines
Section 6. Deenergization of Self-Propelled Electric Coal Feeders; Performance Requirements

## SERIES 12 - RULES AND REGULATIONS GOVERNING ELECTRICAL PROVISIONS FOR UNDERGROUND MINING

Authority - §22-6-4
Type - Legislative
Price - $3.60
Effective - January 15, 1996

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. General Provisions

## SERIES 13 - RULES AND REGULATIONS GOVERNING THE AUTHORITY, ACCOUNTABILITY AND RESPONSIBILITY OF UNDERGROUND MINE FOREMAN: RESPONSIBILITY OF OPERATOR IN RELATION TO MINE FOREMAN; AND REGULATORY REVIEW PROCEDURES

Authority - §22-6-4
Type - Procedural
Price - $2.00
Effective - April 6, 1984

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Authority, Accountability and Responsibility of Underground Mine Foremen; Responsibility of Operator in Relation to Mine Foremen; and Regulatory Review Procedures

## SERIES 14 - RULES AND REGULATIONS GOVERNING ELECTRICAL EQUIPMENT IN MINES; REQUIRED EXAMINATIONS

Authority - §22-6-4
Type - Legislative
Price - $2.40
Effective - February 15, 1982

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Electric Equipment in Mines

## SERIES 15 - RULES AND REGULATIONS GOVERNING VENTILATION BY USE OF MECHANICALLY OPERATED FANS AND INTENTIONAL CHANGES IN THE VENTILATION SYSTEM

Authority - §22-6-4
Type - Legislative
Price - $2.40
Effective - December 1, 1995

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Fans
Section 5. Intentional Changes in the Ventilation System

## SERIES 16 - RULES AND REGULATIONS GOVERNING THE BLOCKING OF EQUIPMENT PRIOR TO PERFORMING WORK ON SUCH EQUIPMENT

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - February 15, 1982

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Performing Work From a Raised Position: Safeguards

## SERIES 17 - RULES AND REGULATIONS GOVERNING UNUSED AND ABANDONED PARTS OF MINE

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - March 1, 1982

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Unused and Abandoned Parts of Mine

## SERIES 18 - RULES AND REGULATIONS GOVERNING THE RESPONSIBILITY FOR CARE AND MAINTENANCE OF EQUIPMENT

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - October 15, 1996

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Responsibility for Care and Maintenance of Equipment
Section 5. Pre-Operational Equipment Check
Section 6. Load Locking Valves

## SERIES 19 - RULES AND REGULATIONS GOVERNING WRITTEN REPORTS OF ACCIDENTS

Authority - §22-6-4
Type - Legislative
Price - $2.60
Effective - June 1, 1996

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Notification of Accidents and Occupational Injuries
Section 5. Differences Between Medical Treatment and First Aid
Section 6. Investigation of Accidents
Section 7. Preservation of Evidence Following Accident or Disaster

## SERIES 20 - RULES AND REGULATIONS GOVERNING INDEPENDENT CONTRACTORS

Authority - §22-6-4
Type - Legislative
Price - $3.20
Effective - July 1, 1995

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Independent Contractor Register
Section 5. Service of Documents; Independent Contractors
Section 6. Address of Record and Telephone Number; Independent Contractors
Section 7. Enforcement of Citations and Orders
Section 8. Hazard Training

## SERIES 21 - RULES AND REGULATIONS GOVERNING THE INSTRUCTION OF EMPLOYEES AND SUPERVISION OF APPRENTICES; ANNUAL EXAMINATION OF PERSONS USING FLAME SAFETY LAMPS; RECORDS OF EXAMINATIONS; MAINTENANCE OF METHANE DIRECTORS

Authority - §22-6-4
Type - Legislative
Price - $2.40
Effective - April 23, 1982

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Instruction of Employees and Supervision of Apprentices; Annual Examinations of Persons Using Flame Safety Lamps; Records of Examinations; Maintenance of Methane Detectors, etc.

## SERIES 22 - RULES AND REGULATIONS GOVERNING NO ACT PERMITTED ENDANGERING SECURITY OF MINE; SEARCH FOR INTOXICANTS, MATCHES, ETC.

Authority - §22-6-4
Type - Legislative
Price - $2.40
Effective - January 15, 1984

Section 1. General
Section 2. Effect and Purpose of Regulations
Section 3. Definitions
Section 4. No Act permitted Endangering Security of Mine; Search for Intoxicants, Matches, Etc.

## SERIES 23 - RULES AND REGULATIONS GOVERNING SURFACE CONSTRUCTION OPERATIONS WITHIN THE MINING INDUSTRY WITHIN THE STATE OF WEST VIRGINIA

Authority - §22-6-4
Type - Legislative
Price - $23.50
Effective - July 1, 1995

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. General Accident Prevention
Section 5. Housekeeping
Section 6. Pressure Vessels
Section 7. Employment of Certified Supervisor
Section 8. Construction Supervisor Certification
Section 9. Duties of Certified Supervisor or Competent Person
Section 10. First Aid Requirements
Section 11. Sanitation
Section 12. Illumination
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Section 14. Eye and Face Protection
Section 15. Respiratory Protection
Section 16. Safety Belts, Lifelines and Lanyards
Section 17. Safety Nets
Section 18. Working Over or Near Water
Section 19. Definitions Applicable to this Subject
Section 20. Fire Protection
Section 21. Portable Firefighting Equipment
Section 22. Fire Prevention
Section 23. Flammable and Combustible Liquids
Section 24. Temporary Heating Devices
Section 25. Accident Prevention Signs and Tags
Section 26. Signaling
Section 27. General Requirements for Storage
Section 28. Rigging Equipment for Material Handling
Section 29. Disposal of Waste Material
Section 30. Tools - Hand and Power
Section 31. Gas Welding and Cutting
Section 32. Electrical
Section 33. Ladders and Scaffolding
Section 34. Cranes, Derricks, Hoists, Elevators and Conveyors
Section 35. Motor Vehicles, Mechanized Equipment and Marine Operations
Section 36. Excavations, Trenching and Shoring
Section 37. Concrete, Concrete Forms and Shoring
Section 38. Steel Erection
Section 39. Demolition
Section 40. Blasting and the Use of Explosives
Section 41. Rollover Protective Structures; Overhead Protection

## SERIES 24 - RULES AND REGULATIONS GOVERNING THE RECORD KEEPING OF ALL CERTIFIED PERSONS EMPLOYED IN ALL MINES THROUGHOUT THE STATE OF WEST VIRGINIA

Authority - §22-6-4
Type - Legislative
Price - $2.40
Effective - June 5, 1983

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. System for Record Keeping
Section 5. Availability of Records
Section 6. Individual Responsibility

## SERIES 25 - RULES AND REGULATIONS GOVERNING OPERATION OF TRACK HAULAGE LOCOMOTIVES

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - July 2, 2002

Section 1. General
Section 2. Track Haulage Locomotives

## SERIES 26 - RULES AND REGULATIONS GOVERNING CONSTRUCTION AND REHABILITATION OPERATIONS IN UNDERGROUND MINES

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - July 1, 1984

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. On-shift Examination of Construction and Rehabilitation Work Areas
Section 5. Automated Temporary Roof Support (ATRS) Systems on Roof Bolting Machines Used for Construction or Rehabilitation

## SERIES 27 - RULES AND REGULATIONS GOVERNING SURFACE AREAS OF UNDERGROUND MINES

Authority - §22-6-4
Type - Legislative
Price - $2.80
Effective - January 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Operating Equipment with Suspended Material
Section 4. Protection from Falls from Elevated Areas
Section 5. Safety Precautions on Coal Stockpiles
Section 6. Working Around High-Voltage Powerlines
Section 7. Tires and Repairs
Section 8. Crushers, Feeders and Rotary Breakers
Section 9. Machines with Movable Parts
Section 10. Seat Belts
Section 11. Transporting Compressed Gas Cylinders
Section 12. Mirrors on Surface Operated Equipment

## SERIES 28 - RULES AND REGULATIONS GOVERNING COAL AND ROCK OUTBURSTS

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - July 1, 1984

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Notification of Outbursts
Section 5. Plan for Controlling Outbursts

## SERIES 29 - RULES AND REGULATIONS GOVERNING COUPLING AND UNCOUPLING OF MINE CARS

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - July 1, 1984

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Coupling and Uncoupling of Mine Cars

## SERIES 30 - RULES AND REGULATIONS GOVERNING OPERATION OF SECTION HAULAGE EQUIPMENT

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - December 1, 1984

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Operation of Section Haulage Equipment
Section 5. Cleaning of Equipment

## SERIES 31 - RULES AND REGULATIONS GOVERNING PREVENTION OF INJURIES DUE TO HANDLING OF MATERIALS

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - July 1, 1984

Section 1. General
Section 2. Definitions
Section 3. Prevention of Injuries Due to Handling of Materials

## SERIES 32 - RULES AND REGULATIONS GOVERNING HOUSEKEEPING PRACTICES IN UNDERGROUND MINES AND SURFACE AREAS OF UNDERGROUND MINES

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - July 1, 1984

Section 1. General
Section 2. Definitions
Section 3. Housekeeping Practices

## SERIES 33 - UNDERGROUND MINE CAR LOADING POINTS

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - April 11, 1988

Section 1. General
Section 2. Definitions
Section 3. Underground Mine Car Loading Points
Section 4. Designated Areas of Safety

## SERIES 34 - UNDERGROUND MINING EQUIPMENT TO CONFORM WITH HEIGHT OF SEAM

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - August 30, 1985

Section 1. General
Section 2. Definitions
Section 3. General Requirements
Section 4. Correction of Unsafe Conditions
Section 5. Procedures for Refusing to Operate Unsafe Equipment

## SERIES 35 - AUGER-TYPE CONTINUOUS MINING, MACHINES

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - November 14, 1986

Section 1. General
Section 2. Definitions
Section 3. Auger-Type Continuous Mining Machines

## SERIES 36 - TROLLEY POLE SWING LIMITERS

Authority - §22-6-4c
Type - Legislative
Price - $2.00
Effective - August 10, 1987

Section 1. General
Section 2. Trolley Pole Swing Limiters

## SERIES 37 - RULE-MAKING PROCEDURES

Authority - §22-6-4
Type - Procedural
Price - $3.00
Effective - February 21, 1987

Section 1. General
Section 2. Definitions
Section 3. General Rule-making Procedures
Section 4. Procedures for Promulgating Rules in Response to Fatalities
Section 5. Procedures for Promulgating Rules in Response to Major Causes of Injuries
Section 6. Procedures for Promulgating Rules in Response to Suggestions by Board Members or Administrator
Section 7. Agenda for Board Meetings

## SERIES 38 - RULES GOVERNING PROTECTIVE EQUIPMENT

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - April 6, 1990

Section 1. General
Section 2. Definitions
Section 3. Requirements for Safety-Toed Shoes with Metatarsal Guards
Section 4. Requirements for Approved Eye Protection
Section 5. Requirements for Safety Gloves

## SERIES 39 - CAR DROPPING

Authority - §22-6-4
Type - Legislative
Price - $2.40
Effective - April 11, 1988

Section 1. General
Section 2. Definitions
Section 3. Car Dropping Requirements

**SERIES 40 - USE OF LIFTING JACKS**

Authority - §22-6-4
Type - Interpretive
Price - $2.00
Effective - May 2, 1991

Section 1. General
Section 2. Definitions
Section 3. Requirements for Lifting Jacks

**SERIES 41 - SHEATHED EXPLOSIVE UNITS**

Authority - §22-6-4
Type - Legislative
Price - $2.60
Effective - May 2, 1991

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Preparation of Shots; Blasting Practices and Requirements for Sheathed Explosive Units
Section 5. Requirements for the Use of Sheathed Explosives in Underground Mining

**SERIES 42 - SEALING PERMANENTLY CLOSED OR ABANDONED MINES**

Authority - §22-6-4
Type - Procedural
Price - $2.40
Effective - July 1, 1995

Section 1. General
Section 2. Effective Law and Regulation
Section 3. Definitions
Section 4. Sealing or Capping

**SERIES 43 - REMOTE CONTROLLED EXTENDED OR DEEP-CUT MINING OPERATIONS**

Authority 22-6-4C
Type - Legislative
Price - $2.40
Effective - July 8, 1991

Section 1. General
Section 2. Definitions
Section 3. Requirements for Remote Controlled Extended or Deep-Cut Mining Operations; Special Consideration of Roof Control and Mine Ventilation Plans, Roof Bolting Procedures; Additional Precautions for Increased Worker Safety

**SERIES 44 - RESERVED**

**SERIES 45 - USE OF A SOLID TRIANGULAR TOW BAR TO TRANSPORT DISABLED UNDERGROUND RUBBER TIRED MINING EQUIPMENT**

Authority - §22-6-4
Type - Legislative
Price - $2.00
Effective - January 27, 1992

Section 1. General
Section 2. Effect of Regulations
Section 3. Definitions
Section 4. Transportation of Disabled Underground Rubber Tired Mining Equipment

# TITLE 57

# COMMERCIAL HAZARDOUS WASTE MANAGEMENT FACILITY SITING BOARD

## SERIES 1 - COMMERCIAL HAZARDOUS WASTE MANAGEMENT FACILITY SITING BOARD CERTIFICATION

Authority - §20-10-3(j)
Type - Legislative
Price - $5.80
Effective - May 19, 1994


Section 1. General
Section 2. Definitions
Section 3. Exclusions from Commercial Hazardous Waste Management Facility Siting Board Regulations
Section 4. Applying for Site Approval
Section 5. Determination of Completeness and Notification
Section 6. Approval or Denial of Application
Section 7. Effect of Certification
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# TITLE 165

# COUNCIL FOR COMMUNITY AND ECONOMIC DEVELOPMENT

## SERIES 1 - COUNCIL ORGANIZATION AND MEETING PROCEDURES

Authority - §58-2-3(3)
Type - Procedural
Price - $3.40
Effective - November 17, 2003


Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Council
Section 5. Meetings
Section 6. Officers
Section 7. Executive Committee
Section 8. Minutes
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Section 10. Miscellaneous

# TITLE 135

# WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION


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Authority - §18B-2B-6
Type - Procedural
Price - $2.60
Effective - July 1, 2003


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**SERIES 5 - GUIDELINES FOR GOVERNING BOARDS IN EMPLOYING AND EVALUATING PRESIDENTS**

Authority - §§18B-2B-6; 18B-1B-6
Type - Procedural
Price - $2.80
Effective - June 7, 2005

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**SERIES 6 - PERFORMANCE INDICATORS**

Authority - §18B-1A-2
Type - Legislative
Price - $2.40
Effective - April 22, 2005

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**SERIES 7 - STANDARDS FOR DEGREE DESIGNATIONS AND GENERAL EDUCATION REQUIREMENTS FOR COMMUNITY AND TECHNICAL COLLEGE DEGREES**

Authority - §18B-2B-6
Type - Procedural
Price - $2.60
Effective - January 10, 2005

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Section 3. Certificate and Associate Degree Definitions
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**SERIES 17 - TRANSFERABILITY OF CREDITS AND GRADES AT WEST VIRGINIA PUBLIC COLLEGES AND UNIVERSITIES**

Authority - §§18B-1-6; 18B-2B-6
Type - Procedural
Price - $2.60
Effective - April 27, 2005

Section 1. General
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**SERIES 26 - COUNCIL ORGANIZATION AND MEETINGS**

Authority - §18B-1-6
Type - Procedural
Price - $2.40
Effective - January 10, 2005

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Section 2. Organization
Section 3. Meetings of the Council

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**SERIES 30 - PURCHASING**

Authority - §§18B-1-6; 18B-1B-4
Type - Procedural
Price - $5.40
Effective - January 21, 2005

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Authority of the Commission and Council
Section 5. Authority and Duties of the Vice Chancellor for Administration
Section 6. Delegation of Purchasing Authority and Responsibilities
Section 7. Authority, Duties and Remedies of the Chief Procurement Officer
Section 8. Purchase of Acquisition of Materials, Supplies, Equipment, Services, Construction and Printing
Section 9. Protests and Reconsideration
Section 10. Suspension and Reconsideration
Section 11. Qualifications of a Buyer and a Chief Procurement Officer
Section 12. Prompt Payment
Section 13. Receiving and Inventory Management
Section 14. Disposal of Surplus or Obsolete Materials, Supplies and Equipment
Section 15. Violations
Section 16. Performance Audits
Section 17. Permitting Private Institutions of Higher Education to Join as Purchasers

# TITLE 162

# CONSOLIDATED PUBLIC RETIREMENT BOARD


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| Series | 1. | General Provisions | 123 |
| Series | 2. | Consolidated Public Retirement Board Benefit Determination and Appeal | 123 |
| Series | 3. | Teachers Defined Contribution Plan | 124 |
| Series | 4. | Teachers Defined Benefit Plan | 124 |
| Series | 5. | Public Employees Retirement Plan | 124 |
| Series | 6. | Procedural Rules of the West Virginia Consolidated Public Retirement Board for the Appointment of Representatives to the West Virginia Investment Management Board | 125 |
| Series | 7. | Refund, Reinstatements and Loan Interest Factors | 125 |
| Series | 8. | Service Credit for Accrued and Unused Sick and Annual Leave | 126 |
| Series | 9. | West Virginia State Police Disability Determination and Appeal Process | 126 |
| Series | 10. | Deputy Sheriff Retirement System | |


TOTAL COST FOR ALL OF TITLE 162 - $31.00

## SERIES 1 - GENERAL PROVISIONS

Authority - §5-10D-1 et seq.
Type - Legislative
Price - $2.80
Effective - September 1, 2005


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| Section | 1. | General |
| Section | 2. | Consolidated Public Retirement Board |
| Section | 3. | Amendments |
| Section | 4. | General Administrative |
| Section | 5. | Administrative Expenses |
| Section | 6. | Non-Alienation of Benefits: Divorce and Separation |
| Section | 7. | Death Benefits |
| Section | 8. | Miscellaneous |


## SERIES 2 - BENEFIT DETERMINATION AND APPEAL

Authority - §5-10D-1 et seq.;
Type - Legislative
Price - $2.80
Effective - June 1, 2005


| | | |
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| Section | 1. | General |
| Section | 2. | Disability Application |
| Section | 3. | Disability Medical Reports |
| Section | 4. | Initial Determination |
| Section | 5. | Second Review |
| Section | 6. | Appeal of the Decision |
| Section | 7. | Other Appeals |
| Section | 8. | Appeal Denied |
| Section | 9. | Annual Statement |
| Section | 10. | Errors |

## SERIES 3 - TEACHERS' DEFINED CONTRIBUTION PLAN

Authority - §5-10D-1 et seq.
Type - Legislative
Price - $3.20
Effective - June 1, 2005

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Contributions to the Trust
Section 5. Administration of Annuity Accounts
Section 6. Vesting
Section 7. Distribution of Benefits
Section 8. Termination
Section 9. Miscellaneous

## SERIES 4 - TEACHERS DEFINED BENEFIT PLAN

Authority - §5-10D-1 et seq.
Type - Legislative
Price - $3.40
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Membership Eligibility
Section 4. Service Credit
Section 5. Monthly Benefits
Section 6. Retirement
Section 7. Termination and Withdrawal and Reentry
Section 8. Loan Repayment
Section 9. Refunds of Contributions Where an Annuity May be Payable

## SERIES 5 - PUBLIC EMPLOYEES RETIREMENT PLAN

Authority - §5-10-31
Type - Legislative
Price - $3.40
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Interest
Section 4. Service Credit
Section 5. Final Average Salary
Section 6. Refund of Erroneous Contributions
Section 7. Verification of Prior Service
Section 8. Employer Contributions
Section 9. Employee Contributions
Section 10. Public Corporations
Section 11. Annuity Payment Age
Section 12. Prior Service on Reemployment
Section 13. Employee Membership in Retirement System
Section 14. Participating after July 1, 1961
Section 15. Employer Termination of Membership
Section 16. Approval of Applications for Voluntary Retirement and Death Annuities by Executive Director
Section 17. Reinstatement Interest
Section 18. Reduction of Annuities on Request of Retirant
Section 19. Time of Application for Filing for Benefits
Section 20. Military Service Credit
Section 21. Refunds of Contributions Where an Annuity May Be Payable
Section 22. Early Retirement

Section 23. Employer Participation After a Former Employee Has Retired
Section 24. Temporary Employment Retirants
Section 25. Member Receiving Workers' Compensation
Section 26. Deputy Assessors - Service Credit
Section 27. Officers of the Department of Public Safety and Municipal Police or Fire Department
Section 28. Repayment of Withdrawals
Section 29. Refunds of Contributions Upon Accepting Employment with a Different Participating Employer
Section 30. Employee and Employer Contributions When an Employee is on Annual Leave or Compensated Sick Leave
Section 31. Insurance Premiums
Section 32. Elected Officials of the Legislature
Section 33. Refunds of Member Contributions When Made
Section 34. Temporary Employment for Retirants Defined

**SERIES 6 - PROCEDURAL RULES OF THE WEST VIRGINIA CONSOLIDATED PUBLIC RETIREMENT BOARD FOR THE APPOINTMENT OF REPRESENTATIVES TO THE WEST VIRGINIA INVESTMENT MANAGEMENT BOARD**

Authority - §5-10D-1
Type - Procedural
Price - $2.80
Effective - September 1, 2005

Section 1. General
Section 2. Appointment Process
Section 3. Appointment of Representative from Public Safety "A"
Section 4. Appointment of Representative from Public Safety "B"
Section 5. Appointment of Representative from the Judges Retirement System
Section 6. Appointment of Representative from the Teachers Defined Benefit Plan
Section 7. Appointment of Representative from Public Employees Retirement System
Section 8. Appointment of Representative from Deputy Sheriffs Retirement System
Section 9. Committee Selection by Appointed Representatives
Section 10. Same Procedure to be Followed for Additional Defined Benefit Plans Created by Act of Legislature
Section 11. Procedure to be Followed in the Event of Resignation of Appointed Representatives
Section 12. Procedure to be Followed in the Event no Application is Received
Form

**SERIES 7 - REFUND, REINSTATEMENTS AND LOAN INTEREST FACTORS**

Authority - §5-10D-1
Type - Legislative
Price - $2.80
Effective - July 1, 2000

Section 1. General
Section 2. Relationship to Prior Interest Rules
Section 3. Refund Interest
Section 4. Reinstatement Interest
Section 5. Loan Interest

**SERIES 8 - SERVICE CREDIT FOR ACCRUED AND UNUSED SICK AND ANNUAL LEAVE**

Authority - §5-10D-1
Type - Legislative
Price - $2.60
Effective - April 10, 2002

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Public Employees Retirement System
Section 5. Teachers Defined Benefit Plan

## SERIES 9 - WEST VIRGINIA STATE POLICE DISABILITY DETERMINATION AND APPEAL PROCESS

Authority - §5-10D-1
Type - Legislative
Price - $3.20
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Disability Applications and Petitions; Eligibility
Section 4. Medical and Factual Information
Section 5. Disability Examinations
Section 6. Initial Determination
Section 7. Denial of Application; Supplemental Examination Option
Section 8. Decisions on Initial Review; Appeals by Agency or Member
Section 9. Processes for Appeal of Board Decisions
Section 10. Appeal Denied
Section 11. Annual Statements
Section 12. Errors

## SERIES 10 - DEPUTY SHERIFF RETIREMENT SYSTEM

Authority - §5-10D-1
Type - Legislative
Price - $3.40
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Disability applications and Petitions; Eligibility
Section 4. Medical and Factual Information
Section 5. Disability Examinations
Section 6. Initial Determination
Section 7. Denial of Application; Supplemental Examination Option
Section 8. Decisions on Initial Review; Appeals by Sheriff or Member
Section 9. Processes for Appeal of Board Decisions
Section 10. appeal Denied
Section 11. Annual Statement
Section 12. Disability Re-certification
Section 13. Member Receiving Workers' Compensation
Section 14. Refunds of Contributions Where an Annuity May Be Payable
Section 15. Errors

# TITLE 28

# WEST VIRGINIA CONTRACTOR LICENSING BOARD

## SERIES 1 - BOARD ORGANIZATION AND MEETING PROCEDURE; ADMINISTRATIVE HEARING PROCEDURE

Authority - §21-11-16
Type - Procedural
Price - $2.80
Effective - February 22, 1992

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Regular Meetings
Section 5. Special Meetings
Section 6. Open Proceedings; Notice
Section 7. Minutes
Section 8. Board Membership; Conflict of Interest
Section 9. Reimbursement of Board members
Section 10. Board - Staff and Offices
Section 11. Board Actions
Section 12. Administrative Hearings
Section 13. Appeals
Section 14. Severability

## SERIES 2 - WEST VIRGINIA CONTRACTOR LICENSING ACT

Authority - §21-11-5
Type - Legislative
Price - $5.00
Effective - July 1, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Licensure Required
Section 5. License Application, Renewal
Section 6. Examination Required
Section 7. Disciplinary Powers of the Board
Section 8. Cease and Desist Orders
Section 9. Administrative Hearings

## SERIES 3 - WEST VIRGINIA CONTRACTOR LICENSING BOARD - COMPLAINTS

Authority - §21-11-14
Type - Legislative
Price - $3.20
Effective - November 1, 2002

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Filing of Complaints
Section 5. Investigations
Section 6. Hearings
Section 7. Confidentiality of Records

## SERIES 4 - WRITTEN CONTRACTS FOR SERVICES

Authority - §21-11-10(b) & (c)
Type - Procedural
Price - $2.40
Effective - October 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Written Contracts Required
Section 4. Form and Content Required
Section 5. Failure to Execute Written Contracts as Required; Penalties
Section 6. Proof of Written Contract Required
Section 7. Enforcement

# TITLE 90

# DEPARTMENT OF CORRECTIONS


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| Series | 1. | Incorporation of Policy Directives Manual | 129 |
| Series | 2. | Parole Supervision | 129 |
| Series | 3. | Furlough Program for Adult Inmates | 129 |
| Series | 4. | Employment of Displaced Correctional Employees | 130 |
| Series | 5. | Recording of Inmate Telephone Calls | 130 |
| Series | 6. | Charges Assessed Against Inmates for Services Provided by State Medical Co-Payment | 130 |
| Series | 7. | Monitoring Inmate Mail | 130 |
| Series | 8. | Fees for Electronic Monitoring of Offenders | 131 |
| Section | 9. | Inmate Grievance Procedures | 131 |


TOTAL COST FOR ALL OF TITLE 90 -- $22.80

## SERIES 1 - INCORPORATION OF POLICY DIRECTIVES MANUAL

Authority - §§25-1-5; 28-1-5; 28-3-10; 28-5-2; 28-5B-12; 62-13-2; 62-13-4
Type - Legislative
Price - $2.00 (Rule Only; Manual Excerpts By Per Page Cost)
Effective - September 9, 1987

ED. NOTE: THE POLICY DIRECTIVE MANUAL IS APPROXIMATELY 800 PAGES. THE MANUAL IS ORGANIZED BY POLICY NUMBERS.

TABLE OF CONTENTS:

200-299 General Administration
300-399 Fiscal Administration
400-499 Personnel Administration
500-599 Offender Services
600-699 Miscellaneous
700-799 Miscellaneous

## SERIES 2 - PAROLE SUPERVISION

Authority - §§62-13-2; 62-12-17
Type - Legislative
Price - $2.60
Effective - May 15, 2005

Section 1. General
Section 2. Terms and Conditions for Parolee or Probationer Supervisor
Section 3. Exemptions or Reductions of Supervision Fees
Section 4. Sanctions for Willful Failure to Make Payment of Fee

## SERIES 3 - FURLOUGH PROGRAM FOR ADULT INMATES

Authority - §25-1-13
Type - Legislative
Price - $3.00
Effective - May 22, 1995

Section 1. General
Section 2. Definitions
Section 3. Applications
Section 4. Eligibility for Furlough Consideration; Frequency and Duration of Furloughs
Section 5. Restrictions, Conditions and Criteria
Section 6. Procedure
Section 7. Exceptions
Section 8. Notification of Sentencing County (Work Release Inmates)

**SERIES 4 - EMPLOYMENT OF DISPLACED CORRECTIONAL EMPLOYEES**

Authority - §25-1-21
Type - Legislative
Price - $3.00
Effective - May 22, 1995

Section 1. General
Section 2. Definitions
Section 3. Service of Notice
Section 4. Closure of a Unit or Section; Discontinuance of a Service
Section 5. Closure of a Facility
Section 6. Procedures
Section 7. Equal Employment Opportunity

**SERIES 5 - RECORDING OF INMATE TELEPHONE CALLS**

Authority - §25-1-17
Type - Legislative
Price - $2.00
Effective - May 22, 1995

Section 1. General
Section 2. Applicability
Section 3. Procedure

**SERIES 6 - CHARGES ASSESSED AGAINST INMATES FOR SERVICES PROVIDED BY STATE MEDICAL CO-PAYMENT**

Authority - §25-1-8
Type - Interpretive
Price - $2.40
Effective - March 8, 1999

Section 1. General
Section 2. Definitions
Section 3. Inmate Notification and Medical Access
Section 4. Procedures for Request of Health Care Services
Section 5. Exempt Areas for Co-Payment
Section 6. Co-Payment Chargeable Encounters and Items

**SERIES 7 - MONITORING INMATE MAIL**

Authority - §25-1-18
Type - Legislative
Price - $2.40
Effective - April 5, 2000

Section 1. General
Section 2. Definitions
Section 3. Applicable
Section 4. Procedure

## SERIES 8 - FEES FOR ELECTRONIC MONITORING OF OFFENDERS

Authority - §25-1-14
Type - Legislative
Price - $2.40
Effective - May 8, 2001

Section 1. General
Section 2. Definitions
Section 3. Applicable
Section 4. Procedure

## SERIES 9 - INMATE GRIEVANCE PROCEDURES

Authority - §25-1A-2
Type - Procedural
Price - $2.60
Effective - January 5, 2001

Section 1. General
Section 2. Definitions
Section 3. Grievance Procedures for Division of Corrections Inmates

# TITLE 27

# BOARD OF EXAMINERS IN COUNSELING


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| Series | 6. | Contested Case Hearing Procedure | 133 |
| Series | 7. | Open Meetings and Bylaws | 134 |


TOTAL COST FOR ALL OF TITLE 27 - $21.20

## SERIES 1 - LICENSING RULES

Authority - §30-31-5(a)(2)
Type - Legislative
Price - $3.80
Effective - May 15, 2001


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Application Materials |
| Section | 4. | Classification of Applicants |
| Section | 5. | Qualifications of Applicants |
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| Section | 8. | Licensure |
| Section | 9. | Professional Disclosure |
| Section | 10. | Confidentiality/Disclosure |
| Section | 11. | Code of Ethics |
| Section | 12. | Examination Failure |
| Section | 13. | Expired License |
| Section | 14. | Renewal of License |
| Section | 15. | Continuing Professional Education |
| Section | 16. | Relations with the Public and Other Professions |
| Section | 17. | Notice of Board Meetings |


## SERIES 2 - FEES

Authority - §30-31-5
Type - Legislative
Price - $2.40
Effective - April 27, 2004


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Application of Rule |
| Section | 4. | Fee Schedule |

**SERIES 3 - LICENSE RENEWAL AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS**

Authority - §30-31-5(a)(2)
Type - Legislative
Price - $3.40
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Application of Rules
Section 4. Renewal of License
Section 5. Continuing Professional Education
Section 6. Approved Programs of Continuing Professional Education
Section 7. Documentation of Continuing Professional Education Required for Renewal of a License

**SERIES 4 - RESTRICTED PRACTICE LICENSURE FOR ADDICTIONS COUNSELORS**

Authority - §§30-31-5; 30-31-7a
Type - Legislative
Price - $2.60
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Application of Rule
Section 4. Requirements for Application to Practice Under a Restricted Practice License
Section 5. Supervision, Education and Review

**SERIES 5 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR COUNSELORS**

Authority - §§30-31-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $2.80
Effective - February 1, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of an Applicant for Licensure
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

**SERIES 6 - CONTESTED CASE HEARING PROCEDURE**

Authority - §§30-31-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - February 1, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Pre-Conferences; Conferences; Informal Disposition of Cases
Section 5. Hearing Procedure
Section 6. Transcription of Testimony and Evidence
Section 7. Submission of Proposed Findings of Act and Conclusion of Law
Section 8. Depositions
Section 9. Subpoenas
Section 10. Orders
Section 11. Appeals

## SERIES 7 - OPEN MEETINGS AND BYLAWS

Authority - §§6-9A; 30-31-1
Type - Procedural
Price - $3.20
Effective - May 1, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Regular Meetings
Section 5. Special meetings
Section 6. Emergency Meetings
Section 7. Executive Sessions
Section 8. Minutes
Section 9. Quorum
Section 10. Records of the Board
Section 11. Election of Officers
Section 12. Duties of Officers
Section 13. Vacancies in Elected Offices
Section 14. Resignation of Members
Section 15. Committees
Section 16. Ad Hoc Committees
Section 17. Contested Case Hearings
Section 18. Roberts' Rules of Order
Section 19. Amendments

# TITLE 203

# WEST VIRGINIA COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY

## SERIES 1 - COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY

Authority - §29-26-3(a)
Type - Legislative
Price - $2.60
Effective - June 23, 2003


Section 1. General
Section 2. Definitions
Section 3. Projects
Section 4. Fund Administration


## SERIES 2 - OPEN GOVERNMENTAL PROCEEDINGS

Authority - §6-9A-3
Type - Procedural
Price - $2.40
Effective - October 6, 2002


Section 1. General
Section 2. Definitions
Section 3. Notice
Section 4. Continued Meetings
Section 5. Additional Notice
Section 6. Amendments to Agenda
Section 7. Telephone & Electronic Conferences
Section 8. Severability

# TITLE 149

# GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTIONS

## SERIES 1 - RULES OF PROCEDURE FOR CONTESTED CASE HEARINGS AND DECLARATORY RULINGS

Authority - §29A-5-1
Type - Procedural
Price - $10.60
Effective - January 22, 1983


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Demand for Hearing, Form Required
Section 5. Continuation and Adjournment
Section 6. Transcription of Reported Testimony and Evidence
Section 7. Submission of Proposed Findings of Fact and Conclusions of Law; Time for Submission
Section 8. Appointment of Hearing Examiner; Function of Hearing Examiner
Section 9. Conferences; Informal Disposition of Cases
Section 10. Dispositions Permitted
Section 11. Orders; Content
Section 12. Declaratory Ruling - Procedures
Section 13. Appeal
Section 14. Severability


## SERIES 2 - LAW ENFORCEMENT TRAINING STANDARDS

Authority - §30-29-3
Type - Legislative
Price - $6.60
Effective - July 1, 2005


Section 1. General
Section 2. Definitions
Section 3. Academy Facility Standards (Basic Training)
Section 4. Academy Staffing
Section 5. Instructor Certification
Section 6. Basic Training Academy Policies
Section 7. Academy Training Curriculum
Section 8. Academy Entry Standards
Section 9. Annual In-Service Training Facilities
Section 10. Annual In-Service Training Curriculum
Section 11. Supervisory Level In-Service Training
Section 12. In-Service Training Staffing
Section 13. Certification of Law Enforcement Officers
Section 14. Equivalent Certification
Section 15. Re-certification Requirements
Section 16. Certification Denial, Suspension or Revocation
Section 17. Certification Retention

## SERIES 3 - PROTOCOL FOR LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

Authority - §48-27-1102
Type - Legislative
Price - $4.40
Effective - July 1, 2005


Section 1. General
Section 2. Purposes
Section 3. Definitions
Section 4. Protective Orders
Section 5. Dispatcher Responsibilities
Section 6. Initial Law Enforcement Officer Response
Section 7. The Arrest Decision
Section 8. Effectuating the Arrest
Section 9. Procedure When Arrest is not Authorized or, if Authorized, is not Made
Section 10. Other On-Scene Assistance to Victims and Defendants
Section 11. Processing the Accused
Section 12. Reporting

# TITLE 82

# DEPARTMENT OF CULTURE AND HISTORY


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| Series | 1. | Regulations for Implementation of Certified Local Government (G.L.G.) Program | 138 |
| Series | 2. | Standards and Procedures for Administering State Historic Preservation Program | 138 |
| Series | 3. | Standards and Procedures for Granting Permits to Excavate Archeological Sites and Unmarked Graves | 139 |
| Series | 4. | Procedures for Submission of Historic Residential Tax Credit Application | 139 |
| Series | 5. | Curatorial Guidelines - Collections Management Facility | 139 |
| Series | 6. | Archives and History Library Services and Fee Guidelines | 139 |
| Series | 7. | Cultural Facilities and Capital Resources Grant Program | 140 |
| Series | 8. | Records Preservation Grant Program for Political Subdivisions | 140 |
| Series | 9. | Veterans Memorial Archives Advisory Committee | 140 |


TOTAL COST FOR ALL OF TITLE 82 - $44.60

## SERIES 1 - REGULATIONS FOR IMPLEMENTATION OF CERTIFIED LOCAL GOVERNMENT (C.L.G.) PROGRAM

Authority - §§29-1-8(d); 8-26A-1
Type - Legislative
Price - $13.00
Effective - July 1, 1999


| | | |
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| Section | 1. | General |
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| Section | 3. | Introduction |
| Section | 4. | Requirements for Certification of Local Government Programs in West Virginia |
| Section | 5. | Process for Certification of Local Government Programs in West Virginia |
| Section | 6. | Certified Local Government - Participation in the Nomination Process for the National Register of Historic Places (National Historic Preservation Act of 1966, as Amended, 16 U.S.C. §470 Section 101(c)(2)) |
| Section | 7. | Process for Monitoring and Decertification of Certified Local Governments |
| Section | 8. | Transfer of Historic Preservation Funds to Certified Local Governments |
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## SERIES 2 - STANDARDS AND PROCEDURES FOR ADMINISTERING STATE HISTORIC PRESERVATION PROGRAMS

Authority - §§29-1-1; 29-1-8; 29-1-8a
Type - Legislative
Price - $8.20
Effective - July 1, 1999


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | West Virginia Register of Historic Places |
| Section | 4. | Rehabilitation Standards |
| Section | 5. | State Review Process |
| Section | 6. | Fire and Building Code Alternatives |
| Section | 7. | Endangered Historic Properties Fund Program |
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## SERIES 3 - STANDARDS AND PROCEDURES FOR GRANTING PERMITS TO EXCAVATE ARCHEOLOGICAL SITES AND UNMARKED GRAVES

Authority - §29-1-8(d)
Type - Legislative
Price - $3.20
Effective - April 5, 1994

Section 1. General
Section 2. Definitions
Section 3. Permits to Excavate Historic and Prehistoric Ruins and Archaeological Sites
Section 4. Permits to Excavate Burial Grounds, Human Skeletal Remains and Unmarked Graves
Section 5. Permits for the Removal or Alteration of Grave Markers
Section 6. Disposition of Skeletal Remains and Associated Artifacts When Claimed by Lineal Descendants
Section 7. Disposition of Skeletal Remains and Associated Artifacts When Not Claimed by Descendants
Section 8. Procedures for Establishing Property Tax Exemptions for Burial Grounds and Unmarked Graves

## SERIES 4 - PROCEDURES FOR SUBMISSION OF HISTORIC RESIDENTIAL TAX CREDIT APPLICATION

Authority - §11-21-8g
Type - Legislative
Price - $2.60
Effective - August 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Credit for Qualified Rehabilitated Residential Buildings Investment
Section 4. Appeal Process
Appendix

## SERIES 5 - CURATORIAL GUIDELINES-COLLECTIONS MANAGEMENT FACILITY

Authority - §29-1-8
Type - Procedural
Price - $4.40
Effective - October 13, 1993

Section 1. General
Section 2. Adoption by Reference
Attachments

## SERIES 6 - ARCHIVES AND HISTORY LIBRARY SERVICES AND FEE GUIDELINES

Authority §29-1-6
Type - Procedural
Price - $5.40
Effective - January 15, 2005

Section 1. General
Section 2. Definitions
Section 3. Public Availability and Use
Section 4. Hours of Use
Section 5. Availability of Records and Donated Historical Materials
Section 6. Requests for Services
Section 7. Fees
Forms

## SERIES 7 - CULTURAL FACILITIES AND CAPITAL RESOURCES GRANT PROGRAM

Authority - §29-1-3
Type - Legislative
Price - $3.00
Effective - April 30, 2003

Section 1. General
Section 2. Definitions
Section 3. Priorities
Section 4. Eligibility Requirements
Section 5. Application Review and Education
Section 6. Appeals
Section 7. Qualified Project Activities
Section 8. Grant Levels
Section 9. Matching Funds
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## SERIES 8 - RECORDS PRESERVATION GRANT PROGRAM FOR POLITICAL SUBDIVISIONS

Authority - §§29-1-6; 29-1-5
Type - Legislative
Price - $2.80
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Introduction
Section 4. Grant Program

## SERIES 9 - VETERANS MEMORIAL ARCHIVES ADVISORY COMMITTEE

Authority - §§29-1-1; 29A-1-1 et seq.
Type - Procedural
Price - $2.00
Effective - September 23, 2004

Section 1. General
Section 2. Establishment, Membership, Chairman
Section 3. Meetings
Section 4. Duties
Section 5. Changes to memorial

# TITLE 192

# COMMISSION FOR THE DEAF AND HARD OF HEARING

## SERIES 1 - FEES FOR QUALIFIED INTERPRETERS

Authority - §5-14a-9
Type - Legislative
Price - $3.20
Effective - June 9, 1997


Section 1. General
Section 2. Definitions
Section 3. Fees Established
Section 4. Administrative Due Process


## SERIES 2 - MEETINGS AND BYLAWS

Authority - §6-9A-3
Type - Procedural
Price - $2.60
Effective - August 1, 2000


Section 1. General
Section 2. Definitions
Section 3. Meetings; Notice; Public and Media Attendance; Interpreters
Section 4. Cancellation of Meetings
Section 5. Open and Electronic Meetings; Executive Session
Section 6. Minutes and Records
Section 7. Deliberation and Voting
Section 8. Election and Duties of Officers; Committees; Appointment of Executive Director and Other Personnel
Section 9. Resignation of Members

# TITLE 5

# WEST VIRGINIA BOARD OF DENTAL EXAMINERS


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TOTAL COST FOR ALL OF TITLE 5 - $18.80

## SERIES 1 - RULES AND REGULATIONS FOR THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

Authority - §30-4, 5 & 6
Type - Legislative
Price - $4.80
Effective - July 1, 2005


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| Section | 4. | Corporate Practice of Dentistry |
| Section | 5. | Specialities |
| Section | 6. | Issuance of Temporary and/or Special Permits |
| Section | 7. | Suspension or Revocation of a License |
| Section | 8. | Expanded Duties of Dental Hygienists and Dental Assistants |
| Section | 9. | Designation of Testing Bodies |
| Section | 10. | Continuing Education Requirements |
| Section | 11. | Practice of Dentistry Under Trade Name or Firm Name |
| Section | 12. | Annual Information and Renewal Notice; Reinstatement; Penalty Fees; Waiver of Payment of Fee on Retirement or Disability; Change of Address |


## SERIES 2 - FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES

Authority §31B-13-1304
Type - Legislative
Price - $2.40
Effective - July 1, 2005


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| Section | 4. | Notification of Non-Compliance; Cessation of Rendering Professional Services |
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## SERIES 3 - FEES ESTABLISHED BY BOARD

Authority §§30-1-6; 30-4-4A
Type - Legislative
Price - $2.40
Effective - June 1, 2001


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| Section | 1. | General |
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## SERIES 4 - CONTESTED CASE HEARING PROCEDURES

Authority - §30-1-8
Type - Procedural
Price - $3.80
Effective - February 5, 2001

Section 1. General
Section 2. Definitions
Section 3. Conferences; Informal Disposition of Cases
Section 4. Depositions
Section 5. Subpoenas
Section 6. Hearing Procedure
Section 7. Transcription of Testimony and Evidence
Section 8. Submission of Proposed Findings of Fact and Conclusions of Law
Section 9. Orders
Section 10. Appeal

## SERIES 5 - DISCIPLINARY AND COMPLAINT PROCEDURES

Authority - §30-1-8
Type - Procedural
Price - $3.00
Effective - February 5, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses and/or Permit of Dentists or Dental Hygienists
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

## SERIES 6 - FORMATION AND APPROVAL OF DENTAL CORPORATIONS

Authority - §30-4-6
Type - Legislative
Price - $2.40
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Procedures for Formation and Approval of Dental Corporations for Dentists; Fees
Section 4. Notification of Non-Compliance, Cessation of Rendering Dental Services
Section 5. Dentist - Patient Relationship

## SERIES 7 - MEETING PROCEDURES

Authority - §6-9A-3
Type - Procedural
Price - $2.40
Effective - August 27, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Regular Meetings Established; Time, Place
Section 5. Special meetings; notice Required, Time, Place and Purpose
Section 6. Proceedings to be Open; Exceptions; Executive Session Permitted; Broadcasting and Recording
Section 7. Minutes
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Section 9. Records of the Board - Public Documents

## SERIES 8 - RESERVED

## SERIES 9 - APPLICATION PROCEDURES FOR LICENSURE OR CERTIFICATE

Authority - §30-4-6
Type - Procedural
Price - $2.80
Effective - August 27, 2005

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Section 3. Application for Licensure of a Dentist
Section 4. Application of Licensure of a Dentist from Out of State
Section 5. Applications of Licensure of a Dental Hygienist
Section 6. Application for Licensure of a Dental Hygientists from Out of State
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# TITLE 145

# WEST VIRGINIA DEVELOPMENT OFFICE


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TOTAL COST OF ALL OF TITLE 145 - $14.40


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REPEALED NOVEMBER 4, 1999

## SERIES 2 - RESERVED

REPEALED NOVEMBER 4, 1999

## SERIES 3 - RESERVED

REPEALED NOVEMBER 4, 1999

## SERIES 4 - RESERVED

REPEALED NOVEMBER 4, 1999

## SERIES 5 - RESERVED

Repealed APRIL 13, 1994

## SERIES 6 - REVIEW BY THE COUNCIL FOR COMMUNITY AND ECONOMIC DEVELOPMENT OF INFRASTRUCTURE FUND; ESTABLISHMENT OF APPLICATION REVIEW PROCEEDINGS

Authority - §5B-2-3(e)
Type - Procedural
Price - $3.00
Effective - March 1, 2004


Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Council Review of Projects
Section 5. Review Guidelines
Section 6. Financial Assistance for Infrastructure Projects
Section 7. Loan Terms
Section 8. Credit Requirements
Section 9. Eligible Activities
Section 10. Ineligible Activities


## SERIES 7 - NEIGHBORHOOD INVESTMENT PROGRAM ACT

Authority - §5B-2-3
Type - Procedural
Price - $5.20
Effective - August 29, 2005


Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Neighborhood Investment Program Advisory Board
Section 5. Certification of Economically Disadvantaged Areas
Section 6. Certification of Project Plans
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Section 8. Sanctions for Failure to Timely Pay Project Certification Fee
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Section 10. Tax Credit Allowed
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Section 12. Adjustment of West Virginia Taxable Income
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## SERIES 8 - COMMUNITY DEVELOPMENT ASSESSMENT AND REAL PROPERTY VALUATION PROCEDURES FOR OFFICE OF COALFIELD COMMUNITY DEVELOPMENT

Authority -- §5B-2A-12
Type - Legislative
Price - $3.40
Effective - April 3, 2003


Section 1. General
Section 2. Definitions
Section 3. Exempted Operations
Section 4. Community Impact Statement
Section 5. Coalfield Community Development Procedures
Section 6. Master Land Use Plans
Section 7. Land Acquisitions

## SERIES 9 - WORKFORCE DEVELOPMENT INITIATIVE PROGRAM

Authority - §18B-3D-1 et seq.
Type - Legislative
Price - $2.80
Effective - April 4, 2002

Section 1. General
Section 2. Purpose
Section 3. Role of Council for Community and Economic Development
Section 4. Role of Advisory Committee
Section 5. Grant Process
Section 6. Funds Generally
Section 7. Eligibility for Program Participation
Section 8. Minimum Application Criteria

## SERIES 10 - SYNTHETIC FUEL-PRODUCING COUNTIES GRANT FUND PROGRAM

Authority - §11-13-2f(g)
Type - Procedural
Price - $2.80
Effective - March 1, 2002

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Plans
Section 5. Fund Administration

# TITLE 31

# WEST VIRGINIA BOARD OF LICENSED DIETITIANS


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TOTAL COST FOR ALL OF TITLE 31 - $15.80

## SERIES 1 - LICENSURE AND RENEWAL REQUIREMENTS

Authority - §30-35-4
Type - Legislative
Price - $3.20
Effective - July 1, 2002


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## SERIES 2 - CODE OF PROFESSIONAL ETHICS

Authority - §30-35-4
Type - Legislative
Price - $2.40
Effective - July 1, 2002


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## SERIES 3 - CONTESTED CASE HEARING PROCEDURES

Authority - §§30-35-4 et seq.; 30-1-1 et seq.; 29A-5-1 et seq.
Type - Procedural
Price - $3.00
Effective - February 23, 2001


| | | |
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| Section | 1. | General |
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**SERIES 4 - DISCIPLINARY AND COMPLAINT PROCEDURES**

Authority - §§30-1-8(h); 30-35-4; 30-35-10
Type - Procedural
Price - $3.80
Effective - September 8, 2002

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Disposition of Reports and Complaints
Section 5. Appeal

**SERIES 5 - CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS**

Authority - §30-35-4
Type - Legislative
Price - $3.40
Effective - July 1, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Criteria for Provider Approval
Section 5. Approved Providers
Section 6. Approval of Continuing Professional Education Courses
Section 7. Activities Eligible for Continuing Professional Education Credits
Section 8. Instructors
Section 9. Advertisements
Section 10. Denial, Withdrawal and Appeal of Approval
Section 11. Record Keeping and Reporting
Section 12. Requests for Extension
Section 13. Sanctions and Appeals

# TITLE 196

# WEST VIRGINIA DIESEL EQUIPMENT COMMISSION

## SERIES 1 - RULES FOR OPERATING DIESEL EQUIPMENT IN UNDERGROUND MINES IN WEST VIRGINIA

Authority - §22A-2A-308(b)
Type - Legislative
Price - $12.00
Effective - March 30, 2004


Section 1. General
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Section 4. Diesel-Powered Equipment Package
Section 5. Exhaust Emissions Control
Section 6. Ventilation
Section 7. Exhaust Gas Monitoring and Control
Section 8. Fuel Storage Facilities
Section 9. Transfer of Diesel Fuel
Section 10. Containers
Section 11. Fire Suppression for Equipment and Transportation
Section 12. Fire Suppression for Storage Areas
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Section 22. Training and General Requirements
Section 23. Equipment-Specific Training
Section 24. Diesel Mechanic Training
Section 25. Operation of Diesel-Powered Equipment
Section 26. Diesel Inspectors; Employment; Training
Section 27. Diesel Inspector - Training Course

## HIGHER EDUCATION GOVERNING BOARD (COLLEGE)

## BOARD OF DIRECTORS

See TITLE 133
HIGHER EDUCATION POLICY COMMISSION

# TITLE 80

# COMMISSION ON DRUNK DRIVING PREVENTION

## SERIES 1 - ADMINISTRATIVE REGULATIONS FOR THE ORGANIZATION, FUNCTIONING AND CONTROL OF THE COMMISSION ON DRUNK DRIVING PREVENTION, AND ADJUNCT DIVISION OF THE WEST VIRGINIA DEPARTMENT OF PUBLIC SAFETY

Authority - §15-2-40
Type - Legislative
Price - $2.60
Effective - June 13, 1985


Section 1. General
Section 2. Amendments
Section 3. Meetings
Section 4. Definitions
Section 5. Approval of Grant Applications
Section 6. Criteria for Approval of Grant Applications
Section 7. Action on Applications
Section 8. Grants to the Commission
Section 9. Use of Grant Funds
Section 10. Financial Reporting
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Section 12. Appeal

# TITLE 117

# ECONOMIC DEVELOPMENT AUTHORITY


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| Series | 4. | Economic Development and Technology Advancement Centers | 154 |
| Series | 5. | High-Growth Business Investment Tax Credit | 154 |

TOTAL COST FOR ALL OF TITLE 117 - $12.80


## SERIES 1 - GENERAL ADMINISTRATION OF THE WEST VIRGINIA CAPITAL COMPANY ACT: ESTABLISHMENT OF THE APPLICATION PROCEDURES TO IMPLEMENT THE ACT

Authority - §§5E-1-5; 29A-1-2(d)
Type - Legislative
Price - $8.00
Effective - May 8, 2002


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| Section | 7. | Audits, Reports, Confidentiality, Examination, Failure to Comply, Penalties, Decertification |
| Section | 8. | Dissolution or Liquidation of Qualified Company |
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## SERIES 2 - MEETINGS AND MEETING NOTICES

Authority - §6-9A-1 et seq.
Type - Procedural
Price - $2.40
Effective - January 1, 1993


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## SERIES 3 - GENERAL ADMINISTRATION OF THE WEST VIRGINIA VENTURE CAPITAL ACT

Authority - §5E-2-3
Type - Legislative
Price - $5.00
Effective - April 15, 2004

Section 1. General
Section 2. Definitions
Section 3. Purposes and Structures
Section 4. Fund Managers
Section 5. Investors
Section 6. Tax Credits
Section 7. Investment Requirements
Section 8. Liquidation of a Fund or Fund Share; Repurchase of Investor Ownership Interests
Section 9. Audits and Reports
Section 10. Confidentiality
Section 11. Investigation; Remedies
Section 12. Ruling Procedure

## SERIES 4 - ECONOMIC DEVELOPMENT AND TECHNOLOGY ADVANCEMENT CENTERS

Authority - §5E-1-5
Type - Legislative
Price - $4.00
Effective - April 15, 2004

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Section 2. Definitions
Section 3. Qualifications of Economic Development and Technology Advancement Center
Section 4. Tax Credits
Section 5. Reports and Audits
Section 6. Confidentiality
Section 7. Investigation; Remedies
Section 8. Ruling Procedure

## SERIES 5 - HIGH-GROWTH BUSINESS INVESTMENT TAX CREDIT

Authority - §11-13U-9
Type - Legislative
Price - $3.80
Effective - July 1, 2005

Section 1. General
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Section 9. General Procedure and Administration

# TITLE 120

# WEST VIRGINIA ECONOMIC DEVELOPMENT GRANT COMMITTEE

## SERIES 1 - COMMITTEE MEETINGS, ORGANIZATION AND OPERATIONS

Authority - §§6-9A-3; 29A-3-3; 29B-1-3(5)
Type - Procedural
Price - $4.00
Effective - September 27, 2003


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Section 3. Technical Parliamentary Forms Abolished
Section 4. Matters Not Covered by These Rules
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Section 6. Expenses of Private Citizen Members of Committee
Section 7. Conflicts of Interest
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Section 35. Order of Consideration of Agenda Items
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# TITLE 126

# DEPARTMENT OF EDUCATION

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TOTAL COST FOR ALL OF TITLE 126 - $815.80

## SERIES 1 - RESERVED

Repealed April 15, 2004

## SERIES 2 - ACCOUNTING PROCEDURES MANUAL FOR THE PUBLIC SCHOOLS OF WEST VIRGINIA (1224.1)

Authority - §18-9B-12
Type - Legislative
Price - $11.80
Effective - August 14, 1996

Section 1. General
Section 2. Incorporation by Reference

## SERIES 3 - NOTICE AND CONDUCT OF MEETINGS (1241)

Authority - §18-2-5; 6-9A-1, WV Constitution, Art. XII, Sect. 2
Type - Procedural
Price - $2.60
Effective - February 9, 2002

Section 1. General
Section 2. Preface
Section 3. Notice of Meeting
Section 4. Conduct of Meeting
Section 5. Meeting by Conference Call

## SERIES 3A - STATE BOARD OF EDUCATION POLICY MAKING PROCESS (1242)

Authority - Article XII, §32, Constitution of WV; §§18-2-5a; 29A-3A-I et seq.
Type - Legislative
Price - $2.00
Effective - February 9, 2002

Section 1. General
Section 2. Rationale
Section 3. Procedures
Section 4. Definitions
Section 5. System of Maintenance, Distribution and Publication

## SERIES 4 - RULES OF PROCEDURE FOR ADMINISTRATIVE HEARINGS AND APPEALS (1340)

Authority - §§18-2-5; 18-3-4; 18A-3-6; W. Va. Const. Article XII, §2
Type - Procedural
Price - $3.00
Effective - July 7, 2002

Section 1. General
Section 2. Forward
Section 3. General Rules
Section 4. Hearings for Certification Suspension/Revocation
Section 5. Other Hearings

## SERIES 5 - RESERVED

Repealed April 15, 2004

## SERIES 6 - NAMING OF BUILDING AT CEDAR LAKES (1470)

Authority - §18-2-6
Type - Procedural
Price - $2.00
Effective - February 25, 1983

Section 1. General
Section 2. Building Names

## SERIES 7 - EDUCATION IN THE STATE'S CORRECTIONAL INSTITUTIONS: MISSION AND GOALS (1471)

Authority - §§18-2-13F et seq.; 18-20-5
Type - Legislative
Price - $2.80
Effective - July 31, 1990

Section 1. General
Section 2. Definitions
Section 3. Mission Statement
Section 4. Goals
Section 5. Implementation Procedures
Section 6. Cooperation from County School Districts and RESAs

## SERIES 8 - DRUG-FREE WORKPLACE (1461)

Authority - §18-2-5; WV Const. Art XII, §2
Type - Legislative
Price - $2.80
Effective - February 1, 1993

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Content
Section 5. County Responsibility
Verification Statement

## SERIES 9 - RESERVED

## SERIES 10 - FREEDOM OF INFORMATION REQUESTS (1230)

Authority - §18-2-5; 29B-1-3(5); WV Const, Art. XII, §2
Type - Legislative
Price - $2.40
Effective - July 12, 2000

Section 1. General
Section 2. Purpose
Section 3. Availability of Public Record
Section 4. Fees

## SERIES 11 - RESERVED

Repealed & Replaced by 126-42
July 1, 1997

## SERIES 11A - PARENT INVOLVEMENT IN EDUCATION (2200)

Authority - §18-2-28
Type - Legislative
Price - $2.40
Effective - November 30, 1989

Section 1. General
Section 2. Purpose
Section 3. County Policy
Section 4. Policy Development
Section 5. Submission of Policy to State Board of Education

## SERIES 12 - RESERVED

## SERIES 13 - A PROCESS FOR IMPROVING EDUCATION PERFORMANCE BASED ACCREDITATION SYSTEM (2320)

Authority - §§18-2E-5; 18-2-5; 18-2-7a; W. Va. Const. Article X §2
Type - Legislative
Price - $7.20
Effective - August 14, 2005

Section 1. General
Section 2. Purpose
Section 3. Responsibility
Section 4. Measures for Determining Adequate Yearly Progress (AYP) for West Virginia Public Schools
Section 5. Annual Performance Measures for Accountability
Section 6. High Quality Standards
Section 7. Indicators of Efficiency
Section 8. County and School Improvement Plan Process
Section 9. School Accreditation Status
Section 10. Exemplary Accreditation Status
Section 11. Seriously Impaired Status
Section 12. School System Approval
Section 13. Nonapproval Status
Section 14. Appeals Procedure
Section 15. On-Site Reviews
Section 16. Capacity Building
Section 17. Identification of Resource Needs

## SERIES 13A THRU 13B - RESERVED

## SERIES 13C - NONPUBLIC SCHOOL ACCREDITATION (2330)

Authority - §§18-3-11; 18-5-18; 18-2E-5; 18-2-6(d)
Type - Legislative
Price - $2.40
Effective - September 28, 1990

Section 1. General
Section 2. Applicability
Section 3. Administration
Section 4. Application
Section 5. Accreditation Procedure
Section 6. Time Line
Section 7. Accreditation Status

## SERIES 14 - WEST VIRGINIA MEASURES OF ACADEMIC PROGRESS (2340)

Authority - §§18-2E-1, 1a, 8(c)(1); 18-2E-2; 18A-3-6; PL 107-110; WV Constitution Article XII; §2
Type - Legislative
Price - $6.00
Effective - July 13, 2003

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Program Regulations Effective August, 2003
Section 5. Administration Regulations
Section 6. Reporting Regulations
Section 7. Test Security
Section 8. Investigation of Security Violation
Section 9. West Virginia Measures of Academic Progress
Appendices

## SERIES 15 - POLICY STATEMENT ON BILINGUAL EDUCATION (2417)

Authority - §18-2-5; WV Const, Art XII, §2; PL 107-110
Type - Legislative
Price - $6.00
Effective - April 12, 2004

Section 1. General
Section 2. Definitions
Section 3. Guidelines
Section 4. Incorporation by Reference
Section 5. Summary of the Content Standards
Section 6. Severability

## SERIES 16 - REGULATIONS FOR THE EDUCATION OF EXCEPTIONAL STUDENTS (2419)

Authority - §18-20 et seq.; Public Law 105-17; W. Va. Cost., Article XII, §2; & Individuals with Disabilities Act
Type - Legislative
Price - $12.90
Effective - March 12, 2005

Section 1. General
Section 2. Identification/Referral
Section 3. Evaluation and Reevaluation
Section 4. Eligibility
Section 5. Individualized Education Program Process
Section 6. Administration of Services
Section 7. Discipline
Section 8. Procedural Safeguards
Section 9. Accountability
Section 10. Glossary

## SERIES 17 - RULES FOR REQUESTING AN EXCEPTION TO THE REGULATIONS FOR THE EDUCATION OF EXCEPTIONAL STUDENTS (2419.11)

Authority - §18-20-5
Type - Procedural
Price - $2.60
Effective - July 15, 1991

Section 1. General
Section 2. Incorporation by Reference
Policy

## SERIES 18 - RACIAL, SEXUAL, RELIGIOUS/ETHNIC HARASSMENT AND VIOLENCE POLICY (2421)

Authority - §§18-2-25; 18-2-5a; 18-2-7b; WV Constitution, Article XII, §2
Type - Legislative
Price - $3.00
Effective - January 16, 1997


Section 1. General
Section 2. Purpose
Section 3. Application
Section 4. Definitions
Section 5. Planning by Local Boards of Education
Section 6. Complaint Procedures
Section 7. Investigation
Section 8. Agency Action and Reporting
Section 9. Reprisal
Section 10. Right to Alternative Complaint Procedures
Section 11. Prevention Programs
Section 12. Dissemination of Policy and Training
Section 13. Assessment of Effectiveness


## SERIES 19 - RESERVED

Repealed April 15, 2004

## SERIES 20 - REGULATIONS FOR ALTERNATIVE EDUCATION PROGRAMS FOR DISRUPTIVE STUDENTS (2418)

Authority - §§18-2-6; 18-5-19; W. Va. Constitution, Article XII, §2
Type - Legislative
Price - $2.80
Effective - August 14, 2000


Section 1. General
Section 2. Definition
Section 3. Purpose
Section 4. Flexibility in Program Development
Section 5. Program Requirements
Section 6. Accountability for Results


## SERIES 21 - CARDIOPULMONARY RESUSCITATION INSTRUCTION (2422.13)

Authority - §18-2-7
Type - Legislative
Price - $2.00
Effective - February 27, 1983


Section 1. General
Section 2. Applicability
Section 3. Resolution
Section 4. Disposition

## SERIES 22 - DRIVER EDUCATION REGULATIONS (2422.2)

Authority - §§18-2-5; 18-6-1; W.Va. Constitution, Article XII, §2
Type - Procedural
Price - $4.00
Effective - December 15, 2002

Section 1. General
Section 2. Applicability
Section 3. Standards for an Approved Course
Section 4. Standards for an Approved Teacher
Section 5. Emergency Licensure
Section 6. Standards for Summer Driver Education Courses
Section 7. Standards for Adult and Out-of-School Youth Courses
Section 8. Incapacitated Instructor
Section 9. Accidents
Section 10. Insurance
Section 11. Student Transfers
Section 12. Students with Disabilities
Section 13. Program Reports
Section 14. Driver Education Certificates
Section 15. Use of Driver Education Vehicles
Section 16. Specification for Identification of Driver Education Cars
Section 17. Commercial Driver Education Schools
Section 18. Severability

## SERIES 23 - SUBSTANCE ABUSE AND TOBACCO CONTROL (2422.5)

Authority - §§16-9a-4; 16-9a-9; 18-2-5; 18-2-5A; 18-2-7B; 18-2-9; 18-5-13; 18a-1-1; 18a-5-1; 18a-5-1A; 61-7-2; WV Constitution, Article XII, §2
Type - Legislative
Price - $3.00
Effective - July 1, 2005

Section 1. General
Section 2. Purpose
Section 3. Application
Section 4. Definitions
Section 5. Implementation
Section 6. Policy Review
Section 7. Severability

## SERIES 24 - INCLUSION OF INTER-ETHNIC CONCEPTS AND INSTRUCTIONAL TECHNIQUES INTO SCHOOL CURRICULA (2422.6)

Authority - §18-2-5
Type - Procedural
Price - $2.00
Effective - December 27, 1982

Section 1. General
Section 2. Rationale
Section 3. Incorporation of Concepts

## SERIES 25 - ANTI-HAZING POLICY (2425)

Authority - §18-2-5; 18-2-33; W. Va. Constitution, Article XII, §2
Type - Procedural
Price - $2.40
Effective - August 15, 1999

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Program Regulations

## SERIES 25A - STANDARDS FOR BASIC AND SPECIALIZED HEALTH CARE PROCEDURES (2422.7)

Authority - §§18-2-5; 18-5-22; 18-5-22a; 30-7-1; 30-7a-1
Type - Legislative
Price - $32.60
Effective - October 15, 2004

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. State Administrative Procedures
Section 5. Organization and Management
Section 6. System for School Admission and Care
Section 7. Health Care Plan
Section 8. Quality Assurance
Section 9. School Health Records
Section 10. Staffing Requirements
Section 11. Student Rights
Section 12. Penalties
Section 13. Administrative Due Process
Section 14. Severability
Manual

## SERIES 26 - PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (2436.10)

Authority - §18-2-5
Type - Legislative
Price - $2.40
Effective - September 10, 1984

Section 1. General
Section 2. Applicability
Section 3. Eligibility

## SERIES 27 - RESERVED

## SERIES 28 - WEST VIRGINIA'S UNIVERSAL ACCESS TO EARLY EDUCATION SYSTEM (2525)

Authority - §§16-3-4; 18-2-5; 18-5-18c; 18-2E-1 et seq.; 18-5-17; 18-5-44; WV Constitution, Article XII, §2
Type - Procedural
Price - $8.80
Effective - August 14, 2005

Section 1. General
Section 2. Guidelines
Section 3. Definitions
Section 4. Parent/Guardian Involvement and Family Support
Section 5. Attendance
Section 6. Collaboration and the County Plan
Section 7. Waivers
Section 8. Personnel Standards
Section 9. Regulation of Facilities
Section 10. Standards for Preparing Students
Section 11. Curriculum and Assessment
Section 12. Transition and Continuity
Section 13. Inclusive Environments
Section 14. Staff Development and Training
Section 15. Transportation
Section 16. Program Oversight
Section 17. Financing
Section 18. Health and Safety
Section 19. Program Evaluation
Appendix

**SERIES 29 - EXCEPTIONS TO MAXIMUM TEACHER - PUPIL RATIO, GRADES K-6 (2442.3)**

Authority - §18-5-18a
Type - Procedural
Price - $2.40
Effective - February 23, 1990

Section 1. General
Section 2. Applicability
Section 3. Procedures
Section 4. Compensation

**SERIES 30 - GRADUATION REQUIREMENTS FOR WEST VIRGINIA PUBLIC SCHOOLS ADOLESCENT EDUCATION GRADES 9 - 12 (2444 01)**

Authority - §18-2-5
Type - Legislative
Price - $3.20
Effective - December 24, 1993

Section 1. General
Section 2. Program Definition
Section 3. Program Delivery
Section 4. Program Assurance

**SERIES 31 - STANDARDS AND REGULATIONS FOR APPLIED MUSIC CREDIT (2444.1)**

Authority - §18-2-7
Type - Legislative
Price - $2.40
Effective - February 27, 1983

Section 1. General
Section 2. Conditions
Section 3. Procedure
Section 4. Examinations
Section 5. Credit

**SERIES 32 - ISSUANCE OF HIGH SCHOOL EQUIVALENT DIPLOMAS, STATE OF WEST VIRGINIA (2444.4)**

Authority - §18-2-5; WV Constitution Art XII, § 2
Type - Legislative
Price - $2.80
Effective - March 15, 2004

Section 1. General
Section 2. West Virginia High School Equivalent Diploma
Section 3. Applying for Testing
Section 4. Basis for Granting West Virginia High School Equivalency Diploma
Section 5. Testing of Individuals Eighteen (18) Years of Age and Younger
Section 6. Residence
Section 7. Transcripts of Scores
Section 8. Falsification of GED Test Information and/or Center Violations
Section 9. Testing Fees
Section 10. All Correspondence Regarding This Policy
Section 11. Severability

**SERIES 33 - MODIFICATION IN TEXTBOOK ADOPTION REGULATIONS (2445.4)**

Authority - §18-2A-I
Type - Legislative
Price - $2.00
Effective - February 27, 1983

Section 1. General
Section 2. Rules

**SERIES 34 - RESOLUTION REGARDING U. S. DISTRICT ORDER (2445.4A)**

Authority - §18-5-21
Type - Procedural
Price - $2.00
Effective - October 17, 1986

Section 1. General
Section 2. Resolution

**SERIES 35 - GROUPINGS FOR TEXTBOOK ADOPTION FOR EARLY CHILDHOOD EDUCATION, MIDDLE CHILDHOOD EDUCATION AND ADOLESCENT EDUCATION (2445.40)**

Authority - §18-2A-1; WV Constitution, Article XII, §2
Type - Legislative
Price - $2.60
Effective - August 16, 2000

Section 1. General
Section 2. Availability
Section 3. Compliance Requirements

**SERIES 36 - TEXTBOOK ADOPTION: NOTICE, REQUEST AND INSTRUCTION TO PUBLISHERS (2445.41)**

Authority - §18-2A-2; WV Constitution, Article XII, §2
Type - Legislative
Price - $5.60
Effective - January 15, 1997

Section 1. General
Section 2. Purpose
Section 3. Definition
Section 4. Applicability
Section 5. Guidelines
Section 6. West Virginia Instructional Materials Review Committee Requirements
Section 7. State Requirements
Section 8. Multiple List and Contract Information
Section 9. Services to Counties and Schools
Section 10. Explanation of Bid Items (Attached)
Attachments

**SERIES 37 - UNIFORM GRADING (2515)**

Authority - §18-2-5; WV Const, Art XII, §2
Type - Legislative
Price - $2.00
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Grading Scale and Quality Points
Section 4. Weighted Grades
Section 5. Severability

## SERIES 38 - TEXTBOOK ADOPTION APPEAL PROCESS FOR PUBLISHERS (2445.412)

Authority - §18-2A-8
Type - Legislative
Price - $4.00
Effective - October 17, 1986

Section 1. General
Section 2. Additional
Section 3. Compliance Rule

## SERIES 39 - SELECTION OF TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS: INTER-ETHNIC IN CONTENT, CONCEPT AND ILLUSTRATION (2445.43)

Authority - §18-2-5
Type - Legislative
Price - $2.00
Effective - December 27, 1982

Section 1. General
Section 2. Rationale
Section 3. Requirement

## SERIES 40 - RULES FOR GRANTING EXEMPTIONS TO THE LEGAL REQUIREMENTS FOR THE ADOPTION AND UTILIZATION OF TEXTBOOK/PROGRAMS (2445.44)

Authority - §18-2A-8
Type - Legislative
Price - $2.40
Effective - September 10, 1985

Section 1. General
Section 2. Preface
Section 3. Rules
Section 4. Implementation

## SERIES 41 - SAFETY AND ACCEPTABLE USE OF INTERNET BY STUDENTS AND EDUCATORS (2460)

Authority - §18-2-5; WV Constitution, Article XII,§2
Type - Legislative
Price - $3.00
Effective - September 9, 2001

Section 1. General
Section 2. Scope
Section 3. Use
Section 4. Implementation

## SERIES 42 - ASSURING THE QUALITY OF EDUCATION: REGULATIONS FOR EDUCATION PROGRAMS (2510)

Authority - §§18-1-1 & 4; 18-2-5 & 6; 18-2E-4, 5, 7 & 8; 18-5A-4; 18A-1-1; 18A-3-; WV Const. Article XII, §2
Type - Legislative
Price - $12.00
Effective - July 1, 2005

Section 1. General
Section 2. Purpose
Section 3. Scope
Section 4. General Responsibilities
Section 5. Glossary
Section 6. Program Definition
Section 7. Alternative Delivery of Education Programs
Section 8. County Board of Education Responsibilities
Section 9. School Based responsibilities
Section 10. Statewide Assessment Program
Section 11. School, County, RESA and Other Assessments
Section 12. Program Accountability
Section 13. Program Improvement
Charts

## SERIES 43 - USE OF TECHNOLOGY BY STUDENTS AND EDUCATORS (2470)

Authority - §29A-3B-1 et seq; WV Board of Education v. Hechler 180 W. Va. 451; 373336 S.E.2d 839 (1988)
Type - Legislative
Price - $2.40
Effective - July 1, 1997

Section 1. General
Section 2. Purpose
Section 3. Use of Technology
Section 4. Incorporation by Reference
Section 5. Implementation Manual

## SERIES 44 - RESERVED

Repealed
Effective July 11, 2003

## SERIES 44A - READING AND ENGLISH LANGUAGE ARTS CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.1)

Authority - §§18-2-5; 18-9A-22; WV Const., Art. XII, §2
Type - Legislative
Price - $13.00
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards (or Instructional Goals) and Objectives

## SERIES 44B - MATHEMATICS CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.2)

Authority - §§18-2-5; 18-9A-22; WV Const., Art XII, §2
Type - Legislative
Price - $13.60
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives

## SERIES 44C - SCIENCE CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.3)

Authority - §§18-2-5; 18-9A-22; WV Const., Art XII, §2
Type - Legislative
Price - $18.90
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives

## SERIES 44D - SOCIAL STUDIES CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.3)

Authority - §§18-2-5; 18-9A-22; WV Const., Art XII, §2
Type - Legislative
Price - $16.30
Effective - February 19, 2004

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives

## SERIES 44E - HEALTH CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.5)

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $15.20
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

**SERIES 44F - PHYSICAL EDUCATION CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.6)**

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $13.50
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

**SERIES 44G - FOREIGN LANGUAGE CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.7)**

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $12.00
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

**SERIES 44H - DRIVER EDUCATION CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.8)**

Authority - §§18-2-5; 18-9A-22; WV Const., Art XII, §2
Type - Legislative
Price - $5.20
Effective - July 13, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Appendix

**SERIES 44I - DANCE CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.9)**

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $8.40
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

**SERIES 44J - MUSIC CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.10)**

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $26.40
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

**SERIES 44K - THEATRE CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.11)**

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $9.40
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

**SERIES 44L - VISUAL ART CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.12)**

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $18.10
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

**SERIES 44M - CONTENT STANDARDS AND OBJECTIVES FOR TECHNICAL AND ADULT EDUCATION IN WEST VIRGINIA SCHOOLS (2520.13)**

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $80.20
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards (or Instructional Goals) and Objectives
Manual

## SERIES 44N - TECHNOLOGY CONTENT STANDARDS AND OBJECTIVES FOR WEST VIRGINIA SCHOOLS (2520.14)

Authority - §§18-2-5; 18-9A-22; W. Va. Const., Art. XII, §2
Type - Legislative
Price - $14.00
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference
Section 4. Summary of the Content Standards and Objectives
Manual

## SERIES 44O - EARLY LEARNING STANDARDS FRAMEWORK CONTENT STANDARDS AND LEARNING CRITERIA FOR WEST VIRGINA PRE-KINDERGARTEN (WV PRE-K) (2520.15)

Authority - §§16-3-4; 18-2-5; 18-2E-1; 18-5-18c et seq.; 18-5-17; 18-5-44; W. Va. Const. Art XII, §2
Type - Legislative
Price - $9.00
Effective - June 1, 2004

Section 1. General
Section 2. Purpose
Section 3. Incorporation by Reference

## SERIES 45 - CRITERIA OF EXCELLENCE: VOCATIONAL EDUCATION PROGRAM (2530)

Authority - §18-9A-22
Type - Interpretive
Price - $18.60
Effective - December 30, 1986

Section 1. General
Section 2. Applicability

## SERIES 45A - RESERVED

Repealed April 15, 2004

## SERIES 45B - PARENTING EDUCATION CURRICULUM (2530.02)

Authority - §61-8-9a
Type - Legislative
Price - $3.00
Effective - October 10, 1990

Section 1. General
Section 2. Rationale
Section 3. Contract for Parenting Curriculum Required by SB 255

## SERIES 46 - RESERVED

Repealed April 15, 2004

## SERIES 47 - RESERVED

Repealed April 15, 2004

## SERIES 48 - DISTANCE LEARNING PROGRAMS AND THE WEST VIRGINIA VIRTUAL SCHOOL (2450)

Authority - §18-2-5
Type - Procedural
Price - $2.40
Effective - September 11, 2002

Section 1. General
Section 2. Purpose
Section 3. Course Approval
Section 4. Management
Section 5. Evaluation of Pupil Progress
Section 6. Technology Access
Section 7. Funding
Section 8. Guidelines and procedures
Section 9. Severability

## SERIES 49 - RESERVED

Repealed April 15, 2004

## SERIES 50 - RESERVED

## SERIES 50A - AIDS EDUCATION POLICY (2422.4)

Authority - §§18-2-5; 18-2-7; 18-2-9; 18-5-15d; 18-5-34
Type - Legislative
Price - $2.40
Effective - September 20, 1989

Section 1. General
Section 2. Applicability
Section 3. Components
Section 4. Implementation

## SERIES 50B - EXCLUSION OF STUDENTS FROM ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) AND SEXUALLY TRANSMITTED DISEASE (STD) INSTRUCTION IN HEALTH EDUCATION CLASSES (2422.45)

Authority - §18-2-9
Type - Legislative
Price - $2.40
Effective - March 2, 1990

Section 1. General
Section 2. Applicability
Section 3. Components
Forms

## SERIES 51 - COMMUNICABLE DISEASE CONTROL POLICY (2423)

Authority - §§18A-5-1; 16-3-4; 16-3-4a; 16-3-5; 16-3C-1 thru 16-3C-9; 18-5, 18-5-9; 18-5-22 and 18-5-34
Type - Legislative
Price - $5.00
Effective - July 15, 1991

Section 1. General
Section 2. Applicability
Section 3. Components
Section 4. Policy Implementation
Model Communicable Disease Policy
Appendix

## SERIES 52 - HONORS AND ADVANCED EDUCATION (2560)

Authority - §18-2E-3a
Type - Legislative
Price - $2.40
Effective - April 30, 1990

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Curriculum
Section 5. Student Selection
Section 6. Teacher Selection
Section 7. Procedures and Time Frames

## SERIES 53 THRU 54 - RESERVED

## SERIES 55 - COMPETITIVE GRANTS FOR INSTRUCTIONAL IMPROVEMENT (2700.56)

Authority - §18-2-29
Type - Procedural
Price - $2.60
Effective - August 30, 1989

Section I. General
Section 2. Applicability
Section 3. Rationale
Section 4. Eligible Applicants
Section 5. Types of Grants
Section 6. Procedures

## SERIES 56 - RESERVED

Repealed April 15, 2004

**SERIES 57 - GUIDELINES FOR COMPLIANCE WITH ADULT EDUCATION PROGRAMS AND COMPUTATION FOR ADULTS ENROLLED UNDER THE SCHOOL AID FORMULA, ADULTS IN NET ENROLLMENT (2420)**

Authority - §18-9A-2
Type - Procedural
Price - $2.60
Effective - March 22, 1998

Section 1. General
Section 2. Adult Vocational-Technical Programs
Section 3. Funding Sources
Section 4. Adult Basic Education (ABE): Essential Elements

**SERIES 58 - SCHOOLS OF EXCELLENCE RECOGNITION (2650.55)**

Authority - §§18-2F-1; 18-2F-2
Type - Procedural
Price - $2.40
Effective - December 29, 1989

Section 1. General
Section 2. Applicability
Section 3. Guidelines
Section 4. Time Sequence for Selection
Section 5. Selection Criteria
Section 6. Rewards

**SERIES 59 - COURSES OF INSTRUCTION, VOTER REGISTRATION (2324)**

Authority - §18-2-9
Type - Procedural
Price - $2.00
Effective - December 29, 1989

Section 1. General
Section 2. Applicability
Section 3. Procedures

**SERIES 60 - RESERVED**

**SERIES 61 - RESERVED**

Repealed & Replaced by 126CSR42
July 1, 1997

**SERIES 62 - RESERVED**

Repealed & Replaced by 126CSR42
July 1, 1997

**SERIES 63 THRU 65 - RESERVED**

## SERIES 66 - TOBACCO CONTROL (2422.5a)

Authority - §§16-9A-4; 18-2-5
Type - Legislative
Price - $2.60
Effective - May 13, 1998

Section 1. General
Section 2. Purpose
Section 3. Application
Section 4. Implementation

## SERIES 67 - COMPREHENSIVE DEVELOPMENTAL GUIDANCE AND COUNSELING (2315)

Authority - §§18-2-5; 18-5-18B; W. Va. Constitution, Article XII, §2
Type - Legislative
Price - $4.00
Effective - December 15, 2002

Section 1. General
Section 2. Purpose
Section 3. Application
Section 4. Definitions
Section 5. Components of a Comprehensive Developmental, National Standards-Based Guidance and Counseling Program That are to be Addressed by County Policy
Section 6. Comprehensive Guidance and Counseling Program Services, Program Monitoring, Counselor Qualifications, and Time Distribution
Section 7. Guidance and Counseling Program Content Standards and Student Competencies
Section 8. Responsibility
Section 9. Severability
County Implementation

## SERIES 68 - RESERVED

Repealed & Replaced by 126CSR42
July 1, 1997

## SERIES 69 - REGULATIONS FOR THE EDUCATION OF JUVENILES PLACED IN SECURE PREDISPOSITIONAL DETENTION CENTERS (2800)

Authority - W. Va. Const., Article XII, §2; §§18-2-5; 49-5A-6a; 49-5E-6
Type - Legislative
Price - $2.60
Effective - September 12, 1998

Section 1. General
Section 2. Purpose
Section 3. Responsibility for Education
Section 4. Program
Section 5. Curriculum and Instruction
Section 6. Transfer of Student Records
Section 7. Assessment of Education Status
Section 8. School Calendar
Section 9. Length of Instructional Day
Section 10. Educational Facilities and Security
Section 11. Professional Staff Qualifications
Section 12. Maintenance of Educational Records
Section 13. Special Education
Section 14. Staffing
Section 15. Monitoring

## SERIES 70 - RESERVED

## SERIES 71 - ESTABLISHMENT PROCEDURES AND OPERATING POLICIES FOR MULTI-COUNTY CAREER AND TECHNICAL EDUCATION CENTERS (3232)

Authority - §18-2B-2
Type - Procedural
Price - $3.40
Effective - September 11, 2005

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Establishment
Section 5. Operation
Section 6. Severability

## SERIES 72 - ESTABLISHMENT AND OPERATION OF REGIONAL EDUCATION SERVICE AGENCIES (3233)

Authority - §§18-2-5; 18-2-26; W. Va. Const., Article XII, §2
Type - Legislative
Price - $3.60
Effective - March 15, 2004

Section 1. General
Section 2. Establishment
Section 3. Governance and Administration
Section 4. Finances
Section 5. Plan of Services
Section 6. Standards for Service Delivery, Accountability and Reporting
Section 7. Severability

## SERIES 73 - YEAR-ROUND EDUCATION PROGRAMS (3234)

Authority - §18-5-15
Type - Legislative
Price - $2.40
Effective - June 14, 1992

Section 1. General
Section 2. Purpose
Section 3. Application
Section 4. Proposals

## SERIES 74 - DEFINITION OF GOOD CAUSE FOR REFUSAL TO RECEIVE SCHOOL BOARD TRAINING (3235)

Authority - WV Constitution, Article XII, §2; §18-5-1a
Type - Legislative
Price - $2.00
Effective - December 18, 1993

Section 1. General
Section 2. Definition

## SERIES 75 THRU 80- RESERVED

## SERIES 81 - ATTENDANCE (4110)

Authority - §18-8-1; WV Constitution Art XII, §2
Type - Interpretive
Cost - $2.40
Effective - July 7, 2002

Section 1. General
Section 2. Rationale
Section 3. Responsibility
Section 4. Guidelines
Section 5. Policy Development

## SERIES 82 - PROVISIONS OF EQUAL OPPORTUNITY IN WEST VIRGINIA PUBLIC SCHOOLS (4200)

Authority - §18-2-5
Type - Legislative
Price - $2.40
Effective - October 4, 1990

Section 1. General
Section 2. Rationale
Section 3. Procedures

## SERIES 83 - POLICY REGARDING EYE, FACE OR BODY SHIELD SAFETY DEVICES (4310)

Authority - §18-2B-2
Type - Procedural
Price - $2.00
Effective - November 9, 1974

Section 1. General
Section 2. Wearing of Safety Devices
Section 3. Safety Devices Furnished by County
Section 4. Standards All Personal Protective

## SERIES 84 - RESERVED

Repealed April 15, 2004

## SERIES 85 - POLICIES OF OPERATION MANUAL PROGRAMS CHILD NUTRITION (4320)

Authority - §§18-2-5; 18A-4-8; W. Va. Cost., Art. XII, §2
Type - Legislative
Price - $13.80
Effective - September 11, 2002

Section 1. General
Section 2. Mission and Purpose
Section 3. Operational Definitions
Section 4. Major Functions and Programs
Section 5. Responsibilities for Child Nutrition Programs
Section 6. Due Dates for Reports
Section 7. School Breakfast
Section 8. School Breakfast Program Meal Requirements and Recommendations
Section 9. Sugar Content of Breakfast Items
Section 10. Offer Versus Serve Breakfast Pattern
Section 11. Breakfast A La Carte
Section 12. Dietary Exceptions
Section 13. Reimbursable Breakfasts

Section 14. Severe Need Rates of Reimbursement
Section 15. Production Records
Section 16. Bus Schedule
Section 17. Waiver
Section 18. Termination Provision
Section 19. School Lunch
Section 20. Meal Requirements and Recommendations
Section 21. Food Quantities
Section 22. Meat/Meat Alternate Component
Section 23. Vegetable/Fruit Component
Section 24. Grains/Bread Component
Section 25. Milk Component
Section 26. Product Analysis Sheets and Child Nutrition Labels
Section 27. Offer Versus Serve for Lunch
Section 28. Kindergarten Snacks
Section 29. A La Carte for Lunch
Section 30. Dietary Exceptions
Section 31. Reimbursable Lunches
Section 32. Higher Reimbursement Rates
Section 33. Production Records
Section 34. Afterschool Snacks Under National School Lunch Program
Section 35. Required Records
Section 36. Meal Charges
Section 37. Reimbursement for Snacks
Section 38. Licensing
Section 39. Donated Foods
Section 40. Allocation of Donated Foods
Section 41. Procedure for Requesting Donated Foods
Section 42. Inventory
Section 43. Commodity Processing
Section 44. Special Milk Program
Section 45. Special Milk Charges and Reimbursement
Section 46. Milk Shakes
Section 47. Special Milk Reporting Procedures
Section 48. Free and Reduced Price Meal and Free Milk
Section 49. Applications for Free or Reduced Price Meals
Section 50. Approving Applications for Households Eligible for Temporary Assistance for Needy Families (TANF) or Food Stamp (FS) Benefits
Section 51. Income
Section 52. Determining Household Size
Section 53. Reviewing Official's Responsibilities
Section 54. Reviewing Official's Completing an Application
Section 55. Providing Meals Prior to Application Approval
Section 56. Application Files and Working List
Section 57. Collection Procedure
Section 58. Daily Meal Count (Point of Service Count)
Section 59. Discrimination Based on Eligibility
Section 60. Student Help
Section 61. Verification United States Department of Agriculture (USDA)
Section 62. Application Selection
Section 63. Verification Procedures
Section 64. Release of Information
Section 65. Reporting Procedure
Section 66. Reporting Deadlines
Section 67. Reimbursement Procedure and Policy
Section 68. Accurate Participation Records
Section 69. Accurate Income Records
Section 70. Accurate Expenditure Records
Section 71. Allowable Costs: Food
Section 72. Allowable Costs: Milk
Section 73. Allowable Costs: Labor
Section 74. Allowable Costs: Supplies and Expendable Equipment
Section 75. Allowable Costs: Non-Expendable Equipment
Section 76. Allowable Costs: Indirect
Section 77. Non-Allowable Costs
Section 78. Shared Costs
Section 79. Procurement Standards

Section 80. Excess Balance: Net Cash Resources
Section 81. Consolidation of Schools
Section 82. Pricing of Adult Meals
Section 83. Inventory Records
Section 84. Equipment Depreciation
Section 85. United States Department of Agriculture (USDA) Food Service Equipment Assistance
Section 86. Guidelines for Purchase of Computers for Automation of School Food Service Functions
Section 87. Monitoring by School Food Authority (SFA)
Section 88. Monitoring by State Agency
Section 89. Corrective Action
Section 90. Assessment Procedure Free and Reduced Meal Application
Section 91. Assessment Procedure Meal Components and Quantities
Section 92. Adjustments/Repayment of Funds
Section 93. Auditing
Section 94. Coordinated Review Effort (CRE).
Section 95. School Selection Procedures
Section 96. Coordinated Review Effort (CRE) Areas
Section 97. West Virginia Department of Education Addendum
Section 98. Corrective Action
Section 99. Fiscal Action
Section 100. Overclaim Disregard
Section 101. Follow-up Reviews
Section 102. School Food Authority (SFA) Fiscal Action Appeal
Section 103. Coordinated Review Effort (CRE) Procedures
Section 104. School Meals Initiative for Healthy Children (SMI)
Section 105. Civil Rights
Section 106. Data Collection
Section 107. Review of Schools
Section 108. Procedure for Filing Complaints
Section 109. Civil Rights Definitions
Section 110. Meal Service
Section 111. Meal Service to Adults
Section 112. Meal Service for Children with a Disability and Students with Special Dietary Needs
Section 113. Disciplinary Practices and Meal Service
Section 114. Senior Citizens
Section 115. Emergency Food Service
Section 116. Charging Meals
Section 117. Lost, Stolen and Misused Tickets
Section 118. Use of Foods, Supplies and Equipment
Section 119. Safety and Sanitation
Section 120. Sale of Foods and Beverages
Section 121. Requirements and Accountability for Foods and Beverages Sold/Served
Section 122. Foods and Beverages Definitions
Section 123. Selection of Snack Items
Section 124. Guidelines for Selection of Juice or Juice Products
Section 125. Meals for Secondary Students Attending College
Section 126. Meals for Field Trips
Section 127. Personnel and Training
Section 128. Classification of Cooks
Section 129. Nutrition Education and Training (NET) Program
Section 130. Training Programs for Food Service Personnel
Section 131. Competency Testing for Food Service Personnel
Section 132. Integration and Involvement
Section 133. Comprehensive County Nutrition Plan
Section 134. County Nutrition Advisory Council

## SERIES 86 - STANDARDS FOR SCHOOL NUTRITION (4321.1)

Authority - §18-2-5; WV Constitution, Article XII, §2
Type - Legislative
Price - $3.20
Effective - November 17, 2004

Section 1. General
Section 2. Purpose
Section 3. Operational Definitions, Food Sales and Service
Section 4. Nutrition Standards for School Nutrition Programs
Section 5. A La Carte Sales
Section 6. Availability of Drinking Water
Section 7. Adequate Time for Meal Consumption
Section 8. Compliance/Accountability
Section 9. Staffing
Section 10. Comprehensive County Plan to Address Health and Nutrition Re-education
Section 11. Nutrition Advisory Council
Section 12. Evaluation Component

## SERIES 87 - RESERVED

Repealed April 15, 2004

## SERIES 88 - RESERVED

Repealed April 15, 2004

## SERIES 89 - WEST VIRGINIA MINIMUM REQUIREMENT FOR DESIGN AND EQUIPMENT OF SCHOOL BUSES (4334)

Authority - §§18-2-5; 18-5-13; WV Constitution, Article XII; §2
Type - Legislative
Price - $13.10
Effective - September 11, 2004

Section 1. General
Section 2. Incorporation by Reference

## SERIES 90 - RESERVED

Repealed April 15, 2004

## SERIES 91 - RESERVED

Repealed April 15, 2004

## SERIES 92 - WEST VIRGINIA SCHOOL TRANSPORTATION REGULATIONS (4336)

Authority - §18-2-5 and 18-5-13 & W. Va. Const. Art. XII, §2
Type - Legislative
Price - $9.60
Effective - May 20, 2004

Section 1. General
Section 2. Incorporation by Reference

## SERIES 93 - RESERVED

Repealed April 15, 2004

## SERIES 94 - PROCEDURES FOR THE COLLECTION, MAINTENANCE AND DISCLOSURE OF STUDENT DATA (4350)

Authority - §18-2-5; PL 105-244; 105-17; 107-110; 107-107
Type - Legislative
Price - $5.40
Effective - September 18, 2003


Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Parent Rights
Section 5. Student Rights
Section 6. Annual Notification of Rights
Section 7. Law Enforcement Units
Section 8. Right to Inspect and Review Education Records
Section 9. Fees
Section 10. Limitations on Right to Inspect and Review Education Records
Section 11. Maintenance and Destruction of Education Records
Section 12. Request to Amend Education Records
Section 13. Right to a Hearing
Section 14. Conduct of the Hearing
Section 15. Prior Consent for Disclosure Required
Section 16. Prior Consent for Disclosure Not Required
Section 17. Disciplinary Information
Section 18. Record of Disclosure Required to be Maintained
Section 19. Limitation on Redisclosure
Section 20. Conditions for Disclosure to Officials of Other Schools and School Systems
Section 21. Disclosure to Certain Federal and State Officials for Federal Program Purposes
Section 22. Conditions for Disclosure in health and Safety Emergencies
Section 23. Conditions for Disclosure of Directory Information
Section 24. Juvenile Justice System
Section 25. Safeguards for Exceptional Students, Information Collected Under Policy 2419
Section 26. Enforcement Authority
Section 27. Complaint Procedure
Section 28. Enforcement Procedures
Section 29. Collection and Use of Student Social Security Numbers
Section 30. Release of List of High School Students to Military Recruiters
Section 31. Severability.


## SERIES 95 - AVAILABILITY OF LIST OF GRADUATING SENIORS TO ARMED FORCES (4350.1)

Authority - §18-2-5
Type - Procedural
Price - $2.00
Effective - July 11, 1999


Section 1. General
Section 2. Declaration of Public Policy

## SERIES 96 - HIGH SCHOOL DIPLOMA FOR VETERANS (4355)

Authority - §18-2-34; WV Const., Art XII, §2
Type - Legislative
Price - $2.40
Effective - August 14, 2000

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Administration
Section 5. Application
Section 6. Awarding of the High School Diploma

## SERIES 97 - RESERVED

## SERIES 98 - STUDENT HANDBOOK - RIGHTS AND RESPONSIBILITIES (4372)

Authority - §18-2-5
Type - Interpretive
Price - $8.00
Effective - December 23, 1998

Section 1. General
Section 2. Rationale
Section 3. Procedures
Manual

## SERIES 99 - STUDENT CODE OF CONDUCT (4373)

Authority - §§16-9A-4; 16-9A-4; 16-9A-9; 17A-1-1; 18-2-5; 18-2-5a; 18-2-7b; 18-2-9; 18-2-33; 18-2C-1 et seq.; 18-5-1; 18-5-13; 18-16-1; 18A-1-1; 18A-5-1; 18A-5-1a; 60A-1-101; 60A-7-11a; 61-2-15; 61-7-2; 61-7-11a; W. Va. Const., Article XII, §2
Type - Legislative
Price - $4.40
Effective - July 1, 2003

Section 1. General
Section 2. Purpose
Section 3. Student Code of Conduct
Section 4. Application
Section 5. Planning by County Boards of Education
Section 6. Attendance Policy
Section 7. Violations of the Student Code of Conduct
Section 8. Guidelines for Suspension and Expulsion
Section 9. Complaint Procedures
Section 10. Investigation Procedures
Section 11. County Board of Education Action and Reporting
Section 12. Reprisal
Section 13. Right to Alternative Complaint Procedures
Section 14. Dissemination of Policy and Training
Section 15. Assessment of Effectiveness
Section 16. Identification and Classification as a Persistently Dangerous School

## SERIES 100 - SCHOOL UNIFORMS (4374)

Authority - §§18-2-5; 18-2-35; W. Va. Constitution Article XII, §2
Type - Legislative
Price - $2.40
Effective - October 16, 2002

Section 1. General
Section 2. Purpose
Section 3. Application
Section 4. Dress Codes Requiring School Uniforms for Students
Section 5. School Uniform Policies Not Required

## SERIES 101 THRU 113 - RESERVED

## SERIES 114 - APPROVAL OF EDUCATIONAL PERSONNEL PREPARATION PROGRAMS (5100)

Authority - §18-2-5; 18A-3-1a; 18A-3-2b; 18A-3-10; W. Va. Constitution Article XII §2
Type - Legislative
Price - $14.00
Effective - September 11, 2005

Section 1. General
Section 2. Summary
Section 3. Purpose
Section 4. Authority of the West Virginia Board of Education
Section 5. Definitions
Section 6. Professional Educator Preparation Program Requirements; Teacher
Section 7. Alternative Preparation Program Requirements; General Education Teacher
Section 8. Alternative Preparation Program Requirements: Special Education Teacher
Section 9. Professional Educator Preparation Program Requirements: Student Support and Administration
Section 10. Additional Program Requirements
Section 11. Authorization and Accreditation Requirements
Section 12. Educator Preparation Program Approval Process
Section 13. Educator Preparation Program Review Board
Section 14. Annual Reports
Section 15. Procedures for Initiating a New Content Specialization
Section 16. Procedures for Initiating an Experimental Program or for Conducting Research on Components on Implementation Procedures Within Current Policy
Section 17. Educator Preparation Program Approval Waiver
Section 18. Technical Assistance
Section 19. Federal Monitoring
Section 20. Severability
Appendix

## SERIES 115 - RESERVED

## SERIES 116 - EDUCATIONAL PERSONNEL DEVELOPMENT PLAN REGARDING THE TEACHING OF ECONOMICS AS PART OF THE SOCIAL STUDIES GRADUATION REQUIREMENT (5110.1)

Authority - §18A-3-1
Type - Interpretive
Price - $2.00
Effective - July 4, 1983

Section 1. General
Section 2. Background
Section 3. Scope of the Problem
Section 4. Impact on Staff Assignments
Section 5. Plan

**SERIES 117 - RESERVED**

**SERIES 118 - ATHLETIC TRAINERS IN THE PUBLIC SCHOOLS OF WEST VIRGINIA (5112)**

Authority - §18-2-5
Type - Legislative
Price - $2.60
Effective - May 20, 2004

Section 1. General
Section 2. Forward
Section 3. General Rules
Section 4. Licensure Governing Athletic Trainers (See Policy 5202)
Section 5. Continuing Education Requirements
Section 6. Professional Development
Section 7. Role
Section 8. Governing Principles
Section 9. Athletic Trainer Review Board

**SERIES 119 THRU 131 - RESERVED**

**SERIES 132 - RESERVED**

Repealed April 15, 2004

**SERIES 133 - APPROVED COLLEGE CREDIT FOR AIDE 4 CLASSIFICATION (5141)**

Authority - §18A-4-8
Type - Legislative
Price - $2.40
Effective - January 2, 1985

Section 1. General
Section 2. College Credit
Section 3. Inservice Equivalency

**SERIES 134 - RESERVED**

**SERIES 135 - LICENSURE FOR THE TEACHING OF READING (5201)**

Authority - §18-3-2
Type - Legislative
Price - $3.20
Effective - July 23, 1992

Section 1. General
Section 2. Definitions
Section 3. Responsibility
Section 4. Authorization
Section 5. Preassessment
Section 6. Training Program
Section 7. Implementation
Appendices

**SERIES 136 - MINIMUM REQUIREMENTS FOR THE LICENSURE OF PROFESSIONAL/ PARA-PROFESSIONAL PERSONNEL AND ADVANCED SALARY CLASSIFICATION (5202)**

Authority - §§18A-3-1; 18A-3-3A; 18A-3-6; 18A-3-7; 18A-4-4; 18-10E-1; 18-2-5; 18-2-9; 18A-3-1A; WV Const, Art XII, §2
Type - Legislative
Price - $16.80
Effective - September 11, 2005

Section 1. General
Section 2. Summary
Section 3. Purpose
Section 4. Definitions
Section 5. Categories of Licenses
Section 6. Legal Bases for Licensure
Section 7. Responsibilities for Licensure
Section 8. Highly Qualified Teacher
Section 9. General Requirements and Certain Dates for Licensure
Section 10. Licenses for Professional Educators
Section 11. Permits Issued to Professional Educators
Section 12. Paraprofessional
Section 13. Grade Level Expansion
Section 14. Waivers and Extensions
Section 15. Alternative Routes to Certification
Section 16. Out-of-State Applicants
Section 17. Non-United States Citizen
Section 18. Appropriate Assignments According to License
Section 19. Special Education
Section 20. Athletic and Limited Football Trainer
Section 21. Additional Endorsement(s) for Existing License
Section 22. Salary Classifications for Educators
Section 23. Reimbursement, Retention, Recruitment
Section 24. Severability
Appendices

**SERIES 137 - NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS CERTIFICATION REIMBURSEMENT/SALARY BONUS PROGRAM (5203)**

Authority - §§18-2-5; 18A-4-2a; W. Va. Constitution, Article XII, §2
Type - Legislative
Price - $3.20
Effective - March 17, 2002

Section 1. General
Section 2. Purpose
Section 3. Funding
Section 4. Limitations
Section 5. Procedures for Reimbursement/Salary Bonus

**SERIES 138 - RESERVED**

Repealed and Replaced by 126CSR136
Effective July 24, 1997

**SERIES 139 - RESERVED**

Repealed April 15, 2004

**SERIES 140 - RESERVED**

## SERIES 141 - BOARD OF EDUCATION RELATIONS WITH SCHOOL PERSONNEL (5300)

Authority - §§18A-2-8; 18A-2-12; WV Constitution, Article XII, §2
Type - Legislative
Price - $2.00
Effective - August 1, 1993

Section 1. General
Section 2. Purpose

## SERIES 142 - PERFORMANCE EVALUATION OF SCHOOL PERSONNEL (5310)

Authority - §18-2-12; WV Constitution, Article 12, Section II
Type - Legislative
Price - $6.00
Effective - September 11, 2002

Section 1. General
Section 2. Purpose
Section 3. Authorities
Section 4. Definitions
Section 5. Training
Section 6. State Board Approval
Section 7. Principles of Operation
Section 8. Rating Structure
Section 9. Evaluation Criteria for Classroom Teachers
Section 10. Evaluation Process for Classroom Teachers
Section 11. Improvement Plan for Classroom Teachers
Section 12. Improvement Team for Classroom Teachers
Section 13. Classroom Teacher' Responsibilities
Section 14. Classroom Teacher' Performance Criteria
Section 15. Evaluation Process for Administrators
Section 16. Improvement Plan for Administrators
Section 17. Improvement team for Administrators
Section 18. Administrator' Responsibilities
Section 19. Administrator' Performance Characteristics
Section 20. Evaluation Process for Professional Support Personnel
Section 21. Improvement Plan for Professional Support Personnel
Section 22. Improvement Team for Professional Support Personnel
Section 23. Professional Support Personnel Responsibilities
Section 24. Professional Support Personnel Performance Characteristics
Section 25. Evaluation Process for Coaches
Section 26. Improvement Plan for Coaches
Section 27. Improvement Team for Coaches
Section 28. Coaches' Responsibilities
Section 29. Coaches' Performance Criteria

## SERIES 143 - COUNTY SUPERINTENDENT PERFORMANCE EVALUATIONS (5309)

Authority - §§18-2-5; 18-4-6; WV Constitution, Article XII, §2
Type - Legislative
Price - $2.60
Effective - January 11, 2004

Section 1. General
Section 2. Purpose
Section 3. Authorization Required
Section 4. Proceses for School Year 2003-2004
Section 5. Processes for Subsequent School Years
Section 6. Required Process Criteria
Section 7. Optional Process Criteria
Section 8. Catalog of Evaluation Instruments
Section 9. Use of Evaluation Results
Section 10. Evaluation Training
Section 11. Severability

**SERIES 144 THRU 145 - RESERVED**

**SERIES 146 - SERVICE PERSONNEL RESPONSIBILITIES AND PERFORMANCE STANDARDS (5314)**

Authority - §§18-2-5; 18A-2
Type - Legislative
Price - $2.40
Effective - March 22, 1985

Section 1. General
Section 2. Applicability
Section 3. Eligibility
Section 4. Performance Standards

**SERIES 146A - AUTISM MENTOR (5314.01)**

Authority - §18A-4-8
Type - Legislative
Price - $2.00
Effective - September 26, 1992

Section 1. General
Section 2. Purpose
Section 3. Standards and Experience

**SERIES 147 - QUALITIES, PROFICIENCIES AND LEADERSHIP SKILLS FOR PRINCIPALS (5500.03)**

Authority - §§18-2-5; 18A-2-3c; 18A-3A-1; 18a-3A-2b & W. Va. Const., Article XII, §2
Type - Legislative
Price - $3.00
Effective - April 17, 1997

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Qualities, Proficiencies and Skills
Section 5. Implementation
Section 6. Attendance at the Principals' Academy

**SERIES 148 - PROFESSIONAL, FIELD EXPERIENCE AGREEMENT (5410)**

Authority - §19-2-6
Type - Legislative
Price - $2.00
Effective - February 2, 1983

Section 1. General
Section 2. Professional Field Experience Agreement and Responsibility

## SERIES 149 - COUNTY PROFESSIONAL STAFF DEVELOPMENT COUNCILS (5500)

Authority - §§18-5-15; 18-2-5; 18A-3-8; W. Va. Const. Article XII §2
Type - Legislative
Price - $2.60
Effective - July 24, 1997

Section 1. General
Section 2. Purpose
Section 3. County Responsibility
Section 4. Principles of Operation
Section 5. General Implementation Process
Section 6. Monitoring

## SERIES 150 - THE STUDY OF MULTICULTURAL EDUCATION FOR SCHOOL PERSONNEL (5500.01)

Authority - §18-5-15A
Type - Legislative
Price - $2.00
Effective - February 27, 1983

Section 1. General
Section 2. Applicability
Section 3. Eligibility

## SERIES 150A - COUNTY SERVICE PERSONNEL STAFF DEVELOPMENT COUNCILS (5500.02)

Authority - §18A-3-9
Type - Legislative
Price - $2.40
Effective - September 26, 1992

Section 1. General
Section 2. Purpose
Section 3. County Responsibility
Section 4. Principles of Operation
Section 5. General Implementation Process
Section 6. Monitoring and Evaluation

## SERIES 151 - RESERVED

Repealed April 15, 2004

## SERIES 152 - RESERVED

Repealed April 15, 2004

## SERIES 153 - COPYRIGHT PROTECTION COMPUTER SOFTWARE (5711)

Authority - §18-2-5
Type - Procedural
Price - $2.40
Effective - January 22, 1993

Section 1. General
Section 2. Applicability
Section 3. Compliance Requirements

## SERIES 154 - THE WEST VIRGINIA COUNCIL ON PROFESSIONAL EDUCATION (5050)

Authority - §18-2-5; W. Va. Constitution Article XII, §2
Type - Legislative
Price - $2.80
Effective - November 13, 2003

Section 1. General
Section 2. Summary
Section 3. Purpose
Section 4. Mission and Goals
Section 5. Composition of the Commission
Section 6. The Commission's Relationship with Other Educational Entities
Section 7. Functions of the Commission
Section 8. Ultimate Authority of the West Virginia Board of Education

## SERIES 155 - RESERVED

Repealed and Replaced by 126CSR136
Effective July 24, 1997

## SERIES 156 - RESERVED

Repealed and Replaced by 126CSR136
Effective July 24, 1997

## SERIES 157 - SABBATICAL LEAVE POLICY FOR PROFESSIONAL EDUCATORS AND TEACHERS AIDES (5530)

Authority - §18-2-11
Type - Interpretive
Price - $2.80
Effective - June 30, 1989

Section 1. General
Section 2. Purpose
Section 3. Eligibility
Section 4. Selection Criteria
Section 5. Sabbatical Leave Requirements/Conditions
Section 6. Sabbatical Leave Advisory Committee
Section 7. Application Requirements and Procedures
Section 8. Final Report
Appendix A

## SERIES 158 - USE OF PERSONAL LEAVE BENEFITS WITH WORKER' COMPENSATION BENEFITS (5612)

Authority - §18-4-10
Type - Legislative
Price - $2.00
Effective - November 21, 2002

Section 1. General
Section 2. Applicability
Section 3. Restriction of Personal Leave Benefits
Section 4. County Policies

## SERIES 159 - RESERVED

## SERIES 160 - BEGINNING EDUCATOR INTERNSHIP PROGRAM (5900)

Authority - §18A-3-2b
Type - Procedural
Price - $2.40
Effective - August 6, 1991

Section 1. General
Section 2. Scope
Section 3. Purpose
Section 4. Monitoring
Section 5. Technical Assistance
Section 6. Program Requirements

## SERIES 161 - ALTERNATIVE PROGRAMS FOR THE EDUCATION OF TEACHERS (5901)

Authority - §18A-3-1a
Type - Legislative
Price - $2.60
Effective - March 25, 1992

Section 1. General
Section 2. Candidate Qualifications for Participation in Alternative Programs for the Education of Teachers
Section 3. Letter of Eligibility and Initial Licensure Requirements
Section 4. Submission and Approval of the Alternative Program for the Education of Teachers
Section 5. Program Proposal Requirements
Section 6. Required Components of an Alternative Program for the Education of Teachers
Section 7. Evaluation of the Candidates for the Professional Certificate

## SERIES 162 - EMPLOYEE CODE OF CONDUCT (5902)

Authority - §18-2e-5
Type - Legislative
Price - $2.40
Effective - July 7, 2002

Section 1. General
Section 2. Application and Enforcement
Section 3. Purpose
Section 4. Teacher Code of Conduct
Section 5. Responsibilities for Implementation

## SERIES 163 - SCHOOL SERVICE PERSONNEL TRAINING COMPARABLE TO TWELVE (12) SEMESTER HOURS OF COLLEGE CREDIT (5301)

Authority - WV Constitution , Article XII, 2; §§18-2-5; 18-4-8a
Type - Legislative
Price - $2.40
Effective - August 14, 2002

Section 1. General
Section 2. Applicability
Section 3. Definition
Section 4. Verification of Hours

**SERIES 164 - BEGINNING PRINCIPAL INTERNSHIPS (5899)**

Authority - WV Constitution XII, Sect. 2; §§18-2-5; 18A-3-2d
Type - Legislative
Price - $2.40
Effective - September 2, 1995

Section 1. General
Section 2. Purpose
Section 3. Implementation
Section 4. Operational Definitions
Section 5. Guidelines

**SERIES 165 THRU 171 - RESERVED**

**SERIES 172 - HANDBOOK ON PLANNING SCHOOL FACILITIES (6200)**

Authority - 1§§8-9C-1 et seq.; 18-9D; 18-5-10; 18-5-13; 18-5-13a; WV Const., Art. XII
Type - Legislative
Price - $29.40 with manual; $2.00 without manual
Effective - June 20, 1998

Section 1. General
Section 2. Incorporation by Reference

**SERIES 173 - FLOOR COVERING IN PUBLIC SCHOOLS (6201)**

Authority - §18-2-5; §18-9E-3; WV Constitution, Article XII, §2
Type - Legislative
Price - $2.00
Effective - August 14, 2000

Section 1. General
Section 2. Program Regulation

**SERIES 174 - INVESTIGATING INDOOR AIR COMPLAINTS (6202)**

Authority - §§18-2-5; 18-9E-3; WV Const., Art XII, §2
Type - Legislative
Price - $2.40
Effective - November 12, 1999

Section 1. General
Section 2. Program Regulation

**SERIES 175 - HEATING, VENTILATING AND AIR-CONDITIONING TECHNICIANS (HVAC) (6203)**

Authority - §§18-2-5; 18-9E-3; WV Const., Art XII, §2
Type - Legislative
Price - $2.40
Effective - November 12, 1999

Section 1. General
Section 2. Program Regulations

## SERIES 176 - SCHOOL CLOSINGS OR CONSOLIDATIONS (6204)

Authority - §§18-25; 18-5-13; 18-5-13a; 18A-2-7(d); WV Const., Art XII, §2
Type - Procedural
Price - $3.20
Effective - October 16, 2002

Section 1. General
Section 2. County Procedures
Section 3. Emergency School Closure
Section 4. Assistance
Section 5. Severability

## SERIES 177 THRU 184 - RESERVED

## SERIES 185 - INTERCOUNTY TRANSFER ARRANGEMENTS

Authority - W. Va. Const., Article XII, §2; §§18-2-5; 18-5-13(19); 18-9A-14 and 18A-4-8
Type - Legislative
Price - $2.60
Effective - May 13, 1998

Section 1. General
Section 2. Purposes
Section 3. Definitions
Section 4. Authorization of Intercounty Transfer Arrangements
Section 5. Transfer of Funds and Allowance for Funds in Intercounty Transfer Arrangements
Section 6. Determination of Number of Positions to be Created in Facilities Affected by an Intercounty Transfer Arrangement
Section 7. Preparation of Certified List of Employees whose Employment Has Been Terminated as a Result of an Intercounty Transfer Arrangement
Section 8. Filling Positions Created by an Intercounty Transfer Arrangement
Section 9. Seniority Rights for Professional Educators and School Service Personnel in Cases of Intercounty Transfer Arrangements

## SERIES 186 - GUIDELINES FOR ARTICULATION AGREEMENTS BETWEEN SECONDARY/ADULT SCHOOLS AND POSTSECONDARY COLLEGES (7124)

Authority - §18-2B-2
Type - Interpretive
Price - $2.80
Effective - December 14, 1986

Section 1. General
Section 2. Incorporation by Reference

## SERIES 187 - RESERVED

Repealed April 15, 2004

## SERIES 188 - APPEALS PROCEDURE FOR CITIZENS (7211)

Authority - 18-2-5
Type - Procedural
Price - $2.60
Effective - November 2, 1987

Section 1. General
Section 2. Definitions
Section 3. Procedure
Section 4. Processing of Appeals

**SERIES 189 - INTERCOUNTY STUDENT TRANSFER APPEAL (7212)**

Authority - 18-2-5; 18-3-3; 18-3-4; 18-3-10; 18-5-13
Type - Legislative
Price - $2.00
Effective - September 26, 1992

Section 1. General
Section 2. Application
Section 3. Rules

**SERIES 190 - COORDINATION OF LITERACY PROGRAMS FOR DISPOSITION AND USE OF ADULT LITERACY FUNDS (7232)**

Authority - §§18-2-5; 18-7-1
Type - Procedural
Price - $2.40
Effective - November 8, 1987

Series 1. General
Series 2. Funding the Adult Literacy Education Program Fund
Series 3. Use of Funds
Series 4. Application Procedures
Series 5. Reporting

**SERIES 191 - BETTER SCHOOL ACCOUNTABILITY; SCHOOL, SCHOOL DISTRICT AND STATEWIDE SCHOOL REPORT CARDS (7300)**

Authority - §§18-2E-4; 18-2-5; W. Va. Const. Article XII, §2
Type - Procedural
Price - $2.80
Effective - December 15, 1997

Section 1. General
Section 2. Indicators and Method of Prescribing Assessment
Section 3. Report Card Format and Process
Section 4. Certification of Training by Administrators and Board Members
Section 5. Nontraditional Program Report
Section 6. Other Information Collected and Available for Reporting Through the Better Schools Accountability Report Card Process
Section 7. Attainment of the Education Goals of West Virginia

**SERIES 192 - PROSPECTIVE EMPLOYABLE PROFESSIONAL PERSONNEL (5103)**

Authority - §§18A-2-5; 18A-2-3; WV Const., Art XII, §2
Type - Legislative
Price - $2.00
Effective - December 9, 2000

Section 1. General
Section 2. Definition
Section 3. Hiring Process
Section 4. Annual Report

**SERIES 193 THRU 199 - RESERVED**

## SERIES 200 - SCHOOL FINANCE HANDBOOK (8100)

Authority - §§19-9B-1; 18-9A-17
Type - Procedural
Price - $51.00
Effective - July 16, 1990

Section 1. General
Section 2. Incorporation by Reference

## SERIES 201 - COMPUTATION OF AVERAGE DAILY ATTENDANCE (ADA) AND AVERAGE DAILY MEMBERSHIP (ADM) (8100.1)

Authority - §§18-2-5; 18-8-1 et seq.; 18-9B-5; 18-9B-9; 18A-5-6; P.L. 100-297
Type - Legislative
Price - $2.00
Effective - August 17, 1995

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. State Administrative Procedures

## SERIES 202 - POLICY TO IMPLEMENT TREASURER FUNCTION PERFORMED BY COUNTY BOARDS OF EDUCATION (8352)

Authority - §18-9B-12
Type - Legislative
Price - $31.00
Effective - December 23, 1982

Section 1. General
Section 2. Incorporation by Reference

## SERIES 203 - EMERGENCY PURCHASING PROCEDURES (8210)

Authority - §§5-22-1; 6B-1-1 et seq.; 15-5-6(g); 18-2-5; 61-5A-6; 61-10-15
Type - Legislative
Price - $3.00
Effective - June 18, 2003

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Administration
Section 5. Authority
Section 6. Purchasing Procedures
Section 7. Violations
Section 8. Severability

## SERIES 204 - RESERVED

Repealed April 15, 2004

## SERIES 205 - RESERVED

Repealed April 15, 2004

**SERIES 206 - BASIC STATE AID: WAIVER OF 34/1000 AND GROWTH LIMITATION OF SCHOOL SERVICE PERSONNEL (8223)**

Authority - §18-9A-5
Type - Legislative
Price - $2.00
Effective - December 7, 1992

Section 1. General
Section 2. Definitions
Section 3. Waiver for Service Personnel Which Exceed the 34/1000 Limit
Section 4. Growth Limitation Waiver for Service Personnel
Section 5. Procedure
Section 6. Calculation of Basic State Aid

**SERIES 207 - PROJECTION OF NET INCREASES (8224)**

Authority - §11B-2-3; 18-2-5; 18-9A-2; 18-9A-15
Type - Legislative
Price - $2.60
Effective - September 11, 2005

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Administration
Section 5. Projections of Net Enrollment
Section 6. Computations of Required Funding
Section 7. Distribution of funds Appropriated
Section 8. Severability

**SERIES 208 - PROGRAMS TO STRENGTHEN STUDENT LEARNING ABILITY (8350)**

Authority - §§18-2-5; 18-2-35; WV Const., Art XII, §2
Type - Procedural
Price - $2.40
Effective - December 15, 2002

Section 1. General
Section 2. Purpose
Section 3. Program Content
Section 4. Appropriation Priority
Section 5. Application Review
Section 6. New Application
Section 7. Continuation Application
Section 8. Severability

# TITLE 156

# EDUCATION AND STATE EMPLOYEES GRIEVANCE BOARD

## SERIES 1 - PROCEDURAL RULES OF THE BOARD

Authority - §18-29-5(a); §29-6A-5(a)
Type - Procedural
Cost - $3.80
Effective - November 4, 2004

Section 1. General
Section 2. Definitions
Section 3. Levels One, Two and Three
Section 4. Level Four
Section 5. Mediation
Appendices

## SERIES 2 - NOTICE AND CONDUCT OF MEETINGS

Authority §§6-9A-3; 18-29-5; 29-5A-5
Type - Procedural
Price - $2.00
Effective - August 11, 2002

Section 1. General
Section 2. Preface
Section 3. Notice of Meetings
Section 4. Conduct of Meetings
Section 5. Meeting by Conference Call

# TITLE 195

# EDUCATIONAL BROADCASTING AUTHORITY

## SERIES 1 - ORGANIZATION PROCEDURES

Authority - §§10-5-3; 29A-3-1
Type - Procedural
Price - $2.40
Effective - March 23, 1999


Section 1. General
Section 2. Authority Meetings
Section 3. Notice of Meetings
Section 4. Authority Committees
Section 5. Advisory Councils
Section 6. Authority Affiliations

# TITLE 146

# STATE ELECTIONS COMMISSION

## SERIES 1 - ORGANIZATION PROCEDURES

Authority - §§10-5-3; 29A-3-1
Type - Procedural
Price - $2.40
Effective - March 23, 1999

Section 1. General
Section 2. Authority Meetings
Section 3. Notice of Meetings
Section 4. Authority Committees
Section 5. Advisory Councils
Section 6. Authority Affiliations

## SERIES 2 - FAIR CAMPAIGN PRACTICES

Authority - §§3-1A-5 & 6; 3-1B-3
Type - Legislative
Price - $2.80
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Code of Fair Campaign Practices
Section 4. Advisory Opinions
Section 5. Complaint and Hearing Procedures

## SERIES 3 - REGULATION OF CAMPAIGN FINANCE

Authority - §§3-1A-5 and 3-1A-6
Type - Legislative
Price - $4.00
Effective - June 12, 2000

Section 1. General
Section 2. Definitions
Section 3. Contributions for Primary and General Elections
Section 4. Contributions for Inaugural Events
Section 5. Contribution Limitations and Sources
Section 6. Lawful Expenditures
Section 7. Disposing of Excess Campaign Assets, Terminating a Political Committee
Section 8. Receiving, Distribution and Reporting Contributions and Expenditures
Section 9. State and Local Activity by Federal Committees
Section 10. Solicitation for Political Purposes
Section 11. Procedures for Levying Civil Penalties
Section 12. Penalty Provisions

## SERIES 4 - ELECTION EXPENDITURES

Authority - §§3-1A-5 & 6; 3-8-1; 3-8-11 & 12; 3-9-12, 13 & 16 and WV Supreme Court of Appeals Order # 16884
Type - Legislative
Price - $2.80
Effective - June 7, 1996


Section 1. General
Section 2. Policy
Section 3. Definitions
Section 4. Exceptions
Section 5. Payment of Election Workers
Section 6. Payment of Campaign Staff
Section 7. Reimbursement for Expenses of Volunteer Election Workers
Section 8. Employment of Election Workers by Candidates or Candidates' Authorized Committee
Section 9. Employment of Election Workers by Party Committees
Section 10. Employment of Election Workers by Political Action Committees
Section 11. Forms
Section 12. Severability
Section 13. Penalties

# TITLE 96

# BUREAU OF EMPLOYMENT PROGRAMS

## SERIES 1 - RULES THAT PROHIBITS AGENCIES FROM GRANTING, ISSUING OR RENEWING APPROVAL DOCUMENTS WITH EMPLOYING UNITS IN DEFAULT WITH THE BUREAU OF EMPLOYMENT PROGRAMS

Authority - §§21A-2-6(17)
Type - Legislative
Price - $2.80
Effective - May 25, 2005


Section 1. General
Section 2. Definitions
Section 3. General Prohibition
Section 4. Timing of Review
Section 5. Revocation
Section 6. Conditional Issue
Section 7. Request for Review
Section 8. Procedure for Petitioning for Exemption


## SERIES 2 - RULE FOR ADMINISTRATIVE HEARING

Authority - §21A-2-6(2)
Type - Procedural
Price - $3.40
Effective - April 10, 2004


Section 1. General
Section 2. Definitions
Section 3. Request for Reconsideration
Section 4. Protest; Petition, Complaint and Notification
Section 5. Complaint and Notice of Hearing
Section 6. Discovery
Section 7. Subpoenas
Section 8. Hearing Examiner's Powers
Section 9. Conduct of the Hearing
Section 10. Preparation of the Official Record
Section 11. Written Argument
Section 12. Distribution of Final Order and Right to Appeal
Section 13. Severability

# TITLE 83

# DEPARTMENT OF EMPLOYMENT SECURITY

## SERIES 1 - REGULATIONS OF THE COMMISSIONER OF EMPLOYMENT SECURITY

Authority - §21A-2
Type - Legislative
Price - $3.00
Effective - May 1, 1991


Section 1. General
Section 2. Contributions by Employers
Section 3. Payments in Lieu of Contributions by Reimbursement Employers
Section 4. Interest
Section 5. Records
Section 6. Reports
Section 7. Definitions
Section 8. Voluntary Payments
Section 9. Use of Credits in Rate Computation
Section 10. Submittal of Separation Information by Employing Units
Section 11. Employer' Report of Low Earnings
Section 12. Employer Report of Vacation Pay
Section 13. Claims and Registration
Section 14. Forms Prescribed for Recording Claim for Benefits
Section 15. Disqualifications
Section 16. Benefits for Individuals who had Some Earnings and Preformed Some Services During Calendar Week
Section 17. Administrative Hearings Upon Applications for Review and Redetermination of Contribution Rates and Chargeability of Benefits to an Employer' Account
Section 18. Benefits Erroneously Received
Section 19. Payment of Benefits to Interstate Claimants
Section 20. Combining Wage Credits Under the Interstate Arrangement for Combining Employment and Wages
Section 21. Interstate Reciprocal Coverage Arrangement
Section 22. Destruction of Records
Section 23. Establishment, Maintenance and Dissolution of Joint Accounts
Section 24. Secrecy of Tax Information

# TITLE 84

## EMPLOYMENT SECURITY BOARD OF REVIEW

(SEE BOARD OF REVIEW)

# TITLE 147

# EMPLOYEE SUGGESTION AWARD BOARD

## SERIES 1 - RULES AND REGULATIONS GOVERNING THE OPERATION OF THE WEST VIRGINIA PUBLIC EMPLOYEE SUGGESTION PROGRAM

Authority - §5A-1A-3
Type - Procedural
Price - $3.00
Effective - January 7, 2005


Section 1. General
Section 2. Purpose and Objectives of the West Virginia Public Employee Suggestion Program
Section 3. Definitions
Section 4. Responsibility of the Employee Suggestion Award Board
Section 5. Eligible Employees
Section 6. Ineligible Employees
Section 7. Eligible Suggestions
Section 8. Ineligible Suggestions
Section 9. Submission and Processing of Suggestion
Section 10. Suggestions with State-wide Application
Section 11. Annual Report

# TITLE 7

# STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

## SERIES 1 - REGULATIONS GOVERNING THE WEST VIRGINIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Authority - §§30-13-9(a), 14, 18, 19, 21
Type - Legislative
Price - $4.60
Effective - July 1, 2004


Section 1. General
Section 2. Definitions
Section 3. EI and PE Applications
Section 4. Board Actions on Applications
Section 5. Examinations
Section 6. Engineering Registration and Certification
Section 7. Seals
Section 8. Temporary Permits
Section 9. Expirations, Renewals and Reinstatements
Section 10. Continuing Professional Competency
Section 11. Certificates of Authorization
Section 12. Professional Responsibility
Section 13. Fees
Section 14. Board Enforcement, Investigations, Disciplinary Actions and Costs
Section 15. Civil Fines
Section 16. Board Policies
Section 17. Severability


## SERIES 2 - ADMINISTRATIVE HEARING PROCEDURES

Authority - §§30-13-1 et seq; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - July 23, 2004


Section 1. General
Section 2. Complaints
Section 3. Hearing Panel
Section 4. Procedural Rule for Hearings
Section 5. Disposition of Complaints

# ENTERPRISE ZONE AUTHORITY

REPEALED BY HB 2162 EFFECTIVE JUNE 29, 1997.

# TITLE 60

## ENVIRONMENTAL PROTECTION DIRECTOR'S OFFICE


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| Series | 1. | Office of Environmental Advocate | 210 |
| Series | 2. | Freedom of Information Act Requests | 210 |
| Series | 3. | Voluntary Remediation and Redevelopment Rule | 210 |
| Series | 4. | Awarding of West Virginia Stream Partners Program Grants Rule | 211 |
| Series | 5. | Antidegradation Implementation Procedures | 211 |
| Series | 6. | Administrative Procedures and Civil Administrative Penalty Assessment -- Water Resources Protection Act | |


TOTAL COST FOR ALL OF TITLE 60 - $33.20

### SERIES 1 - OFFICE OF ENVIRONMENTAL ADVOCATE

Authority - §§22-1-3; 22-1-3a
Type - Legislative
Price - $2.60
Effective - July 1, 1997


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Appointment, Salary and Qualifications |
| Section | 3. | Powers and Limitations |


### SERIES 2 - FREEDOM OF INFORMATION ACT REQUESTS

Authority - §§29A-3-3; 29B-1-3(5); 22-1-1 et seq.; & 22-5-10
Type - Procedural
Price - $2.80
Effective - February 21, 1997


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Policy on Disclosure |
| Section | 4. | Form of Requests |
| Section | 5. | Requests that do not Reasonably Describe Records Sought |
| Section | 6. | Misdirected Requests |
| Section | 7. | Responsibilities of the Division |
| Section | 8. | Denial of Requests |
| Section | 9. | Exemptions |
| Section | 10. | Partial Disclosure |
| Section | 11. | Fees |


### SERIES 3 - VOLUNTARY REMEDIATION AND REDEVELOPMENT RULE

Authority - §22-22-3
Type - Legislative
Price - $15.60
Effective - July 1, 1997


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions; Terms Defined in the Act are Accorded the Same Definition in this Rule |
| Section | 3. | Eligibility |
| Section | 4. | Application to Participation in Voluntary Remediation Program |
| Section | 5. | Licensed Remediation Specialists |
| Section | 6. | Voluntary Remediation Agreement |
| Section | 7. | Public Involvement; Public Notification |

Section 8. Risk Protocol
Section 9. Remediation Standards
Section 10. Work Plan
Section 11. Final Report
Section 12. Certificate of Completion
Section 13. Land Use Covenants
Section 14. Procedure Where Certificate of Completion or Land Use Covenant is Violated
Section 15. Loans From Brownfields Revolving Fund
Section 16. Reopener Provisions
Section 17. Appeals of Rulings of the Director
Appendix
Tables

**SERIES 4 - AWARDING OF WEST VIRGINIA STREAM PARTNERS PROGRAM GRANTS RULE**

Authority - §20-13-4
Type - Legislative
Price - $2.80
Effective - April 15, 2002

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. In-Kind Services
Section 5. Authorized Uses of Grant Funds
Section 6. Review, Evaluation and Award
Section 7. Grant Conditions
Section 8. Unexpended Funds
Section 9. Reporting
Section 10. West Virginia Stream Partners Program Coordinator Duties

**SERIES 5 - ANTIDEGRADATION IMPLEMENTATION PROCEDURES**

Authority - §22-11-7b
Type - Legislative
Price - $7.40
Effective - July 2, 2001

Section 1. General
Section 2. Definitions
Section 3. Antidegradation Review Process
Section 4. Tier 1 Protection
Section 5. Tier 2 Protection (High Quality Waters)
Section 6. Tier 2.5 Protection Review Procedures (Waters of Special Concern) See 46CSR1-4.1.c and 46CSR1-2.29 for a Description and Definition of Waters of Special Concern
Section 7. Tier 3 Protection Review Procedures (Outstanding National Resource Waters) See 46CSR1-4.1.d and 46CSR1-2.15 for a Description of Outstanding National Resource Waters (ONRW)
Section 8. Designation of Tier 2.5 and Tier 3 Waters
Section 9. Public Participation in Antidegradation Reviews/Appeals
Appendices

**SERIES 6 - ADMINISTRATIVE PROCEDURES AND CIVIL ADMINISTRATIVE PENALTY ASSESSMENT -- WATER RESOURCES PROTECTION ACT**

Authority - §§22-1-6(d)(3); 22-26-3(m); 22-26-6(b)
Type - Procedural
Price - $4.00
Effective - May 16, 2005

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Survey and Registration Response - Secretary's Determination
Section 5. Civil Administrative Penalty Assessment
Section 6. Additional Enforcement

# TITLE 46

## ENVIRONMENTAL PROTECTION
## ENVIRONMENTAL QUALITY BOARD

(TITLE 46 WAS FORMERLY NAMED WATER RESOURCES BOARD. ALSO, SOME OF THE RULES OF TITLE 46 WERE MOVE TO TITLE 47, ENVIRONMENTAL PROTECTION, WATER RESOURCES.)


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| Series | 1. | Requirements Governing Water Quality Standards | 212 |
| Series | 2. | Reserved (See 47-10) | 212 |
| Series | 3. | Reserved (See 47-11) | 212 |
| Series | 4. | Requirements for Procedures in Appeals Before the Board | 213 |
| Series | 5. | Regulations Implementing the Open Governmental Proceedings Act | 213 |
| Series | 6. | Procedural Regulations for the Revision of Water Quality Standards | 213 |
| Series | 7. | Procedural Rules Governing Reclassification of Waters Designated for Public Water Supply | 213 |
| Series | 8. | Regulations on Requests for Information (Freedom of Information Act) | 214 |
| Series | 9. | Reserved (See 47-13) | 214 |
| Series | 10. | Reserved (See 47-14) | 214 |
| Series | 11. | Reserved | 214 |
| Series | 12. | Requirements Governing Groundwater Standards | 214 |


TOTAL COST FOR ALL OF TITLE 46 - $32.00

### SERIES 1 - REQUIREMENTS GOVERNING WATER QUALITY STANDARDS

Authority - §22B-3-4
Type - Legislative
Price - $14.80
Effective - June 30, 2005


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Conditions Not Allowable in State Waters |
| Section | 4. | Antidegradation Policy |
| Section | 5. | Mixing Zones |
| Section | 6. | Water Use Categories |
| Section | 7. | West Virginia Waters |
| Section | 8. | Specific Water Quality Criteria |
| Section | 9. | Establishment of Safe Concentration Values |


Appendices

### SERIES 2 - RESERVED

### SERIES 3 - RESERVED

## SERIES 4 - REQUIREMENTS FOR PROCEDURES IN APPEALS BEFORE THE BOARD

Authority - §29A-3
Type - Procedural
Price - $3.00
Effective - November 28, 1994

Section 1. General
Section 2. Notice of Appeal; Answer
Section 3. The Certified Record
Section 4. Filing and Service of Documents
Section 5. Orders of the Board; Submission of Motions
Section 6. Evidentiary Hearings
Section 7. Ex Parte Contracts
Section 8. Confidential Information
Form

## SERIES 5 - REGULATIONS IMPLEMENTING THE OPEN GOVERNMENTAL PROCEEDINGS ACT

Authority - §6-9A-3
Type - Procedural
Price - $2.00
Effective - July 27, 1984

Section 1. General
Section 2. Rules

## SERIES 6 - PROCEDURAL REGULATIONS FOR THE REVISION OF WATER QUALITY STANDARDS

Authority - §§22B-3-4; 29A-3-3
Type - Procedural
Price - $3.20
Effective - December 9, 1996

Section 1. General
Section 2. Revision Legislative Rule
Section 3. Requirements for Site-Specific Revisions to 46 CSR 1, Requirements Governing Water Quality Standards
Section 4. Removal of a Designated Use
Section 5. Variances from Water quality Standards Requested Pursuant to 46 CSR 1, Section 8.3
Section 6. Variances from Numeric Water Quality Standards for Remining Activities
Section 7. Site-Specific Numeric Criteria Requested Pursuant to 46 CSR 1, Section 8.4

## SERIES 7 - PROCEDURAL RULES GOVERNING RECLASSIFICATION OF WATERS DESIGNATED FOR PUBLIC WATER SUPPLY

Authority - §§22/b-3-4(d); 29A-3-3
Type - Procedural
Price - $3.20
Effective - February 7, 2003

Section 1. General
Section 2. Compliance with State Law
Section 3. Applicability
Section 4. Application Requirements
Section 5. Criteria for Assessing Removal of the Public Water Supply Designated Use
Section 6. Board Procedures
Section 7. Submission to the US Environmental Protection Agency
Section 8. Streams from Which the Public Water Supply Designated Use Has Been Removed

## SERIES 8 - REGULATIONS ON REQUESTS FOR INFORMATION (FREEDOM OF INFORMATION ACT)

Authority - §§29B-1-1; 29A-3-3
Type - Procedural
Price - $2.60
Effective - February 18, 1996

Section 1. General
Section 2. Definitions
Section 3. Policy on Disclosure
Section 4. Form of Request
Section 5. Requests Which do not Reasonably Describe Records Sought
Section 6. Misdirected Requests, Oral Requests
Section 7. Responsibilities of the Board
Section 8. Denials of Requests
Section 9. Exemptions
Section 10. Partial Disclosure
Section 11. Fees

## SERIES 9 - RESERVED

## SERIES 10 - RESERVED

## SERIES 11 - RESERVED

## SERIES 12 - REQUIREMENTS GOVERNING GROUNDWATER STANDARDS

Authority - §§22-12-4; 22B-3-4
Type - Legislative
Price - $3.20
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Groundwater Standards
Section 4. Hazardous Waste Treatment, Storage or Disposal Facilities
Appendix

# TITLE 158

# ETHICS COMMISSION

Index for Ethics Commission


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| Series | 1. | Procedural Rules for the West Virginia Ethics Commission | 210 |
| Series | 2. | Advisory Opinions | 210 |
| Series | 3. | Complaints | 211 |
| Series | 4. | Guidelines and Standards for Determining the Existence of Disqualifying Financial Interests | 211 |
| Series | 5. | Adjudicating Complaints Relating to Conduct of State Administrative Law Judges | 211 |
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| Series | 11. | Employment | 213 |
| Series | 12. | Lobbying | 213 |
| Series | 13. | Code of Conduct for Administrative Law Judges | |


TOTAL COST FOR ALL OF TITLE 158 - $36.80

## SERIES 1 - WEST VIRGINIA ETHICS COMMISSION

Authority - §6B-2-2(a)
Type - Legislative
Price - $2.80
Effective - September 1, 1993


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Meetings |
| Section | 4. | Proceedings to be open; Exceptions |
| Section | 5. | Minutes of Meetings |
| Section | 6. | Quorum, Majority Vote Required, Proxy Vote Prohibited |
| Section | 7. | Travel Expense Rules; Compensation |
| Section | 8. | Oath |
| Section | 9. | Removal of a Member |


## SERIES 2 - ADVISORY OPINIONS

Authority - §6B-2-2
Type - Legislative
Price - $2.00
Effective - September 1, 1993


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Advisory Opinions |

## SERIES 3 - COMPLAINTS

Authority - §6B-2-2
Type - Legislative
Price - $4.00
Effective - September 1, 1993

Section 1. General
Section 2. Unverified Complaints
Section 3. Investigative Panel
Section 4. Notice of Investigation
Section 5. Investigation
Section 6. Findings of Probable Cause
Section 7. Confidentiality Requirements
Section 8. Notice of Hearing
Section 9. Continuances
Section 10. Hearing Board and Hearing Examiner
Section 11. Disqualification of Hearing Examiner
Section 12. Prehearing Discovery
Section 13. Hearing Procedure
Section 14. Findings of Fact, Conclusions of Law and Briefs
Section 15. Decision if Hearing Examiner is Presiding Officer
Section 16. Decision When Hearing Board is Presiding Officer
Section 17. Administrative Board
Section 18. Final decision
Section 19. Recusal of Ethics Commissioner
Section 20. Sanctions
Section 21. Appeal
Section 22. Costs Assessed Against Complainant
Section 23. Criminal Referral

## SERIES 4 - GUIDELINES AND STANDARDS FOR DETERMINING THE EXISTENCE OF DISQUALIFYING FINANCIAL INTERESTS

Authority - §§18-9D-17(c); 31-20-28(c)
Type - Legislative
Price - $2.40
Effective - April 10, 1995

Section 1. General
Section 2. Definitions
Section 3. Guidelines and Standards

## SERIES 5 - ADJUDICATING COMPLAINTS RELATING TO CONDUCT OF STATE ADMINISTRATIVE LAW JUDGES

Authority - §6B-2-5a
Type - Procedural
Price - 4.00
Effective - March 18, 2005

Section 1. General
Section 2. Definitions
Section 3. Filing Verified Complaints
Section 4. Acceptance or Dismissal of Complaints
Section 5. Investigation
Section 6. Findings of Probable Cause
Section 7. Confidentiality Requirements
Section 8. Notice of Hearing
Section 9. Continuances
Section 10. Hearing Board and Hearing Examiner
Section 11. Disqualification of Hearing Examiners
Section 12. Prehearing Discovery

Section 13. Hearing Procedure
Section 14. Findings of Fact, Conclusions of Law and Briefs
Section 15. Decision by Hearing Examiner
Section 16. Hearing Board Record
Section 17. Final Decision
Section 18. Record of Ethics commissioners
Section 19. Sanctions
Section 20. Conciliation Agreements
Section 21. Appeal
Section 22. Immunity Absent Malicious or Fraudulent Complaint

**SERIES 6 - PRIVATE GAIN**

Authority - §6B-2-5(b)
Type - Legislative
Price - $2.60
Effective - June 1, 1992

Section 1. General
Section 2. Exceptions to Using Office for Private Gain
Section 3. Nepotism
Section 4. Use of "Subordinate" for Private Gain
Section 5. Use or Removal of Government "Property"
Section 6. Kickbacks
Section 7. Bribes
Section 8. Private Work During Public Work Hours
Section 9. Exemption Categories

**SERIES 7 - GIFTS**

Authority - §6B-2-5(c)
Type - Legislative
Price - $2.40
Effective - June 1, 1992

Section 1. General
Section 2. Honorarium
Section 3. Free Admission to Seminar/Conference
Section 4. Nominal Gifts
Section 5. Reasonable Expenses for Panelist or Speaker
Section 6. Solicitation of Gifts
Section 7. Free Tickets

**SERIES 8 - INTEREST IN PUBLIC CONTRACTS**

Authority - §6B-2-5(d)
Type - Legislative
Price - $2.40
Effective - June 1, 1992

Section 1. General
Section 2. Direct Authority and Control
Section 3. Limited Interest
Section 4. Public Contract
Section 5. Public Associations
Section 6. Part-Time Appointed Public Official-Recusal
Section 7. Legislator' Contracting

**SERIES 9 - VOTING**

Authority - §6B-1-2(c)
Type - Legislative
Price - $2.00
Effective - June 1, 1992

Section 1. General
Section 2. Personal

**SERIES 10 - CONTRIBUTIONS**

Authority - §§6B-2-1(a); 6B-2-5(c)(4)
Type - Legislative
Price - $2.00
Effective - June 1, 1992

Section 1. General
Section 2. Political Campaign Contributions
Section 3. Permitted Campaign Contributions
Section 4. Ballot Issue

**SERIES 11 - EMPLOYMENT**

Authority - §6B-2-5(h)
Type - Legislative
Price - $2.40
Effective - June 1, 1992

Section 1. General
Section 2. General Prohibitions
Section 3. Definitions
Section 4. Requests for Exemptions

**SERIES 12 - LOBBYING**

Authority - §6B-3-2, 3, 4 and 7
Type - Legislative
Price - $2.80
Effective - July 1, 2003

Section 1. General
Section 2. Legislative Intent
Section 3. Definitions
Section 4. Registration
Section 5. Lobbyist Booklet
Section 6. Reporting
Section 7. Lobbyist Duties
Section 8. Employer Duties
Section 9. Grass Roots Lobbying Campaigns

## SERIES 13 - CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES

Authority - §6B-2-5a
Type - Legislative
Price - $5.00
Effective - July 1, 2005

Section 1. General
Section 2. Interpretation
Section 3. Definitions
Section 4. Standards of Conduct
Section 5. Advisory Opinions
Section 6. Complaints
Section 7. Immunity Absent Malicious or Fraudulent Complaints
Section 8. Sanctions
Section 9. Conciliation Agreements
Section 10. Appeal
Section 11. Agency Code of Conduct

# TITLE 199

# OFFICE OF EXPLOSIVES AND BLASTING

## SERIES 1 - SURFACE MINING BLASTING RULE

Authority - §§22-1-3; 22-3A-4; 22-1-5 et seq.
Type - Legislative
Price - $7.60
Effective - July 1, 2005


Section 1. General
Section 2. Definitions
Section 3. Blasting
Section 4. Certification of Blasters
Section 5. Blasting Damage Claim
Section 6. Arbitration for Blasting Damage Claims
Section 7. Explosive Material Fee
Section 8. Inspections
Section 9. Surface Mine Board

# TITLE 191

# FAMILY PROTECTION SERVICES BOARD


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|---|---|---|---|
| Series | 1. | Operation of Family Protection Services Board and Licensure and Funding of Domestic Violence Programs | 221 |
| Series | 2. | Licensure of Domestic Violence and Perpetrator Intervention Programs | 221 |
| Series | 3. | Perpetrator Intervention Program Licensure | 221 |
| Series | 4. | Monitored Parenting and Exchange Program Certification | 222 |
| Section | 5. | Perpetrator Intervention Programs Licensure for Correctional Institutions | 222 |

TOTAL COST FOR ALL OF TITLE 191 - $17.20


## SERIES 1 - OPERATION OF FAMILY PROTECTION SERVICES BOARD AND LICENSURE AND FUNDING OF DOMESTIC VIOLENCE PROGRAMS

Authority - §§48-26-401(4); 48-26-404; 48-26-1003(a)
Type - Legislative
Price - $3.20
Effective - August 11, 2003


Section 1. General
Section 2. Purposes of the Board
Section 3. Definitions
Section 4. Board Reports
Section 5. Licensure of Family Protection Programs, Perpetrator Intervention Programs and Shelters
Section 6. Certification of Monitored Parenting and Exchange Programs


## SERIES 2 - LICENSURE OF DOMESTIC VIOLENCE AND PERPETRATOR INTERVENTION PROGRAMS

Authority - §§48-26-401(4); 48-26-402
Type - Legislative
Price - $5.00
Effective - August 11, 2003


Section 1. General
Section 2. Definitions
Section 3. Licensing Standards for Family Protection Programs
Section 4. Additional Licensing Standards for Shelters
Section 5. Licensing Standards for Family Protection Outreach Services
Section 6. Funding of Family Protection Programs and Shelters


## SERIES 3 - PERPETRATOR INTERVENTION PROGRAM LICENSURE

Authority - §48-26-301(3); 48-26-303(a)
Type - Legislative
Price - $3.00
Effective - August 11, 2003


Section 1. General
Section 2. Definitions
Section 3. Licensing Standards for Perpetrator Intervention Programs

## SERIES 4 - MONITORED PARENTING AND EXCHANGE PROGRAM CERTIFICATION

Authority - §48-26-1003
Type - Legislative
Price - $2.40
Effective - August 11, 2003

Section 1. General
Section 2. Definitions
Section 3. Certification Standards for Monitored Parenting and Exchange Programs

## SERIES 5 - PERPETRATOR INTERVENTION PROGRAMS LICENSURE FOR CORRECTIONAL INSITUTIONS

Authority - §§48-26-401; 48-26-404
Type - Legislative
Price - $3.60
Effective - May 13, 2005

Section 1. General
Section 2. Definitions
Section 3. Licensing Standards for Correctional Perpetrator Intervention Programs
Section 4. Licensure of Correctional Perpetrator Intervention Programs

# TITLE 67

# FARM MANAGEMENT COMMISSION

NO RULES ON FILE

# TITLE 87

# STATE FIRE COMMISSION


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| Series | 1. | West Virginia State Fire Code and Rules and Regulations of the West Virginia State Fire Commission | 217 |
| Series | 2. | Electrician Licensing Regulations | 218 |
| Series | 3. | Hazardous Substance Emergency Response Training Program | 218 |
| Series | 4. | Building Code | 218 |
| Series | 5. | Reserved | 218 |


TOTAL COST FOR ALL OF TITLE 87 - $18.60

## SERIES 1 - WEST VIRGINIA STATE FIRE CODE AND RULES AND REGULATIONS OF THE WEST VIRGINIA STATE FIRE COMMISSION

Authority - §29-3-5
Type - Legislative
Price - $7.00
Effective - May 1, 2002


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Reporting of Fire Incidences |
| Section | 3. | Unvented Heaters |
| Section | 4. | National Standards and Codes (Incorporated by Reference)* |
| Section | 5. | Sprinkler Protection and Area Limitation |
| Section | 6. | Sprinkler Protection (Certain Occupancies) |
| Section | 7. | Carpet Used as Floor Covering |
| Section | 8. | Maintenance of Fire Hazard; Order for Correcting Condition, Removal of Material, Repair, Demolition, etc.; Order to Contain Notice to Comply and Right to Appeal |
| Section | 9. | Interference with Fire Protection Equipment |
| Section | 10. | High Rise Buildings - Fire Safety Standards and Requirements |
| Section | 11. | Fire Alarm Systems |
| Section | 12. | Exit Inspections and Public Life Safety Announcements |
| Section | 13. | Order of Decision of the State Fire Marshal; and Appeals and Procedure for Appeals from such Orders or Decisions |
| Section | 14. | Miscellaneous Provisions |


* Ed. Note: Section 4 incorporates by reference the 16 volume National Fire Codes (1983) published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, 1-800-344-3555. You may purchase the set or parts from the NFPA or view a set at the Secretary of State' office or your County Clerk' office.

## SERIES 2 - ELECTRICIAN LICENSING REGULATIONS

Authority - §8-12-14(a); 29B-3B-5
Type - Legislative
Price - $4.60
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Necessity of License & Local Ordinances
Section 4. Qualifications for Examination
Section 5. Examinations
Section 6. License Without Examination
Section 7. Expiration and Renewal
Section 8. Denial; Revocation or Suspension of License
Section 9. Reciprocity
Section 10. Effect of Noncompliance; Failure to Obtain License
Section 11. Disposition of Fees, Fines & Other Receipts
Section 12. Enforcement
Section 13. Orders and Decisions of State Fire Marshall and Appeals and Procedures for Appeals from Such Orders and Decisions
Section 14. Separability

## SERIES 3 - HAZARDOUS SUBSTANCE EMERGENCY RESPONSE TRAINING PROGRAM

Authority - §29-3-5a
Type - Legislative
Price - $2.60
Effective - June 12, 1987

Section 1. General
Section 2. Procedures for Certification of Training Programs
Section 3. Record of Participation
Section 4. Criteria for Qualified Training Program Activities

## SERIES 4 - STATE BUILDING CODE

Authority - §29-3-5b
Type - Legislative
Price - $4.40
Effective - April 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Conflicts
Section 4. National Standards and Codes
Section 5. Structures Not Subject to Inspection by Local Jurisdictions
Section 6. Copy of BOCA
Section 7. Adoption by Local Jurisdiction
Section 8. Existing Building Codes
Tables
* Ed. Note Section 4 incorporates by reference the BOCA National Building Code; BOCA National Plumbing Code; BOCA National Mechanical Code; Boca National Existing Structures Code; BOCA National Energy Conservation and CABO One- and Two-Family Dwelling Code. You may purchase these books, collectively or separately, from Building Officials and Code Administrators International, 4051 West Flossmoor Road, Contra Club Hills, Illinois 60477-5795, 1-312-700-2300 or BOCA International Regional Offices, 3592 Corporate Drive, Suite 107, Columbus, Ohio 43229, 1-614-890-1064 or view a set at the Secretary of State' Office.

## SERIES 5 - RESERVED

Repealed and replaced by 103CSR2 effective April 1, 2004.

# TITLE 103

# STATE FIRE MARSHAL'S OFFICE

## SERIES 1 - CERTIFICATION OF ELECTRICAL INSPECTORS

Authority - §29-3C-4
Type - Legislative
Price - $3.40
Effective - April 1, 2004

Section 1. General
Section 2. Definitions
Section 3. Classification of Electrical Inspectors
Section 4. Qualifications for Certification
Section 5. Procedure for Application
Section 6. Expiration and Renewal
Section 7. Fees
Section 8. Effect of Noncompliance; Failure to Obtain Certification; Penalty
Section 9. Disposition of Complaints
Section 10. Orders and Decisions of the State Fire Marshal; Appeals and Procedures for Appeals from such Orders or Decisions
Section 11. Responsibilities of the Electrical Inspector

## SERIES 2 - FEES FOR LICENSES, PERMITS, INSPECTIONS, PLANS REVIEW AND OTHER SERVICES RENDERED

Authority - §29-3-12b
Type - Legislative
Price - $3.20
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Explosives: As defined in NFC Sections 495, 1124 and 1126, Exception: Chapter 11 of Chapter 495
Section 4. Explosives as Defined in NFC Section 495, Chapter 11
Section 5. Removal, Transportation and Disposal of Explosive/Hazardous Materials, or Other Legally Confiscated Items or Material
Section 6. Inspections
Section 7. Administrative Fees

# TITLE 22

## DIVISION OF FORESTRY


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| Series | 1. | Ginseng Rules and Regulations | 227 |
| Series | 2. | Sediment Control During commercial Timber-Harvesting Operations - Licensing | 227 |
| Series | 3. | Sediment Control During commercial Timber-Harvesting Operations - Logger Certification | 227 |
| Series | 4. | Rules on Freedom of Information Act Requests | 228 |
| Series | 5. | Rules on Procedure for Applying for Conservation Easement Status and Funding Under the West Virginia Forest Legacy Program | 228 |


### SERIES 1 - GINSENG RULES AND REGULATIONS

Authority - §19-1A-3
Type - Legislative
Price - $2.40
Effective - June 12, 1987


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Season |
| Section | 3. | Unlawful Acts |
| Section | 4. | Collector' Responsibilities |
| Section | 5. | Dealer' Responsibilities |
| Section | 6. | Uncertified Ginseng |
| Section | 7. | Revocation of Permit |


### SERIES 2 - SEDIMENT CONTROL DURING COMMERCIAL TIMBER-HARVESTING OPERATIONS - LICENSING

Authority - §19-1B
Type - Legislative
Price - $2.80
Effective - April 7, 2003


| | | |
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### SERIES 3 - SEDIMENT CONTROL DURING COMMERCIAL TIMBER-HARVESTING OPERATIONS - LOGGER CERTIFICATION

Authority - §19-1B
Type - Legislative
Price - $2.60
Effective - April 7, 2003


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| Section | 1. | General |
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## SERIES 4 - RULES ON FREEDOM OF INFORMATION ACT REQUESTS

Authority - §§29A-3-3; 29B-1-3(5); 19-1A-1 et seq.
Type - Procedural
Price - $2.60
Effective - June 1, 2004

Section 1. General
Section 2. Definitions
Section 3. Policy on Disclosure
Section 4. Form of Requests
Section 5. Requests That do not Reasonably Describe Records Sought
Section 6. Misdirected Requests
Section 7. Responsibilities of the Division
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## SECTION 5 - RULES ON PROCEDURE FOR APPLYING FOR CONSERVATION EASEMENT STATUS AND FUNDING UNDER THE WEST VIRGINIA FOREST LEGACY PROGRAM

Authority - §19-1A-4(d)
Type - Procedural
Price - $3.00
Effective - January 4, 2005

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Section 2. Definitions
Section 3. Submission Deadlines
Section 4. Submission Protocol - Landowner
Section 5. Acceptance Protocol - WFDOF
Section 6. Priorities
Section 7. Monitoring
Section 8. Record Keeping

# TITLE 200

# STATE BOARD OF REGISTRATION FOR FORESTERS

## SERIES 1 - REGISTRATION OF FORESTERS

Authority - §§30-1-4; 30-19-6
Type - Legislative
Price - $3.00
Effective - April 14, 2000

Section 1. General
Section 2. Qualifying Experience
Section 3. Approved Job Titles
Section 4. General Provisions
Section 5. Licensure
Section 6. Code of Ethics

## SERIES 2 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-19-1 et seq.; 30-1-1 et seq.; 29A-5A et seq.
Type - Procedural
Price - $3.00
Effective - January 15, 2001

Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Conferences; Informal Disposition of Cases
Section 7. Depositions
Section 8. Subpoenas
Section 9. Orders
Section 10. Appeal

## SERIES 3 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR FORESTERS

Authority - §§30-19-1 et seq.; 30-1-1 et seq.
Type - Legislative
Price - $2.60
Effective - January 15, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Foresters and Forestry Technicians
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

# TITLE 6

# WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS

## SERIES 1 - GENERAL PROVISIONS

Authority - §30-6-3
Type - Legislative
Price - $6.40
Effective - June 23, 2003

Section 1. General
Section 2. Definitions
Section 3. Licensing Examination for Applicants of Funeral Director License and Embalmer License
Section 4. Apprenticeship
Section 5. Control of Dead Bodies
Section 6. Health Requirements
Section 7. Evidence of Crime
Section 8. Price Disclosure, Price Lists, Statement of Goods & Services, Misrepresentations
Section 9. Advertising
Section 10. Confidentiality
Section 11. Supervision Required of Licensee and Registrant
Section 12. Inspections
Section 13. Necessary Equipment
Section 14. Courtesy Card
Section 15. Penalties
Section 16. Fees
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Section 18. Continuing Education
Section 19. Biennial Licenses & Registrations
Section 20. Inactive Licenses
Section 21. Inspector & Investigator Requirements
Section 22. Identifying Dead Human Bodies
Section 23. Permission to Cremate, Disclosure for Unclaimed Cremated Remains, Removing Objects From Body
Section 24. Authorized Representatives; Right To Control & Duty of Disposition
Section 25. Storage & Disposal of Unclaimed Human Remains
Section 26. Release of Cremated Remains
Section 27. Record-Keeping Practices

## SERIES 2 - CREMATORY REQUIREMENTS

Authority - §30-6-1 et seq.
Type - Legislative
Price - $6.20
Effective - June 23, 2003

Section 1. General
Section 2. Definitions
Section 3. Prohibited Acts
Section 4. Crematory Operator Requirements
Section 5. Control of Dead Bodies
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Section 13. Permission to Cremate, Disclosure for Unclaimed Cremated Remains, Removing Objects From Body
Section 14. Identification of a Dead Human Body

Section 15. Cremation Procedures
Section 16. Release of Cremated Remains
Section 17. Storage & Disposal of Unclaimed Cremated Remains
Section 18. Record-Keeping Practices
Section 19. Inspections
Section 20. Fees
Section 21. Correspondence with Board
Section 22. Biennial Licenses & Registrations
Section 23. Authorized Representative
Section 24. Penalties

**SERIES 3 - RESERVED**

**SECTION 4 - COMPLAINT AND HEARING PROCEDURES**

Authority - §§30-6-3(l); 30-1-8(h); 30-6-8; 30-6-14
Type - Legislative
Price - $3.40
Effective - January 1, 2001

Section 1. General
Section 2. Complaint Procedures
Section 3. Public Hearing Procedures

# TITLE 204

# HATFIELD MCCOY REGIONAL RECREATIONAL AUTHORITY

## SERIES 1 - RULES FOR USE OF FACILITIES

Authority - §20-14-1 et seq.
Type - Legislative
Price - $5.60
Effective - June 30, 2005


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| Section | 7. | Revocation of user Permit |
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# TITLE 64

## WEST VIRGINIA STATE BOARD OF HEALTH

(64CSR89 and 64CSR89A are joint rules with the Board of Health and the Division of Insurance)

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TOTAL COST FOR ALL OF TITLE 64 - $437.40 (WITHOUT INCORPORATED REFERENCES)

## SERIES 1 - RULES OF PROCEDURE FOR CONTESTED CASE HEARINGS AND DECLARATORY RULINGS

Authority - §16-1-7
Type - Procedural
Price - $2.80
Effective - November 10, 1981

Section 1. General
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Section 5. Continuation and Adjournment
Section 6. Transcription of Reported Testimony and Evidence
Section 7. Submission of Proposed Findings of Fact and Conclusions of Law; Time for Submission
Section 8. Appointment of Hearing Examiner; Function of Hearing Examiner
Section 9. Conferences; Informal Disposition of Cases
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Section 12. Orders; Content
Section 13. Declaratory Ruling Procedures
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Section 15. Severability

## SERIES 2 - LICENSURE OF MEDICAL ADULT DAY CARE CENTERS

Authority - §§16-5B-8; 16-5D
Type - Legislative
Price - $6.40
Effective - July 12, 1985

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. State Administrative Procedures
Section 5. Physical Facility and Safety
Section 6. Center Governance and Management
Section 7. Staff Development and Training
Section 8. Admission Procedures
Section 9. Participant Care Plan
Section 10. Participant Service Requirements
Section 11. Staffing Requirements
Section 12. Staff Qualifications and Responsibilities
Section 13. General Health and Safety
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## SERIES 3 - PUBLIC WATER SYSTEMS

Authority - §§16-1-9a; 16-1-4
Type - Legislative
Price - $5.00
Effective - April 29, 2004

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Public Water System Construction, Alterations or Renovation; Standards; Exceptions
Section 5. Permit to Operate a Public Water System
Section 6. Inspections and Sanitary Surveys of Public Water Systems
Section 7. Public Water System Disinfection Requirements
Section 8. Public Water System Fluoridation
Section 9. Public Water System Control Tests and Record Maintenance
Section 10. Adoption of National Regulations
Section 11. Bottled Water Treatment Plants and Distributors
Section 12. Public Water System Reporting Requirements
Section 13. Certification of Laboratories to Conduct Drinking Water Tests
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## SERIES 4 - PUBLIC WATER SUPPLY OPERATOR REGULATIONS

Authority - §§16-1-4; 16-1-9
Type - Legislative
Price - $5.00
Effective - July 1, 2002

Section 1. General
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Authority - §16-1-7(2)
Type - Legislative
Price - $3.60
Effective - July 1, 1995

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Section 5. Certified Operators Required; Duties of Wastewater Treatment Works and Wastewater Treatment Works Operators
Section 6. Initial Application; Examination; Expiration; Renewal; Reinstatement
Section 7. Educational Requirements; Experience Substitutes for Education; Education Equivalents; Training Credits; Approval of Training; Experience Requirements; Education and Training Substitutes for Experience; Training Credits of Class III and IV Certificates
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## SERIES 6 - REQUIREMENT FOR LABORATORIES TO REPORT POSITIVE OR REACTIVE SEROLOGIC AND OTHER TESTS FOR SYPHILIS AND POSITIVE LABORATORY EXAMINATIONS FOR NEISSERIA GONORRHEA TO THE STATE DEPARTMENT OF HEALTH

Authority - §16-1-7(5)
Type - Legislative
Price - $2.40
Effective - May 9, 1983

Section 1. General
Section 2. Supersession or Repeal of Former Regulations
Section 3. Application and Enforcement
Section 4. Reporting Requirements
Section 5. Administrative Due Process
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## SERIES 7 - REPORTABLE DISEASES, EVENTS AND CONDITIONS

Authority - §§16-1-4, 16-3-1; 16-3C-1 et seq.; 16-4-1 et seq.
Type - Legislative
Price - $5.00
Effective - July 1, 2002

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Section 4. Other Reportable Events: Birth Defects
Section 5. Other Reportable Events: Potentially Rabid Animal Bites, Rabid Animals
Section 6. Other Reportable Events: Administration of Immunization
Section 7. Deaths from Reportable Diseases and Conditions; Reportable Diseases and Conditions Diagnosed After Death
Section 8. Persons, Facilities and Laboratories Required to Report; Other Related Responsibilities
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Section 17. Examination and Training of Food Service Workers
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## SERIES 8 - APPROVAL OF LABORATORIES FOR SYPHILIS SEROLOGY

Authority - §§16-1-7(6); 48-1-6a
Type - Legislative
Price - $2.40
Effective - May 9, 1983

Section 1. General
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Section 5. Testing Periods and Duration of Certificates of Approval
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## SERIES 9 - SEWAGE SYSTEM RULES

Authority - §§16-1-7; 16-1-9
Type - Legislative
Price - $4.00
Effective - May 1, 1998

Section 1. General
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Section 5. Construction and Installation Requirements
Section 6. Inspections
Section 7. Maintenance and Operation of Sewer Systems and Sewage Treatment or Sewage Disposal Systems
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Section 9. Correction of Health Hazards
Section 10 Sewage Tank Cleaning
Section 11. Individual Sewer Systems Installers Certification

Section 12. Sewage Advisory Board
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**SERIES 10 - METHODS AND STANDARDS FOR CHEMICAL TEST FOR INTOXICATION**

Authority - §§16-1-4; 17C-5-4; 17C-5-5; 17C-5-6; 17C-5-8
Type - Legislative
Price - $3.20
Effective - April 22, 2005

Section 1. General
Section 2. Application and Enforcement
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Section 4. Preliminary Breath Analysis; Designation of Testing Instrument; Compliance with Methods and Standards Required
Section 5. Breath Analysis; Preliminary Breath Test; Standards and Methods
Section 6. Designation of Secondary Test; Compliance with Methods and Standards Required; Certification of Law Enforcement Officers Required
Section 7. Breath Analysis; Secondary Breath Test; Standards; Accuracy Inspection Tests; Methods
Section 8. Blood Analysis; Standards and Methods
Section 9. Urine Analysis; Methods and Standards

**SERIES 11 - LICENSURE OF BEHAVIORAL HEALTH CENTERS**

Authority - §§27-9-1, 27-17-3; 27-1A-4(g); 27-1A-6(6) & -7
Type - Legislative
Price - $7.00
Effective - July 1, 2000

Section 1. General
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Authority - §16-5B-8
Type - Legislative
Price - $11.20
Effective - July 1, 1994

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Section 10. Paramedical Services
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Section 14. Professional Standards
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## SERIES 13 - NURSING HOME LICENSURE RULE

Authority - §§16-1-4; 16-5c-5
Type - Legislative
Price - $13.30
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. State Administrative Procedures
Section 4. Residents' Rights
Section 5. Quality of Life
Section 6. Resident Assessment
Section 7. Comprehensive Care Plans
Section 8. Quality of Care
Section 9. Physical Facilities, Equipment and Related
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Section 11. Human Resources
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Section 15. Inspections and Investigations
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## SERIES 14 - ASSISTED LIVING RESIDENCES

Authority - §§16-5C-5, -17; 16-1-4
Type - Legislative
Price - $12.60
Effective - April 29, 2004

Section 1. General
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## SERIES 15 - CROSS-CONNECTION AND BACKFLOW PREVENTION

Authority - §§16-1-4; 16-1-9a
Type - Legislative
Price - $3.20
Effective - April 29, 2004

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Cross-Connections
Section 5. Where Protection is Required
Section 6. Type of Protection and Circumstances When Protection is Required
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Section 9. Penalties
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## SERIES 16 - RECREATIONAL WATER FACILITIES

Authority - §16-1-4
Type - Legislative
Price - $4.60
Effective - July 1, 2002

Section 1. General
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Section 5. Inspections
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Section 7. Water Quality
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## SERIES 17 - FOOD SERVICE AND SANITATION RULES

Authority - §§16-1-7; 16-6-2
Type - Legislative
Price - $3.00
Effective - July 1, 2000

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Section 2. Incorporation by Reference of Federal Model Food Code
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Authority - §16-1-7
Type - Legislative
Price - $5.00
Effective - July 1, 1999

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Section 5. Animals
Section 6. Bedding & Sleeping Areas
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## SERIES 19 - WATER WELL REGULATIONS

Authority - §§16-1-7; 16-1-9; 16-1-9a
Type - Legislative
Price - $3.00
Effective - July 1, 1989

Section 1. General
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Section 3. Definitions
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Section 7. Identification Numbers on Water Well Rigs and Well Heads
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Section 10. Penalty
Section 11. Administrative Due Process
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## SERIES 20 - CHILD FATALITY REVIEW TEAM AND COUNTY MULTIDISCIPLINARY INVESTIGATIVE TEAMS

Authority - §49-5D-5(f)
Type - Procedural
Price - $2.40
Effective - December 1, 2001

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## SERIES 21 - CHILD CARE CENTERS

Authority - §16-1-7
Type - Legislative
Price - $4.40
Effective - June 23, 1997

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Section 4. Inspection
Section 5. General Building Requirements
Section 6. Activity Areas and Equipment
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## SERIES 22 - COIN-OPERATED DRY CLEANING ESTABLISHMENTS

Authority - §16-1-7
Type - Legislative
Price - $2.60
Effective - December 29, 1967

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Section 3. Definitions
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## SERIES 23 - RADIOLOGICAL HEALTH RULE

Authority - §16-1-7
Type - Legislative
Price - $41.80
Effective - July 1, 2001

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Section 3. Definitions
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Section 6. Standards for Protection Against Radiation
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Section 8. Radiation Safety Requirements for Industrial Radiographic Operations
Section 9. Radiation Safety Requirements for Analytical X-Ray Equipment
Section 10. Radiation Safety Requirements for Particle Accelerators
Section 11. Registration of Radioactive Materials
Section 12. Use of Radiouclides in the Healing Arts
Section 13. Notices, Instructions and Reports to Workers; Inspections
Section 14. Transportation of Radioactive Material
Section 15. Radiation Safety Requirements for Wireline Services Operations and Subsurface Tracer Studies
Section 16. Radiation Safety Requirements for Technologically Enhanced Radioactive Materials (TENORM)
Tables

## SERIES 24 - NEWBORN HEARING SCREENING

Authority - §§16-22A-7; 16-1-7
Type - Legislative
Price - $2.80
Effective - July 1, 2001

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. When Screening is Required
Section 5. Screening Protocol
Section 6. Screening Fee Schedule
Section 7. Screening Reporting and Referral
Section 8. Confidentiality
Section 9. Penalties

## SERIES 25 - CERTIFICATION OF BACKFLOW PREVENTION ASSEMBLY TESTERS

Authority - §§16-1-4; 16-1-9a
Type - Legislative
Price - $3.60
Effective - April 29, 2004

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Qualifications for Certification
Section 5. Certification Application
Section 6. Certification Examinations
Section 7. Certification Expiration, Re-certification, Revocation and Reinstatement
Section 8. Reciprocity
Section 9. Compliance and Penalties
Section 10. Administrative Due Process

## SERIES 26 - PRELIMINARY REQUIREMENT FOR APPROVAL BY THE WEST VIRGINIA DEPARTMENT OF HEALTH OF A LABORATORY FOR A SPECIFIED TECHNIQUE

Authority - §16-1-7
Type - Legislative
Price - $2.60
Effective - December 29, 1967

Section 1. General
Section 2. Application and Enforcement
Section 3. Layout
Section 4. Equipment
Section 5. Personnel and Qualifications
Section 6. Approval for Proficiency not Granted Hereunder

## SERIES 27 - STATEWIDE TRAUMA / EMERGENCY CARE SYSTEM

Authority - §§16-1-4; 16-4C-23; 55-7b-9C(K)
Type - Legislative
Price - $5.80
Effective - April 29, 2004

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Powers of Designation and Categorization
Section 5. Types of Designation
Section 6. Criteria for Designation
Section 7. Process of Designation
Section 8. Categorization of Facilities for Emergency Care Capabilities
Section 9. Trauma / Emergency Care System Organization and Operation
Section 10. Trauma / Emergency Care System Accountability
Section 11. Administrative Due Process

## SERIES 28 - ICE CREAM AND FROZEN MILK

Authority - §16-1-7
Type - Legislative
Price - $2.60
Effective - December 29, 1967

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Essential Features of Sanitation, as Prescribed for Grade "A" Milk Pasteurization Plants, Shall Govern Ice Cream Plants
Section 5. Bacterial Count
Section 6. No Resale Permitted

## SERIES 29 - SPECIALIZED MULTIPATIENT MEDICAL TRANSPORT

Authority - §§16-4C-23; 16-1-7
Type - Legislative
Price - $2.40
Effective - May 15, 2001

Section 1. General
Section 2. Definition
Section 3. Specialized Multipatient Medical Transport Vehicle Requirements
Section 4. Specialized Multipatient Medical Transport Vehicle Personnel Requirements

## SERIES 30 - FEES FOR PERMITS

Authority - §16-2A-6
Type - Legislative
Price - $3.20
Effective - May 1, 1991

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Options to Charges for Permits
Section 5. Permits and Fees
Section 6. Prorating of Fixed Expiration Date Permit Fees
Section 7. Severability
Section 8. Administrative Due Process

## SERIES 31 - BIRTHING CENTER LICENSURE

Authority - 16-2E-3
Type - Legislative
Price - $3.80
Effective - May 18, 1984

Section 1. General
Section 2. Supersession and Repeal of Former Regulations
Section 3. Application and Enforcement
Section 4. Definitions
Section 5. State Administrative Procedures
Section 6. Physical Facilities
Section 7. Governance and Management
Section 8. Clinical Staffing
Section 9. Clinical Policies and Procedures
Section 10. Pharmaceuticals
Section 11. Records
Section 12. Client Rights
Section 13. Penalties
Section 14. Administrative Due Process
Section 15. Severability

## SERIES 32 - VITAL STATISTICS

Authority - §16-5-3
Type - Legislative
Price - $4.80
Effective - May 1, 1991

Section 1. General
Section 2. Registration Districts
Section 3. Local Registration Officers
Section 4. Supplies and Forms
Section 5. Certificate Forms and Reports
Section 6. Correction and Amendment
Section 7. New Certificates of Birth Following Adoption, Legitimation and Paternity Determination
Section 8. Delayed Birth Registration
Section 9. Procedures for Filing Death Certificates
Section 10. Permits Governing the Disposal or Transportation of Dead Human Bodies
Section 11. Disclosure of Data; Certified Copies
Section 12. Social Security Numbers to be Reported; No Good Cause for Refusal; Use of Social Security Numbers
Section 13. Administrative Due Process
Section 14. Severability

## SERIES 33 - REGULATIONS FOR THE ESTABLISHMENT OF A CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH PROGRAM AND THE CERTIFICATION OF PATIENTS, PRACTITIONERS AND HOSPITAL PHARMACIES

Authority - §16-5A-7(a)
Type - Legislative
Price - $2.80
Effective - May 16, 1983

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Controlled Substances Therapeutic Research Program Established
Section 5. Patient Qualification Review Board Established
Section 6. Drug Procurement Physician Eligibility
Section 7. Participating Pharmacy Qualifications
Section 8. Confidentiality and Report
Section 9. Severability

## SERIES 34 - GRADE "A" PASTEURIZED MILK

Authority - §§16-1-4; 16-7-5
Type - Legislative
Price - $4.00
Effective - April 22, 2005

Section 1. General
Section 2. Incorporation by Reference of Federal Model Grade "A" Pasteurized Milk Ordinance
Section 3. Imitation Milk and Imitation Milk Products and Non-Diary Products
Section 4. Clarification of Interstate Responsibilities
Section 5. Penalty for Violating Provisions of Rule
Section 6. Administrative Due Process

## SERIES 35 - REGULATIONS FOR THE INSTILLATION OF MEDICATION IN THE EYES OF THE NEWBORN AND THE DISSEMINATION OF ADVICE AND INFORMATION CONCERNING THE DANGERS OF INFLAMMATION OF THE EYES OF THE NEWBORN

Authority - §16-3-12
Type - Legislative
Price - $2.40
Effective - May 30, 1983

Section 1. General
Section 2. Application and Enforcement
Section 3. Appropriate Medications for Instillation in the Eyes of the Newborn List Established
Section 4. Proper Records Cases Investigated Annual Report to the Governor
Section 5. Severability

## SERIES 36 - PROCEDURES FOR RECOVERY OF CORNEAL TISSUE FOR TRANSPLANT

Authority - §16-19-3a
Type - Legislative
Price - $2.00
Effective - May 18, 1984

Section 1. General
Section 2. Application and Enforcement
Section 3. Training and Registration of Technicians
Section 4. Procedures
Section 5. Severability

## SERIES 37 - FIVE YEAR HEALTH FACILITIES PLAN FOR THE FISCAL YEARS 1985-89

Authority - §§16-1-15a, 26-11, 27-2
Type - Interpretive
Price - $3.60
Effective - April 6, 1984

Section 1. General
Section 2. Definitions
Section 3. The Planning Process
Section 4. The Hospital Services Revenue Account
Section 5. The State Facility System
Section 6. Administrative
Section 7. Delivery System Plan Capital Outlays and Renovations
Section 8. Certification, Life Safety and Energy Conservation
Section 9. Mental Health and Substance Abuse Services for Youth
Section 10. Contingency for Repairs and Alterations, Equipment, Emergency Services and Miscellaneous
Section 11. Administrative Due Process
Section 12. Severability

## SERIES 38 - REQUIREMENTS FOR LICENSURE OF NONPROFIT CORPORATIONS FOR GUARDIANSHIP SERVICE

Authority - §44-10A-I
Type - Legislative
Price - $4.60
Effective - June 2, 1983

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. State Administrative Procedures
Section 5. General Organization and Management
Section 6. Fiduciary Responsibilities and Rights
Section 7. Management of Guardianship of the Person of a Ward
Section 8. Guardianship Records and Reporting
Section 9. Penalties
Section 10. Administrative Due Process
Section 11. Severability

## SERIES 39 - LABORATORY EXAMINATIONS BY STATE HYGIENIC LABORATORY

Authority - §§16-1-7; 16-1-11
Type - Interpretive
Price - $2.00
Effective - December 29, 1967

Section 1. General
Section 2. Application and Enforcement
Section 3. Types of Cases Accepted by the State Hygienic Laboratory

## SERIES 40 - MOBILE HOME PARKS

Authority - §16-1-7
Type - Legislative
Price - $4.00
Effective - October 1, 1971

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Design, Construction, Installation, Maintenance, and Operation of Mobile Home Parks and Mobile Home Park Development
Section 5. Permits, Hearings, Notices, Orders
Section 6. Inspection
Section 7. Location, Space and Layout
Section 8. Water Supply
Section 9. Sewage System
Section 10. Management Buildings and Other Community Service Facilities
Section 11. Electrical Distribution System
Section 12. Solid Waste Handling
Section 13. Insect and Rodent Control
Section 14. Fuel Supply and Storage
Section 15. Fire Protection
Section 16. Auxiliary Facilities
Section 17. Registration of Occupants
Section 18. Supervision
Section 19. Miscellaneous Requirements
Section 20. Repeal of Former Regulations
Section 21. Severability
Section 22. Penalty for Violating Provisions of Regulations

## SERIES 41 - DESIGN, INFORMATION AND PROCEDURAL MANUAL FOR MOBILE HOME PARKS

Authority - §16-1-7
Type - Interpretive
Price - $4.00
Effective - October 1, 1971

Section 1. General
Section 2. State Planning (Refer to Section 7 of the Mobile Home Regulations)
Section 3. Water Supply (Section 8 of the Mobile Home Regulations)
Section 4. Sewage Collection and Treatment (Refer to Section 9 of the Mobile Home Regulations)
Section 5. Management Buildings and Community Service Facilities (Refer to Section 10 of the Mobile Home Reg.)
Section 6. Electrical Distribution (Refer to Section 11 of the Mobile Home Regulations)
Section 7. Solid Waste (Refer to Section 12 of the Mobile Home Regulations)
Section 8. Insect and Rodent Control (Refer to Section 13 of the Mobile Home Regulations)
Section 9. Fuel Supply and Storage (Refer to Section 14 of the Mobile Home Regulations)
Section 10. Fire Protection (Refer to Section 15 of the Mobile Home Regulations)
Section 11. Preparation of Plans
Section 12. Application

## SERIES 42 - CHILDHOOD LEAD SCREENING

Authority - §§16-1-4; 16-35-4a
Type - Legislative
Price - $3.00
Effective - April 29, 2004

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Protocol for Screening of Children
Section 5. Follow-up Testing and Information
Section 6. Reporting Requirements
Section 7. Samples Submitted to a Laboratory
Section 8. Confidentiality
Section 9. Enforcement Action
Section 10. Penalties
Section 11. Administrative Due Process

## SERIES 43 - BAKERY REGULATIONS

Authority - §16-1-7
Type - Legislative
Price - $2.00
Effective - December 29, 1967

Section 1. General
Section 2. Application and Enforcement
Section 3. Sanitation Requirements

## SERIES 44 - FIRE DEPARTMENT RAPID RESPONSE SERVICES

Authority - §§16-4C-23; 16-1-7
Type - Legislative
Price - $3.80
Effective - July 1, 2000

Section 1. General
Section 2. Definitions
Section 3. When Licensure is Required
Section 4. Application and Inspections
Section 5. Licensure Requirements
Section 6. Licensure Requirements – Point Standards
Section 7. License Issuance, Renewal, Modification, Denial, Suspension and Revocation
Section 8. Licensee Conduct
Section 9. Fire Department Rapid Response Vehicles
Section 10. Administrative Due Process

## SERIES 45 - LEAD ABATEMENT LICENSING

Authority - §§16-35-4; 16-1-7
Type - Legislative
Price - $4.00
Effective - July 1, 1999

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Initial and Renewal License
Section 5. Licensed Lead Abatement Contractor Duties
Section 6. Lead Inspector Duties

Section 7. Lead Abatement Designer Duties
Section 8. Lead Risk Assessor Duties
Section 9. Prohibited Lead Abatement Project Methods
Section 10. Recommended Lead Abatement Project Method
Section 11. Lead Abatement Project Clearance Levels and Minimum Sampling
Section 12. Exemption from Notification and Licensing
Section 13. Notification of Elevated Blood Lead Levels
Section 14. Notification of Lead Abatement Projects
Section 15. Accreditation of Lead Abatement Training Courses
Section 16. Applicable Federal Standards
Section 17. Penalties
Section 18. Administrative Due Process

## SERIES 46 - WATER WELL DESIGN STANDARDS

Authority - §§16-1-7; 16-1-9; 16-1-9a
Type - Interpretive
Price - $3.00
Effective - June 8, 1984

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Location of the Water Well
Section 5. Materials
Section 6. Installation
Section 7. Well Log
Section 8. Well Abandonment
Section 9. Additional Requirements

## SERIES 47 - SEWAGE TREATMENT AND COLLECTION SYSTEM DESIGN STANDARDS

Authority - §§16-1-4; 16-1-9
Type - Legislative
Price - $33.30
Effective - July 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Sewage Permit Applications
Section 4. Sewage Collection Systems
Section 5. Sewage Treatment Works
Section 6. Individual Sewage Systems
Section 7. Sewage Tank Cleaning
Section 8. Septage Treatment & Disposal
Section 9. Animal Waste Handling Facilities
Section 10. Grease Traps
Section 11. Administrative Due Process
Section 12. Enforcement
Tables

## SERIES 48 - EMERGENCY MEDICAL SERVICES

Authority - §16-4C-23
Type - Legislative
Price - $11.00
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Requirements for Emergency Medical Services Agencies
Section 4. Licensure for Emergency Medical Services Agencies
Section 5. Licensing Standards
Section 6, Issuance of Emergency Medical Services Agencies License
Section 7. Emergency Medical Services Agencies Vehicle Requirements
Section 8. Classification of EMS Vehicles
Section 9. EMS Personnel Requirements
Section 10. Criminal Convictions of EMS Personnel
Section 11. Personnel Positions and Roles
Section 12. Standard of Conduct
Section 13. EMS Vehicle Personnel Requirements
Section 14. Certification, Recertification, Legal Recognition and Scope of Practice for EMS Personnel
Section 15. Disciplinary Recertification and Corrective Action
Section 16. Accreditation of Training Agencies
Section 17. OEMS Medical Direction System

## SERIES 49 - DRINKING WATER TREATMENT REVOLVING FUND

Authority - §16-13C-2(b)
Type - Legislative
Price - $4.20
Effective - June 1, 1998

Section 1. General
Section 2. Definitions
Section 3. Procedure
Section 4. Fund Establishment
Section 5. Project and System Eligibility
Section 6. Priority Ranking Procedures
Section 7. Financial Administration
Section 8. Disadvantaged Communities
Section 9. Application Procedures and Requirements
Section 10. Capacity Development
Section 11. Environment Review
Section 12. Records
Section 13. Administrative Due Process

## SERIES 50 - LEGALLY UNLICENSED HEALTH CARE HOMES

Authority - §§16-1-7; 16-5E-1a(a)
Type - Legislative
Price - $4.00
Effective - July 1, 1999

Section 1. General
Section 2. Definitions
Section 3. State Administrative Procedures
Section 4. Administration of the Legally Unlicensed Home
Section 5. Physical Environment Requirements
Section 6. Nutrition Requirements
Section 7. Requirements Related to the Provision of Limited and Intermittent Nursing
Section 8. Medication Administration Requirements
Section 9. Protective and Personal Care Requirements
Section 10. Treatment
Section 11. Penalties
Section 12. Administrative Due Process

## SERIES 51 - FEES FOR SERVICES

Authority - §§16-1-21; 29-1H-6; 29B-1-3
Type - Legislative
Price - $4.40
Effective - April 29, 2004

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Fees Generally
Section 5. Laboratory Service Fees
Section 6. Environmental Health Fees
Section 7. Health Facility Fees
Section 8. Epidemiology and Health Promotion Fees
Section 9. Fees for Services Provided by Local Boards of Health
Section 10. Administrative Due Process
Appendices

## SERIES 52 - PERTUSSIS GUIDELINES

Authority - §16-3B
Type - Interpretive
Price - $2.80
Effective - August 1, 1987

Section 1. General
Section 2. Application and Administration
Section 3. Definitions
Section 4. Circumstances Under Which Pertussis Vaccine Should Not Be Administered
Section 5. Circumstances Under Which Administration of Pertussis Vaccine Should Be Delayed
Section 6. Categories of Potential Recipients Significantly More Vulnerable to Major Adverse Reactions
Section 7. Reviews; Procedure to Notify Health Care Providers of the Guidelines and Updates
Section 8. System to Collect and Report Data on the Incidence of Pertussis and Major Adverse Reactions to Pertussis Vaccine
Section 9. Severability

## SERIES 53 - HAZARDOUS MATERIAL TREATMENT INFORMATION REPOSITORY

Authority - §16-3A-2
Type - Legislative
Price - $2.40
Effective - June 1, 1987

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Program for Assembling and Updating Hazardous Materials List
Section 5. Program for Distribution of Information to Medical and Emergency Personnel
Section 6. Repository for Information
Section 7. Penalties
Section 8. Administrative Due Process
Section 9. Severability

## SERIES 54 - LICENSURE OF HOSPICE CARE PROGRAMS

Authority - §§16-5I and 16-5D
Type - Legislature
Price - $4.40
Effective - July 1, 1989

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. State Administrative Procedures
Section 5. Organization and Management
Section 6. Hospice System of Care
Section 7. Plan of Care
Section 8. Quality Assurance
Section 9. Clinical Records
Section 10. Staffing Requirements
Section 11. Client Rights
Section 12. Penalties
Section 13. Administrative Due Process
Section 14. Severability

## SERIES 55 - INCORPORATION OF POLICY AND PROCEDURES MANUAL FOR THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM

Authority - §§16-1-10; 16-1-15; 7 CFR 246
Type - Legislative
Price - $2.00 (without incorporated manual)
Effective - October 1, 1980

Section 1. General
Section 2. Incorporation of Manual by Reference
Ed Note: This manual or parts of the manual are available from the Secretary of State or the WV Department of Health

## SERIES 56 - INFECTIOUS MEDICAL WASTE

Authority - §§20-5J-6(a); 22-18-7(d); 20-5J-1 et seq.
Type - Legislative
Price - $12.00
Effective - July 1, 1999

Section 1. General
Section 2. Applicability; Exemptions; Enforcement
Section 3. Definitions
Section 4. Permit Application and Approval Procedures for Non-Commercial Infectious Medical Waste Facilities
Section 5. Infectious Medical Waste Management Plan
Section 6. Packaging and Labeling
Section 7. Management of Spills of Infectious Medical Waste
Section 8. Storage of Infectious Medical Waste
Section 9. Transportation
Section 10. Methods of Treatment
Section 11. Commercial Infectious Medical Waste Management Facilities
Section 12. Requirements Related to Manifests
Section 13. Record Keeping and Reporting
Section 14. Inspections; Right of Entry; Sampling; Reports and Analyses; Subpoenas
Section 15. Enforcement Orders; Related Hearings; Permit Reinstatement
Section 16. Criminal Penalties
Section 17. Civil Penalties
Section 18. Imminent and Substantial Hazards; Orders; Penalties; Hearings
Section 19. Administrative Due Process
Section 20. Severability
Table

## SERIES 57 - CLINICAL LABORATORY, TECHNICIAN AND TECHNOLOGIST LICENSURE AND CERTIFICATION

Authority - §16-5J-10
Type - Legislative
Price - $3.60
Effective - July 1, 1998

Section 1. General
Section 2. Definitions
Section 3. Incorporation by Reference
Section 4. Prohibition; Persons Subject to Licensure; Clinical Laboratory Practitioner Trainees
Section 5. Licensure Requirements, Duration, Renewal
Section 6. Reciprocity
Section 7. Limitations on Certification, License and Use of Titles by Health Care Facilities
Section 8. Revocation and Non-issuance of Clinical Laboratory Practitioner Certifications
Section 9. Hearings

## SERIES 58 - IMMUNIZATION CRITERIA FOR TRANSFER STUDENTS

Authority - §16-3-4
Type - Legislative
Price - $2.00
Effective - April 18, 1988

Section 1. General
Section 2. Application
Section 3. Minimum Criteria for Provisional Enrollment

## SERIES 59 - BEHAVIORAL HEALTH CLIENT RIGHTS

Authority - §27-5-9(g)
Type - Legislative
Price - $7.40
Effective - May 1, 1995

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Adoption of Other Standards
Section 5. Clients' Rights Generally
Section 6. Clients' Right to Treatment
Section 7. Medical and Dental Care, Other Therapies and Informal Consent
Section 8. Right to Refuse Treatment
Section 9. Research and Experimental Treatment
Section 10. Seclusion and Restraints
Section 11. Confidentiality and Records
Section 12. Right to Unrestricted Communication
Section 13. Personal Clothing and Possessions
Section 14. Outdoor Exercise and Other Recreational Programming
Section 15. Physical Environment
Section 16. Food
Section 17. Clients' Labor, Earnings and Funds
Section 18. Employee Responsibilities
Section 19. Juveniles' Additional Rights
Section 20. Client Advocacy and Grievance Procedure
Section 21. Severability

## SERIES 60 - MEDICATION ADMINISTRATION BY UNLICENSED PERSONNEL

Authority - §§16-5O-11; 16-1-7
Type - Legislative
Price - $4.40
Effective - July 1, 1999

Section 1. General
Section 2. Definitions
Section 3. Facility Administrative Procedures
Section 4. Administration of Medications in Facilities
Section 5. Instruction and Training
Section 6. Eligibility Requirements of Facility Staff in Order to be Trained
Section 7. Facility Oversight of Medication Administration by Unlicensed Personnel
Section 8. Withdrawal of Authorization
Section 9. Limitations on Medication Administration by Unlicensed Personnel
Section 10. Administrative Due Process

## SERIES 61 - PUBLIC WATER SYSTEMS CAPACITY DEVELOPMENT

Authority - §§16-13C-2(b); 16-1-7
Type - Legislative
Price - $3.00
Effective - May 14, 1999

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Capacity Development of New Public Water Systems
Section 5. Capacity Development of Existing Public Water Systems
Section 6. Inspections and Sanitary Surveys of Public Water Systems
Section 7. Penalties
Section 8. Administrative Due Process

## SERIES 62 - MEETINGS OF THE REGIONAL HEALTH ADVISORY COUNCIL

Authority - §16-2D-5a
Type - Procedural
Price - $2.40
Effective - September 8, 1989

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Meetings; Public Notice; Voting; Officers
Section 5. Records
Section 6. Severability

## SERIES 63 - ASBESTOS ABATEMENT LICENSING RULE

Authority - §16-32-3
Type - Legislative
Price - $4.20
Effective - May 4, 1998

Section 1. General
Section 2. Definitions
Section 3. License Required, Procedures, Application, Qualifications
Section 4. Licensed Contractor Duties
Section 5. Clearance Air Monitor Duties
Section 6. Minimum Air Clearance Standards
Section 7. Asbestos Inspector Duties

Section 8. Asbestos Project Designer Duties
Section 9. Training Accreditation
Section 10. Responsibilities of owners
Section 11. Applicable Federal Standards
Section 12. Inspections
Section 13. Penalties
Section 14. Administrative Due Process
Tables

## SERIES 64 - AIDS-RELATED MEDICAL TESTING AND CONFIDENTIALITY

Authority - §§16-3C-8; 16-1-7; 16-5J-3
Type - Legislative
Price - $3.80
Effective - May 15, 2000

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Testing
Section 5. Cease and Desist Orders
Section 6. Review of Marriage License
Section 7. Charting Information
Section 8. Post-Exposure Care and Treatment
Section 9. Confidentiality
Section 10. Contact Notification
Section 11. Consent by Legal Representative
Section 12. School Exclusion
Section 13. Requirements for Health Care Providers to Report Positive Serologic and Other Tests for the Human Immunodeficiency Virus
Section 14. Requirements for Laboratories to Report Positive Serologic and Other Tests for Human Immunodeficiency Virus
Section 15. Quality Control of Laboratories Conducting HIV Tests
Section 15. Banking Blood
Section 17. Administrative Due Process

## SERIES 65 - RESERVED

Repealed by 64CSR14
Effective - April 29, 2004

## SERIES 66 - SPECIALIZED HEALTH PROCEDURES

Authority - §18-5-22
Type - Legislative
Price - $2.00 (Without manual)
$29.60 (With manual)
Effective - April 22, 1992

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Training and Retraining
Section 5. Standards
Section 6. Revision of Training Courses and Standards
Section 7. Severability
Manual

## SERIES 67 - DISTRIBUTION OF STATE AID TO LOCAL BOARDS OF HEALTH

Authority - §16-2-3; 16-2A-6
Type - Legislative
Price - $2.40
Effective - April 8, 1994

Section 1. General
Section 2. Application of Enforcement
Section 3. Definitions
Section 4. Formula; Allocation of Funds
Section 5. Emergency Fund; Establishment; Administration
Section 6. Administrative Due Process
Section 7. Severability

## SERIES 68 - CANCER REGISTRY

Authority - §§16-5A-2a(e); 16-1-21(d) & 16-1-7
Type - Legislative
Price - $2.60
Effective - July 1, 2000

Section 1. General
Section 2. Applications and Enforcement
Section 3. Definitions
Section 4. Reporting
Section 5. Confidentiality; Disclosure
Section 6. Distribution of Rule
Section 7. Violations and Sanctions
Section 8. Administrative Due Process

## SERIES 69 - BREAST AND CERVICAL CANCER TREATMENT FUND

Authority - §16-33-8
Type - Legislative
Price - $2.60
Effective - May 4, 1998

Section 1. General
Section 2. Definitions
Section 3. Confidentiality
Section 4. Eligibility
Section 5. Procedures Covered
Section 6. Review and Authorization
Section 7. Application and Process
Section 8. Administrative Due Process

## SERIES 70 - PRIMARY CARE CENTER UNCOMPENSATED CARE

Authority - §16-2H-2(e)
Type - Legislative
Price - $3.00
Effective - June 11, 1993

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Application Procedures
Section 5. Eligibility
Section 6. Application Reviews and Grant Awards
Section 7. Audits
Section 8. Administrative Due Process
Section 9. Severability

## SERIES 71 - PRIMARY CARE SEED MONEY GRANTS

Authority - §16-2H-2(e)
Type - Legislative
Price - $2.80
Effective - June 11, 1993

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Applications
Section 5. Award Process
Section 6. Reporting
Section 7. Administrative Due Process
Section 8. Severability

## SERIES 72 - INTERSTATE COMPACT ON MENTAL HEALTH

Authority - §27-14-2
Type - Legislative
Price - $2.40
Effective - July 1, 1999

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Compact Administration; Powers and Duties
Section 5. Due Process

## SERIES 73 - STANDARDS FOR LOCAL BOARDS OF HEALTH

Authority - §16-1-7
Type - Legislative
Price - $2.80
Effective - April 22, 1996

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Organization
Section 5. Health Services and Programs
Section 6. Reports and Records
Section 7. General Administration of the Local Health Department
Section 8. Financial management
Section 9. Physical Facilities
Section 10. Program Plan
Section 11. Penalties
Section 12. Administrative Due Process
Section 13. Severability

## SERIES 74 - BEHAVIORAL HEALTH CONSUMER RIGHTS

Authority - §27-5-9(g)
Type - Legislative
Price - $3.60
Effective - July 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Applicability to Other Standards
Section 4. General Rights
Section 5. Advance Psychiatric Directive Right
Section 6. Informed Consent Right
Section 7. Right to Treatment
Section 8. Right to Refuse Treatment
Section 9. Right to Research and Experimental Treatment
Section 10. Right Regarding Seclusion and Restraints
Section 11. Right of Confidentiality
Section 12. Right to Unrestricted Communication
Section 13. Rights Regarding Labor, Earnings and Funds
Section 14. Juveniles' Additional Rights
Section 15. Right of Advocacy and Grievance Procedure

## SERIES 75 - RESIDENTIAL CARE COMMUNITIES

Authority - §§16-5N-3(k); 16-5N-5; 16-1-7
Type - Legislative
Price - $12.20
Effective - July 1, 1999

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. State Administrative Procedures
Section 5. Administrative, Staffing and Personnel Requirements
Section 6. Resident Rights
Section 7. Health Care Standards
Section 8. Activities
Section 9. Dietetic Services
Section 10. Fire Safety, Disaster and Emergency Preparedness
Section 11. Physical Facilities
Section 12. Requirements Related to the Provision of Limited and Intermittent Nursing
Section 13. Penalties
Section 14. Administrative Due Process

## SERIES 76 - TUBERCULOSIS CONTROL

Authority - §26-5A-7(f)
Type - Legislative
Price - $3.00
Effective - July 1, 1999

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Report of Admissions, Registration by Division of Health
Section 5. Forms for Admitting and Committing Patients; Other Records
Section 6. Report of Tuberculosis Cases
Section 7. Procedure When Patient is a Health Menace to Others
Section 8. Procedures for Immediate Involuntary Committment
Section 9. Severability

## SERIES 77 - PUBLIC WATER SYSTEMS DESIGN STANDARDS

Authority - §§16-1-9; 16-1-9a; 16-1-7
Type - Legislative
Price - $13.40
Effective - July 1, 2000

Section 1. General
Section 2. Submission of Plans
Section 3. General Design Considerations
Section 4. Source Development
Section 5. Treatment (General and Clarification)
Section 6. Chemical Application
Section 7. Pumping Facilities
Section 8. Finished Water Storage
Section 9. Distribution Systems
Section 10. Enforcement Penalties
Section 11. Administrative Due Process

## SERIES 78 - RADON LICENSURE

Authority - §§16-34-6; 16-1-7
Type - Legislative
Price - $3.00
Effective - July 1, 1999

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. General Prohibitions
Section 5. Application for Licensure as a Radon Mitigation Contractor, Radon Tester, Mitigation Specialist, Radon Laboratory, Radon Testing, or Radon Training Facility
Section 6. License Renewal
Section 7. License Requirements
Section 8. Special License Requirements
Section 9. Record Keeping and Confidentiality
Section 10. Applications from out of State Practitioners
Section 11. Records review
Section 12. Reprimands, Suspensions or Revocation of Licenses, Orders, Hearings
Section 13. Penalties
Tables

## SERIES 79 - PRIMARY CARE CENTER INFORMATION RELEASES BY THE DIVISION OF HEALTH

Authority - §16-1-7
Type - Interpretive
Price - $2.60
Effective - January 1, 1999

Section 1. General
Section 2. Definitions
Section 3. West Virginia Freedom of Information Act
Section 4. Audits
Section 5. Applications
Section 6. Procedures
Section 7. Fees
Section 8. Other Releases of Information
Section 9. Severability

## SERIES 80 - BODY PIERCING STUDIO BUSINESS

Authority - §§16-37-4; 16-1-4
Type - Legislative
Price - $5.20
Effective - July 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Plan Review, Permits, Hearings, Notices and Orders
Section 4. Inspections
Section 5. Facility Requirements
Section 6. Temporary and Mobile Facilities
Section 7. Housekeeping Standards
Section 8. Exposure Control Plan
Section 9. Exposure Control Training Requirements
Section 10. Approved Sterilization Equipment and Monitoring Methods
Section 11. Instrument Sterilization and Set-Up
Section 12. Contaminated Wastes
Section 13. Clients
Section 14. Bondy Piercing Procedures
Section 15. Violations and Penalties
Section 16. Administratiive Due Process

## SERIES 81 - BIRTH DEFECTS INFORMATION SYSTEM

Authority - §§16-1-4; 16-40-7
Type - Legislative
Price - $3.00
Effective - April 29, 2004

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Reporting Requirements
Section 5. Confidentiality
Section 6. Penalties

## SERIES 82 - NEEDLESTICK INJURY PREVENTION

Authority - §16-36-2
Type - Legislative
Price - $3.60
Effective - July 1, 2001

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Use of Needlesess Systems or Other Engineering Controls
Section 5. Sharps Injury Log
Section 6. Lists of Needleless Systems and Needles with Engineered Injury Protections
Section 7. Training
Section 8. Vaccinations
Section 9. Protective Equipment
Section 10. Placement of Sharps Containers
Section 11. Confidentiality; Disclosure
Section 12. Distribution of Rule
Section 13. Violations and Sanctions
Section 14. Administrative Due Process

## SERIES 83 - BIRTH SCORE PROGRAM

Authority - §§16-22B-4; 16-1-4
Type - Legislative
Price - $2.60
Effective - July 1, 2002

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Purpose and Goals
Section 5. Protocol, Reporting and Referral
Section 6. Program Monitoring
Section 7. Confidentiality
Section 8. Penalties
Section 9. Administrative Due Process

## SERIES 84 - MEDICAL EXAMINER RULE FOR POSTMORTEM INQUIRIES

Authority - §§61-12-3(f); 16-1-4 & -11
Type - Legislative
Price - $6.00
Effective - May 15, 2003

Section 1. General
Section 2. Application & Enforcement
Section 3. Definitions
Section 4. Training & Certification of County Medical Examiners & Coroners
Section 5. Authority of the county Medical Examiner, Assistant County Medical Examiner & County Coroner When Investigating a Death
Section 6. Death Circumstances That Require Medico-Legal Death Investigation
Section 7. Responsibilities of the county Medical Examiner, Assistant County Medical Examiner & County Coroner
Section 8. Pronouncement, Investigation & Certification of Deaths
Section 9. Obtaining Blood, Body Fluids & Tissue Material for Examination
Section 10. Transport of the Body
Section 11. Circumstances Requiring Consultation with the OCME
Section 12. Documentation of Findings Obtained by Medico-Legal Death Investigation by the County Medical Examiner, Assistant County Medical Examiner or County Coroner

## SERIES 85 - ALZHEIMER'S/DEMENTIA SPECIAL CARE UNITS AND PROGRAMS

Authority - §§16-1-4; 16-5R-5(a)
Type - Legislative
Price - $5.00
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. State Administrative Procedures
Section 4. Human Resources
Section 5. Admission Transfer and Discharge
Section 6. Assessments and Plans of Care
Section 7. Behavior Management
Section 8. Social Services
Section 9. Activities
Section 10. Physical Environment
Section 11. Penalties
Section 12. Administrative Due Process

**SERIES 86 - SURROGATES FOR INCAPACITATED PERSONS IN HEALTH CARE FACILITIES OPERATED BY THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

Authority - §16-30-8(a)(7)
Type - Legislative
Price - $2.00
Effective - July 1, 2003

Section 1. General
Section 2. Application & Enforcement Section
Section 3. Definitions
Section 4. Designation of Individuals & Entities
Section 5. Prohibited Surrogates

**SERIES 87 - RESERVED**

**SERIES 88 - RESERVED**

**SERIES 89 - UNIFORM CREDENTIALING OF HEALTH CARE PRACTITIONERS**

Authority - §§16-1A-2; 16-1-4; 33-2-10
Type - Legislative
Price - $2.60
Effective - April 22, 2003

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Mandatory Use of Uniform Credentialing Form & Uniform Recredentialing Form
Section 5. Amendment of Uniform Credentialing & Uniform Recredentialing Forms
Section 6. Confidentiality of Credentialing & Recredentialing Data
Section 7. Delegation of Credentialing or Recredentialing Activities
Section 8. Violation

**SERIES 89A- FORMS APPLICABLE TO THE UNIFORM CREDENTIALING OF HEALTH CARE PRACTITIONERS**

Authority - §§16-1A-2; 16-1A-3(c); 16-1-4; 33-2-10
Type - Procedural
Price - $10.80
Effective - October 28, 2004

Section 1. General
Section 2. Applicability
Section 3. Appendices

# TITLE 69

# HEALTH AND HUMAN RESOURCES

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| Series | 3. | Implementation of Omnibus Health Care Act Payment Provisions | 265 |
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| Series | 6. | Nurse Aid Abuse Registry | 265 |


Total Cost for all of Title 69 - $16.00

## SERIES 1 - RULES FOR HEARINGS UNDER THE ADMINISTRATIVE PROCEDURES ACT

Authority - §§5F-2-2; 29A-5-1 et seq.
Type - Procedural
Price - $3.00
Effective - February 26, 1990


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| Section | 1. | General |
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| Section | 4. | Parties and Conduct of Hearings |
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| Section | 6. | Subpoenas |
| Section | 7. | Discovery |
| Section | 8. | Hearing Officers |
| Section | 9. | Concluding the Hearing |
| Section | 10. | Severability |


## SERIES 2 - IMPLEMENTATION OF OMNIBUS HEALTH CARE ACT

Authority - §16-29D-7
Type - Legislative
Price - $2.60
Effective - June 3, 2005


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| Section | 2. | Definitions |
| Section | 3. | Purpose |
| Section | 4. | Non-Interference with Medicaid Program |
| Section | 5. | Emergency Services |
| Section | 6. | Testimony by Providers |
| Section | 7. | Violations and Show Cause Proceedings; Penalties |
| Section | 8. | Declaratory Rulings and Informal Opinions |
| Section | 9. | Severability |

## SERIES 3 - IMPLEMENTATION OF OMNIBUS HEALTH CARE ACT PAYMENT PROVISIONS

Authority - §16-29D-7
Type - Legislative
Price - $2.00
Effective - June 3, 2005

Section 1. General
Section 2. Definitions
Section 3. Purpose
Section 4. Prompt Payment

## SERIES 4 - ADVISORY COMMITTEE FOR THE OMNIBUS HEALTH CARE ACT

Authority - §§6-9A-3; 29A-3-3
Type - Procedural
Price - $2.80
Effective - December 28, 1989

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Meetings; Rules of Order; Selection of Chairperson and Vice-Chairperson
Section 5. Proceedings to be Open; Exceptions; Executive Session Permitted
Section 6. Minutes
Section 7. Majority Vote Required; Vote by Proxy Prohibited
Section 8. Records of the Advisory Committee

## SERIES 5 - RESERVED

## SERIES 6 - NURSE AIDE ABUSE REGISTRY

Authority - §§9-6-2; 16-1-4; 16-5B-8; 16-5C-5
Type - Legislative
Price - $3.20
Effective - July 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Reporting
Section 4. Investigations
Section 5. Notification
Section 6. Hearing
Section 7. Court Determination
Section 8. Facility Notice & Record Keeping
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# TITLE 65

# HEALTH CARE AUTHORITY

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COST FOR ALL OF TITLE 65 - $70.40

## SERIES 1 - PROCEDURAL RULES FOR MEETINGS OF THE HEALTH CARE COST REVIEW AUTHORITY

Authority - §6-9A-3
Type - Procedural
Price - $2.40
Effective - September 16, 1983


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| Section | 1. | General |
| Section | 2. | Application and Enforcement |
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| Section | 4. | Meetings |
| Section | 5. | Proceedings to be Open; Exceptions; Executive Session Permitted |
| Section | 6. | Minutes |
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**SERIES 2 - LEGISLATIVE RULES FOR THE FREEZE ON HOSPITAL RATES AND GRANTING OF TEMPORARY RATE INCREASES**

Authority - §16-29B-1
Type - Legislative
Price - $4.60
Effective - May 18, 1984

Section 1. General
Section 2. Definitions
Section 3. Freeze on Hospital Rates
Section 4. Temporary Rate Changes Allowed
Section 5. Temporary Rate Change Procedures
Section 6. Standards of Reasonableness
Section 7. Criteria for Rate Increases
Section 8. Methods for Determining the Amount of Rate Change
Section 9. Decisions and Records Available
Section 10. Severability

**SERIES 3 - RESERVED**

**SERIES 4 - LEGISLATIVE RULES TO IMPLEMENT UTILIZATION REVIEW AND QUALITY ASSURANCE PROGRAM - PHASE 1**

Authority - §16-29B-8(a)(1)
Type - Legislative
Price - $2.40
Effective - May 20, 1985

Section 1. General
Section 2. Definitions
Section 3. Professional Review Organization
Section 4. Patient Data
Section 5. Patient Confidentiality
Section 6. Sanctions
Section 7. Phase 2
Section 8. Severability

**SERIES 5 - HOSPITAL COST-BASE RATE REVIEW SYSTEM**

Authority - §16-29B-l9a
Type - Legislative
Price - $6.80
Effective - April 29, 1993

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Overview
Section 5. Full Financial Requirements (FFR)
Section 6. Procedure for Requesting a Permanent Rate Increase - Standard Application
Section 7. Temporary/Emergency Rate Applications
Section 8. Automatic Rate Increase Applications
Section 9. Expedited Review
Section 10. Overages
Section 11. Penalties for Overages
Section 12. Cost Base Adjustments
Section 13. New Service
Section 14. Request for Hearing
Section 15. Hearings
Section 16. Reconsideration
Section 17. Appeals
Section 18. Rates During Reconsideration Proceedings and Appeals
Section 19. Denial of an Application

Section 20. Compliance Reports and Orders
Section 21. Reasonableness & Uniformity of Rates
Section 22. Approval of Discount Contracts
Section 23. Failure to Comply with Rules
Section 24. Health Care Facility Financial Disclosure Act
Section 25. Additional Information
Section 26. Time Periods
Section 27. Decision and Records Available
Section 28. Severability

## SERIES 6 - REVIEW AGENCY PROCEDURES TO CARRY OUT THE AGREEMENT REGARDING SECTION 1122 OF THE SOCIAL SECURITY ACT

Authority - §16-1-7
Type - Procedural
Price - $2.60
Effective - July 1, 1983

Section 1. General
Section 2. Definitions
Section 3. Request for Review Agency Hearing
Section 4. Commencement of Hearing
Section 5. Procedures for Review
Section 6. Hearing Officer
Section 7. Notice to Public
Section 8. Availability of Record
Section 9. Decision of Hearing Officer
Section 10. Supersession of State Agency, Finding or Recommendation
Section 11. Remand to State Agency for Further Action
Section 12. Review Agency Regulations and Procedures
Section 13. Severability
Section 14. Construction

## SERIES 7 - CERTIFICATE OF NEED

Authority - §§16-2D-3(b); 16-2D-3(b)(5), 7(u) & 8(c)
Type - Legislative
Price - $6.80
Effective - July 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Certificate of Need Requirements
Section 4. Certificate of Need Application
Section 5. Expedited Applications
Section 6. Long-Range Plans
Section 7. Access to Information and Facilities
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Section 9. Application Withdrawal
Section 10. Batching of Applications
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Section 12. Review Criteria
Section 13. Stays and Extensions of Review Periods
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Section 15. Exemptions from Certificate of Need Programs
Section 16. Exemptions Review Procedure
Section 17. Reconsideration of Final Board Decision

Section 18. Appeal of Certificate of Need Decision
Section 19. Judicial Review
Section 20. Progress Reports/Extension of Certificate of Need
Section 21. Substantial Changes to Project After Issuance of Certificate of Need
Section 22. Transferability
Section 23. Substantial Compliance Review
Section 24. Withdrawal of Certificate of Need
Section 25. Declaratory Ruling or Ruling of Reviewability
Section 26. Public Access to Information
Section 27. Applicability
Section 28. Addition of Health Services

**SERIES 8 - LIMITATION ON HOSPITAL GROSS PATIENT REVENUE**

Authority - §16-29B-I
Type - Legislative
Price - $3.20
Effective - May 5, 1984

Section 1. General
Section 2. Definitions
Section 3. Gross Patient Revenue to be Allowed Hospitals During the Control Period
Section 4. Determination of Certificate of Need Related Adjustments to be Allowed Gross Patient Revenue
Section 5. Reporting Required
Section 6. Decisions and Records Available
Section 7. Severability

**SERIES 9 - INTERIM STANDARDS FOR LITHOTRIPSY SERVICES**

Authority - §16-2D-8; 16-29B-11
Type - Legislative
Price - $2.60
Effective - May 28, 1986

Section 1. General
Section 2. Introduction
Section 3. Definition
Section 4. Accessibility of Services
Section 5. Availability of Services
Section 6. Quality of Services
Section 7. Cost of Services
Section 8. Continuity of Services
Section 9. Acceptability of Services
Section 10. Termination of Interim Standards

**SERIES 10 - FEE SCHEDULE FOR CERTIFICATE OF NEED MATTERS**

Authority - §§16-2D-5(g); 16-2D-8; 16-29B-11
Type - Procedural
Price - $2.80
Effective - May 31, 1991

Section 1. General
Section 2. Introduction
Section 3. Fee Schedule
Section 4. Fee Schedule for Exemption Requests
Section 5. Waivers of Fees
Section 6. Credits and Refunds of Fees
Section 7. Adjustments to Fees Paid
Section 8. Conflicts in the Applicable Fee
Section 9. Failures to Comply with Rule
Section 10. Severability

**SERIES 11 - RESERVED**

**SERIES 12 - COVERAGE OF FINANCIAL DISCLOSURE ACTS AND UTILIZATION REVIEW REQUIREMENTS**

Authority - §§16-29-B-8, 17, 18 & 23; 16-5F-3(a)
Type - Interpretive
Price - $2.40
Effective - July 28, 1988

Section 1. General
Section 2. Definitions
Section 3. Introduction
Section 4. Utilization Review and Quality Assurance
Section 5. Annual Financial Reporting System
Section 6. Health Care Facility Financial Disclosure
Section 7. Rate Review Act
Section 8. Discrete Part Units

**SERIES 13 - FINANCIAL DISCLOSURE RULE**

Authority - §§16-5F-3 et seq.; 16-29B-16(a), 17, 18, 23
Type - Legislative
Price - $3.40
Effective - April 10, 1992

Section 1. General
Section 2. Definitions
Section 3. Annual Public Disclosure Report
Section 4. Statements, Schedules, Reports to be Filed with Board
Section 5. Exemption
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Section 8. Hearing
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Section 12. Penalties for Failure to Comply
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**SERIES 14 - RESERVED**

**SERIES 15 - EXEMPTION FOR CONVERSION OF ACUTE CARE BEDS TO SKILLED NURSING CARE BEDS**

Authority - §§18-2D-4a; 16-2D-8
Type - Legislative
Price - $2.60
Effective - April 5, 1990

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Exemption Criteria
Section 5. Verified Notice; Filing Fee and Review Period
Section 6. Substantial Compliance Review

**SERIES 16 - EXEMPTION FOR SHARED SERVICES**

Authority - §16-2D-4(f)
Type - Legislative
Price - $2.60
Effective - April 10, 1992

Section 1. General
Section 2. Definitions
Section 3. Exemption Criteria
Section 4. Exemption Procedure
Section 5. Requests for Hearings

**SERIES 17 - HEALTH SERVICES OFFERED BY HEALTH PROFESSIONALS**

Authority - §§16-2D-4(a)(1); 16-2D-8(c)
Type - Legislative
Price - $2.40
Effective - July 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Health Services, Major Medical Equipment and/or Facilities
Section 4. Batching Category

**SERIES 18 THRU 19 - RESERVED**

**SERIES 20 - CONVERSION OF ACUTE CARE BEDS TO SKILLED NURSING CARE BEDS**

Authority - §§16-20-5(l); 16-2D-8
Type - Legislative
Price - $3.60
Effective - April 10, 1992

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Application
Section 5. Additional Information or Amendments to Application
Section 6. Application Withdrawal
Section 7. Batching of Applications
Section 8. Application Review Procedure
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Section 10. Criteria and Standards
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**SERIES 21 - DEVELOPMENT OF LIFE CARE RETIREMENT CENTERS**

Authority - §§16-2D-5(j); 16-2D-8
Type - Legislative
Price - $3.00
Effective - April 10, 1992

Section 1. General
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Section 5. Additional Information or Amendments to Application
Section 6. Application Withdrawal
Section 7. Batching of Applications
Section 8. Application Review Procedure
Section 9. Stays and Extensions of Review Periods
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**SERIES 22 - TEMPORARY APPROVAL OF DISCOUNT CONTRACTS FOR BORDER HOSPITALS**

Authority - §§16-29B-8(a)(1); 19a; 20
Type - Legislative
Price - $3.20
Effective - June 24, 1993

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Temporary Approval
Section 5. Notice
Section 6. Effective Date of Temporary Approval; Retroactive Review
Section 7. Protective Orders
Section 8. Final Order; Requests for Hearings
Section 9. Appeal
Section 10. Severability

**SERIES 23 - EXEMPTION FOR NEW PRIMARY CARE SERVICES**

Authority - §§16-2D-4(a)(5) and 8
Type - Legislative
Price - $2.80
Effective - June 24, 1993

Section 1. General
Section 2. Definitions
Section 3. Exemption Criteria
Section 4. Exemption Procedure
Section 5. Requests for Hearings
Section 6. Competing Applications
Section 7. Severability

**SERIES 24 - EXEMPTION FOR BIRTHING CENTERS**

Authority - §§16-2D-4(a)(6) and 8
Type - Legislative
Price - $2.80
Effective - June 24, 1993

Section 1. General
Section 2. Definitions
Section 3. Exemption Criteria
Section 4. Exemption Procedure
Section 5. Requests for Hearings
Section 6. Competing Applications
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**SERIES 25 - EXEMPTION FOR RURAL PRIMARY CARE**

Authority - §§16-2D-4(g) and 8
Type - Legislative
Price - $2.60
Effective - June 24, 1993

Section 1. General
Section 2. Definitions
Section 3. Exemption Criteria
Section 4. Exemption Procedure
Section 5. Requests for Hearings
Section 6. Notification by Office of Rural Health Policy
Section 7. Severability

## SERIES 26 - BENCHMARKING AND DISCOUNT CONTRACT RULE

Authority - §16-29B-8(a)(1), 19, 19a and 20
Type - Legislative
Price - $4.20
Effective - April 25, 2005


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Section 5. Peer Groups and the Variables of the Benchmark Ranking Process
Section 6. Allowed Adjustments
Section 7. Outpatient Services
Section 8. Procedure for Requesting a Rate Increase Under the Benchmarking System
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# TITLE 8

# WEST VIRGINIA BOARD OF HEARING AID DEALERS

## SERIES 1 - REGULATIONS GOVERNING THE WEST VIRGINIA HEARING AID DEALERS

Authority - §30-26
Type - Legislative
Price - $3.20
Effective - June 1, 2001


Section 1. General
Section 2. Definitions
Section 3. Application for License and Permits
Section 4. Issuance of Licenses and Permits
Section 5. Reciprocity
Section 6. Responsibilities of the Licensee
Section 7. Sales Receipt
Section 8. Advertising
Section 9. Complaint Procedures
Section 10. Causes for the Suspension or Revocation of Licenses of Permits
Section 11. Right to Rescind Purchase Agreement


## SERIES 2 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-26-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $4.40
Effective - February 28, 2001


Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Conferences; Informal Disposition of Cases
Section 7. Depositions
Section 8. Subpoenas
Section 9. Orders
Section 10. Appeal


## SERIES 3 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR HEARING AID DEALERS

Authority - §§30-26-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.40
Effective - February 28, 2001


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Hearing-Aid Dealers, Hearing-Aid Fitters or Trainees
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

# TITLE 133

## HIGHER EDUCATION POLICY COMMISSION


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TOTAL COST FOR TITLE 133 - $120.80

**SERIES 1 - PERFORMANCE INDICATORS**

Authority - §18B-1A-2
Type - Legislative
Price - $2.80
Effective - April 9, 2002

Section 1. General
Section 2. Purpose
Section 3. Performance Indicators

**SERIES 2 - HIGHER EDUCATION FINANCE POLICY**

Authority - §18B-1B-4(a)(8)
Type - Legislative
Price - $2.80
Effective - July 1, 2001

Section 1. General
Section 2. Purpose
Section 3. Guidelines
Section 4. Principles

**SERIES 3 - HIGHER EDUCATION REPORT CARD**

Authority - §§18B-1-8a; 18B-1-6; 18B-1-8
Type - Legislative
Price - $3.80
Effective - April 9, 2002

Section 1. General
Section 2. Purpose
Section 3. Guidelines
Section 4. Health Sciences Indicators
Section 5. Rural Health
Section 6. Presentation of Higher Education Report Cards

**SERIES 4 - RULES, GUIDELINES AND OTHER POLICY STATEMENTS BY GOVERNING BOARDS**

Authority §18B-1-6
Type - Procedural
Price - $2.40
Effective - October 31, 2001

Section 1. General
Section 2. Application
Section 3. Adoption of Rules, Guidelines or Policy Statements

**SERIES 5 - GUIDELINES FOR GOVERNING BOARDS IN EMPLOYING AND EVALUATING PRESIDENTS OR OTHER ADMINISTRATIVE HEADS**

Authority - §§18B-1B-4; 18B-1-6
Type - Procedural
Price - $2.40
Effective - July 14, 2005

Section 1. General
Section 2. State Colleges and Universities
Section 3. West Virginia University Institute of Technology
Section 4. Presidential Contracts
Section 5. Compensation
Section 6. Presidential Evaluation

## SERIES 6 - HIGHER EDUCATION ADULT PART-TIME STUDENT (HEAPS) GRANT PROGRAM

Authority - §18C-5-7
Type - Legislative
Price - $3.40
Effective - April 6, 2004


Section 1. General
Section 2. Purpose
Section 3. Funding
Section 4. Administration
Section 5. Eligibility Criteria
Section 6. Additional Programs and Courses
Section 7. Amount of Grant
Section 8. Agreement to Participate and Reports
Section 9. Audits


## SERIES 7 - WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE STUDENT EXCELLENCE (PROMISE) SCHOLARSHIP PROGRAM

Authority - §18C-7-6
Type - Legislative
Price - $4.20
Effective - April 9, 2002


Section 1. General
Section 2. Purpose
Section 3. Funding
Section 4. Administration
Section 5. Student Criteria
Section 6. Eligible Institutions
Section 7. Amount of Award
Section 8. Promise Scholarship Supplemental Fund
Section 9. Appeals Process


## SERIES 8 - PERSONNEL ADMINISTRATION

Authority - §§18B-1-6; 18B-1-8; 18B-9-4
Type - Procedural
Price - $4.00
Effective - November 22, 2001


Section 1. General
Section 2. Definitions
Section 3. Compensation Review Committee
Section 4. Compensation; Pay Calculations
Section 5. Compensatory and Holiday Premium Time Off
Section 6. Workweek
Section 7. Appointment
Section 8. Access to Personnel File
Section 9. Changes in Name, Address, Number of Dependents and Related Matters
Section 10. Classification Review Request
Section 11. Job Evaluation Process
Section 12. Entry Rates
Section 13. Promotion
Section 14. Upgrade
Section 15. Demotion
Section 16. Downgrade
Section 17. Transfer
Section 18. Reviews and Appeals
Section 19. Salary Schedule and Implementation Strategy

## SERIES 9 - ACADEMIC FREEDOM, PROFESSIONAL RESPONSIBILITY, PROMOTION AND TENURE

Authority - §§18B-1-6; 18B-1B-4
Type - Procedural
Price - $4.20
Effective - January 10, 2004


Section 1. General
Section 2. Academic Freedom and Professional Responsibility
Section 3. Faculty: Ranks and Definitions
Section 4. Faculty: Types and Conditions of Apointment
Section 5. Joint Institutional Appointments
Section 6. Emeritus Status
Section 7. Promotion in Rank
Section 8. Faculty Resignations
Section 9. Tenure
Section 10. Tenure-Track Status
Section 11. Faculty Evaluation
Section 12. Dismissal
Section 13. Termination Because of Reduction or Discontinuance of an Existing Program
Section 14. Termination Due to Financial Exigency
Section 15. Faculty Grievance Procedure
Section 16. Informal Procedures for Conflict Resolution
Section 17. Notification of Terms and Conditions of Faculty Appointments


## SERIES 10 - POLICY REGARDING PROGRAM REVIEW

Authority - §§18B-1B-4;; 18B-1-6
Type - Procedural
Price - $3.80
Effective - December 25, 2001


Section 1. General
Section 2. Basis of Program Review Process
Section 3. Assumptions Used in Developing the Review Process
Section 4. Program Review Levels
Section 5. Possible Outcomes


## SERIES 11 - SUBMISSION OF PROPOSALS FOR NEW ACADEMIC PROGRAMS AND THE DISCONTINUANCE OF EXISTING PROGRAMS

Authority - §§18B-1B-4; 18B-1-6
Type - Procedural
Price - $4.60
Effective - December 25, 2001


Section 1. General
Section 2. Background
Section 3. Submission Procedures
Section 4. Program Need and Justification
Section 5. Program Implementation and Projected Resource Requirements
Section 6. Offering Existing Programs at New Locations
Section 7. Program Evaluation
Section 8. Termination of a Program
Section 9. Guidelines for Cooperative Doctoral Programs
Section 10. Form 1
Section 11. Form 2

## SERIES 12 - CAPITAL PROJECT MANAGEMENT

Authority - §§18B-1-6; 18B-1B-4; 18B-10-8
Type - Procedural
Price - $3.00
Effective - December 25, 2001

Section 1. General
Section 2. Purpose
Section 3. Responsibilities of the Governing Boards, Institutions and Policy Commission
Section 4. Efficient Use of Facilities and Services
Section 5. Responsibilities of the Chancellor and Policy Commission Staff

## SERIES 13 - CHANGE IN THE ORGANIZATION OF COLLEGES OR SCHOOLS

Authority - §18B-1-6
Type - Procedural
Price - $2.00
Effective - April 19, 2002

Section 1. General
Section 2. Policy

## SERIES 14 - HOLIDAYS

Authority - §18B-1-6
Type - Procedural
Price - $2.00
Effective - April 19, 2002

Section 1. General
Section 2. Granting Power
Section 3. Number of Full Holidays
Section 4. Half Holidays
Section 5. Schedules
Section 6. Policy Commission and West Virginia Network for Educational Telecomputing

## SERIES 15 - ACCEPTANCE OF ADVANCED PLACEMENT CREDIT

Authority - §18B-2a-4
Type - Legislative
Price - $2.60
Effective - June 22, 2002

Section 1. General
Section 2. Statement of Principle
Section 3. Guidelines for Acceptance of Advanced Placement Credit
Section 4. Institutional Guidelines
Section 5. Institutional Policy

## SERIES 16 - COLLEGE-LEVEL EXAMINATION PROGRAM

Authority - §18B-1B-4
Type - Procedural
Price - $2.60
Effective - June 22, 2002

Section 1. General
Section 2. Regulations
Section 3. Subject Examinations
Section 4. General Examinations
Section 5. Academic Record
Section 6. Enrollment
Section 7. Review

## SERIES 17 - TRANSFERABILITY OF CREDITS AND GRADES AT THE UNDERGRADUATE LEVEL

Authority - §§18B-1-1A, 18B-1-4; 18B-2A-4
Type - Procedural
Price - $2.40
Effective - April 18, 2005

Section 1. General
Section 2. Transfer Guidelines

## SERIES 18 - ASSIGNMENT OF ACADEMIC CREDIT AND FINANCING NONCREDIT INSTRUCTION

Authority - §18B-1B-4
Type - Procedural
Price - $2.00
Effective - June 22, 2002

Section 1. General
Section 2. Policy

## SERIES 19 - GUIDELINES FOR THE OFFERING OF COLLEGE COURSES FOR HIGH SCHOOL STUDENTS

Authority - §18B-1-1A
Type - Procedural
Price - $2.40
Effective - August 1, 2002

Section 1. General
Section 2. Purpose
Section 3. Curriculum
Section 4. Credit
Section 5. Correlation with Advanced Placement
Section 6. Faculty
Section 7. Admissions
Section 8. Tuition/Fees
Section 9. School Reimbursement and Credit Hour Accrual
Section 10. Accountability

## SERIES 20 - AUTHORIZATION OF DEGREE GRANTING INSTITUTIONS

Authority - §18B-4-7
Type - Procedural
Price - $4.40
Effective - August 10, 2002

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Exemptions
Section 5. Prohibitions
Section 6. Authorization to Operate
Section 7. Granting of Authorization
Section 8. Criteria for Authorization – Seminary or Bible College
Section 9. Criteria for Authorization – Private College or University
Section 10. Procedures for Review or Accreditation Status, Private College or University
Section 11. Notification of Institution: Authorization and Termination of State Authorization
Section 12. Notification and Deposit of Records upon Discontinuance of a Program or Institution

## SERIES 21 - FRESHMAN ASSESSMENT AND PLACEMENT STANDARDS

Authority - §18B-1B-4
Type - Procedural
Price - $2.40
Effective - August 1, 2002

Section 1. General
Section 2. Policy
Section 3. Mathematics
Section 4. English Composition
Section 5. Reading

## SERIES 22 - GRADE POINT AVERAGE FOR ASSOCIATE AND BACCALAUREATE DEGREES

Authority - §§18B-1-1A; 18B-1B-4
Type - Procedural
Price - $2.40
Effective - August 1, 2002

Section 1. General
Section 2. Grade-Point Average Required for Graduation
Section 3. D and F Repeat Provisions
Section 4. Discretionary Academic Forgiveness Provisions
Section 5. Application Only to Graduation Requirements

## SERIES 23 - STANDARDS AND PROCEDURES FOR UNDERGRADUATE ADMISSIONS

Authority §§18B-1-1A; 18B-1-4
Type - Procedural
Price - $3.20
Effective - March 2, 2005

Section 1. General
Section 2. Statement of Principles
Section 3. Basic Admissions Standards
Section 4. Institutional Admissions Procedures
Section 5. Institutional Admissions Policies
Section 6. Implementation Date

## SERIES 24 - PREPARATION OF STUDENTS FOR COLLEGE

Authority - §18B-1-1e
Type - Procedural
Price - $4.00
Effective - August 10, 2002

Section 1. General
Section 2. Purpose
Section 3. Assisting Students in Preparing for College
Section 4. Minimum Levels of Knowledge, Skill and Competency Needed for College
Section 5. Achieving Minimum Levels of Knowledge, Skill and competency Needed for College
Section 6. Communicating Knowledge, Skill and Competency Levels
Section 7. Teacher Preparation Programs
Section 8. Future Policy Development

## SERIES 25 - RESIDENCY CLASSIFICATION FOR ADMISSION AND FEE PURPOSES

Authority - §§18B-1-6; 18B-1-7; 18B-10
Type - Procedural
Price - $2.60
Effective - August 1, 2002

Section 1. General
Section 2. Classification for Admission and Fee Purposes
Section 3. Residence Determined by Domicile
Section 4. Dependency Status
Section 5. Change of Residence
Section 6. Military
Section 7. Aliens
Section 8. Former Domicile
Section 9. Appeal Process

## SERIES 26 - UNDERWOOD-SMITH TEACHER SCHOLARSHIP PROGRAM

Authority - §18C-4 et seq.
Type - Legislative
Price - $3.20
Effective - April 27, 2005

Section 1. General
Section 2. Purpose
Section 3. Funding
Section 4. Administration
Section 5. Panel Selection Criteria and Procedures
Section 6. Application Process
Section 7. Eligibility Criteria
Section 8. Service Obligation
Section 9. Monetary Repayment
Section 10. Deferment Provisions
Section 11. Cancellation of Obligation
Section 12. Relationship to Other Financial Assistance
Section 13. Collections

## SERIES 27 - FINANCIAL ASSISTANCE TO ATHLETES

Authority - §18-2-26-8
Type - Procedural
Price - $2.00
Effective - August 1, 2002

Section 1. General
Section 2. Awarding Financial Assistance
Section 3. Retaining Financial Assistance

## SERIES 28 - WV ENGINEERING, SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM

Authority - §18C-6-1 et seq.
Type - Legislative
Price - $3.20
Effective - April 26, 2005

Section 1. General
Section 2. Purpose
Section 3. Funding
Section 4. Administration
Section 5. Number and Amount of Awards

Section 6. Application Process
Section 7. Eligibility Criteria
Section 8. Service Obligation
Section 9. Monetary Repayment
Section 10. Deferment Provisions
Section 11. Cancellation of Obligation
Section 12. Appeal Process
Section 13. Collections

## SERIES 29 - TRAVEL

Authority - §12-3-11
Type - Procedural
Price - $3.00
Effective - August 1, 2002

Section 1. General
Section 2. Provisions Applicable Only to the Commission and the Governing Boards
Section 3. Delegation of Authority and Responsibilities
Section 4. Travel Regulations Applicable to Employees, Commission and Governing Board Members, and Non-Employees
Section 5. Transportation
Section 6. Lodging
Section 7. Meals
Section 8. Registration Fees
Section 9. Other Expenses
Section 10. Form of Payment for Business Travel
Section 11. Reimbursement Forms
Section 12. Other Provisions

## SERIES 30 - PURCHASING

Authority - §§18-5-4 through 18-5-8
Type - Procedural
Price - $4.00
Effective - January 21, 2005

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Authority of the Commission and Council
Section 5. Authority and Duties of the Vice Chancellor for Administration
Section 6. Delegation of Purchasing Authority and Responsibilities
Section 7. Authority, Duties and Remedies of the Chief Procurement Officer
Section 8. Purchase or Acquisition of Materials, Supplies, Equipment, Services, Construction and Printing
Section 9. Protests and Reconsideration
Section 10. Suspension and Reconsideration
Section 11. Qualifications of a Buyer and a Chief Procurement Officer
Section 12. Prompt Payment
Section 13. Receiving and Inventory Management
Section 14. Disposal of Surplus or Obsolete Materials, Supplies and Equipment
Section 15. Violations
Section 16. Performance Audits
Section 17. Permitting Private Institutions of Higher Education to Join as Purchasers

## SERIES 31 - ETHICS

Authority - §§18B-1-6; 6B-2-5(L)
Type - Procedural
Price - $3.00
Effective - August 1, 2002

Section 1. General
Section 2. Approval of Activity
Section 3. Solicitation of Gifts
Section 4. Use of Public Office for Private Gain
Section 5. Interests in Public Contracts
Section 6. Additional Ethical Standards
Section 7. Presidents

## SERIES 32 - RESERVED

## SERIES 33 - ANATOMICAL BOARD

Authority - §§18B-1-6; 18B-4-8
Type - Interpretative
Price - $3.20
Effective - September 6, 2002

Section 1. General
Section 2. Purpose
Section 3. Appointments of Members
Section 4. Compensation of Board Members
Section 5. Budget
Section 6. Promulgation of Rules and Regulations
Section 7. Reporting Requirements
Appendix

## SERIES 34 - MEDICAL STUDENT LOAN PROGRAM

Authority - §§18-1-6; 18-3-1
Type - Legislative
Price - $3.00
Effective - April 27, 2005

Section 1. General
Section 2. Purpose
Section 3. Administration
Section 4. Education and General Feeds Dedicated to Program
Section 5. Eligibility
Section 6. Application and Selection Process
Section 7. Loan Provisions and Agreement
Section 8. Loan Repayment
Section 9. Loan Forgiveness
Section 10. Loan Management
Section 11. Financial Management

## SERIES 35 - CORRESPONDENCE, BUSINESS, OCCUPATIONAL AND TRADE SCHOOLS

Authority - §18B-3-5
Type - Procedural
Price - $4.00
Effective - April 3, 1995

Section 1. General
Section 2. Definitions
Section 3. Exemptions
Section 4. Application for Permit
Section 5. Permit Application Fee
Section 6. Surety Bond Requirements
Section 7. Maintenance of Records
Section 8. Change of School Ownership
Section 9. School Closing
Section 10. Student Enrollment Contact
Section 11. Cancellation and Refund Policies
Section 12. Advertising
Section 13. Student Complaints
Section 14. Warning, Suspension, Withdrawal or Revocation or Accreditation License and/or Approval to Operate

## SERIES 36 - SPORTS PROGRAMS AT COMMUNITY COLLEGES

Authority - §18-26
Type - Procedural
Price - $2.00
Effective - January 8, 1980

Section 1. General
Section 2. Policy

## SERIES 37 - INCREASED FLEXIBILITY FOR FREESTANDING COMMUNITY AND TECHNICAL COLLEGES

Authority - §18B-3-6
Type - Procedural
Price - $2.60
Effective - June 12, 2000

Section 1. General
Section 2. Definitions
Section 3. Technology in the Delivery of Courses and Programs
Section 4. Delivery of Curricula Utilizing Modules
Section 5. Facilitator for Brokering Education Programs
Section 6. Faculty Types and Conditions of Employment
Section 7. Occupational Program Approval
Section 8. Reporting

## SERIES 38 - EMPLOYEE LEAVE

Authority - §18-1-6
Type - Procedural
Price - $3.40
Effective - November 19, 1992

Section 1. General
Section 2. General Leave Coverage
Section 3. Annual Leave
Section 4. Other Conditions for Annual Leave
Section 5. Sick and Emergency Leave
Section 6. Medical Leave of Absence Without Pay
Section 7. Parental Leave
Section 8. Catastrophic Leave
Section 9. Personal Leave of Absence Without Pay
Section 10. Military Leave
Section 11. Special Emergency Leave With Pay
Section 12. Witness and Jury Leave
Section 13. Managing Work Time in Areas Affected by Interruption to Utility Service or Similar Situations

## SERIES 39 - CLASSIFIED EMPLOYEES

Authority - §18B-1-6
Type - Procedural
Price - $2.60
Effective - September 5, 1996

Section 1. General
Section 2. Definitions
Section 3. Part-time and Temporary Employees
Section 4. Work Schedules
Section 5. Appointment or Promotion
Section 6. Probationary Period
Section 7. Compensatory/Overtime Provisions
Section 8. Posting

## SERIES 40 - EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Authority - §18B-1-6
Type - Procedural
Price - $2.40
Effective - April 3, 1992

Section 1. General
Section 2. General Policy

## SERIES 41 - HEALTH SCIENCES SCHOLARSHIP PROGRAM

Authority - §18-3-3
Type - Procedural
Price - $4.00
Effective - January 19, 2003

Section 1. General
Section 2. Purpose
Section 3. Funding
Section 4. Eligibility Criteria
Section 5. Application Process
Section 6. Selection of Recipients
Section 7. Scholarship Provisions and Agreement
Section 8. Notification of Recipients and Fund Disbursement
Section 9. Fulfillment of Scholarship Agreement
Section 10. Repayment of Scholarship in Lieu of Service
Section 11. Cancellation and Waiver of Practice Obligation
Section 12. Certification of Practice and Credit Earned Toward Scholarship Obligation Fulfillment

**SERIES 42 - RESERVED**

**SERIES 43 - PURCHASING EFFICIENCIES**

Authority - §18B-5-9
Type - Legislative
Price - $2.80
Effective - April 6, 2004

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Purchase or Acquisition of Materials, Supplies, Equipment, Services, Construction and Printing

**SERIES 44 - RESERVED**

**SERIES 45 - COMMUNITY AND TECHNICAL COLLEGE FACULTY INSTRUCTIONAL LOAD**

Authority - §18B-1-6
Type - Procedural
Price - $2.40
Effective - April 5, 2004

Section 1. General
Section 2. Establishment of Guidelines
Section 3. Faculty Workload Guidelines

**SERIES 46 - STANDARDS FOR SUBJECT - AREA CONTENT IN SECONDARY-LEVEL TEACHER PREPARATION PROGRAMS**

Authority - §18B-1B-4
Type - Procedural
Price - $2.40
Effective - December 24, 2004

Section 1. General
Section 2. Definitions
Section 3. Standards for Subject-Area Content Preparation

**SERIES 47 - COMMISSION ORGANIZATION AND MEETINGS**

Authority - §§6-9A-1 & 18B-1-6
Type - Procedural
Price - $3.20
Effective - January 21, 2005

Section 1. General
Section 2. Organization
Section 3. Meetings of the Commission

# TITLE 157

# WEST VIRGINIA DIVISION OF HIGHWAYS

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| Series | 3. | Construction and Reconstruction of State Roads | 289 |
| Series | 4. | Purchase and Disposal of Materials, Equipment and Supplies | 289 |
| Series | 5. | Traffic and Safety Rules and Regulations | 289 |
| Series | 6. | Regulations Relating to Use of State Road Rights of Way and Areas Adjacent Thereto | 290 |
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| Series | 8. | Waste Tire Remediation/Environmental Clean-Up | 290 |


TOTAL COST FOR ALL OF TITLE 157 - $52.20

## SERIES 1 - REGULATIONS PERTAINING TO PARTICULAR FUNCTIONS OF THE COMMISSIONER OF HIGHWAYS

Authority - §§17-2A-4b; 17-2A-8
Type - Procedural
Price - $6.00
Effective - May 21, 1995


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| Section | 3. | Hearing Procedures |
| Section | 4. | Scholarships for Prospective WV Department of Highways Personnel |
| Section | 5. | Location, Relocation, Classification or Reclassification of State Roads |
| Section | 6. | Abandonment and Discontinuance of State Roads |
| Section | 7. | Procurement Procedures for Negotiated Contracts |
| Exhibits | | |


## SERIES 2 - ACQUISITION, DISPOSAL, LEASE AND MANAGEMENT OF REAL PROPERTY AND APPURTENANT STRUCTURES AND RELOCATION ASSISTANCE

Authority - §§17-2A-5, 8, 17, 19, 19a, 20
Type - Legislative
Price - $3.60
Effective - April 20, 1995


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| Section | 2. | Acquisition of Real Property |
| Section | 3. | Sale, Exchange or Lease of Real Property and Structures |
| Section | 4. | Exchange of Real Property |
| Section | 5. | Public Sale of Excess Real Property |
| Section | 6. | Disposition of Structures |
| Section | 7. | Persons Ineligible to Purchase Real Property or Structures from the Division of Highways |
| Section | 8. | Lease of Department of Highways' Property Division |
| Section | 9. | Rental of Property from Other Persons |
| Section | 10. | Damage by Owner or Occupant |
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| Forms | | |

## SERIES 3 - CONSTRUCTION AND RECONSTRUCTION OF STATE ROADS

Authority - §§17-2A-8(1); 17-4-19; 17-2A-8(1); 17-4-19
Type - Legislative
Price - $17.20
Effective - April 17, 2000

Section 1. General
Section 2. Definitions
Section 3. Plans and Specifications for the Construction and Reconstruction of State Roads
Section 4. Bidding Requirements and Conditions
Section 5. Award and Execution of Contract
Section 6. Scope of Work
Section 7. Control of Work
Section 8. Control of Material
Section 9. Legal Relations and Responsibility to Public
Section 10. Prosecution and Progress
Section 11. Measurement and Payment
Section 12. Miscellaneous Provisions
Section 13. Disqualification and Suspension of Prequalified Contractors
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## SERIES 4 - PURCHASE AND DISPOSAL OF MATERIALS, EQUIPMENT AND SUPPLIES

Authority - §17-2A-8
Type - Procedural
Price - $2.40
Effective - January 1, 1983

Section 1. General
Section 2. Purchase of Materials, Equipment and Supplies; Registration of Vendors
Section 3. Disposition of Materials, Equipment and Supplies

## SERIES 5 - TRAFFIC AND SAFETY RULES AND REGULATIONS

Authority - §§17-2A-8 & 12; 17C-17 et seq.
Type - Legislative
Price - $5.80
Effective - May 27, 2005

Section 1. General
Section 2. Definitions
Section 3. Uniform Traffic Control Devices
Section 4. Speed Controls
Section 5. Traffic Regulation by Local Authorities
Section 6. Signs
Section 7. Lighting Devices; Safety Glass; Seat Belts
Section 8. Special Permits
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## SERIES 6 - REGULATIONS RELATING TO USE OF STATE ROAD RIGHTS OF WAY AND AREAS ADJACENT THERETO

Authority - §17-1, 2A, 4, 16, 20, 22 & 23
Type - Legislative
Price - $7.60
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Use of Right of Way; Permits
Section 4. Rules for Issuance of Permits for Making Openings or Placing Structures, In, Upon, Along, Over, Under and Across State Roads
Section 5. Removal of Obstructions from Roadway
Section 6. Constructing Driveways on State Highway Right-of-Way
Section 7. Requirements for Outdoor Advertising on the State Highway System
Section 8. Salvage Yards
Section 9. Roadside Memorials

## SERIES 7 - TRANSPORTATION OF HAZARDOUS WASTES UPON THE ROADS AND HIGHWAYS

Authority - §22-18-17(a)
Type - Legislative
Price - $3.00
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Uniform Hazardous Waste Manifest System
Section 4. Recordkeeping
Section 5. Transportation Requirements
Section 6. Discharges

## SERIES 8 - WASTE TIRE REMEDIATION/ENVIRONMENTAL CLEAN-UP

Authority - §§17-23-3; 17-24 et seq.
Type - Legislative
Price - $5.80
Effective - May 4, 2001

Section 1. General
Section 2. Definitions
Section 3. Location and Identification
Section 4. Prohibition on Starting or Increasing the Size of Waste Tire Piles
Section 5. Contractural Services
Section 6. Right of Entry
Section 7. Other Agency Rules
Section 8. Commissioner Bureau of Public Health
Section 9. Remediation
Section 10. Orders/Notices
Section 11. Liens
Section 12. Injunctive Relief
Section 13. Records Retention
Section 14. Hauling Waste Tires
Section 15. Owners Remediation
Section 16. Storage
Section 17. Disposal
Section 18. Individual Tire Collection and disposal
Section 19. Rodent/Vector Control
Section 20. Right of Appeal
Section 21. Priority Listing
Section 22. TREC Funds
Section 23. Miscellaneous

# TITLE 116

# HOSPITAL FINANCE AUTHORITY

## SERIES 1 - FEE SCHEDULE AND COST ALLOCATIONS APPLICABLE TO THE ISSUANCE OF BONDS BY THE HOSPITAL FINANCE AUTHORITY

Authority - §16-29A-5
Type - Legislative
Price - $2.40
Effective - May 31, 1991


Section 1. General
Section 2. Establishment of Fee Schedule
Section 3. Allocation of Costs
Section 4. Amendment of Fee Schedule


## SERIES 2 - ESTABLISHMENT OF PROCEDURES FOR GIVING NOTICE TO THE PUBLIC AND MEDIA OF MEETINGS OF THE WEST VIRGINIA HOSPITAL FINANCE AUTHORITY

Authority - §§16-29A-5; 6-9A-3
Type - Procedural
Price - $2.40
Effective - January 3, 1989


Section 1. General
Section 2. Procedure of the West Virginia Hospital Finance Authority
Section 3. Procedure for Giving Notice of Special Meetings of West Virginia Hospital Finance Authority
Section 4. Publication of Notice of Meeting at Which Bond Issue Will be Finally Considered
Section 5. Emergency Meetings


## SERIES 3 - ESTABLISHMENT OF UNIFORM PROCEDURES AND GUIDELINES FOR HOSPITAL APPLICATION FINANCINGS BY THE WEST VIRGINIA HOSPITAL FINANCE AUTHORITY

Authority - §§16-29A-5(a); 29A-3-3
Type - Procedural
Price - $2.60
Effective - January 3, 1989


Section 1. General
Section 2. Application Requirements
Section 3. Advance Notice of Key Meetings and Actions
Section 4. Drafts of Financing Documents
Section 5. Additional and Updated Information
Appendix

# TITLE 88

# WEST VIRGINIA HOUSING DEVELOPMENT FUND

## SERIES 1 - ADMINISTRATION OF SINGLE FAMILY MORTGAGE LOANS FOR WV STATE BOARD OF INVESTMENTS UNDER STATE MORTGAGE AND INDUSTRIAL DEVELOPMENT INVESTMENT

Authority - §31-18B-I
Type - Legislative
Price - $4.20
Effective - August 15, 1982


Section 1. General
Section 2. Description of Program
Section 3. Determining Eligibility for Program Loans
Section 4. Determining Eligibility of Dwelling
Section 5. Introduction of Forms; Procedural Guide to Provide Supplementary Requirements


## SERIES 2 - NOTICE OF MEETINGS OF HOUSING DEVELOPMENT FUND

Authority - §6-9A-3
Type - Procedural
Price - $2.00
Effective - September 18, 1999


Section 1. General
Section 2. Definitions
Section 3. Notice
Section 4. Severability

# TITLE 77

## WEST VIRGINIA HUMAN RIGHTS COMMISSION

Index for Human Rights Commission


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| Series | 1. | Rules Regarding Discrimination Against the Handicapped | 293 |
| Series | 2. | Rules and Regulations Pertaining to Practice and Procedure Before the West Virginia Human Rights Commission | 293 |
| Series | 3. | Religious Discrimination | 294 |
| Series | 4. | Sexual Harassment | 294 |
| Series | 5. | Exemption of Private Clubs | 294 |
| Series | 6. | Waiver of Rights | 294 |
| Series | 7. | Definition of Employer | 295 |
| Series | 8. | Rules for the Processing of Complaints and Administrative Proceedings Under the West Virginia Fair Housing Act | 295 |


TOTAL COST FOR ALL OF TITLE 77 - $30.80

### SERIES 1 - RULES REGARDING DISCRIMINATION AGAINST THE HANDICAPPED

Authority - §§5-11-8(h); 29A-3-1; 5-11A-20
Type - Legislative
Price - $4.80
Effective - May 19, 1994


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Verification of Disability |
| Section | 4. | Employment Discrimination Prohibited |
| Section | 5. | Pre-Employment and Employment Practices |
| Section | 6. | Housing Discrimination Prohibited |
| Section | 7. | Public Accommodations |


### SERIES 2 - RULES AND REGULATIONS PERTAINING TO PRACTICE AND PROCEDURE BEFORE THE WV HUMAN RIGHTS COMMISSION

Authority - §§5-11-8(h); 29A-3 et seq.
Type - Procedural
Price - $7.60
Effective - January 1, 1999


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Complaint; Content, Filing Time, Amendment, Withdrawal and Dismissal; Preservation of Records |
| Section | 4. | Investigation; Determination; Conciliation; Request for Review and Mediation |
| Section | 5. | Notice of Hearing; Continuances |
| Section | 6. | Answer |
| Section | 7. | Hearings: Administrative Law Judge; Appearances; Subpoenas; Discovery and Procedure |
| Section | 8. | The Record |
| Section | 9. | Final Decision of the Administrative Law Judge |
| Section | 10. | Appeal to the Commission |
| Section | 11. | Judicial Appeal |
| Section | 12. | General Investigations |
| Section | 13. | Declaratory Rulings and Guidelines |
| Section | 14. | Certification |
| Section | 15. | Public Information |

## SERIES 3 - RELIGIOUS DISCRIMINATION

Authority - §§5-11-8(h); 29A-3-15(g)
Type - Legislative
Price - $3.20
Effective - April 29, 1992

Section 1. General
Section 2. Definitions
Section 3. Employment Discrimination Prohibited; Obligation to Make Reasonable Accommodations
Section 4. Religious Harassment
Section 5. Selection Practices
Section 6. Application to Labor Organizations, Employment Agencies, and Apprentice Training Programs
Section 7. Exceptions
Section 8. Public Accommodations

## SERIES 4 - SEXUAL HARASSMENT

Authority - §§5-11-8(h); 29A-3-15(g)
Type - Legislative
Price - $2.40
Effective - April 29, 1992

Section 1. General
Section 2. Sexual Harassment Prohibited
Section 3. Employer Liability for Sexual Harassment
Section 4. Public and Housing Accommodations

## SERIES 5 - EXEMPTION OF PRIVATE CLUBS

Authority - §§5-11-8(h); 29A-3-15(g)
Type - Legislative
Price - $2.60
Effective - April 29, 1992

Section 1. General
Section 2. Exemptions of Truly Private Clubs
Section 3. Additional Indicators
Section 4. Standards of Review; Burden of Proof
Section 5. Preservation of and Defense of Right of Expressive Association

## SERIES 6 - WAIVER OF RIGHTS

Authority - §§5-11-8(h); 29A-3-1 et seq.; 42 U.S.C. §626
Type - Legislative
Price - $2.40
Effective - August 12, 2002

Section 1. General
Section 2. Commissioner's Right to Investigate
Section 3. Waiver Must be Knowing and Voluntary
Section 4. Waiver in Connection with Group Programs
Section 5. Burden of Proof on Waiver and Duress
Section 6. Waiver as a Defense
Section 7. Limit on Confidentiality Provisions
Section 8. Scope of Coverage

## SERIES 7 - DEFINITION OF EMPLOYER

Authority - §§5-11-8(h); 29A-3-1 et seq.
Type - Procedural
Price - $3.00
Effective - August 12, 2002

Section 1. General
Section 2. Definitions; Manner of Calculating Employees

## SERIES 8 - RULES FOR THE PROCESSING OF COMPLAINTS AND ADMINISTRATIVE PROCEEDINGS UNDER THE WEST VIRGINIA FAIR HOUSING ACT

Authority - §§5-11-8(h); 5-11A-8; 5-11A-9; 5-11A-20 & 29A-3-15(g)
Type - Procedural
Price - $7.80
Effective - September 28, 1992

Section 1. General
Section 2. Definitions; Time Computations; Service and Filing
Section 3. Complaints
Section 4. Investigation Procedures
Section 5. Conciliation Procedures
Section 6. Issuance of Charge
Section 7. Administrative Law Judge
Section 8. Parties
Section 9. Pleadings and Motions
Section 10. Discovery
Section 11. Subpoenas
Section 12. Prehearing Procedures
Section 13. Hearing Procedures
Section 14. Dismissals and Decisions
Section 15. Judicial Review and Enforcement of Final Decision

# TITLE 78

# DEPARTMENT OF HUMAN SERVICES

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| Series | 3. | Group Residential Facilities Licensing | 297 |
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TOTAL COST FOR ALL OF TITLE 78 - $55.90 (WITHOUT INCORPORATED REFERENCES)

## SERIES 1 - DAY CARE CENTER LICENSING

Authority - §49-2B-4
Type - Legislative
Price - $7.40
Effective - July 1, 2003


| | | |
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| Section | 1. | General |
| Section | 2. | Application & Enforcement |
| Section | 3. | Definitions |
| Section | 4. | Licensing Information & Provisions |
| Section | 5. | Inspection & Investigation |
| Section | 6. | Governance |
| Section | 7. | The Child & Family |
| Section | 8. | Staffing |
| Section | 9. | Staff Responsibilities & Qualifications |
| Section | 10. | Supervision of Children in Groups |
| Section | 11. | Supervision of the Individual Child |
| Section | 12. | Space Requirement |
| Section | 13. | Furnishings, Equipment & Materials |
| Section | 14. | Program |
| Section | 15. | Health |
| Section | 16. | Nutrition & Food |
| Section | 17. | Sanitation |
| Section | 18. | Animals |
| Section | 19. | Safety & Emergency Operating Procedures |
| Section | 20. | Environmental Safety |
| Section | 21. | Pest Management |
| Section | 22. | Transportation |
| Section | 23. | Enforcement Actions |
| Section | 24. | Administrative & Judicial Review |


Appendices

## SERIES 2 - CHILD PLACING AGENCY LICENSURE

Authority - §49-2B-4
Type - Legislative
Price - $11.80
Effective - July 1, 2001

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Licensing Information and Provisions
Section 5. Inspections, Complaints, Plans of Correction and Waivers
Section 6. Governance
Section 7. Staffing Process
Section 8. Employee Requirements
Section 9. The Child's and Family's Basic Rights
Section 10. Placement Plans and Procedures
Section 11. Transfers and Discharges
Section 12. The Agency's Responsibilities to Foster and Adoptive Parents
Section 13. Foster and Adoptive Parents' Characteristics and Criteria
Section 14. Foster and Adoptive Parents' Agreement with an Agency
Section 15. Safety Requirements for Foster and Adoptive Homes
Section 16. Comprehensive Home Study
Section 17. Approval or Denial of a Foster Home for Placement
Section 18. Approval or Denial of an Adoptive Home for Placement
Section 19. Evaluations for Approved Foster and Adoptive Parents
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Section 21. Foster Child Placement and Home Closure Information
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Section 23. Adoption
Section 24. Transitional Living Services Program
Section 25. Community Re-entry Program
Section 26. Grievance Procedure
Section 27. Administrative Due Process

## SERIES 3 - GROUP RESIDENTIAL FACILITIES LICENSING

Authority - §49-2
Type - Legislative
Price - $13.90
Effective - June 1, 1982

Section 1. General
Section 2. General Commentary - General Commentary
Section 3. Administration and Organization
Section 4. Administrative Practices and procedures - Commentary
Section 5. Waiver -- Commentary
Section 6. The Governing Body, The Board of Directors and the Advisory Board - Commentary
Section 7. Composition and Organization of a Board of Directors
Section 8. The Advisory Board for a publicly Operated Facility
Section 9. Organization
Section 10. Statement of Purpose
Section 11. Program Description
Section 12. Fiscal Management
Section 13. Conflict of Interest
Section 14. Contracts, leases & Rental Agreements
Section 15. Insurance Coverage
Section 16. Fund Raising and Publicity
Section 17. Photography and Audio or Audio-Visual Recording
Section 18. Research
Section 19. Confidentiality
Section 20. Children's Case Records
Section 21. Administrative File
Section 22. General Administrative Matters
Section 23. Evaluations
Section 24. The Physical Environment and Safety - Commentary

Section 25. Location of Facilities
Section 26. Other Jurisdictional Approval
Section 27. Building Exterior and Grounds - Commentary
Section 28. Interior Space - Commentary
Section 29. Living Rooms, Lounges
Section 30. Dining Areas
Section 31. Sleeping Accommodations
Section 32. Bathroom
Section 33. Kitchen
Section 34. Staff Quarters
Section 35. Administrative and Counseling Space
Section 36. Furnishings - Commentary
Section 37. Doors and Windows
Section 38. Storage
Section 39. Heat
Section 40. Water
Section 41. Finishes and Surfaces
Section 42. General Safety Practice
Section 43. Emergency Planning Procedures
Section 44. Transpiration
Section 45. Sewage Disposal
Section 46. Plumbing
Section 47. Laundry
Section 48. Animals
Section 49. Communicable Diseases
Section 50. Housekeeping
Section 51. Human Resources - General Commentary
Section 52. Staff Evaluation and Development - Commentary
Section 53. Personnel Policies and Procedures
Section 54. Staff Communications
Section 55. External professional Services
Section 56. Volunteer Services
Section 57. Quality of Life - General Commentary
Section 58. Statement of Rights for Children in Children's Residences
Section 59. Family Involvement - Commentary
Section 60. Community Interaction - Commentary
Section 61. Daily Routine - Commentary
Section 62. Communication with Others
Section 63. Children's Money
Section 64. Work and Employment - Commentary
Section 65. Recreation and Leisure Activities
Section 66. Religion and Culture - Commentary
Section 67. Sleep
Section 68. Clothing
Section 69. Personal Belongings
Section 70. Personal Hygiene
Section 71. Food Services - Commentary
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Section 75. Corrective Devices
Section 76. Immunizations
Section 77. Religious Objection to Medical Treatment
Section 78. Medical and Dental Records
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Section 80. Therapeutic use of Psychotropic Medication - Commentary
Section 81. Emergency Medical Services
Section 82. Illness, Accident, Death
Section 83. Children's Grievance Procedure - Commentary
Section 84. Institutional Child Abuse and neglect - Commentary
Section 85. Direct Service Management - General Commentary
Section 86. The Process of Care: Referral to Entry - Commentary
Section 87. Referral Process
Section 88. Admission Procedures - Commentary
Section 89. Emergency Admission
Section 90. A Child's Entry Into This Program

Section 91. Service Planning and Child Management: Facility-Wide Level - Commentary
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Section 93. Service Planning and Child Management: The Intermediate or Group Level - Commentary
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Section 95. Problem Management - Commentary
Section 96. Limitation on Potentially Damaging Responses - Commentary
Section 97. Passive Physical Restraint - Commentary
Section 98. Time-Out Procedures - Commentary
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Section 100. General Commentary - Education and On-Ground Education Program
Section 101. Education
Section 102. Administration and Organization - Commentary
Section 103. The Physical Environment and Safety - Commentary
Section 104. Human Resources - Commentary
Section 105. Quality of Life - Commentary
Section 106. Direct Services management - Commentary
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Section 110. Parent/Agency Rights - Commentary
Section 111. General Commentary - Shelter Care
Section 112. The Philosophy of Shelter Care - General Commentary
Section 113. Administration and Organization - Commentary
Section 114. Physical Environment and Safety - Commentary
Section 115. Human Resources - Commentary
Section 116. Quality of Life - Commentary
Section 117. Direct Services Management - Commentary
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Section 119. Exceptions - Commentary
Section 120. Secure Residential Care - Secure Care - General Commentary
Section 121. Administration
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Section 125. Quality of Life - Commentary
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Section 127. Restraint - Commentary
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Section 130. Chemical Restraint - Commentary
Section 131. Maternity Home - Commentary
Section 132. Physical Environment
Section 133. Human Resources - Personnel
Section 134. Administration
Section 135. Quality of Life
Section 136. Direct Service Management
Section 137. Glossary

## SERIES 4 - ECONOMIC SERVICES

Authority - §§9-2-6; 7CFR; 42CFR; 45CFR
Type - Legislative
Price - $2.00 (without incorporated documents)*
Effective - September 19, 1985

Section 1. General
Section 2. Economic Services Manual Incorporated by Reference

## SERIES 5 - SOCIAL SERVICES

Authority - §§9-1; 9-6; 49-1, 2, 3, 5, 6 and 7
Type - Legislative
Price - $2.00 (without incorporated documents)*
Effective - July 1, 1986

Section 1. General
Section 2. Social Services Manual Incorporated by Reference

## SERIES 6 - INCORPORATION OF CHILD ADVOCATE OFFICE POLICY AND PROCEDURAL MANUAL

Authority - §§9-2-6; 9-3-4; 9-3-5; 21A-6-16; 48-7; 48-8; 48-9
Type - Legislative
Price - $2.00 (without incorporated documents)*
Effective - February 26, 1988

Section 1. General
Section 2. Child Advocate Office Manual Incorporated by Reference

## SERIES 7 - WORK AND TRAINING

Authority - §§9-2-6; P.L. 97-35; P.L. 95-113; 45CFR and 7CFR
Type - Legislative
Price - $2.00 (without incorporated documents)*
Effective - November 17, 1995

Section 1. General
Section 2. Work and Training Manual Incorporated by Reference

## SERIES 8 - HEARINGS AND COMMON CHAPTERS

Authority - §§9-2-6; 9-3; 9-5
Type - Legislative
Price - $2.00 (without incorporated documents)*
Effective - October 1, 1985

Section 1. General
Section 2. Hearings and Common Chapters Manual Incorporated by Reference

## SERIES 9 - HANDICAPPED CHILDREN SERVICES

Authority - §49-4
Type - Legislative
Price - $2.00 (without incorporated documents)*
Effective - November 1, 1985

Section 1. General
Section 2. Handicapped Children Services Manual Incorporated by Reference

## SERIES 10 - INCORPORATION OF WEST VIRGINIA STATE PLAN FOR TITLE XIX, MEDICAID

Authority - §42 CFR C
Type - Legislative
Price - $2.00 (without incorporated documents)*
Effective - October 1, 1985

Section 1. General
Section 2. Medical Services Manual Incorporated by Reference

* Ed. Note: Series 4 through 10 manuals incorporated by reference available from West Virginia Department of Human Services or the Secretary of State.

## SERIES 11 - TERMINATION OF INCOME WITHHOLDING

Authority - §§48A-5-3; 42 USC §666(b)(10); 45 CFR §393.100(a)(9)
Type - Legislative
Price - $2.00
Effective - June 15, 1989

Section 1. General
Section 2. Termination of Income Withholding

## SERIES 12 - RESERVED

Repealed and Replaced by 97CSR3
Effective - July 1, 1997

## SERIES 13 - RESERVED

Repealed & Replaced by 97CSR4
Effective - July 1, 1997

## SERIES 14 - RESERVED

Repealed by HB 4250
Effective - March 10, 2000

## SERIES 15 - TEL-ASSISTANCE PROGRAM

Authority - §24-2C-4
Type - Legislative
Price - $2.40
Effective - July 2, 2003

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Responsibilities of the Department
Section 5. Eligibility Requirements
Section 6. Determination & Communication of Eligibility
Section 7. Notification of Eligibility
Section 8. Questions of Eligibility

## SERIES 16 - RESERVED

Repealed by HB 4250
Effective - March 10, 2000

## SERIES 17 - RESERVED

Repealed and Replaced by Chapter 900 of the Medicaid Regulation
Effective - January 24, 2001

## SERIES 18 - FAMILY DAY CARE FACILITY CERTIFICATION

Authority - §49-2B-4
Type - Legislative
Price - $6.20
Effective - June 23, 1997

Section 1. General
Section 2. Definitions
Section 3. Administrative Procedures
Section 4. Administration of Family Day Care Facilities
Section 5. Family Day Care Facility Personnel
Section 6. Physical Plant, Sanitation and Nutrition
Section 7. Fire Safety
Section 8. Reporting and Investigation of Complaints
Section 9. Sanctions
Section 10. Administrative Due Process

## SERIES 19 - FAMILY DAY CARE HOME REGISTRATION REQUIREMENTS

Authority - §49-2B-4
Type - Legislative
Price - $7.20
Effective - July 31, 2003

Section 1. General
Section 2. Application & Enforcement
Section 3. Definitions
Section 4. Certificate of Registration Information
Section 5. Inspection & Investigation
Section 6. Caregiver, Substitute & Household Member Requirements
Section 7. Home Safety Requirements
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Section 10. Health, Sanitation & Nutrition
Section 11. Water Safety
Section 12. Emergency Practices
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Section 14. Program & Equipment
Section 15. Guidance & Discipline
Section 16. Infants & Toddlers
Section 17. Night Time Care
Section 18. Parent Involvement
Section 19. Required Reporting to the Department
Section 20. Enforcement Action
Section 21. Administrative & Judicial Review
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# TITLE 161

# INFORMATION SERVICES AND COMMUNICATIONS DIVISIONS

## SERIES 1 - PLAN OF OPERATION

Authority - §5A-7-2
Type - Legislative
Price - $2.40
Effective - April 3, 1991

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Rate Schedules and Invoicing
Section 5. Requisition Review

## SERIES 2 - TELECOMMUNICATIONS PAYMENTS BY SPENDING UNITS

Authority - §5A-7-4a
Type - Legislative
Price - 3.40
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Authority of the Director
Section 5. IS&C Duties and Rights
Section 6. Spending Units' Duties and Rights
Section 7. Payments
Section 8. Vendors' Duties and Rights

# TITLE 167

# INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL

## SERIES 1 - INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL

Authority - §§31-15A-4; 31-15A-5; 31-15A-10
Type - Legislative
Price - $3.80
Effective - May 4, 2004


Section 1. General
Section 2. Definitions
Section 3. Projects
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# TITLE 114

# INSURANCE COMMISSIONER

(See the Board of Health rules 64CSR89 and 64CSR89A filed jointly with the Division of Insurance)

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Series 70. Rebates and Referrals 326
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TOTAL COST FOR ALL OF TITLE 114 - $271.40

## SERIES 1 - PROXIES, CONSENTS AND AUTHORIZATIONS OF DOMESTIC STOCK INSURERS

Authority - §33-5-31
Type - Legislative
Price - $3.80
Effective - June 30, 1966

Section 1. General
Section 2. Procedures
Section 3. Information Required in Proxy Statement
Section 4. Information to be Included in Statements Filed by or on Behalf of a Participant (other than the Insurer) in a Proxy Solicitation in an Election Contest

## SERIES 2 - LICENSING AND CONDUCT OF AGENTS, BROKERS AND SOLICITORS

Authority - §33-2-10
Type - Legislative
Price - $2.60
Effective - April 16 2004

Section 1. General
Section 2. Requirements for Licensing
Section 3. Requirements for Licensing Insurance Agencies
Section 4. Commissions
Section 5. Switching
Section 6. Referrals

## SERIES 3 - CANCELLATION AND NONRENEWAL OF AUTOMOBILE LIABILITY POLICIES

Authority - §§33-2-10; 33-6a-4A; 33-6A-5
Type - Legislative
Price - $2.40
Effective - May 6, 2005

Section 1. General
Section 2. Notice of Cancellation or Nonrenewal
Section 3. Informal Procedure for Review of Complaint Regarding Cancellation or Non-Renewal
Section 4. Hearing Regarding Canceling and Non-Renewal
Section 5. Filing of Underwriting Guidelines

## SERIES 4 - INSIDER TRADING OF EQUITY SECURITIES OF A DOMESTIC STOCK INSURER

Authority - §33-5-30
Type - Legislative
Price - $3.80
Effective - April 16, 1968

Section 1. General
Section 2. General Application
Section 3. Regulations Under SubSection (a) of WV Code 33-5-30
Section 4. Regulations Under SubSection (b) of WV Code 33-5-30
Section 5. Regulations Under SubSection (c) of the Act
Section 6. Regulation Under SubSection (e) of the Act

## SERIES 5 - PROCEDURES TO BE FOLLOWED BY FIRE RATING ORGANIZATIONS

Authority - §33-2-10
Type - Legislative
Price - $2.60
Effective - April 18, 1968

Section 1. General
Section 2. Filing Procedures for Fire Rating Organizations
Section 3. Town Inspections by Fire Rating Organizations and Change in Classification

## SERIES 6 - REGULATION OF CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND SICKNESS INSURANCE

Authority - §§33-2-10; 46A-3-109(c)
Type - Legislative
Price - $4.60
Effective - April 13, 1995

Section 1. General
Section 2. Definitions
Section 3. Amount of Credit Life Insurance and Credit Accident and Sickness Insurance
Section 4. Term of Credit Life Insurance and Credit Accident and Sickness Insurance
Section 5. Provisions of Policies, Certificates, Applications and Notices of Proposed Insurance
Section 6. Rates and Refunds of Credit Life Insurance and Accident and Sickness Insurance
Section 7. Amendments
Table
Appendix

## SERIES 7 - PREMIUM FINANCING OF LIFE INSURANCE FOR COLLEGE STUDENTS

Authority - §33-2-10
Type - Legislative
Price - $2.40
Effective - July 1, 1970

Section 1. General
Section 2. Financing Arrangement
Section 3. Receipt
Section 4. Transfer of Note
Section 5. Selling Practices
Section 6. Separability

## SERIES 8 - REPLACEMENT OF LIFE INSURANCE

Authority - §§33-2-10; 33-11-5a; 33-11-6
Type - Legislative
Price - $4.40
Effective - May 16, 1997

Section 1. General
Section 2. Definitions
Section 3. Exemptions
Section 4. Duties of Agents
Section 5. Duties of Replacing Insurers
Section 6. Duties of Insurers with Respect to Direct-Response Sales
Section 7. Duties of Existing Insurer
Section 8. Violations
Appendix

## SERIES 9 - MASS MARKETING OF PROPERTY AND LIABILITY INSURANCE

Authority - §33-2-10
Type - Legislative
Price - $2.60
Effective - May 15, 1972

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Standards and Requirements
Section 5. Prohibitions

## SERIES 10 - ADVERTISEMENT OF ACCIDENT AND SICKNESS INSURANCE

Authority - §33-2-10
Type - Legislative
Price - $3.20
Effective - April 20, 1973

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Disclosure
Section 5. Standards
Section 6. Advertisements of Benefits Payable, Losses Covered or Premiums Payable
Section 7. Qualifying Conditions; Disclosure Required
Section 8. Testimonials or Endorsements by Third Parties
Section 9. Use of Statistics
Section 10. Identification of Plan or Number of Policies
Section 11. Comparisons
Section 12. Jurisdictional Licensing and Status of Insurer
Section 13. Identity of Insurer
Section 14. Special Underwriting Privileges
Section 15. Introductory, Initial or Special Offers
Section 16. Statements About an Insurer
Section 17. Enforcement Procedures
Section 18. Special Enforcement Procedures
Section 19. Separability
Section 20. Violations

## SERIES 11 - DISCLOSURE AND DECEPTIVE PRACTICES IN THE ADVERTISEMENT, SOLICITATION AND SALE OF LIFE INSURANCE

Authority - §33-2-10
Type - Legislative
Price - $2.60
Effective - April 22, 1974

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Content of Advertisements Generally
Section 5. Basic Requirements
Section 6. Prohibited Deceptive Acts
Section 7. Special Enforcement Procedures
Section 8. Separability
Section 9. Violations

## SERIES 12 - INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE MINIMUM STANDARDS

Authority - §§33-2-10; 33-28-4, 5 and 6
Type - Legislative
Price - $7.60
Effective - April 30, 1999

Section 1. General
Section 2. Definitions
Section 3. Policy Definitions
Section 4. Prohibited Policy Provisions
Section 5. Minimum Standards for Benefits
Section 6. Required Disclosure Provisions
Section 7. Requirements for Replacement
Section 8. Separability
Appendix

## SERIES 13 - RULES OF PRACTICE AND PROCEDURE FOR HEARINGS BEFORE THE WEST VIRGINIA INSURANCE COMMISSIONER

Authority - §33-2-10 .
Type - Procedural
Price - $2.80
Effective - October 29, 2003

Section 1. General
Section 2. Definitions
Section 3. Hearings
Section 4. Conferences; Informal Disposition of Cases
Section 5. Notice of Hearing
Section 6. Conduct of Hearings
Section 7. Record; Transcript; When Required
Section 8. Orders
Section 9. Separability

## SERIES 14 - UNFAIR TRADE PRACTICES

Authority - §33-11-6
Type - Legislative
Price - $3.60
Effective - April 3, 2003

Section 1. General
Section 2. Definitions
Section 3. File and Record Documentation
Section 4. Unfair or Deceptive Acts or Practices
Section 5. Standards for the Acknowledgment of Pertinent Communications
Section 6. Standards for Prompt Investigations and Fair and Equitable Settlements Applicable to All Insurers
Section 7. Standards for Prompt, Fair and Equitable Settlements Applicable to Automobile Insurance
Section 8. Separability
Section 9. Penalty for Violation of Any Provision of this Regulation

## SERIES 15 - EXAMINERS AND EXAMINATIONS

Authority - §§33-2-9(n); 33-2-10
Type - Legislative
Price - $3.20
Effective - May 6, 2005

Section 1. General
Section 2. Definitions
Section 3. Examination, Analysis and Review Funding
Section 4. Examination, Analysis and Review Activities and Record Retention Requirements
Section 5. Contracts for Services & Bond Requirements for Other Individuals
Section 6. Compensation and Accrued Time of Accredited Examiners
Section 7. Travel and Living Expenses
Section 8. Examiner Reporting Requirements

## SERIES 16 - RESERVED

Repealed by HB 2717
Effective - May 30, 2001

## SERIES 17 - MEDICARE SUPPLEMENT INSURANCE COVERAGE

Authority - §33-2-10
Type - Legislative
Price - $4.00
Effective - December 28, 1981

Section 1. General
Section 2. Definitions
Section 3. Policy Definitions and Terms
Section 4. Minimum Standards for Medicare Supplement and Limited Benefit Medicare Supplement Policies and Contracts
Section 5. Prohibited Policy Provisions
Section 6. Required Disclosure Provisions
Section 7. Loss Ratio Standards
Section 8. Prohibited Acts or Practices
Section 9. Duplication of Insurance
Section 10. Replacement of Insurance
Section 11. Penalties for Violation

## SERIES 18 THRU 19 - RESERVED

## SERIES 20 - SURPLUS LINES INSURANCE

Authority - §33-2-10
Type - Legislative
Price - $3.00
Effective - May 6, 2005


Section 1. General
Section 2. Definitions
Section 3. Licensing of a Surplus Lines Licensee; Revocation, Suspension or Refusal to Renew License and Penalty in Lieu Thereof
Section 4. Placement of Surplus Lines Coverages
Section 5. Surplus Lines Premium Tax Annual Return and Report by Surplus Lines Licensee
Section 6. Allocation of Surplus Lines Insurance Premium Tax on Multi-State Risks
Section 7. Export List
Section 8. Conditions for Marketing Insurance With Surplus Lines Insurers
Section 9. Separability


## SERIES 21 - WEST VIRGINIA ESSENTIAL PROPERTY INSURANCE ASSOCIATION

Authority - §§33-20A-3(b); 33-2-10
Type - Legislative
Price - $2.60
Effective - April 4, 1988


Section 1. General
Section 2. Definitions
Section 3. Type - of Organization
Section 4. Administration
Section 5. Management
Section 6. Commencement and Termination of Operations
Section 7. Rates
Section 8. Policy Forms
Section 9. Coverage Limits and Types
Section 10. Underwriting
Section 11. Application for Insurance and Policy Issuance
Section 12. Agent Commissions
Section 13. Inspection of Property
Section 14. Appeal Procedures
Section 15. Premium Taxes
Section 16. Annual Report
Section 17. Severability


## SERIES 22 - MEDICAL MALPRACTICE ANNUAL REPORTING REQUIREMENTS

Authority - §§33-20B-6(b); 33-2-13
Type - Legislative
Price - $3.60
Effective - April 4, 1988


Section 1. General
Section 2. Definitions
Section 3. Insurers Subject to Reporting Requirements
Section 4. Filing Deadline; Failure to Submit Information
Section 5. Information Required to be Reported
Section 6. Severability
Exhibits

## SERIES 23 - MEDICAL MALPRACTICE LOSS EXPERIENCE AND LOSS EXPENSE ANNUAL REPORTING REQUIREMENTS

Authority - §§33-20B-6(a); 33-2-10
Type - Legislative
Price - $2.80
Effective - April 4, 1988

Section 1. General
Section 2. Definitions
Section 3. Insurers Subject to Reporting Requirements
Section 4. Filing Deadlines; Failure to Submit Information
Section 5. Information Required to be Reported
Section 6. Evaluation by Commissioner
Section 7. Severability
Exhibits

## SERIES 24 - MEDICARE SUPPLEMENT INSURANCE

Authority - §§33-28-5b; 33-2-10; 33-16-3d
Type - Legislative
Price - $15.20
Effective - April 16 2004

Section 1. General
Section 2. Definitions
Section 3. Policy Definitions and Terms
Section 4. Policy Provisions
Section 5. Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to August 5, 1991
Section 6. Benefit Standards for Policies or Certificates Issued or Delivered on or After August 5, 1991
Section 7. Standard Medicare Supplement Benefit Plans
Section 8. Medicare Select Policies and Certificates
Section 9. Open Enrollment
Section 10. Guaranteed Issue for Eligible Persons
Section 11. Standards for Claims Payment
Section 12. Loss Ratio Standards and Refund or Credit of Premium
Section 13. Filing and Approval of Policies and Certificates and Premium Rates
Section 14. Permitted Compensation Arrangements
Section 15. Required Disclosure Provisions
Section 16. Requirements for Application Forms and Replacement Coverage
Section 17. Filing Requirements for Advertising
Section 18. Standards for Marketing
Section 19. Appropriateness of Recommended Purchase and Excessive Insurance
Section 20. Reporting of Multiple Policies
Section 21. Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
Appendices

## SERIES 25 - INSURANCE ADJUSTERS

Authority - §§33-12B-12; 33-2-10
Type - Legislative
Price - $3.00
Effective - April 19, 1990

Section 1. General
Section 2. Definitions
Section 3. License Requirements
Section 4. Categories and Types of Licenses
Section 5. Qualifications
Section 6. Waiver of Examination Requirement
Section 7. Records Maintenance
Section 8. Prohibited Practices; Voidable Contracts
Section 9. Addresses of Adjusters; Filing
Section 10. Change of Address, Notice

Section 11. Licensing of Nonresident Adjusters
Section 12. Application
Section 13. License Fee
Section 14. Expiration of License; Renewal
Section 15. Revocation, Suspension, Refusal to Renew or Issue License; Penalty in Lieu Thereof
Section 16. Severability

**SERIES 26 - ACCIDENT AND SICKNESS RATE FILING**

Authority - §§33-2-10; 33-6-9(e); 33-16B-2
Type - Legislative
Price - $3.60
Effective - April 16 2004

Section 1. General
Section 2. Definitions
Section 3. Rate Filing Requirements

**SERIES 27 - AIDS REGULATIONS**

Authority - §§33-2-10; 16-3C-2(j)
Type - Legislative
Price - $3.40
Effective - April 3, 2003

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Medical/Lifestyle Applications Questions and Underwriting Guidelines
Section 5. Testing
Section 6. Notice and Consent Form

**SERIES 27A - AIDS REGULATIONS**

Authority - §§33-2-10; 16-3C-2(j)
Type - Interpretive
Price - $3.00
Effective - September 1, 2002

Section 1. General
Section 2. Interpretive Note
Section 3. Allowance of FDA Approved Urine HIV Tests
Section 4. Compliance with Protocol Established in Interpretive Rule
Section 5. Sunset Date
Appendix

## SERIES 28 - GROUP COORDINATION OF BENEFITS

Authority - §§33-2-10; 33-25A-20; 33-16-3d; 33-25-6; 33-25-11
Type - Legislative
Price - $4.40
Effective - June 18, 1993

Section 1. General
Section 2. Definitions
Section 3. Model COB Contract Provisions
Section 4. Rules for Coordination of Benefits
Section 5. Procedure to be Followed by Secondary Plan
Section 6. Miscellaneous Provisions
Section 7. Model Coordination of Benefits Provisions
Section 8. Severability
Appendix

## SERIES 29 - HEALTH INSURANCE BENEFITS FOR TEMPOROMANDIBULAR AND CRANIOMANDIBULAR DISORDERS

Authority - §§33-2-10; 33-6-8; 33-6-9; 33-24-6; 33-25-11; 33-25A-3(1); 33-25A-20; 33-16-3F(b)
Type - Legislative
Price - $2.60
Effective - May 31, 1991

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Mandatory Coverage
Section 5. Procedures Covered
Section 6. Rate and Form Filings
Section 7. Separability

## SERIES 30 - "TAIL" MALPRACTICE INSURANCE COVERING CERTAIN MEDICAL AND ALLIED HEALTH CARE PROVIDERS

Authority - §§33-2-10; 33-20D-4
Type - Legislative
Price - $2.40
Effective - April 3, 2003

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. "Tail" Insurance Offer Mandated
Section 5. Premium Payment Amortization
Section 6. Premium Due Dates; Acceleration of Premium Due Upon Payment Default
Section 7. Penalty for Insurer's Non-Compliance
Section 8. Separability

## SERIES 31 - GUARANTEED LOSS RATIOS AS APPLIED TO INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE POLICIES

Authority - §§33-6C-3; 33-2-10
Type - Legislative
Price - $3.00
Effective - May 19, 1992

Section 1. General
Section 2. Application to Operate on a Guaranteed Loss Ratio Basis
Section 3. Guaranteed Loss Ratio Filings
Section 4. Rejection or Cancellation of Loss Ratio Guarantee
Section 6. Separability

## SERIES 32 - LONG TERM CARE INSURANCE

Authority - §§33-2-10; 33-15A-6
Type - Legislative
Price - $6.20
Effective - June 19, 1993

Section 1. General
Section 2. Definitions
Section 3. Policy Definitions
Section 4. Policy Practices and Provisions
Section 5. Required Disclosure Provisions
Section 6. Prohibition Against Post-Claims Underwriting
Section 7. Minimum Standards for Home Health and Community Care Benefits in Long-Term Care Insurance Policies
Section 8. Requirement to Offer Inflation Protection
Section 9. Requirements for Application Forms and Replacement Coverage
Section 10. Reporting Requirements
Section 11. Licensing
Section 12. Discretionary Powers of Commissioner
Section 13. Reserve Standards
Section 14. Loss Ratio
Section 15. Filing Requirements
Section 16. Filing Requirements for Advertising
Section 17. Standards for Marketing
Section 18. Appropriateness of Recommended Purchase
Section 19. Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates
Section 20. Standard Format Outline of Coverage
Section 21. Requirement to Deliver Shopper's Guide
Section 22. Penalties
Section 23. Severability
Appendix

## SERIES 33 - RESERVED

Repealed
Effective - April 30, 1999

## SERIES 34 - FILING FEES FOR PURCHASING GROUPS, AND FOR RISK RETENTION GROUPS NOT CHARTERED IN THIS STATE

Authority - §§33-2-10; 33-3-13(b); 33-2-16; 33-32-4(e) & (f); 33-22-17(e)
Type - Legislative
Price - $2.40
Effective - April 27, 1994

Section 1. General
Section 2. Registration Fees for Purchasing Groups and for Risk Retention Groups Not Chartered in this State
Section 3. Annual Financial Statement for Risk Retention Groups Not Chartered in this State
Section 4. Retaliatory Fee Increases for Risk Retention Groups Not Chartered in this State
Section 5. Fees Designated for Insurance Department Operation
Section 6. Severability

## SERIES 35 - INSURANCE HOLDING COMPANY SYSTEMS REPORTING FORMS

Authority - §§33-2-10; 33-27-14
Type - Legislative
Price - $6.40
Effective - April 13, 1994

Section 1. General
Section 2. Definitions
Section 3. Forms - General Requirements
Section 4. Forms - Incorporation by Reference, Summaries and Omissions
Section 5. Forms - Information Unknown or Unavailable and Extension of Time to Furnish
Section 6. Forms - Additional Information and Exhibits
Section 7. Subsidiaries of Domestic Insurers
Section 8. Acquisition of Control - Statement Filing
Section 9. Amendments to Form A
Section 10. Acquisition of Section 3(a)(1) Insurers
Section 11. Annual Registration of Insurers - Statement Filing
Section 12. Summary of Registration - Statement Filing
Section 13. Amendments to Form B
Section 14. Alternative and Consolidated Registrations
Section 15. Disclaimers and Termination of Registration
Section 16. Transactions Subject to Prior Notice - Notice Filing
Section 17. Extraordinary Dividends and Other Distributions
Section 18. Adequacy of Surplus
Section 19. Severability Clause
Appendix

## SERIES 36 - THE WEST VIRGINIA LIFE AND HEALTH GUARANTY ASSOCIATION ACT NOTICE REQUIREMENTS

Authority - §§33-2-10; 33-26A-19(d)
Type - Legislative
Price - $2.80
Effective - April 13, 1994

Section 1. General
Section 2. Definitions
Section 3. Form and Content of Notice
Appendix

## SERIES 37 - SUBSTANDARD RISK MOTOR VEHICLE INSURANCE NOTICE REQUIREMENTS

Authority - §§33-2-10; 33-6-31c
Type - Legislative
Price - $2.60
Effective - April 2, 1996

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Format of Substandard Risk Insurance Application Notice
Section 5. Format of Substandard Risk Insurance Policy
Section 6. Submission of Form Filing Required
Section 7. Notice of Eligibility for Coverage Under Standard of Preferred Policy
Section 8. Severability

## SERIES 38 - CONTINUATION OF COVERAGE UNDER AUTOMOBILE LIABILITY POLICIES

Authority - §§33-2-10; 33-6-36(c)
Type - Legislative
Price - $2.60
Effective - April 22, 1994

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Notice of Policy Availability
Section 5. Mandatory Continuation of Coverage
Section 6. No lapse in Coverage
Section 7. Changes in Coverage Amount
Section 8. Severability
Appendix

## SERIES 39 - GROUP ACCIDENT AND SICKNESS INSURANCE MINIMUM POLICY COVERAGE STANDARDS

Authority - §§33-2-10; 33-16-3(f); 33-16-17; 33-16D-6
Type - Legislative
Price - $5.20
Effective - April 3, 2003

Section 1. General
Section 2. Definitions
Section 3. Policy Definitions
Section 4. Prohibited Policy Provisions
Section 5. Minimum Standards for Benefits
Section 6. Required Disclosure Provisions
Section 7. Association Group Policy Disclosure, Affiliation of Association & Insurer
Section 8. Billing of Association Dues by an Insurer
Section 9. Eligibility of Associations
Section 10. Severability

## SERIES 40 - CREDIT FOR REINSURANCE

Authority - §33-2-10
Type - Legislative
Price - $4.20
Effective - April 16 2004

Section 1. General
Section 2. Purpose
Section 3. Credit for Reinsurance
Section 4. Credit for Reinsurance - Reinsurer Licensed in This State
Section 5. Credit for Reinsurance - Accredited Reinsurers
Section 6. Credit for Reinsurance - Reinsurer Domiciled and Licensed in Another State
Section 7. Credit for Reinsurance - Reinsurers Maintaining Trust Funds
Section 8. Credit for Reinsurance Required by Law
Section 9. Asset or Reduction from Liability for Reinsurance Ceded to Unauthorized Assuming Insurer
Section 10. Trust Agreements Qualified Under Section 9
Section 11. Letters of Credit Qualified Under Section 9
Section 12. Other Security
Section 13. Reinsurance Contract
Section 14. Contracts Affected
Section 15. Severability

## SERIES 41 - ACTUARIAL OPINION AND MEMORANDUM RULE

Authority - §32-2-10; 33-7-9(N)
Type - Legislative
Price - $5.40
Effective - April 2, 1996

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. General Requirements
Section 5. Required Opinions
Section 6. Statement of Actuarial Opinion not Including an Asset Adequacy Analysis
Section 7. Statement of Actuarial Opinion Based on an Asset Adequacy Analysis
Section 8. Description of Actuarial Memorandum Including an Asset Adequacy Analysis
Section 9. Additional Considerations for Analysis

## SERIES 42 - CONTINUING EDUCATION FOR INSURANCE AGENTS

Authority - §33-2-10; 33-12-35
Type - Legislative
Price - $3.20
Effective - May 6, 2005

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. Exemptions
Section 5. Continuing Insurance Education Course Requirements
Section 6. Insurance Producer Continuing Insurance Education Requirements
Section 7. Proof of Completion
Section 8. Disciplinary Process
Section 9. Severability

## SERIES 43 - HEALTH MAINTENANCE ORGANIZATION

Authority - §§33-25A-3(3), 5 & 20
Type - Legislative
Price - $3.00
Effective - April 3, 1996

Section 1. General
Section 2. Definitions
Section 3. Intermediary Contract Requirements
Section 4. HMO Requirements
Section 5. Guarantees
Section 6. Separability

**SERIES 44 - MINIMUM RESERVE STANDARDS FOR INDIVIDUAL AND GROUP HEALTH INSURANCE CONTRACTS**

Authority - §§33-2-10; 33-7-9(m)
Type - Legislative
Price - $4.40
Effective - April 2, 1996

Section 1. General
Section 2. Purpose
Section 3. Scope
Section 4. Categories of Reserves
Section 5. Appendices
Section 6. Claim Reserves
Section 7. Premium Reserves
Section 8. Contract Reserves
Section 9. Reinsurance
Section 10. Severability
Appendices

**SERIES 45 - RECOGNIZING ANNUITY MORTALITY TABLES FOR USE IN DETERMINING RESERVE LIABILITIES FOR ANNUITIES**

Authority - §§33-2-10; 33-7-9A; 33-7-9(e)(2), (3) and (5)
Type - Legislative
Price - $2.40
Effective - May 7, 1999

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Individual Annuity or Pure Endowment Contracts
Section 5. Group Annuity or Pure Endowment Contracts
Section 6. Application of the 1994 GAR Table

**SERIES 46 - FILING PROCEDURES FOR HEALTH MAINTENANCE ORGANIZATIONS**

Authority - §§33-25A-3, 12, 15, 20 & 22
Type - Legislative
Price - $3.40
Effective - April 2, 1996

Section 1. General
Section 2. Application for Certificate of Authority
Section 3. Application for Amendment to Certificate of Authority
Section 4. Annual Financial Statement
Section 5. Grievance Procedure Annual Report
Section 6. Regulation of Marketing

**SERIES 47 - RESERVED**

**SERIES 48 - LIFE AND HEALTH REINSURANCE AGREEMENTS**

Authority - §§33-4-15(h); 33-2-10
Type - Legislative
Price - $3.20
Effective - May 16, 1997

Section 1. General
Section 2. Preamble
Section 3. Accounting Requirements
Section 4. Written Agreements
Section 5. Existing Agreements
Section 6. Severability

## SERIES 49 - VALUATION OF LIFE INSURANCE POLICIES

Authority - §33-2-10
Type - Legislative
Price - $9.00
Effective - January 1, 1998

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. General Calculation Requirements for Basic Reserves and premium Deficiency Reserves
Section 5. Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Premiums or Guaranteed Nonlevel Benefits (Other Than Universal Life Insurance Policies)
Section 6. Calculation of Minimum Valuation Standard for Flexible premium and Fixed Premium Universal Life Insurance Policies That Certain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period of More Than Five Years

## SERIES 50 - EMERGENCY MEDICAL SERVICES

Authority - §§33-2-10; 33-25A-7a; 33-25A-8; 33-25A-8d; 33-25A-34
Type - Legislative
Price - $2.60
Effective - May 16, 1997

Section 1. General
Section 2. Definitions
Section 3. Emergency Medical Service Provider Contracts
Section 4. Requirements for Emergency Medical Services

## SERIES 51 - UTILIZATION MANAGEMENT

Authority - §§33-2-10; 33-25A-4(1); 33-25a-17a
Type - Legislative
Price - $3.60
Effective - May 16, 1997

Section 1. General
Section 2. Definitions
Section 3. Goals of Utilization Management Program
Section 4. Requirements of Utilization Management Program

## SERIES 52 - DIABETES REGULATION

Authority - §§33-2-10; 33-15C-1; 33-16-16
Type - Legislative
Price - $2.00
Effective - May 16, 1997

Section 1. General
Section 2. Insurance Coverage for Diabetes

## SERIES 53 - QUALITY ASSURANCE

Authority - §§33-2-10; 33-25A-4(1)(b); 33-25A-17a
Type - Legislative
Price - $4.00
Effective - April 3, 2003

Section 1. General
Section 2. Definitions
Section 3. Goals of a Quality Assurance Program
Section 4. Requirements of a Quality Assurance Program
Section 5. Quality Management Improvement
Section 6. Credentialing and Recredentialing
Section 7. Members' Rights and Responsibilities
Section 8. Preventive Health Services
Section 9. Medical Records
Section 10. Severability

## SERIES 54 - GROUP ACCIDENT AND SICKNESS INSURANCE ISSURANCE, PORTABILITY AND MARKETING REQUIREMENTS

Authority - §§33-2-10; 33-16-3(f); 33-16D-6
Type - Legislative
Price - $5.00
Effective - April 30, 1999

Section 1. General
Section 2. Definitions
Section 3. Limitations on Preexisting Condition Exclusion Period
Section 4. Application of Creditable Coverage to Reduce Preexisting Condition Exclusion Period
Section 5. Certification of Creditable Coverage
Section 6. Renewability and Modification of Coverage
Section 7. Prohibition Against Discrimination Based on a Health Status - Related Factor
Section 8. Special Enrollment Periods
Section 9. Guaranteed Availability for Small Employers
Section 10. Severability

## SERIES 55 - GUARANTEED ISSUANCE OF INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE

Authority - §33-2-10
Type - Legislative
Price - $3.60
Effective - April 30, 1999

Section 1. General
Section 2. Definitions
Section 3. Election of Coverage
Section 4. Dependent
Section 5. Certification of Creditable Coverage
Section 6. Determination of an Eligible Individual
Section 7. Severability

## SERIES 56 - QUALITY ASSURANCE STANDARDS FOR PREPAID LIMITED HEALTH SERVICE ORGANIZATIONS

Authority - §§33-2-10; 33-25D-7 & 33-25D-22
Type - Legislative
Price - $4.40
Effective - April 24, 2000

Section 1. General
Section 2. Definitions
Section 3. Goals of a Quality Assurance Program
Secton 4. Requirements of a Quality Assurance Program
Section 5. Quality Management and Improvement
Section 6. Utilization Management Program
Section 7. Credentialing and Recredentialing
Section 8. Members' Rights and Responsibilities
Section 9. Preventive Health Services
Section 10. Treatment Records
Section 11. Severability

## SERIES 57 - PRIVACY OF CONSUMER FINANCIAL AND HEALTH INFORMATION

Authority - §§33-2-10; 33-6F-1; 33-11A-4
Type - Legislative
Price - $9.80
Effective - April 8, 2002

Section 1. General
Section 2. Definitions
Section 3. Initial Privacy Notice to Consumers Required
Section 4. Annual Privacy Notice to Consumers Rquied
Section 5. Information to be Included in Privacy Notices
Section 6. Form of Opt-Out Notice to Consumers and Opt-Out Methods
Section 8. Delivery
Section 9. Limitation on Disclosure of Nonpublic Personal Financial Information
Section 10. Limits on Redisclosure and Reuse of Nonpublic Personal Financial Information
Section 11. Limits on Sharing Account Information for Marketing Purposes
Section 12. Exception to Opt-Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing
Section 13. Exceptions to Notice and Opt-Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions
Section 14. Other Exceptions to Notice and Opt-Out Requirements for Disclosure of Nonpublic Personal Financial Information
Section 15. When Authorization Required for Disclosure of Nonpublic Personal Health Information
Section 16. Authorizations
Section 17. Authorization Request Delivery
Section 18. Relationship to Federal Rules
Section 19. Relationship to State Laws
Section 20. Protection of Fair Credit Reporting Act
Section 21. Nondiscrimination
Section 22. Construction
Appendix

## SERIES 58 - EXTERNAL REVIEW OF COVERAGE DENIALS

Authority - §§33-2-10; 33-25C-6; 33-25C-9
Type - Legislative
Price - $5.60
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Notice of Right to External Review
Section 4. Request for External Review
Section 5. Standard External Review
Section 6. Expedited External Review
Section 7. Binding nature of External Review Decision
Section 8. Approval of External Review Organizations
Section 9. Minimum Qualifications for External Review Organizations
Section 10. External Review Organization Reporting Requirements
Section 11. Liability of External Review Organizations
Section 12. Exemption from External Review Requirements
Section 13. Electronic and Facsimile Transmissions

## SERIES 59 - MEDICAL MALPRACTICE INSURANCE CONSENT TO RATE & GUIDE "a" RATE AGREEMENTS

Authority - §§33-2-10; 33-20B-2(e)
Type - Legislative
Price - $3.40
Effective - April 3, 2003

Series 1. General
Section 2. Definitions
Section 3. Approval Required for All Non-standard Rates
Section 4. Amendments to the West Virginia Medical Malpractice Policy Agreement Form
Section 5. Violation
Appendix

## SERIES 60- AFFIDAVITS OF CUSTODIAN BANKS

Authority - §§33-2-10; 33-8A-3(b)
Type - Procedural
Price - $2.80
Effective - August 25, 2002

Section 1. General
Section 2. Definitions
Section 3. Custodian Affidavit Forms
Appendix

## SERIES 61 - CREDIT PERSONAL PROPERTY INSURANCE

Authority - §§33-2-10; 46A-3-109©)
Type - Legislative
Price - $3.20
Effective - July 31, 2003

Section 1. General
Section 2. Definitions
Section 3. Amount, Term & Coverage of Credit Personal Property Insurance; Prohibited Practices
Section 4. Disclosure to Debtors; Provisions of Policies & Certificates of Insurance
Section 5. Filing & Approval of Rate & Forms
Section 6. Reasonableness of Benefits in Relation to Premium Charge
Section 7. Experience Reports
Section 8. Cancellation & Refund of Unearned Premium
Section 9. Claims

## SERIES 62 - STANDARDS FOR SAFEGUARDING CUSTOMER INFORMATION

Authority - §§33-2-10; 33-6F-1
Type - Legislative
Price - 2.40
Effective - April 3, 2003

Section 1. General
Section 2. Definitions
Section 3. Information Security Program
Section 4. Objectives of Information Security Programs
Section 5. Methods of Development & Implementation
Section 6. Violation

## SERIES 63 - STANDARD MOTOR VEHICLE POLICY PROVISIONS

Authority - §§33-2-10; 33-6-31(l)
Type - Legislative
Price - $2.80
Effective - April 3, 2003

Section 1. General
Section 2. Definitions
Section 3. Liability Insurance Provisions
Section 4. Uninsured Motor Vehicle Insurance Provisions
Section 5. Underinsured Motor Vehicle Provisions
Section 6. Replacement of Earlier Provisions & Future Compliance

## SERIES 64 - MENTAL HEALTH PARITY

Authority - §§33-2-10; 33-16-3a
Type - Legislative
Price - $2.80
Effective - April 3, 2003

Section 1. General
Section 2. Definitions
Section 3. Providing Benefits for Serious Mental Illness
Section 4. Allowance of Additional Cost Containment Measures
Section 5. Calculation for Application of Additional Cost Containment Measures
Section 6. Aggregate Lifetime Limits
Section 7. Annual Limits
Section 8. Rates & Forms Filings
Section 9. Coverage for Alcohol Treatment

## SERIES 65 - SELF-INSURANCE POOLS FOR POLITICAL SUBDIVISIONS

Authority - §§29-12A-16(g); 33-2-10
Type - Legislative
Price - $3.80
Effective - April 16 2004

Section 1. General
Section 2. Definitions
Section 3. Establishment of Pools Authorized
Section 4. Criteria for Establishing and Maintaining Self-Insurance Pools
Section 5. Authorization of Pools
Section 6. Investments

**SERIES 66 - MENTAL HEALTH PARIT COST CONTAINMENT MEASURES APPLICATION AND ANNUAL REPORT REQUIREMENTS**

Authority - §§33-2-10; 33-16-3a
Type - Procedural
Price - 2.60
Effective - August 28, 2003

Section 1. General
Section 2. Applicability
Appendix

**SERIES 67 - RATE AND FORM FILING ABSTRACTS**

Authority - §33-2-10
Type - Procedural
Price - $6.80
Effective - September 25, 2004

Section 1. General
Section 2. Filing Requirements
Section 3. Applicability of Forms
Appendices

**SERIES 68 - VALUATION OF LIFE INSURANCE POLICIES**

Authority - §§33-2-10; 33-7-9(p)(2)
Type - Legislative
Price - $9.00
Effective - May 6, 2005

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves
Section 5. Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other Than Universal Life Insurance Policies)
Section 6. Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period
Appendix

**SERIES 69 - RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS**

Authority - §§33-2-10; 33-7-9(d)(1)(C)(iii)
Type - Legislative
Price - $3.40
Effective - May 6, 2005

Section 1. General
Section 2. Definitions
Section 3. 2001 CSO Mortality Table
Section 4. Conditions
Section 5. Applicability of the 2001 CSO Mortality Table to WV 114CSR68
Section 6. Gender-Blended Tables
Section 7. Separability

**SERIES 70 - REBATES AND REFERRALS**

Authority - §33-2-10
Type - Interpretive
Price - $3.20
Effective - September 25, 2004

Section 1. General
Section 2. Interpretive Note
Section 3. Limitation on Items of Value with Respect to Rebates
Section 4. Defining Nominal Fee with Respect to Referrals

## SERIES 71 - INSURANCE FRAUD PREVENTION

Authority - §§33-2-10; 33-41-10
Type - Legislative
Price - $3.00
Effective - May 6, 2005

Section 1. General
Section 2. Designation of Primary Contact
Section 3. Reporting of Insurance Fraud or Criminal Offenses Otherwise Related to the Business of Insurance

## SERIES 72 - PERSONAL PRIVATE PASSENGER AUTOMOBILE LIABILITY INSURANCE AND PROPERTY INSURANCE WITHDRAWAL PLAN PROCEDURES

Authority - §§33-2-10; 33-2-20
Type - Procedural
Price - $6.40
Effective - September 25, 2004

Section 1. General
Section 2. Definitions
Section 3. When a Withdrawal Plan is Required
Section 4. Contents of a Withdrawal Plan
Section 5. Withdrawal Plan Submission and Approval Procedures
Section 6. Filing of Annual Financial Statement and Other Required Data and Information
Section 7. Requirements to Resume Writing Insurance

## SERIES 73 - SMALL EMPLOYER ELIGIBILITY REQUIREMENTS

Authority - §§33-2-10; 33-16D-16(a)(4)
Type - Legislative
Price - 3.00
Effective - May 6, 2005

Section 1. General
Section 2. Definitions
Section 3. Eligibility of Small Employers
Section 4. Enforcement

# WEST VIRGINIA BOARD OF INVESTMENTS

AUTHORIZING CODE WAS REPEALED AND REPLACED BY SB 563 EFFECTIVE APRIL 12, 1997. ALL RULE MAKING AUTHORITY IS UNDER THE STATE TREASURER'S OFFICE.

# TITLE 95

# JAIL AND PRISON STANDARDS COMMISSION

## SERIES 1 - WEST VIRGINIA MINIMUM STANDARDS FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF JAILS

Authority - §31-20-9
Type - Legislative
Price - $9.40
Effective - June 3, 1996

Section 1. General
Section 2. Administration, Organization and Management
Section 3. Fiscal Management
Section 4. Personnel
Section 5. Training and Staff Development
Section 6. Management Information and Research
Section 7. Inmate Records
Section 8. Physical Plant
Section 9. Safety and Emergency Procedures
Section 10. Sanitation and Hygiene
Section 11. Security and Control
Section 12. Special Management Inmates
Section 13. Food Service
Section 14. Medical and Health Care Services
Section 15. Inmate Rights
Section 16. Inmate Rules and Discipline
Section 17. Communication, Mail and Visitation
Section 18. Admission, Orientation, Property Control and Release
Section 19. Classification
Section 20. Inmate Work Programs
Section 21. Inmate Services and Programs
Section 22. Release Preparation and Temporary Release
Section 23. Citizens Involvement and Volunteers
Section 24. Glossary

## SERIES 2 - MINIMUM STANDARDS FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF CORRECTIONAL FACILITIES

ED NOTE: HB 4702 Repealed the statutory authority supporting this rule. LRMRC says that it must go through the process to be "officially" repealed.

Authority - §§31-2-9; 31-20-9
Type - Legislative
Price - $11.20
Effective - June 3, 1996

Section 1. General
Section 2. Administration, Organization and Management
Section 3. Fiscal Management
Section 4. Personnel
Section 5. Training and Staff Development
Section 6. Management Information and Research
Section 7. Records
Section 8. Physical Plant
Section 9. Safety and Emergency Procedures
Section 10. Security and Control
Section 11. Special Management Inmates
Section 12. Food Service
Section 13. Sanitation and Hygiene
Section 14. Medical and Health Care Services
Section 15. Inmates Rights

Section 16. Inmate Rules and Discipline
Section 17. Communication, Mail and Visitation
Section 18. Reception and Orientation
Section 19. Classification
Section 20. Inmate Work Programs
Section 21. Academic and Vocational Education
Section 22. Library Services
Section 23. Reserved
Section 24. Religious Services
Section 25. Social Services
Section 26. Release Preparation and Temporary Release
Section 27. Citizen Involvement and Volunteers
Section 28. Glossary

**SERIES 3 - WEST VIRGINIA MINIMUM STANDARDS FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF HOLDING FACILITIES**

Authority - §31-30-9
Type - Legislative
Price - $10.40
Effective - November 2, 1993

Section 1. General
Section 2. Administration, Organization and Management
Section 3. Fiscal Management
Section 4. Personnel
Section 5. Training and Staff Development
Section 6. Management Information and Research
Section 7. Inmate Records
Section 8. Physical Plant
Section 9. Safety and Emergency Procedures
Section 10. Sanitation and Hygiene
Section 11. Security and Control
Section 12. Food Service
Section 13. Medical and Health Care Services
Section 14. Inmates Rights
Section 15. Inmate Rules and Discipline
Section 16. Communication, Mail and Visitation
Section 17. Special Management Inmates
Section 18. Admission, Orientation, Property Control and Release
Section 19. Classification
Section 20. Inmate Work Programs
Section 21. Administration, Organization and Management
Section 22. Fiscal Management
Section 23. Training and Staff Development
Section 24. Inmates Records
Section 25. Physical Plant
Section 26. Sanitation and Hygiene
Section 27. Security and Control
Section 28. Food Service
Section 29. Medical and Health Care Services
Section 30. Inmates Rights
Section 31. Inmates Rules and Discipline
Section 32. Communication, Mail and Visitation
Section 33. Special Management Inmates
Section 34. Admission, Orientation, Property Control and Release
Section 35. Classification
Section 36. Glossary

# TITLE 101

# WEST VIRGINIA DIVISION OF JUVENILE SERVICES

## SERIES 1 - WEST VIRGINIA STANDARDS FOR STRUCTURE, OPERATION AND MAINTENANCE OF JUVENILE DETENTION & CORRECTIONAL FACILITIES

Authority - §31-20-9a
Type - Legislative
Price - $2.00
Effective - May 5, 2003


Section 1. General
Section 2. Administration, Organization & Philosophy
Section 3. Personnel
Section 4. Training & Staff Development
Section 5. Management Information & Research
Section 6. Resident Records
Section 7. Physical Plant
Section 8. Sanitation & Hygiene
Section 9. Medical & Health Care Services
Section 10. Resident Rules & Discipline
Section 11. Food Services
Section 12. Academic & Vocational Education
Section 13. Library Services
Section 14. Recreation & Activities
Section 15. Communication, Mail & Visitation
Section 16. Religious Observance
Section 17. Institutional Abuse & Neglect

# TITLE 42

# WEST VIRGINIA DEPARTMENT OF LABOR

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TOTAL COST FOR ALL OF TITLE 42 - $120.80 (WITHOUT INCORPORATED REFERENCES)

## SERIES 1 - PRIVATE EMPLOYMENT AGENCIES

Authority - §21-2-5
Type - Legislative
Price - $2.80
Effective - December 31, 1982


| | | |
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| Section | 2. | Definitions |
| Section | 3. | License |
| Section | 4. | Records and Reports |
| Section | 5. | Copies and Receipts |
| Section | 6. | Advertising |
| Section | 7. | Prohibited Activities |
| Section | 8. | Basis for Fee Charges |


## SERIES 2 - SAFETY CODE FOR AERIAL PASSENGER TRAMWAYS

Authority - §21-3-2
Type - Legislative
Price - $2.00 (Without Incorporated Document)
Effective - May 26, 1983


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Safety Code (Incorporated) |

## SERIES 3 - STEAM BOILER INSPECTION

Authority - §21-3-7
Type - Legislative
Price - $4.20
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Boilers of all Types
Section 4. New Installations
Section 5. Existing Installations
Section 6. Inspection Fee Schedule
Table

## SERIES 4 - LISTING OF HAZARDOUS CHEMICAL SUBSTANCES

Authority - §21-3-18
Type - Legislative
Price - $8.00
Effective - December 31, 1982

Section 1. General
Section 2. Listing of Hazardous Substances

## SERIES 5 - WAGE PAYMENT AND COLLECTION ACT

Authority - §21-5-13
Type - Legislative
Price - $3.60
Effective - March 29, 1990

Section 1. General
Section 2. Definitions
Section 3. Enforcement
Section 4. Forms of Records; Scope of Records
Section 5. Records of Retroactive Payment of Wages
Section 6. Petition for Special Agreement - Records
Section 7. Place for Keeping Records
Section 8. When Wages are Payable
Section 9. Employee Absent on a Payday
Section 10. Petition for Special Agreement - Paydays
Section 11. Assignment of Wages
Section 12. Agreements Contra to This Regulation Void
Section 13. Employees Separated From Payroll Before Payday
Section 14. Notification to Employees, Records Maintained by Employers and Posting of Notices Required
Section 15. Collection of Wages Due Through Action by the Commissioner
Section 16. Bonding Procedures
Section 17. Amendments to Regulations

## SERIES 6 - PSYCHOPHYSIOLOGICAL DETECTION OF DECEIPTION EXAMINATIONS, LIMITATIONS OF USE, REQUIREMENTS, LICENSES, AND PENALTIES

Authority - §§21-5-5c; 29A-1-1
Type - Legislative
Price - $3.20
Effective - June 1, 2004


Section 1. General
Section 2. Definitions
Section 3. License
Section 4. Internship Training
Section 5. Reciprocity
Section 6. Intervention; Employee Organizations
Section 7. Standards of Accuracy
Section 8. Conditions and Procedures for Psychophysiological Detection of Deception Examinations


## SERIES 7 - PREVAILING WAGE

Authority - §21-5A
Type - Legislative
Price - $3.40
Effective - December 31. 1982


Section 1. General
Section 2. Definitions
Section 3. Required Provisions to be Contained in All Advertised Specifications and Contracts for Public Work
Section 4. Duty of the Public Authority
Section 5. Prevailing Wage Established at Regular Intervals -- How Determined -- Hearings on Objections -- Judicial Review
Section 6. Posting of Wage Rates
Section 7. Records and Inspection
Section 8. Penalties for Violation of Act
Section 9. Severability
Section 10. Amendments or Regulations
Section 11. Adopted Definitions
Section 12. Coverage of Specific Classes of Work


## SERIES 8 - MINIMUM WAGES AND MAXIMUM HOURS STANDARDS

Authority - §21-5C-6
Type - Legislative
Price - $3.80
Effective -December 31, 1982


Section 1. General
Section 2. Definitions
Section 3. Enforcement
Section 4. Records to be Kept by Employers
Section 5. Records to be Kept and Reserved for a Period of Not Less, Than Two Years
Section 6. Petition for Exemptions
Section 7. Place for Keeping Records
Section 8. Specific Exemptions and Other Special Requirements
Section 9. Principles for Determination of Hours Worked
Section 10. Credits
Section 11. Notification to Employees and Records to be Kept by Employer
Section 12. Collection of Wages Due Through Action by the Commissioner
Section 13. Amendments to Regulations

## SERIES 9 - CHILD LABOR

Authority - §21-6-11
Type - Interpretive
Price - $3.40
Effective - August 1, 2002

Section 1. General
Section 2. General Requirements
Section 3. No Permits or Certificate Necessary
Section 4. Minors Aged Fourteen (14) Through and Fifteen (15)
Section 5. Minors Aged Sixteen (16) and Seventeen (17)
Section 6. Volunteer Fire Activities
Section 7. Hazardous Occupations
Section 8. Responsibilities of an Employer
Section 9. Instructions for Local Officials Issuing Work Permits and Age Certification

## SERIES 10 - PACKAGING AND LABELING

Authority - §47-1-24
Type - Legislative
Price - $5.20
Effective - July 1, 1976

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Identity
Section 5. Declaration of Identity: Nonconsumer Packages
Section 6. Declaration of Responsibility: Consumer and Nonconsumer Packages
Section 7. Declaration of Quantity: Consumer Packages
Section 8. Declaration of Quantity: Nonconsumer Packages
Section 9. Prominence and Placement: Consumer Packages
Section 10. Prominence and Placement: Nonconsumer Packages
Section 11. Requirements: Specific Consumer Commodities, Packages Containers
Section 12. Exemptions
Section 13. Variations to be Allowed
Section 14. Retail Sale Price Representation
Section 15. Revocation of Conflicting Regulations

## SERIES 11 - METHOD OF SALE OF COMMODITIES

Authority - §47-1-19
Type - Legislative
Price - $2.80
Effective - June 1, 1976

Section 1. General
Section 2. Food Products
Section 3. Non-Food Products
Section 4. Application
Section 5. Revocation of Conflicting Regulations

## SERIES 12 - BEDDING AND UPHOLSTERED FURNITURE

Authority - §47-1A-15
Type - Legislative
Price - $2.80
Effective - December 31, 1982

Section 1. General
Section 2. Definitions
Section 3. Administration
Section 4. License
Section 5. Prohibition
Section 6. Sterilization
Section 7. Tagging, Tags

## SERIES 13 - SAFETY GLAZING ACT

Authority - §47-5-1
Type - Legislative
Price - $2.60
Effective - August 6, 1971

Section I. General
Section 2. Intent of Safety Glazing Act
Section 3. Definitions

## SERIES 14 - BUILDING CONSTRUCTION, HIGHWAY CONSTRUCTION AND HEAVY CONSTRUCTION

Authority - §21-5A
Type - Legislative
Price - $35.00
Effective - January 3, 2005

Section 1. Genera;
Wage Rates
Ed. Note: Series 14 is updated and refiled each January as required by W. Va. Code §21-5A.

## SERIES 15 - WEST VIRGINIA OCCUPATIONAL SAFETY AND HEALTH ACT - ADOPTION OF FEDERAL STANDARDS

Authority - §21-3A-6
Type - Legislative
Price - $3.00
Effective - April 15, 1998

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Adoption of Federal Standards; Additional State Standards
Section 5. Duties of Employers and Employees
Section 6. Inspections and Investigations
Section 7. Citations
Section 8. Research; Education and Training Programs
Section 9. Optional Coverage by Political Subdivisions
Ed. Note: The Federal OSHA standards are available from the U. S. Department of Labor

## SERIES 16 - STANDARDS FOR WEIGHTS AND MEASURES INSPECTORS; ADOPTION OF NBS HANDBOOK 130, 1987

Authority - §47-1-19
Type - Legislative
Price - $2.00 (Without Handbook)
Effective - April 1, 1988

Section 1. General
Section 2. Incorporation by Reference
Ed. Note: NBS Handbook available from Secretary of State at cost

## SERIES 17 - AMUSEMENT RIDES AND AMUSEMENT ATTRACTIONS SAFETY ACT

Authority - §§21-10-3; 29A-1-1
Type - Legislative
Price - $4.00
Effective - May 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Rules and Regulations
Section 4. Operation Procedures for Amusement Rides and Attractions Owner, Operator's and Agent's Responsibility
Section 5. Operational Testing
Section 6. Maintenance Procedures for Amusement Devices
Section 7. Miscellaneous Safety Requirements for Amusement Rides and Attractions
Section 8. Insurance
Section 9. Permit Required
Section 10. Permit Application Requirements
Section 11. Fee Schedule
Section 12. Qualifications of Approved Special Inspectors

## SERIES 18 - BOARD ORGANIZATION AND MEETING PROCEDURE; CONTESTED CASE HEARING PROCEDURE

Authority - §§21-9-4; 29A-5-1
Type - Procedural
Price - $2.80
Effective - March 5, 1990

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Regular Meetings
Section 5. Special meetings
Section 6. Open Proceedings; Notice
Section 7. Minutes
Section 8. Board Membership; Conflict of Interest
Section 9. Reimbursement of Board Members
Section 10. Board Staff and Offices
Section 11. Board Actions
Section 12. Contested Case Hearings
Section 13. Appeals
Section 14. Severability

## SERIES 19 - WEST VIRGINIA MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS BOARD

Authority - §21-9-4
Type - Legislative
Price - $5.40
Effective - July 1, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Licensure of Manufacturers
Section 5. Licensure of Dealers and Distributors
Section 6. Licensure of Contractors
Section 7. Adoption of Federal Standards and Regulations; Designation by HUD as an SAA
Section 8. Inspections; DAPIAs; IPIAs
Section 9. Labeling, Recordkeeping and Reporting
Section 10A. Consumer Manuals; Installation
Section 10B. Consumer Installation of a Manufactured Home
Section 11. Alterations and Repairs
Section 12. Transportation
Section 13. Complaint Handling
Section 14. Disciplinary Sanctions
Section 15. State Manufactured Housing Recovery Fund

## SERIES 20 - RULES OF PROCEDURE FOR CONTESTED CASE HEARINGS

Authority - §§21-5-11 and 13; 21-5B-2; 21-5C-6
Type - Procedural
Price - $2.40
Effective - October 28, 1992

Section 1. General
Section 2. Definitions
Section 3. Notice of Hearings
Section 4. How Hearings are to be Conducted
Section 5. Continuation and Adjournment
Section 6. Transcript of Reported Testimony and Evidence
Section 7. Submission of Proposed Finding of Fact and Conclusion of Law; Time for Submission
Section 8. Appointment of Hearing Examiner; Function of Hearing Examiner
Section 9. Orders; Content
Section 10. Appeal
Section 11. Severability

## SERIES 21 - ELEVATOR SAFETY ACT

Authority - §21-3C-11
Type - Legislative
Price - $3.00
Effective - July 1, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Registration of Elevators
Section 5. Certificate of Operation Required
Section 6. Inspection
Section 7. Competency of Inspectors
Section 8. Powers and Duties of Counties & Municipalities
Section 9. Penalties

## SERIES 22 - REGULATION OF TRADE, WEIGHTS AND MEASURES

Authority - §47-1-3(c)
Type - Legislative
Price - $2.40
Effective - April 5, 2003

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Uniform Regulation for National Type Evaluation
Section 5. Uniform Regulation of the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices
Section 6. Uniform Regulation for Motor Fuel

## SERIES 23 - COMMERCIAL BUNGEE JUMPING SAFETY ACT

Authority - §21-12-3
Type - Legislative
Price - $3.80
Effective - April 1, 1996

Section 1. General
Section 2. Definitions
Section 3. Permit Required, Application and Fees
Section 4. Records to be Kept
Section 5. Inspection
Section 6. Site, Equipment and General Requirements
Section 7. Testing Requirements
Section 8. Replace of Rigging Equipment
Section 9. Identification of Equipment, Rigging, Bungee Cord and Safety Equipment
Section 10. Jump Zone Requirements
Section 11. Site Requirements
Section 12. Jumper Requirements
Section 13. Injury and Damage
Section 14. Staff and Duties
Section 15. Site Operating Manual
Section 16. Emergency Provisions and Procedures

## SERIES 24 - CRANE OPERATOR CERTIFICATION ACT

Authority - §21-3D-3
Type - Legislative
Price - $3.40
Effective - May 1, 2001

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Adoption of Standards
Section 5. Certification Required: Exemptions
Section 6. Minimum Qualifications for Certification
Section 7. Examinations Required
Section 8. Training
Section 9. Denial, Suspension, Revocation or Reinstatement of Certification
Section 10. Effect of Accident
Section 11. Penalties
Section 12. Crane Operator Certification Fund; Fees; Disposition of Funds
Section 13. Reciprocity

## SERIES 25 - CRANE OPERATOR CERTIFICATION ACT - PRACTICAL EXAMINATION

Authority - §23-3D-3(1)
Type - Legislative
Price - $2.40
Effective - May 1, 2001

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Adoption of Standards
Section 5. Practical Examination
Section 6. Examiners

## SERIES 26 - WEIGHTS AND MEASURES CALIBRATION FEES

Authority - §47-1-20
Type - Legislative
Price - $3.40
Effective - July 1, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Fees
Section 5. Payment of Fees
Appendix

# TITLE 51

# LABOR-MANAGEMENT RELATIONS BOARD

NO RULES ON FILE

# TITLE 9

# WEST VIRGINIA STATE BOARD OF LANDSCAPE ARCHITECTS

## SERIES 1 - RULES OF THE WEST VIRGINIA BOARD OF LANDSCAPE ARCHITECTS

Authority - §§30-22-1 et seq.; 29A-5-1 et seq.; 6-9A-3
Type - Legislative
Price - $3.20
Effective - July 1, 2004


Section 1. General
Section 2. Duties of the Board
Section 3. Administration
Section 4. Applications
Section 5. Continuing Education
Section 6. Fees
Section 7. Professional Ethics
Section 8. Licensee's Seal
Section 9. Hearings
Section 10. Examinations

# TITLE 108

# WEST VIRGINIA LENDING AND CREDIT RATE BOARD

## SERIES 1 - PROCEDURAL RULES OF THE WEST VIRGINIA LENDING AND CREDIT RATE BOARD

Authority - §§6-9A-3; 47a-1-4
Type - Procedural
Price - $2.60
Effective - May 16, 1993


Section 1. General
Section 2. Scheduling of Regular Meetings and Emergency Meetings
Section 3. Establishing Alternative Maximum Rate of Interest and Financing Charges
Section 4. Meeting not Required

# TITLE 173

# WEST VIRGINIA LIBRARY COMMISSION

## SERIES 1 - ADMINISTRATIVE REGULATIONS

Authority - §10-1 et seq.
Type - Legislative
Price - $3.80
Effective - July 1, 1997


Section 1. General
Section 2. Definitions
Section 3. Regulations for Use of Funds for Public Library Service
Section 4. Regulations for Use of Funds for Public Library Construction
Section 5. Grace Period for Return of Library Materials

# TITLE 10

## WEST VIRGINIA STATE BOARD OF EXAMINERS FOR LICENSED PRACTICAL NURSES


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| Series | 1. | Policies and Procedures for Development and Maintenance of Educational Programs in Practical Nursing | 344 |
| Series | 2. | Policies Regulating Licensure of the Licensed Practical Nurses | 344 |
| Series | 3. | Legal Standards of Nursing Practice for the Licensed Practical Nurse | 345 |
| Series | 4. | Fees for Service Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing | 345 |
| Series | 5. | Open Meetings and Bylaws | 345 |
| Series | 6. | Continuing Competence | 345 |


TOTAL COST FOR ALL OF TITLE 10 - $18.40

### SERIES 1 - POLICIES AND PROCEDURES FOR DEVELOPMENT AND MAINTENANCE OF EDUCATIONAL PROGRAMS IN PRACTICAL NURSING

Authority - §30-7A-5
Type - Legislative
Price - $4.40
Effective - April 12, 2004


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definition of Terms |
| Section | 3. | Accreditation |
| Section | 4. | Establishing a New Program |
| Section | 5. | Practical Nurses Program Advisory Committee |
| Section | 6. | Classroom and Clinical Facilities |
| Section | 7. | Faculty |
| Section | 8. | Program of Instruction |
| Section | 9. | Students |
| Section | 10. | Records, Reports and Bulletins |


### SERIES 2 - POLICIES REGULATING LICENSURE OF THE LICENSED PRACTICAL NURSES

Authority - §§3-7A-5, 30-7A-1 et seq.; 64-9-17(e)
Type - Legislature
Price - $3.60
Effective - May 24, 2001


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Qualifications for Licensure |
| Section | 3. | Examination for License |
| Section | 4. | Licensure by Examination |
| Section | 5. | Notification of Examination Results |
| Section | 6. | License by Waiver |
| Section | 7. | Licensure by Endorsement |
| Section | 8. | Endorsement to Another States |
| Section | 9. | Annual Renewal of License |
| Section | 10. | Non-Practicing Status |
| Section | 11. | Change of Name or Address, Duplicate License |
| Section | 12. | Disciplinary Proceedings: Grounds for Discipline |
| Section | 13. | Complaint Procedures |
| Section | 14. | Investigations |
| Section | 15. | Disciplinary Proceedings: Disciplinary Action |

## SERIES 3 - LEGAL STANDARDS OF NURSING PRACTICE FOR THE LICENSED PRACTICAL NURSE

Authority - §30-7A-5
Type - Legislative
Price - $2.40
Effective - May 24, 2001

Section 1. General
Section 2. Purpose of Standards
Section 3. Standards Related to the Licensed Practical Nurses' Contribution to, and Responsibility for, the Nursing Process
Section 4. Standards Relating to the Licensed Practical Nurses' Responsibility as a Member of the Health Care Team

## SERIES 4 - FEES FOR SERVICE RENDERED BY THE BOARD

Authority - §30-7A-5; 30-7A-7a
Type - Legislative
Price - $2.00
Effective - May 11, 2005

Section 1. General
Section 2. Schedule of Fees for Services by Rendered by the West Virginia Board of Examiners for Licensed Practical Nurses

## SERIES 5 - OPEN MEETINGS AND BYLAWS

Authority - §§6-9A-3; 30-1-5
Type - Procedural
Price - $3.00
Effective - August 15, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Regular Meetings
Section 5. Special Meetings
Section 6. Emergency Meetings
Section 7. Executive Sessions
Section 8. Minutes
Section 9. Quorum
Section 10. Records of the Board
Section 11. Election of Officers
Section 12. Resignation of Members
Section 13. Committees
Section 14. Parliamentary Authority

## SERIES 6 - CONTINUING COMPETENCE

Authority - §30-7A-5
Type - Legislative
Price - $3.00
Effective - May 24, 2001

Section 1. General
Section 2. Definition of Terms - Continuing Competence
Section 3. Continuing Competence - a Prerequisite for Renewal
Section 4. Continuing Education - Providers

# TITLE 179

# LOTTERY COMMISSION


| | | | Page |
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| Series | 1. | State Lottery Rules and Regulations | 346 |
| Series | 2. | Regulations Pertaining to Procedures, Appeals and Other Proceedings | 346 |
| Series | 3. | Licensees and the Americans with Disabilities Act | 346 |
| Series | 4. | Limited Gaming Facility Rules | 347 |
| Series | 5. | Limited Video Lottery Rule | 350 |
| Series | 6. | Notice and Conduct of Meetings | 350 |
| Series | 7. | Lottery Interpretive Rule | 351 |


TOTAL COST FOR ALL OF TITLE 179 - $32.30

## SERIES 1 - STATE LOTTERY RULES AND REGULATIONS

Authority - §§29-22-5, 9(b), 10, 16 & 17
Type - Legislative
Price - $4.60
Effective - April 21, 2004


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Financial Administration |
| Section | 4. | Licensing |
| Section | 5. | Instant Games |
| Section | 6. | On-line Games |
| Section | 7. | Payment of Prizes - General Provisions for Instant and On-line Games |
| Section | 8. | Use of West Virginia Lottery Trademarks |


## SERIES 2 - REGULATIONS PERTAINING TO PROCEDURES, APPEALS AND OTHER PROCEEDINGS

Authority - §§29 et seq.; 29A et seq.
Type - Procedural
Price - $3.20
Effective - January 1, 1998


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Hearing Examiner |
| Section | 3. | Briefs, Oral Argument |
| Section | 4. | Appearance and Practice Before the Hearing Examiner |
| Section | 5. | Standards of Ethical Conduct |
| Section | 6. | Discovery |
| Section | 7. | Rules of Evidence |
| Section | 8. | Appeal of Decisions |
| Section | 9. | Waiver of Hearing |
| Section | 10. | Filing and Service of Documents and Orders |
| Section | 11. | Forms |


## SERIES 3 - LICENSEES AND THE AMERICANS WITH DISABILITIES ACT

Authority - §29-22-5; Paxton v. State of West Virginia, Dept of Tax and Revenue, 451 S.E. 2d 779 (W. Va. 1994)
Type - Legislative
Price - $2.80
Effective - April 15, 1996


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Accessibility of the Public to the Licensed Premises |
| Section | 4. | Licensing and Relicensing |
| Section | 5. | Enforcement Provisions |
| Section | 6. | Appeals |


Ed. Note: Rules governing individual games (Win with West Virginia; Lotto; Sky's the Limit, etc.) are also on file. Please request by name if you wish a particular game rule.

## SERIES 4 - LIMITED GAMING FACILITY RULES

Authority - §29-25-5
Type - Legislative
Price - $15.10
Effective - July 1, 2000


Section 1. General
Section 2. Definitions
Section 3. Provisions Pertaining to Applications, Records and Commission Authority
Section 4. Related Party Contracts or Transactions
Section 5. Duty of Reasonable Care
Section 6. Commission Reports
Section 7. Mandatory Contract Notification
Section 8. Confidential Records
Section 9. Waiver, Restriction or Alteration of Requirements
Section 10. General Reporting Requirements; Obligation to Report Certain Events
Section 11. Licensee's Duty to Disclose Violation of Licenses
Section 12. Applicant's Obligation to Report Certain Events
Section 13. Contents of Notice and Supplementation Requirement
Section 14. Reserved
Section 15. Restricted Transactions
Section 16. Restrictions on Gift-Giving
Section 17. Restrictions on the Limited Gaming Facility Licensee Interest in a Supplier Licensee
Section 18. Review of Information at Licensee's or Applicants Premises; Costs
Section 19. Reserved
Section 20. Applications
Section 21. Classification of Licenses
Section 22. Fees, Fines, Charges and Assessments
Section 23. Persons Required to be Qualified for Issuance and Renewal of Gaming Facility and Supplier Licenses
Section 24. Limited Gaming Facility Licensing Procedures
Section 25. Limited Gaming Facility License Application
Section 26. Issuance of a Limited Gaming License
Section 27. Payment of the Annual License Maintenance Fee
Section 28. Limited Gaming Facility License Renewal
Section 29. Limited Gaming Facility Licensee's Duty to Remain Eligible, Qualified and Suitable; Duty to Disclose Material Changes
Section 30. Required Notification of Anticipated or Actual Changes in Directors, Partners, and Officers of the Limited Gaming Facility License and its Immediate Parent Company, if Any
Section 31. Notification of New Financial Sources Required
Section 32. Notification by Publicly Traded Applicants, Licensees, or Holding Companies Required
Section 33. Qualification of New Directors, Officers or Other Key Persons
Section 34. Qualification of New Directors and Officers of Holding Company
Section 35. Reserved
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Section 37. Reserved
Section 38. Reserved
Section 39. Reserved
Section 40. Supplier License Required to Provide Gaming-Related Devices, Supplies and/or Services
Section 41. Supplier's License Application
Section 42. Supplier's License Issuance; Standards and Criteria
Section 43. Supplier License Application; Commission Actions
Section 44. Denied License; Reapplication
Section 45. Annual License Maintenance Fee; Report
Section 46. Renewal of Supplier License
Section 47. Occupational License Requirement; License Classes; Application; Exemptions
Section 48. Occupational License, Level 1
Section 49. Occupational License, Level 2
Section 50. Occupational License, Level 3
Section 51. Applications for Occupational Licenses
Section 52. Occupational Licensing Procedures
Section 53. Commission Action on Occupational License Applications
Section 54. Requirements for Occupational License Identification Badge
Section 55. Reapplication for Denied License
Section 56. Annual Maintenance Fees; Renewal of Occupational Licenses
Section 57. Reserved

Section 58. Reserved
Section 59. Reserved
Section 60. Rules of Game; Purpose
Section 61. Hours of Operation
Section 62. Minimum and Maximum Wagers
Section 63. Floor Plans
Section 64. Authorized Games
Section 65. Submission and Approval of Game Rules
Section 66. Amendments to Game Rules
Section 67. Table Limits
Section 68. Playing Card Specifications
Section 69. Dice Specifications
Section 70. Removal of Cards or Dice From Play
Section 71. Storage of Cards or Dice
Section 72. Inspection of Cards
Section 73. Inspection of Dice
Section 74. Casino Gaming Wagering; Cashless Wagering System Required
Section 75. Cashing-In
Section 76. Submission of Chips for Review and Approval
Section 77. Chip Specifications
Section 78. Primary, Secondary, and Reserve Sets of Gaming Chips
Section 79. Issuance and Use of Tokens for Gaming in Electronic Gaming Devices
Section 80. Distribution of Coupons for Complimentary Chips and Tokens
Section 81. Exchange of Chips and Tokens
Section 82. Receipt of Gaming Chips from Manufacturer or Distributor
Section 83. Inventory of Chips
Section 84. Use of Tokens
Section 85. Destruction of Chips and Tokens
Section 86. Destruction of Counterfeit Chips and Tokens
Section 87. Reserved
Section 88. Submission of Accounting Procedures and Internal Controls for Complimentary Chip and Token Program
Section 89. Amendments to Internal Control Procedures
Section 90. Accounting Procedures and Distribution Program
Section 91. Coupon Requirements
Section 92. Records
Section 93. Reserved
Section 94. Reserved
Section 95. Reserved
Section 96. Reserved
Section 97. Reserved
Section 98. Reserved
Section 99. Reserved
Section 100. Reserved
Section 101. Purpose
Section 102. Commission Approval of Internal Control System
Section 103. Amendments to Internal Control Procedures
Section 104. Emergency Procedures
Section 105. Reserved
Section 106. Reserved
Section 107. Reserved
Section 108. Reserved
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Section 110. Reserved
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Section 112. Surveillance and Commission Surveillance Room Specifications
Section 113. Detained or Arrested Persons
Section 114. Secured Delivery Station Specifications
Section 115. Required Surveillance Equipment
Section 116. Closed Circuit Television Required Surveillance
Section 117. Closed Circuit Television Surveillance System Coverage
Section 118. Closed Circuit Television Surveillance System Recording Requirements
Section 119. Retention of Recorded Activities
Section 120. Segregated and secured Telephone Communication
Section 121. Daily Surveillance Logs; Visitors Logs
Section 122. West Virginia Lottery; Casino Premises Office

Section 123. Surveillance Equipment; Maintenance and Malfunctions
Section 124. Emergency Procedures
Section 125. Incident Management Training Required
Section 126. Surveillance Plan
Section 127. Surveillance of Employees
Section 128. Communications Equipment
Section 129. Reserved
Section 130. Reserved
Section 131. Commission License as Revocable Privilege; Reasons for Investigation of, or disciplinary Action Against, Licensee; Hearing Procedure
Section 132. Actions Available to Hearing Officer and Commission
Section 133. Special Proceedings
Section 134. Reserved
Section 135. Reserved
Section 136. Ownership Records
Section 137. Accounting Records
Section 138. Standard Financial and Statistical Records
Section 139. Special Audits and Licensee Annual Compliance Reports
Section 140. Accounting Controls Within the Cashier's Cage
Section 141. Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
Section 142. Handling Cash at Gaming Tables
Section 143. Tips or Gratuities
Section 144. Deposits of Wagering Tax
Section 145. Reserved
Section 146. Reserved
Section 147. Reserved
Section 148. Reserved
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Section 151. Purpose of Credit Extension Procedures; Establishment of Procedures
Section 152. Submission of Written Extension of Credit Procedures in the West Virginia Lottery
Section 153. Amendments to Procedures for Extending Credit
Section 154. Application of Credit
Section 155. Verification of Credit
Section 156. Issuance of Markers
Section 157. Receipt of Payments
Section 158. Front Money Deposits
Section 159. Check Cashing
Section 160. Handling of Returned Checks
Section 161. Collection of Past Due Accounts
Section 162. Write-off of Past Due Accounts
Section 163. Reserved
Section 164. Reserved
Section 165. Reserved
Section 166. Reserved
Section 167. Reserved
Section 168. Reserved
Section 169. Reserved
Section 170. Reserved
Section 171. Exclusion List; Duty to Exclude
Section 172. Distribution and Availability of Exclusion Lists
Section 173. Criteria for Exclusion and Placement of Exclusion List
Section 174. Procedure for Entry of Names on Exclusion List
Section 175. Petition for Removal from Exclusion List
Section 176. Offenses and Penalties
Section 177. Reserved
Section 178. Reserved
Section 179. Reserved
Section 180. Reserved
Section 181. Patron Dispute Process
Section 182. Investigation; Possible Disciplinary Action

## SERIES 5 - LIMITED VIDEO LOTTERY RULE

Authority - §29-22B-402
Type - Legislative
Price - $6.60
Effective - June 10, 2004

Section 1. General
Section 2. Definitions of Terms and Words
Section 3. Review of Continuing Eligibility for License
Section 4. Application Forms and Other Documents
Section 5. Bonding Requirements for Operators and Limited Video Lottery Retailers Who Are Permittees
Section 6. Additional Duties of Limited Video Lottery Retailers
Section 7. Additional Duties of Limited Video Lottery Retailer Regarding Payment of Credits
Section 8. Supplemental Duties of Manufacturers
Section 9. Supplemental Duties of Service Technicians
Section 10. Additional Requirements for Testing of Video Lottery Terminals and Associated Equipment
Section 11. Additional Video Lottery Hardware and Software Specifications Not Found in W. Va. Code §§29-22B-901 through 912
Section 12. Only Licensed Manufacturers May Sell or Lease Video Lottery Terminals to Permittees
Section 13. Modifications to Previously Approved Video Lottery Terminals
Section 14. Unapproved Video Lottery Terminals; Action on Licenses; Civil Penalty
Section 15. Initial Permit Fee Payment
Section 16. Reservation of Authority to Have Video Lottery Terminals on or Before August 1, 2001 by Persons Who Held a Private Club License or Class "A" Nonintoxicating Beer License on January 1, 2001
Section 17. The Bidding Process
Section 18. Examples of the Preference for Current Permit Holders in Year 2011
Section 19. Operator – Retailer Contracts
Section 20. Additional Requirements Regarding the 150-foot Requirement for Location of a Limited Video Lottery Retailer License
Section 21. Testing and Installation of Approved Lottery Terminals
Section 22. Transportation From Manufacturer and Registration of Video Lottery Terminals
Section 23. Training for Service Technician Licensees and License Applicants
Section 24. Master Keys
Section 25. Sealing the Logic Area of the Video Lottery Terminal and the Controller Unit
Section 26. Repairs to Logic Board of Circuitry
Section 27. Accounting for the State's Share of Gross Terminal Income
Section 28. Resolution of Discrepancies
Section 29. Pay Over the State's Share of Gross Terminal Income When Electronic Funds Transfer is Inoperative
Section 30. Distribution of Shares of Gross Profits
Section 31. Examination of Permittee and Retailer Books and Records
Section 32. Additional Requirements Concerning Appeal of an Order
Section 33. Judicial Review
Section 34. Prohibition on Retailer and Operator Advertising and Promotion Activities; Restriction on Retailer Corporation and Doing-Business-As Names of Retail License Locations
Section 35. Prohibition Against a Business Selling Petroleum Products Establishing a Separate Room or Building Which is a Part of, Contiguous to, or Adjoining the Place of Business as a Restricted Access Adult-Only Facility
Appendices

## SERIES 6 - NOTICE AND CONDUCT OF MEETINGS

Authority - §§6-9A-3; 29-22-5
Type - Procedural
Price - $2.40
Effective - July 18, 2004

Section 1. General
Section 2. Preface
Section 3. Notice of Meetings
Section 4. Conduct of Meetings
Section 5. Meeting by Conference Call

## SERIES 7 - LOTTERY INTERPRETIVE RULE

Authority - 29A-3-4
Type - Interpretive
Price - $2.00
Effective - April 23, 2005

Section 1. General
Section 2. Interpretation of Terms and Words found in the Act
Section 3. Interpretation of Terms and Words Found in the Racetrack Video Lottery Act

# TITLE 194

# WEST VIRGINIA MASSAGE THERAPY LICENSING BOARD

## SERIES 1 - MASSAGE THERAPY LICENSING RULE

Authority - §30-37-6
Type - Legislative
Price - $2.80
Effective - June 23, 2003


Section 1. General
Section 2. Definitions: Massage Therapy Board Fund; Expenses; Disposition of Funds
Section 3. Requirements for Licensure
Section 4. Duties of Board; Authorization to Propose Rules and Fees


## SERIES 2 - HEARING PROCEDURE

Authority - §§30-37-1 et seq.; 30-1-1 et seq.; 29A-5-1 et seq.
Type - Procedural
Price - $3.00
Effective - January 28, 1999


Section 1. General
Section 2. Definitions
Section 3. Hearing Procedures
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Hearing Examiner
Section 7. Conferences: Informal Disposition of Cases
Section 8. Depositions
Section 9. Subpoena
Section 10. Orders
Section 11. Appeal
Section 12. Severability


## SERIES 3 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR MASSAGE THERAPISTS

Authority - §§30-37-1; 30-37-6
Type - Procedural
Price - $2.60
Effective - January 15, 2001


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Revocation of Licenses of Massage Therapists
Section 5. Disposition of complaints
Section 6. Contested Case Hearings
Section 7. Appeals

# TITLE 11

# WEST VIRGINIA BOARD OF MEDICINE

Index for the Board of Medicine


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| Series | 3. | Board Organization and Meeting Procedure; Contested Case Hearing Procedure | 354 |
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| Series | 6. | Continuing Education for Physicians and Podiatrists | 355 |
| Series | 7. | Formation and Approval of Professional Limited Liability Companies | 355 |


TOTAL COST FOR ALL OF TITLE 11 - $62.60

## SERIES 1A - LICENSING, DISCIPLINARY AND COMPLAINT PROCEDURES: PHYSICIANS; PODIATRISTS

Authority - §§30-3-7(a)(1)
Type - Legislative
Price - $5.20
Effective - April 15, 2004


| | | |
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| Section | 1. | General |
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| Section | 3. | Definitions Applicable to All Board of Medicine Rules |
| Section | 4. | Qualification and Application for a Licensure to Practice Medicine and Surgery |
| Section | 5. | Application Required for Examination - Federation of State Medical Boards Licensing Examination (FLEX); USMLE Step Three (3) |
| Section | 6. | Qualification for the Issuance of a License to Practice Medicine and Surgery by Reciprocal Endorsement |
| Section | 7. | License to Practice Medicine and Surgery by Reciprocal Endorsement; Application Required |
| Section | 8. | Application Forms and Processing |
| Section | 9. | License Renewals; Renewal Application Form |
| Section | 10. | Practice of Podiatry |
| Section | 11. | License Exemptions |
| Section | 12. | Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Physicians and Podiatrists |
| Section | 13. | Required Reports from Hospitals, Professional Societies, Insurers, Courts |
| Section | 14. | Appeal |
| Section | 14. | Disposition of Reports and Complaints |
| Section | 15. | Practice of Podiatry |
| Section | 16. | Severability |


## SERIES 1B - CERTIFICATION, DISCIPLINARY AND COMPLAINT PROCEDURES: PHYSICIAN ASSISTANTS

Authority - §§30-3-16(b); 30-1-8(h)
Type - Legislative
Price - $4.20
Effective - August 1, 2003


| | | |
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| Section | 1. | General |
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| Section | 3. | Supervision of Physician Assistants by Licensed Physician; Services That May be Performed by Physician Assistants |
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| Series | 5. | Biennial Report of Physician Assistant's Performance; Biennial Report of the Board |
| Section | 6. | Supervision & Control of Physician Assistant |
| Section | 7. | Limitations on Supervision & Scope of Duties of Physician Assistants |
| Section | 8. | Identification of Physician Assistant |
| Section | 9. | Responsibilities of the Supervising Physician |
| Section | 10. | Disciplinary Action Against a Physician Assistant |

## SERIES 2 - RESERVED

## SERIES 3 - BOARD ORGANIZATION AND MEETING PROCEDURE; CONTESTED CASE HEARING PROCEDURE

Authority - §§29A-5-1 and 6-9A-1
Type - Procedural
Price - $4.00
Effective - May 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Regular Meetings Established; Time, Place
Section 4. Special Meetings; Notice Required, Time, Place and Purpose
Section 5. Proceedings to be Open; Exceptions; Executive Session Permitted; Broadcasting and Recording
Section 6. Minutes
Section 7. Quorum; Majority Open Vote Required; Vote by Proxy Prohibited
Section 8. Records of the Board - Public Document
Section 9. Board Membership and Organization
Section 10. Reports and Complaints
Section 11. Hearings
Section 12. Transcription of Reported Testimony and Evidence
Section 13. Submission of Proposed Findings of Fact and Conclusions of Law
Section 14. Hearing Examiner
Section 15. Conferences; Informal Disposition of Cases
Section 16. Depositions
Section 17. Subpoenas
Section 18. Orders
Section 19. Appeal

## SERIES 4 - FEES FOR SERVICES RENDERED BY THE BOARD OF MEDICINE

Authority - §30-3-7(a)(1)
Type - Legislative
Price - $2.00
Effective - May 1, 2000

Section 1. General
Section 2. Schedule of Fees for Services Rendered by the West Virginia Board of Medicine for Physicians, Podiatrists and Physician Assistants

## SERIES 5 - DISPENSING OF LEGEND DRUGS BY PHYSICIANS AND PODIATRISTS

Authority - §§30-3-7(a)(1); 60A-3-301
Type - Legislative
Price - $2.80
Effective - July 1, 1989

Section 1. General
Section 2. Definitions
Section 3. General Rules for Dispensing Physicians
Section 4. Duties of Dispensing Physicians
Section 5. Sale at Retail Prohibited
Section 6. Freedom of Choice
Section 7. Packaging
Section 8. Labeling
Section 9. Dispensing Records
Section 10. Other Legal Authority
Section 11. Disciplinary Action

## SERIES 6 - CONTINUING EDUCATION FOR PHYSICIANS AND PODIATRISTS

Authority - §30-3-12
type - Legislative
Price - $2.80
Effective - April 10, 1992

Section 1. General
Section 2. Continuing Education Satisfactory to the Board
Section 3. Certification of Successful Completion of Continuing Education Requirements
Section 4. Written Documentation of Successful Completion of Continuing Education Requirements

## SERIES 7 - FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES

Authority - §31B-13-1304
Type - Legislative
Price - $2.40
Effective - June 1, 1997

Section 1. General
Section 2. Definition
Section 3. Procedures for Formation and Approval of Professional Limited Liability Companies for Physicians and Podiatrists; Fees
Section 4. Notification of Non-Compliance, Cessation of Rendering Professional Services
Section 5. Physician-Patient and Podiatrist-Patient Relationship

# TITLE 37

# MINE BOARD OF APPEALS

## SERIES 1 - RULES AND REGULATIONS GOVERNING PROCEDURES AND PRACTICES BEFORE THE BOARD OF APPEALS

Authority - §22-1
Type - Procedural
Price - $4.20
Effective - May 13, 1982


Section 1. General
Section 2. Hearings
Section 3. Rules Applicable to Proceedings Initiated to Withdraw Certification
Section 4. Rules Applicable to Proceedings Initiated Alleging Discrimination or for Compensation Owed to Miners as a Result of a Withdrawal Order


## SERIES 2 - PROCEDURES FOR TEMPORARY SUSPENSION OF CERTIFICATES ISSUED TO PERSONS PURSUANT TO CHAPTER 22A OF THE CODE PENDING FULL HEARING BEFORE THE BOARD OF APPEALS

Authority - §§29A-3-3; 29A-3-15
Type - Procedural
Price - $2.40
Effective - September 11, 1983


Section 1. General
Section 2. Procedures

# TITLE 41

## MINE INSPECTORS EXAMINING BOARD

REFER TO MINERS' HEALTH, SAFETY & TRAINING, TITLE 56, SERIES 3, SECTION 11

# TITLE 56

# MINERS' HEALTH, SAFETY AND TRAINING

(Ed. Note: Title 56 Also Includes Rules Governing Oil and Gas. See Also the Environmental Protection Rules.)

Index for Miners' Health, Safety and Training


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| Series | 11. | Rules Governing First-Aid Training of Shaft and Slope Employees | 362 |
| Series | 12. | Rules Governing Assessing Health and Safety Violation Penalties | 362 |


TOTAL COST FOR ALL OF TITLE 56 - $37.90

## SERIES 1 - RULES AND REGULATIONS GOVERNING PROCEDURES AND PRACTICE BEFORE THE DEPARTMENT OF MINES

Authority - §22-1-3
Type - Procedural
Price - $5.20
Effective - January 30, 1983


| | | |
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| Section | 1. | General Provisions |
| Section | 2. | Rules Applicable to Proceedings Initiated to Assess Civil Penalties |
| Section | 3. | Hearings |
| Section | 4. | Rules Applicable to Proceedings for Modification Extension, Termination or Review of Orders and Notices |
| Section | 5. | Rules Applicable to Proceedings Initiated Upon Petition for Declaratory Ruling |


## SERIES 2 - RESERVED

## SERIES 3 - RULES AND REGULATIONS GOVERNING THE SAFETY OF THOSE EMPLOYED IN AND AROUND SURFACE MINES IN WEST VIRGINIA

Authority - §22-6-4
Type - Legislative
Price - $13.10
Effective - April 29, 1991


| | | |
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| Section | 1. | General |
| Section | 2. | Effect of Law and Regulations |
| Section | 3. | Definitions |
| Section | 4. | Applicability and Enforcement of Laws Safeguarding Life and Property; Regulations; Authority of Department of Mines Regarding Safety Laws |
| Section | 5. | Director of the Department of Mines - Appointment; Term of Office |
| Section | 6. | Director of the Department of Mines - Powers and Duties |
| Section | 7. | Director of the Department of Mines - Eligibility; Salary |
| Section | 8. | Director of the Department of Mines - Oath and Bond |
| Section | 9. | Mine Inspectors May be Appointed to Fill Vacancy in Department; Permanent Tenure Benefits Not Affected |
| Section | 10. | Eligibility for Appointment as Surface Mine Inspector; Qualifications; Salary and Expenses; Removal |

Section 11. Mine Inspectors' Examining Board
Section 12. Director and Inspectors Authorized to Enter Mines; Duties of Inspectors to Examine Mines; No Advance Notice; Reports After Fatal Accidents
Section 13. Findings, Orders and Notices
Section 14. Review of Orders and Notices by the Director
Section 15. Posting of Notices, Orders, and Decisions; Delivery to Agent of Operator; Names and Addresses to be Filed by Operator
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Section 20. Records and Reports
Section 21. Mine Foreman Examiner for Mine Foreman and Assistant Mine Foreman Salary
Section 22. Withdrawal of Certification
Section 23. Certification of Mine Foreman or Assistant Mine Foreman Whose License to Engage in Similar Activities Suspended in Another State
Section 24. Board of Appeals
Section 25. Certification of Surface Mine Foreman
Section 26. Instruction of Employees and Supervision of Apprentices; Annual Examination of Persons Using Flame Safety Lamps; Records of Examination; Maintenance of Methane Detectors, Etc.
Section 27. Mine Foreman and Assistant Mine Foreman; Daily Inspection of Working Places; Records
Section 28. Duty of Mine Foreman to Notify Operator When Unable to Comply with Law; Duty of Operator
Section 29. Death or Resignation of Mine Foreman; Successor
Section 30. Excavating
Section 31. Drilling
Section 32. Explosives and Blasting
Section 33. Underground Workings
Section 34. Haulage
Section 35. Auger Mining
Section 36. General Provisions
Section 37. Electricity
Section 38. Hand-Held Electric Drills and Rotating Tools; Trailing Cables
Section 39. Installation of Lighting
Section 40. Compressed Gases and Welding
Section 41. When Respiratory Equipment to be Worn; Control of Dust
Section 42. Equipment
Section 43. Ramps, Tipples, Cleaning Plants, and Other Surface Areas
Section 44. Coal Storage Bins; Recovery Tunnels; Coal Storage Piles
Section 45. Fire Protection
Section 46. Duties of Persons Subject to Article; Rules and Regulations of Operators
Section 47. Protective Equipment and Clothing
Section 48. First-Aid Equipment
Section 49. Thermal Coal Dryers and Plants
Section 50. Explosion or Accident; Notice; Investigation by Department of Mines
Section 51. Preservation of Evidence Following Accident or Disaster
Section 52. Monthly Report by Operator
Section 53. Emergency Medical Personnel
Section 54. First-Aid Training of Coal Mine Employees
Section 55. Certificate of Competency and Qualification or Permit of Apprenticeship Required of All Surface and Underground Mines
Section 56. Permit of Apprenticeship - Surface Miner
Section 57. Supervision of Apprentices
Section 58. Certificate of Competency and Qualification - Underground or Surface Miner
Section 59. Refusal to Issue Certificate; Appeal
Section 60. Limitations of Article
Section 61. Violations; Penalties
Section 62. Operators Filing of Plans - Oil and Gas Wells
Section 63. Annual Examination of Persons Using Flame Safety Lamps; Record of Examination; Maintenance of Methane Detectors, Etc.

**SERIES 4 - RESERVED**

**SERIES 5 - RESERVED**

Repealed by 38CSR2C
Effective May 1, 1995

## SERIES 6 - RULES AND REGULATIONS GOVERNING OPEN-PIT MINES, EXCLUSIVE OF SURFACE MINES

Authority - §22-3-3
Type - Legislative
Price - $2.60
Effective - September 11, 1969

Section 1. General
Section 2. Excavating
Section 3. Drilling
Section 4. Explosives and Blasting
Section 5. Operation of Equipment
Section 6. Fire Protection
Section 7. Haulage

## SERIES 7 - RULES AND REGULATIONS GOVERNING OPEN-PIT LIMESTONE AND SANDSTONE MINES

Authority - §22-3-3
Type - Legislative
Price - $3.00
Effective - September 11, 1969

Section 1. General
Section 2. Surface Structures
Section 3. Excavating
Section 4. Drilling
Section 5. Explosives and Blasting
Section 6. Underground Workings
Section 7. Operation of Equipment
Section 8. Ventilation
Section 9. Roof Support
Section 10. Transportation of Men
Section 11. Fire Protection
Section 12. Haulage

## SERIES 8 - RULES AND REGULATIONS GOVERNING THE SUBMISSION AND APPROVAL OF A COMPREHENSIVE MINE SAFETY PROGRAM FOR COAL MINING OPERATIONS IN THE STATE OF WEST VIRGINIA

Authority - §22-1-a
Type - Legislative
Price - $3.20
Effective - April 1, 1990

Section 1. General
Section 2. Preamble - Comprehensive Safety Program for Coal Mining Operations in the State of West Virginia
Section 3. Definitions
Section 4. Responsibility for Comprehensive Mine Safety Program
Section 5. Submission of Initial Comprehensive Mine Safety Program
Section 6. Mine Evaluation for Development of the Initial Comprehensive Mine Safety Program; Submittals to Director
Section 7. Primary Safety Program Components
Section 8. Annual Review of the Comprehensive Mine Safety Program
Section 9. Modifications
Section 10. Review Procedure
Section 11. Right of Mine Employees to Review and Comment on the Comprehensive Mine Safety Program; Posting Requirements
Section 12. Miscellaneous

## SERIES 9 - RULES AND REGULATIONS GOVERNING REQUESTS FOR INFORMATION

Authority - §29B-1-1

Type - Procedural
Price - $2.60
Effective - May 1, 1988

Section 1. General
Section 2. Definitions
Section 3. Form of Request
Section 4. Responsibilities of the Department
Section 5. Exemptions
Section 6. Fees

## SERIES 10 - RULE GOVERNING REPORTING REQUIREMENTS FOR INDEPENDENT CONTRACTORS

Authority - §22A-1-6
Type - Legislative
Price - $2.00
Effective - May 3, 2004

Section 1. General
Section 2. Reporting Requirements

## SERIES 11 - RULES GOVERNING FIRST-AID TRAINING OF SHAFT AND SLOPE EMPLOYEES

Authority - §22A-7-8
Type - Legislative
Price - $2.00
Effective - May 1, 1994

Section 1. General
Section 2. Effect of Law and Rule
Section 3. First-Aid Training of Shaft and/or Slope Employees

## SERIES 12 - RULES GOVERNING ASSISSING HEALTH AND SAFETY VIOLATION PENALTIES

Authority - §22A-1-21
Type - Legislative
Price - $3.20
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Assessment Procedure for Operators
Section 4. Assessment Procedure for Knowing Violations
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# TITLE 48

# BOARD OF MINES TRAINING EDUCATION AND CERTIFICATION


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| Series | 3. | Rules and Regulations Governing the Safety Program for Prospective Surface Coal Miners in West Virginia | 363 |
| Series | 4. | Rules and Regulations Governing the Initial Training Program for Prospective Mine Rescue Team Members in the State of West Virginia | 363 |
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| Series | 7. | Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians in West Virginia | 364 |


TOTAL COST FOR ALL OF TITLE 48 - $24.20

## SERIES 1 - STANDARDS FOR CERTIFICATION OF UNDERGROUND BELT EXAMINERS

Authority - §22-9-6
Type - Legislative
Price - $2.40
Effective - May 1, 1987


| | | |
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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Criteria for Belt Examiners Certification |
| Section | 4. | Exam Components |
| Section | 5. | Application for Certification and Testing Procedures |


## SERIES 2 - SAFETY TRAINING PROGRAM FOR PROSPECTIVE UNDERGROUND COAL MINERS

Authority - §22A-9-6
Type - Legislative
Price - $7.00
Effective - May 12, 1987


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Criteria for Health and Safety Training Programs |
| Section | 3. | Course Outline |
| Section | 4. | Training Objectives |
| Section | 5. | Approval Procedures for Training Programs |
| Section | 6. | Approval Procedures for Instructors |

## SERIES 3 - SAFETY TRAINING PROGRAMS FOR PROSPECTIVE SURFACE COAL MINERS

Authority - §22A-7-6
Type - Legislative
Price - $6.60
Effective - July 1, 1998

Section 1. General
Section 2. Criteria for Health and Safety Training Program for Prospective Surface Coal Miners in West Virginia
Section 3. Course Outline of the Training for Prospective Surface Coal Miners
Section 4. Training Objectives for Surface Coal Mine Health and Safety Training Course
Section 5. Approval Procedures for Training Programs
Section 6. Approval Procedures for Instructors

## SERIES 4 - INITIAL TRAINING PROGRAM FOR PROSPECTIVE MINE RESCUE TEAM MEMBERS

Authority - §22A-9-6
Type - Legislative
Price - $2.60
Effective - November 4, 1978

Section 1. General
Section 2. Criteria for the Initial Mine Rescue Team Member Training Program
Section 3. Experience Requirements
Section 4. Training Requirements
Section 5. Mine Rescue Instructor Requirements
Section 6. Course Outline
Section 7. Alternate Approved Training Program
Section 8. Certification

## SERIES 5 - RESERVED

## SERIES 6 - CERTIFICATION OF SURFACE MINE FOREMEN

Authority - §22A-3-20(b)
Type - Legislative
Price - $2.40
Effective - November 4, 1978

Section 1. General
Section 2. Criteria for Certification
Section 3. Criteria for Mine Foreman Examiner
Section 4. Criteria for Duties of Examiner
Section 5. Criteria for Location and Time of Exams
Section 6. Criteria for Preparation of Exams, Notice, Investigation and Applicants
Section 7. Certification of Successful Applicants
Section 8. Records of Exams
Section 9. Certification Required

## SERIES 7 - STANDARDS FOR CERTIFICATION OF COAL MINE ELECTRICIANS

Authority - §22-1-15
Type - Legislative
Price - $3.20
Effective - April 14, 2003

Section 1. General
Section 2. Definitions
Section 3. Classifications of Electrical Certification
Section 4. Qualifications
Section 5. Examinations
Section 6. Certification Procedures
Section 7. Exceptions
Section 8. Criteria for Apprentice Electrical Training Program
Section 9. Annual Training

# TITLE 38

## ENVIRONMENTAL PROTECTION
## MINING AND RECLAMATION

(TITLE 38 WAS FORMERLY CALLED DIVISION OF ENVIRONMENTAL PROTECTION.)
(SEE ALSO TITLE 35, OIL AND GAS)


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TOTAL COST FOR ALL OF TITLE 38 - $114.60

### SERIES 1 - RESERVED

## SERIES 2 - SURFACE MINING RECLAMATION REGULATIONS

Authority - §§22-1-3; 3a; 22-3-4
Type - Legislative
Price - $30.00
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Permit Application Requirements and Contents
Section 4. Haulageways, Roads or Access Roads
Section 5. Drainage and Sediment Control Systems
Section 6. Blasting
Section 7. Premining and Postmining Land Use
Section 8. Fish and Wildlife Considerations
Section 9. Revegetation
Section 10. Prime Farmlands
Section 11. Insurance and Bonding
Section 12. Replacement, Release and Forfeiture of Bonds
Section 13. Requirements of a Notice of Intent to Prospect
Section 14. Performance Standards
Section 15. Performance Standards Applicable Only to Underground Mining Operations
Section 16. Subsidence Control
Section 17. Small Operator Assistance Program
Section 18. Citizens' Actions
Section 19. Designation of Areas Unsuitable for Mining
Section 20. Inspection and Enforcement
Section 21. Surface Mine Board
Section 22. Coal Refuse
Section 23. Performance Standards Applicable Only to Remining Operations
Section 24. Exemption for Coal Extraction Incidental to Extraction of Other Minerals

## SERIES 2A - RESERVED

## SERIES 2B - RULES FOR MINING AND RECLAMATION OF MINERALS OTHER THAN COAL

Authority - §§22-1-3; 22-4-1
Type - Legislative
Price - $6.80
Effective - January 1, 1983

Section 1. General
Section 2. Definitions
Section 3. Haulageways
Section 4. Blasting
Section 5. Drainage System
Section 6. Method of Operation
Section 6A. Requirements for Special Land Use Purposes
Section 6B. Steep Slope Mining
Section 6C. Mountaintop Removal
Section 6D. Disposal of Spoil or Toxic Forming Materials or Permanent Overburden Disposal Sites by Methods Other than Valley or Head-of-hollow Fills
Section 6E. Disposal of Spoil Materials in Valley or Head-of-hollow Fills
Section 7. Revegetation and Standards for Evaluating Vegetative Cover
Section 8. Bond and Permit Requirements
Section 9. Other Mining Operations on Surface Mined Areas
Section 10. Modifications
Section 11. State and Federal Compliance
**Drainage Handbook for Surface Mining Adopted by Reference

## SERIES 2C - STANDARDS FOR CERTIFICATION OF BLASTERS

Authority - 22-1-3; 22-1-3a; 22-3-4(b)(I); 22-3-13(b)(15)(D)
Type - Legislative
Price - $3.20
Effective - May 1, 1995

Section 1. General
Section 2. Definitions
Section 3. Certification of Blasters
Section 4. Training
Section 5. Examination of Certification of Examiner/Inspector and Certified Blaster
Section 6. Approval of Certification
Section 7. Conditions or Practices Prohibiting Certification
Section 8. Recertification Requirements for Certified Blasters
Section 9. Presentation of Certificate; Transfer and Delegation of Authority
Section 10. Violations by a Certified Blaster
Section 11. Penalties
Section 12. Hearings and Appeals
Section 13. Blasting Crew
Section 14. Reciprocity With Other States

## SERIES 2D - RESERVED

Replaced by Office of Abandoned Mine Lands, Title 59, Series 1
(Technical Clean-up)

## SERIES 2E - DEPARTMENT OF ENERGY ARTICLE 3 FORMS

Authority - §22-1-15
Type - Procedural
Price - $45.00
Effective - September 29, 1993

Section 1. General
Section 2. Forms

## SERIES 2F - GROUNDWATER PROTECTION REGULATIONS - COAL MINING OPERATIONS

Authority - §22-12-5
Type - Legislative
Price - $3.00
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Groundwater Protection Plans and Practices for Coal Mining Operations
Section 4. Monitoring
Section 5. Fees
Section 6. Prohibitions
Section 7. Enforcement
Section 8. Remediation
Section 9. Applicability of Requirements
Section 10. Appropriateness Study

## SERIES 3 - RULES FOR QUARRYING AND RECLAMATION

Authority - §§22-1-3; 22-4 et seq.
Type - Legislative
Price - $13.00
Effective - August 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Permit Application Requirements and Contents
Section 4. Bond and Bond Pooling Fund
Section 5. Haulageways and Transportation Facilities
Section 6. Blasting
Section 7. Drainage System
Section 8. Method of Operation
Section 9. Permanent Excess Spoin Disposal, Temporary Spoil Storage Areas
Section 10. Revegetation and Standards for Evaluating Vegetative Cover
Section 11. Mapping, Approved Persons and Markers
Section 12. Transfer or Sale of Permit Rights
Section 13. Public Hearings
Section 14. Annual Bonding Progress Report Map and Permit Renewals
Section 15. Permit Modifications
Section 16. Inspection and Enforcement
Section 17. Final Release of Bond or Bond Pooling Fund, Final Inspection Report
Section 18. State and Federal Complaince
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## SERIES 4 - COAL RELATED DAM SAFETY RULES

Authority - §§22-1-3(a); 22-14
Type - Legislative
Price - $11.00
Effective - June 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Classification of Dams
Section 4. Certificate of Approval
Section 5. Application Procedures
Section 6. Plans and Specifications
Section 7. Design Requirements
Section 8. Subsidence Evaluation
Section 9. Breakthrough Potential Evaluation
Section 10. Geotechnical Considerations
Section 11. Structural Considerations
Section 12. Construction or Modification of a Dam
Section 13. Blasting
Section 14. Storm Water Discharge
Section 15. Erosion and Sediment Control
Section 16. Disposal of Construction Wastes
Section 17. Dust Control
Section 18. Construction Quality Control
Section 19. Breaching of a Dam
Section 20. Removal of a Dam
Section 21. Abandonment of a Dam
Section 22. Reduction of Dam Height to Less than Jurisidiction
Section 23. Enlargement of a Structure to Jurisdiction
Section 24. Sale or Transfer of Dam
Section 25. Operation and Maintenance
Section 26. Inspection, Reporting and Certification Requirements
Section 27. Completion of Construction
Section 28. Inspection of Completed Dams
Section 29. Inspection of Dams with Serious Problems

Section 30. Reporting Requirements
Section 31. Inspection and Certification Requirements
Section 32. Monitoring Plans
Section 33. Emergency Warning Plans
Section 34. Emergency Procedures
Section 35. Inspection and Enforcement
Section 36. Application Fee for Certificate of Approval of a Dam

**SERIES 5 THRU 8 - RESERVED**

**SERIES 9 - RESERVED**

Repealed and Replaced by 60CSR2 Effective February 21, 1997

**SERIES 10 - RESERVED**

See Title 60, Series 1

**SERIES 11 - RESERVED**

Moved to 35CSR1

**SERIES 12 - RESERVED**

Moved to 35CSR2

**SERIES 13 - RESERVED**

**SERIES 14 - RESERVED**

Repealed by SB 765 Effective March 10, 1998

**SERIES 15 - RESERVED**

**SERIES 16 - RESERVED**

Repealed by SB 765 Effective March 10, 1998

**SERIES 17 - RESERVED**

**SERIES 18 - RESERVED**

See 35CSR4

## SERIES 19 - HEARING AND APPEALS PROCEDURES

Authority - §§22-1-13; 22-1-15; 22-1-16; 22-1-17; 22B-1-2; 22B-1-4; 22B-1-7; 22B-1-28; 29A-4-1
Type - Procedural
Price - $3.60
Effective - October 30, 1987

Section 1. General
Section 2. Hearing and Appeal Procedures
Section 3. Rules Applicable to Proceedings Initiated Upon Petition for Declaratory Ruling

## SERIES 20 - RESERVED

## SERIES 21 - RESERVED

See 35CSR5

## SERIES 22 - RESERVED

See 35CSR6

## SERIES 23 - RESERVED

See 35CSR3

# TITLE 43

# MINIMUM WAGE RATE BOARD

## SERIES 1 - RULES AND REGULATIONS FOR THE WEST VIRGINIA PREVAILING WAGE ACT

Authority - §21-5A
Type - Legislative
Price - $3.40
Effective - January 1, 1983


Section 1. General
Section 2. Definitions
Section 3. Required Provisions to be Contained in all Advertised Specifications and Contracts for Public Work
Section 4. Duty of the Public Authority
Section 5. Prevailing Wage Established at Regular Intervals - How Determined - Hearings on Objections - Judicial Review
Section 6. Posting of Wage Rates
Section 7. Records and Inspection
Section 8. Penalties for Violation of Act
Section 9. Severability
Section 10. Amendments

# TITLE 91

# DEPARTMENT OF MOTOR VEHICLES

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TOTAL COST FOR ALL OF TITLE 91 - $65.80

## SERIES 1 - ADMINISTRATIVE DUE PROCESS

Authority - §§17A-2-9; 17A-6B-13; 17A-6C-17; 17B-2-15; 17D-2-1; 17E-1-8
Type - Legislative
Price - $3.00
Effective - July 1, 2005


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application and Enforcement |
| Section | 3. | Hearings |

## SERIES 2 - MOTOR VEHICLE REGISTRATION

Authority - §17A-2-9
Type - Legislative
Price - $3.80
Effective - May 19, 1965

Section 1. General
Section 2. Application and Enforcement
Section 3. Licensing or Registration Instructions
Section 4. Receipt Showing Payment of Personal Property Taxes on all Motor Vehicles
Section 5. Issuance of Temporary Registration Card
Section 6. Dual Registration of Vehicles Subject to the Title and Registration Laws of Two or More States
Section 7. Use of a Dolly or Other Mechanical Device in Moving Wrecked Motor Vehicles or Motor Vehicles that for any Reason must be Towed by a Wrecker
Section 8. Formula for Establishing Registration Fees for Class H Vehicles Engaged in the Interstate Transportation of Persons
Section 9. Physical Inspection of Serial Number of all Motor Vehicles Being Registered in this State From any Other Jurisdiction
Section 10. Exchange of License Plate Involving a Class A Registration Under the Staggered Monthly System
Section 11. Fee Required After Expiration Date for Class A Registration Issued Under Staggered Monthly System
Section 12. Disabled Veterans Exemption from Payment of Registration Fee
Section 13. Special Issue Plates Issued to Disabled Veterans
Section 14. Special License Plate for Use by the Department of Public Safety

## SERIES 3 - MOTOR VEHICLE TITLING

Authority - §17A-2-9
Type - Legislative
Price - $3.80
Effective - April 30, 1985

Section 1. General
Section 2. Application and Enforcement
Section 3. Titling a Vehicle
Section 4. Liens
Section 5. Procedure to be Followed When Transferring a Certificate of Title to a New Owner and There is an Unsatisfied Lien Recorded Thereon
Section 6. Transferring a Motor Vehicle Titled in the Name of a Deceased Person
Section 7. Titling a Vehicle Repossessed Under a Conditional Sales Contract
Section 8. Titling a Vehicle Sold Under a Security Agreement, a Chattel Mortgage or a Deed of Trust
Section 9. Titling a Vehicle Sold by Order of a Court or Justice of the Peace
Section 10. Titling a Vehicle Sold to Satisfy a Mechanic's Lien or Other Miscellaneous Lien
Section 11. Reassignment of Out-of-State Certificate of Title to a Motor Vehicle
Section 12. Certificate of Title and License Required for All Types of House Trailers
Section 13. Requirements and Procedures for Titling Assembled Trailers or Semi-Trailers
Section 14. Titling Vehicles That are Not Operated on the Highway
Section 15. Titling and Registering Vehicles Designated as Trucks or Trailers that are Designated and Used Primarily as Off-the-Highway Vehicles

## SERIES 4 - EXAMINATION AND ISSUANCE OF DRIVER'S LICENSES

Authority - §§17A-2-9; 17B-2-7; 17B-2-15; 17E-1-18
Type - Legislative
Price - $4.60
Effective - July 1, 2005


Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Preliminary Examination of Applicants Never Licensed, Holding a License Expired More Than 6 Months or Holding an Expired License From Another Sate or Jurisdiction
Section 5. Road Skill Examinations
Section 6. Issuance and Content of the Driver's License and Identification Card
Section 7. Renewal of Driver's License and Identification Card
Section 8. Transfer of Driver's License
Section 9. Reissuance of Driver's License with Changes or Issuance of a Duplicate Driver's License or Identification Card
Section 10. Residency Requirement
Section 11. Identity Requirements
Section 12. Proof of Legal Presence in the United States
Section 13. Motorcycle License or Endorsement
Section 14. Commercial Driver's License
Section 15. Non Driver Identification Cards
Section 16. Review and Verification of Documents


## SERIES 5 - DENIAL, SUSPENSION, REVOCATION OR NONRENEWAL OF DRIVING PRIVILEGES

Authority - §§17A-2-9; 17C-5A-2; 17C-5A-3a
Type - Legislative
Price - $5.20
Effective - April 1, 2003


Section 1. General
Section 2. Applications and Enforcement
Section 3. Denial of Driving Privileges for Medical Reasons
Section 4. Reinstatement of Suspended Registration
Section 5. Reinstatement of Driving Privileges of Persons Whose Driver's Licenses Were Revoked Under Prior Enactment of §17C-5-2
Section 6. Suspending West Virginia Resident's License Upon Conviction in Another State or Jurisdiction
Section 7. The Point System
Section 8. Driver Improvement Course
Section 9. Procedures for Medical and Driving Re-Examination of Licensed Drivers
Section 10. Suspension or Revocation Following Notice of Returned Check
Section 11. Suspension Under Nonresident Violator Compact
Section 12. Suspension or Denial Under Student Attendance Law
Section 13. Suspension Under Resident Violator Program
Section 14. Driving Under the Influence
Section 15. Suspending or Restricting a Licensee for Failure to Maintain Court Ordered Child Support Payments
Section 16. Alcohol Test and Lock Program

## SERIES 6 - MOTOR VEHICLE DEALERS, WRECKER/DISMANTLER/REBUILDERS AND LICENSE SERVICES; AUTOMOBILE AUCTIONS, VEHICLE LEASING COMPANIES AND DAILY PASSENGER CAR BUSINESSES AND ADMINISTRATIVE DUE PROCESS

Authority - §§17A-2-9; 17A-6-2a; 17A-6-3a; 17A-6-5a; 17A-6C-17; 17A-6D-15
Type - Legislative
Price - $6.80
Effective - April 1, 2003


Section 1. General
Section 2. Requirements for License - General
Section 3. Wrecker/Dismantler/Rebuilder Dealer License
Section 4. License Services - General
Section 5. Automobile Auction Businesses
Section 6. Vehicle Leasing Companies Lessor License
Section 7. Civil Penalties for Unlicensed Dealers
Section 8. Administrative Appeals of Commissioner's Orders or Decisions
Section 9. Daily Passenger Rental Car Business
Section 10. Dealer Recovery Fund


## SERIES 7 - SPECIAL PERMITS

Authority - §17A-2-9
Type - Legislative
Price - $3.60
Effective - October 24, 1971


Section 1. General
Section 2. Application and Enforcement
Section 3. Special Parking Permit for Disabled Persons
Section 4. House Trailer One Trip Special Permits or Stickers
Section 5. Authorization of Emergency Vehicle Permits
Section 6. Eligibility and Requirements Necessary to Issue an Authorized Emergency Vehicle Permit


## SERIES 8 - POLICIES PERTAINING TO THE COLLECTION, FILING AND DISTRIBUTION OF INFORMATION FROM THE FILES OF THE DEPARTMENT OF MOTOR VEHICLES

Authority - §17A-2-9
Type - Legislative
Price - $2.80
Effective - September 13, 1974


Section 1. General
Section 2. Application and Enforcement
Section 3. Policies Pertaining to the Collection, Filing and Distribution of Information from the Files of the Department of Motor Vehicles


## SERIES 9 - RESERVED

Repealed & Replaced by 91CSR5
Effective April 1, 2003

## SERIES 10 - HANDICAPPED PARKING PERMITS

Authority - §§17A-2-9; 17C-13-6
Type - Interpretive
Price - $2.60
Effective - December 16, 2000

Section 1. General
Section 2. Definitions
Section 3. Handicapped Parking Permits - Eligibility
Section 4. Application Procedural
Section 5. Renewal
Section 6. Display of Placard
Section 7. Identification Cards
Section 8. Reciprocity
Section 9. Expiration of Old Permits

## SERIES 11 - MOTOR VEHICLE EQUIPMENT

Authority - §17A-2-9
Type - Legislative
Price - $3.20
Effective - August 4, 1974

Section 1. General
Section 2. Application and Enforcement
Section 3. Motorcycle Safety Equipment and Approval Procedures
Section 4. Slow Moving Vehicles
Section 5. Truck Cab or Truck Crew Compartment Designed for Occupancy of Four Persons, Including Driver

## SERIES 12 - MOTOR VEHICLE INSPECTION MANUAL

Authority - §§17A-2-9, 17C-16-4
Type - Legislative
Price - $2.00 (without incorporated manual)
$33.10 (with manual)*
Effective - April 10, 2003

Section 1. General
Section 2. Motor Vehicle Inspection Manual (Incorporated)
*Ed. Note: This manual is also available from the State Police

## SERIES 13 - COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE REGULATIONS

Authority - §§17A-2-9, 17D-2A-8
Type - Legislative
Price - $3.60
Effective - May 13, 1997

Section 1. General
Section 2. Definitions
Section 3. Verification of Insurance
Section 4. Owner Cancellation of Insurance
Section 5. Company Cancellation of Insurance
Section 6. Traffic Accident Reports
Section 7. Traffic Citations
Section 8. Company Forms and Procedures
Section 9. Administrative Due Process

## SERIES 14 - WAIVER OF SAFETY BELT REQUIREMENTS

Authority - §§17A-2-9; 17C-15-49(b)
Type - Procedural
Price - $2.40
Effective - September 30, 1993

Section 1. General
Section 2. Application
Section 3. Physician Certification
Section 4. Display and Use of Safety Belt Waiver
Section 5. Enforcement

## SERIES 15 - SAFETY AND TREATMENT PROGRAM

Authority - §§17A-2-9, 17C-5A-3
Type - Legislative
Price - $2.80
Effective - May 4, 1984

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Program Responsibilities
Section 5. Program Levels of Referral
Section 6. Staff Qualifications
Section 7. Program Participant Evaluation
Section 8. Fiscal Procedures
Section 9. Reinstatement of License

## SERIES 16 - ELIGIBILITY FOR REINSTATEMENT FOLLOWING SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES

Authority - §17A-2-9
Type - Legislative
Price - $2.40
Effective - April 2, 1986

Section 1. General
Section 2. Application and Enforcement
Section 3. Suspension or Revocation of Driving Privileges
Section 4. Eligibility for Reinstatement
Section 5. Cross Reference

## SERIES 17 - RESERVED

Reserved by 91 CSR 6, June 15, 1993

## SERIES 18 - RESERVED

Reserved by 91 CSR 6, June 15, 1993

## SERIES 19 - APPROVAL OF MOTOR VEHICLE ACCIDENT PREVENTION COURSE

Authority - §§17A-2-9, 33-20-19(a)
Type - Interpretive
Price - $2.60
Effective - August 7, 1986

Section 1. General
Section 2. Application and Enforcement
Section 3. Application for Course Approval
Section 4. Criteria for Course Approval
Section 5. Course Administration
Section 6. Course Approval Withdrawal
Section 7. Severability

## SERIES 20 - SEIZURE OF DRIVERS LICENSE, ISSUANCE OF TEMPORARY

Authority - §§17A-2-9, 17C-5A-1, 17C-5A-2
Type - Legislative
Price - $2.40
Effective - June 12, 1987

Section 1. General
Section 2. Application and Enforcement
Section 3. Seizure and Disposition of Driver's License
Section 4. Issuance of Temporary Driver's License
Section 5. Extension of Temporary Driver's License
Section 6. Severability

## SERIES 21 - FEDERAL SAFETY STANDARDS INSPECTION PROGRAM

Authority - §§17A-2-9, 17A-3A-1
Type - Legislative
Price - $2.40
Effective - June 12, 1987

Section 1. General
Section 2. Application and Enforcement
Section 3. Inspection Station Appointment
Section 4. Vehicle Compliance Inspection
Section 5. Severability

## SERIES 22 - RESERVED

Repealed by 91 CSR 6, June 15, 1993

## SERIES 23 - VESSEL NUMBERS

Authority - §§17A-2-9; 20-7-12
Type - Procedural
Price - $2.60
Effective - February 11, 1988

Section 1. General
Section 2. Definitions
Section 3. Persons Subject to These Regulations
Section 4. Motorboats Requiring Numbering
Section 5. Exceptions
Section 6. Application
Section 7. Certificate
Section 8. Vessel Identification
Section 9. Numbering Livery Boats

# TITLE 109

# WEST VIRGINIA MUNICIPAL BOND COMMISSION

## SERIES 1 - RULES OF PROCEDURE GOVERNING BOARD AND EXECUTIVE COMMITTEE MEETINGS OF THE WV MUNICIPAL BOND COMMISSION

Authority - §13-3-6
Type - Procedural
Price - $2.60
Effective - March 12, 1984


Section 1. General
Section 2. Background
Section 3. Commission Authorized
Section 4. Commission Organization
Section 5. Meetings
Section 6. Minutes of Meeting
Section 7. Agenda Meeting
Section 8. Executive Session
Section 9. General

# TITLE 58
# DIVISION OF NATURAL RESOURCES

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Total Cost of all of Title 58 - $152.60

## SERIES 1 - REGULATIONS FOR OPEN GOVERNMENTAL PROCEEDINGS

Authority - §6-9A-1
Type - Procedural
Price - $2.60
Effective - November 8, 1996

Section 1. General
Section 2. Definitions
Section 3. Governing Bodies Within the Department of Natural Resources
Section 4. Notice of Meetings
Section 5. Public Attendance

## SERIES 2 - RULES CONTROLLING THE PUBLIC LAND CORPORATION'S SALE, LEASE, EXCHANGE OR TRANSFER OF LANDS OR MINERALS

Authority - §20-1A-1 through §20-1A-9
Type - Legislative
Price - $2.80
Effective - May 20, 2004

Section 1. General
Section 2. Definitions
Section 3. Rules for Sale, Exchange or Transfer of Land or Minerals
Section 4. Bidding Procedures for Land Sales
Section 5. Competitive Bidding and Notice Procedures for the Lease of Minerals

## SERIES 3 - RESERVED

## SERIES 4 - RESERVED

## SERIES 5 - RECYCLING ASSISTANCE FUND GRANT PROGRAM

Authority - §20-11-5a(h)(1)
Type - Legislative
Price - $3.80
Effective - May 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Grants Available from Recycling Assistance Fund Grant Program
Section 4. Grant Program Priority and Other Criteria
Section 5. Use of a Grant
Section 6. General Conditions Applicable to Grant
Section 7. Schedule of Grants Available
Section 8. Criteria for Developing a Grant Proposal
Section 9. Recycling Assistance Fund Grant Review Committee
Section 10. Submittal of Grant Applications; Awarding of Grants; Financial Management; and Unexpended Grant and Termination of Grant
Section 11. Site Visits and Reports Required
Section 12. Equal Employment Opportunity
Section 13. Certification Regarding Drug-Free Workplace Requirements
Section 14. Submission of an Application

## SERIES 6 - LITTER CONTROL GRANT PROGRAM

Authority - §20-7-25(b)
Type - Legislative
Price - $2.80
Effective - May 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. In-Kind Services
Section 5. Authorized Uses of Grant Funds
Section 6. Unauthorized Uses of Grant Funds
Section 7. Reporting Requirements
Section 8. Grant Withdrawal and Penalty
Section 9. Nondiscrimination Provision
Section 10. Unexpended Funds
Section 11. Reduction of the Litter Control Fund

## SERIES 7 - AWARDING OF MATCHING GRANTS FOR LOCAL LITTER CONTROL PROGRAMS

Authority - §20-7-25(b)
Type - Procedural
Price - $6.00
Effective - December 29, 1986

Section 1. General
Section 2. Definitions
Section 3. Applicability
Section 4. In-Kind Services
Section 5. Authorized Uses of Grant Funds
Section 6. Unauthorized Uses of Grant Funds
Section 7. Grant Withdrawal and Penalty
Section 8. Nondiscrimination Provision
Section 9. Unexpended Funds
Section 10. Reduction of the Litter Control Fund

## SERIES 8 - RESERVED

## SERIES 9 - RESERVED

**SERIES 10 - RESERVED**

**SERIES 11 - HUNTING AND FISHING OUTFITTERS AND GUIDES**

Authority - §§20-1-7(30); 20-1-23
Type - Legislative
Price - $2.60
Effective - April 1, 1988

Section 1. General
Section 2. Definitions
Section 3. Outfitters License
Section 4. Hunting and Fishing Trips
Section 5. Accident Reports
Section 6. Enforcement and Penalties
Section 7. Appeals

**SERIES 12 - COMMERCIAL WHITEWATER OUTFITTERS**

Authority - §20-2-23A
Type - Legislative
Price - $3.60
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Designated Whitewater Zones
Section 4. Commercial Whitewater Outfitters License
Section 5. Special Whitewater Study and Improvement Fee
Section 6. Transfer of License
Section 7. Use Allocations
Section 8. Daily Use Limits
Section 9. Commercial Whitewater Operations
Section 10. Equipment
Section 11. Accidents Reports
Section 12. Trip Guides and Trip Leaders
Section 13. Enforcement and Penalties
Section 14. Appeals

**SERIES 13 - CONTRACTED EXTRAORDINARY LAW ENFORCEMENT SERVICES**

Authority - §20-7-1(e)
Type - Legislative
Price - $2.60
Effective - June 27, 1998

Section 1. General
Section 2. Definitions
Section 3. Application for Contracted Extraordinary Law Enforcement Services
Section 4. Contract Guidelines
Section 5. Assignment to Officers
Section 6. Compensation
Section 7. Office Conduct

**SERIES 14 - RULES GOVERNING SMALL ARMS HUNTING**

Authority - §20-1-7(30)
Type - Legislative
Price - $2.00
Effective - March 29, 2002

Section 1. General
Section 2. General Small Arms Hunting Rules
Section 3. Penalties

**SERIES 15 - PERMITS TO KILL DEER AND OTHER WILDLIFE CAUSING DAMAGE TO CULTIVATED CROPS, FRUIT TREES OR COMMERCIAL NURSERIES**

Authority - §20-2-15
Type - Procedural
Price - $3.00
Effective - May 20, 1992

Section 1. General
Section 2. Applicability
Section 3. Exceptions
Section 4. Authorized Persons
Section 5. Procedure
Section 6. Issuance of Permits
Section 7. Duties of Permittees
Section 8. Reoccurrence
Section 9. Disposition of Animals

**SERIES 16 - TRANSPORTING AND SELLING WILDLIFE PELTS**

Authority - §20-2-12
Type - Legislative
Price - $2.80
Effective - May 1, 1990

Section 1. General
Section 2. Definitions
Section 3. Shipping Tags
Section 4. Fur Dealer Licensing
Section 5. Fur Dealer Record Keeping
Section 6. Fur Dealer Reporting
Section 7. License and Permit Revocations
Section 8. Penalties

**SERIES 17 - FUR DEALER TRANSACTIONS**

Authority - §20-1-7(30)
Type- Procedural
Price - $4.20
Effective - September 10, 1996

Section 1. General
Section 2. Definitions
Section 3. Application Submission and Review
Section 4. Renewal of Issued Licenses and Permits
Section 5. Transaction Reporting
Appendix

**SERIES 18 - BEAR DAMAGE REGULATIONS**

Authority - §20-2-22A
Type - Procedural
Price - $3.20
Effective - September 10, 1996

Section 1. General
Section 2. Definitions
Section 3. Bear Damage Complaint Procedures
Section 4. Bear Damage Hunts
Section 5. Bear Damage Claims Procedures
Section 6. Bear Damage Appraisals
Appendix

**SERIES 19 - GUN REPAIR SHOP EXEMPTIONS**

Authority - 2§§0-2-58; 61-7-12 and 29A-3
Type - Procedural
Price - $3.40
Effective - September 10, 1996

Section 1. General
Section 2. Definitions
Section 3. Application Procedures
Section 4. Notice Requirements
Section 5. Objections to a Grant of Exemption
Section 6. Inspections
Appendix

**SERIES 20 - GUN REPAIR SHOP EXEMPTIONS**

Authority - §§20-2-58; 61-7-12 and 29A-3
Type - Interpretive
Price - $2.00
Effective - September 10, 1996

Section 1. General
Section 2. Definitions
Section 3. Nontransferability
Section 4. Safety Requirements
Section 5. Revocation of Exemption

**SERIES 21 - RESERVED**

**SERIES 22 - RESERVED**

## SERIES 23 - REVOCATION OF HUNTING AND FISHING LICENSES

Authority - §20-1-7(30)
Type - Legislative
Price - $2.60
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Revocation of Licenses
Section 4. Surrender of Licenses
Section 5. Restoration of License Privileges
Section 6. Assignment of Points
Section 7. Removal of Points
Section 8. Hearing and Appeal Procedures
Section 9. License Fee Refunds

## SERIES 24 - POINT SYSTEM FOR THE REVOCATION OF HUNTING AND FISHING LICENSES

Authority - §§20-2-38; 20-1-7
Type - Legislative
Price - $2.00
Effective - January 1, 1983

Section 1. General
Section 2. General Purpose
Section 3. Revocation of License, Duration
Section 4. Assignment of Points
Section 5. Removal of Points
Section 6. Hearing

## SERIES 25 - BOATING RULE

Authority - §§20-l-7(30); 20-7-13, 20-7-22 and 20-7-23
Type - Legislative
Price - $3.80
Effective - June 5, 2000

Section 1. General
Section 2. Definitions
Section 3. Certification of Vessels
Section 4. Required Equipment
Section 5. Right-of-Way
Section 6. Prohibited Operations
Section 7. Restricted Areas
Section 8. Overloading and Overpowering
Section 9. Water Skis and Surfboards
Section 10. Accident Reports
Section 11. Boating on Government-Owned Reservoirs
Section 12. Special Requirements for Motorboats Which Carry Passengers for Hire
Section 13. Penalties

## SERIES 26 - SPECIAL BOATING REGULATIONS

Authority - §§20-1-7(30); 20-7-22 & 20-7-23
Type - Legislative
Price - $3.20
Effective - April 9, 2003

Section 1. General
Section 2. Definitions
Section 3. Special Rules for Government-Owned Lakes

## SERIES 27 - SPECIAL MOTORBOATING REGULATIONS

Authority - §20-7-22,23
Type - Legislative
Price - $2.40
Effective - May 17, 2004

Section 1. General
Section 2. Definitions
Section 3. No Wake Speed Zones

## SERIES 28 - SPECIAL REQUIREMENTS CONCERNING BOATING

Authority - §§20-1-7(30); 20-7-13
Type - Legislative
Price - $2.00
Effective - October 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Special Requirements

## SERIES 29 - SPECIAL BOATING RULE FOR JENNINGS RANDOLPH LAKE

Authority - §§20-1-7(30); 20-7-13; 20-7-22; 20-7-23 & 29-1J-1
Type - Legislative
Price - $3.00
Effective - May 20, 1998

Section 1. General
Section 2. Definitions
Section 3. Prohibitions
Section 4. Vessel Operator Blood Alcohol Content; Testing Method and Loss of Privileges
Section 5. Water Skis, Surfboards or Similar Devices
Section 6. Sailboards
Section 7. Skin and Scuba Diving
Section 8. Boating Safety Education Certificate
Section 9. Noise Level Limits
Section 10. Sanitation Devices
Section 11. Waste Products
Section 12. Penalties

## SERIES 30 - SHORELINE CAMPING ON GOVERNMENT OWNED RESERVOIR AREAS IN WEST VIRGINIA

Authority - §20-1-7
Type - Legislative
Price - $2.00
Effective - January 1, 1983

Section 1. General
Section 2. General Regulations
Section 3. Special Regulations

**SERIES 31 - PUBLIC USE OF WEST VIRGINIA STATE PARKS, STATE FORESTS AND STATE WILDLIFE MANAGEMENT AREAS UNDER THE DIVISION OF NATURAL RESOURCES**

Authority - §20-5-2
Type - Legislative
Price - $3.00
Effective - May 1, 2002

Section 1. General
Section 2. General Rules Governing Use of State Parks, Governing Public Use of State Forests, and Recreational Areas in State Wildlife Management Areas Under Division of Natural Resources
Section 3. Enforcement of Rules Governing Public Use of State Forests, and Recreational Areas in State Wildlife Management Areas Under Division of Natural Resources and Penalties

**SERIES 32 - PUBLIC USE OF CAMPGROUNDS IN WEST VIRGINIA STATE PARKS, STATE FORESTS AND STATE WILDLIFE MANAGEMENT AREAS UNDER THE DIVISION OF NATURAL RESOURCES**

Authority - §20-5-2
Type - Legislative
Price - $2.80
Effective - July 1, 1996

Section 1. General
Section 2. Rules Governing Public Use of Campgrounds in State Parks, State Forests and State Wildlife Management Areas Under the Division of the Division of Natural Resources
Section 3. Enforcement of Rules Governing Public Use of Campgrounds in State Forests, and Recreational Areas in State Wildlife Management Areas Under Division of Natural Resources and Penalties

**SERIES 33 - PUBLIC USE OF SWIMMING AREAS IN WEST VIRGINIA STATE PARKS, STATE FORESTS AND STATE WILDLIFE MANAGEMENT AREAS UNDER THE DIVISION OF NATURAL RESOURCES**

Authority - §20-5-2
Type - Legislative
Price - $2.40
Effective - July 1, 1996

Section 1. General
Section 2. Rules Governing Public Use of Swimming Areas in State Parks, State Forests and State Wildlife Management Areas Under the Division of the Division of Natural Resources
Section 3. Enforcement of Rules Governing Public Use of Swimming Areas in State Forests, and Recreational Areas in State Wildlife Management Areas Under Division of Natural Resources and Penalties

**SERIES 34 - RULES GOVERNING SPECIAL PROJECTS AND GRANTS FOR WEST VIRGINIA STATE PARKS, STATE FORESTS AND STATE WILDLIFE MANAGEMENT AREAS UNDER THE DIVISION OF NATURAL RESOURCES**

Authority - §20-5-2
Type - Legislative
Price - $2.00
Effective - May 11, 2001

Section 1. General
Section 2. General Rules Governing Special Projects and Grants for West Virginia State Parks, State Forests and State Wildlife Management Areas Under the Division of Natural Resources

**SERIES 35-40 - RESERVED**

## SERIES 41 - WILDLIFE DAMAGE CONTROL AGENTS

Authority - §§20-2-7 and 20-2-50a
Type - Legislative
Price - $3.40
Effective - August 8, 1996

Section 1. General
Section 2. Definitions
Section 3. Licensing
Section 4. Annual Fee
Section 5. Background Check
Section 6. Training
Section 7. Procedures
Section 8. Disposition of Nuisance Wildlife
Section 9. Records and Reports
Section 10. Revocation and Suspension
Section 11. Liabilities

## SERIES 42 - WILDLIFE SCIENTIFIC COLLECTING PERMIT

Authority - §§20-1-7(30) and 20-2-50
Type - Legislative
Price - $2.80
Effective - January 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Application
Section 4. Conditions of Issuance, Denial and Revocations
Section 5. Permit Length
Section 6. Record Keeping and Reporting
Section 7. Penalties

## SERIES 43 - WEST VIRGINIA WILDLIFE MANAGEMENT AREAS

Authority - §§20-1-7(30); 20-3-2
Type - Legislative
Price - $2.80
Effective - May 9, 1995

Section 1. General
Section 2. Definitions
Section 3. General Regulations
Section 4. Special Regulations
Section 5. Department of Commerce Facilities
Section 6. Public Shooting Ranges
Section 7. Mountain Bikes or Bicycles in Wildlife Management Areas
Section 8. Horseback Riding in Wildlife Management Areas

## SERIES 44 - COOPERATION WITH FEDERAL GOVERNMENT IN MANAGEMENT OF FEDERAL LANDS WITHIN THE STATE

Authority - §20-1-18c
Type - Legislative
Price - $2.00
Effective - October 3, 1983

Section 1. General
Section 2. General Regulations

## SERIES 45 - HUNTING AND TRAPPING REGULATIONS (EXEMPT RULES)

Authority - §§20-1-17(7); 20-1-7(30)
Type - Legislative
Price - $3.40
Effective - November 1, 2004

Section 1. General
Section 2. Definitions
Section 3. Deer Hunting Seasons
Section 4. Bear Hunting Seasons
Section 5. Wild Turkey Hunting Seasons
Section 6. Wild Boar Hunting Seasons
Section 7. Other Hunting Seasons
Section 8. Hunting Bag and Possession Limits
Section 9. Trapping Seasons
Section 10. Trapping Bag and Possession Limits

## SERIES 45A- HUNTING, TRAPPING AND FISHING PROVISIONS

Authority - §§20-1-7(30); 29A-3-4
Type - Interpretive
Price - $2.00
Effective - August 6, 2005

Section 1. General
Section 2. General
Section 3. Applicability

## SERIES 46 - RULE DEFINING THE TERMS TO BE USED CONCERNING ALL HUNTING AND TRAPPING RULE

Authority - §20-1-7(30)
Type - Legislative
Price - $2.40
Effective - July 16, 2001

Section 1. General
Section 2. Definitions

## SERIES 47 - PROHIBITIONS WHEN HUNTING AND TRAPPING

Authority - §20-1-7(30)
Type - Legislative
Price - $2.40
Effective - April 9, 2003

Section 1. General
Section 2. Definitions
Section 3. Prohibitions

## SERIES 48 - RESERVED

Repealed by SB 310 March 18, 2000
See 58-45

**SERIES 49 - GENERAL HUNTING REGULATIONS**

Authority - §20-1-7(30)
Type - Legislative
Price - $2.00
Effective - July 16, 2001

Section 1. General
Section 2. Definitions
Section 3. General Hunting Rules

**SERIES 50 - DEER HUNTING RULE**

Authority - §20-1-7(30)
Type - Legislative
Price - $2.40
Effective - April 9, 2003

Section 1. General
Section 2. Definitions
Section 3. Deer Hunting Rules

**SERIES 51 - WILD TURKEY REGULATIONS**

Authority - §20-1-7(30)
Type - Legislative
Price - $2.00
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Wild Turkey Hunting Rules
Section 4. Possession, Propagation and Release of Pen-raised Turkeys

**SERIES 52 - WILD BOAR HUNTING RULE**

Authority - §20-1-7(30)
Type - Legislative
Price - $2.00
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Wild Boar Hunting Rules
Section 4. License Requirements

**SERIES 53 - GENERAL TRAPPING RULE**

Authority - §20-1-7(30)
Type - Legislative
Price - $2.40
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. General Trapping Rules

## SERIES 54 - DOG TRAINING REGULATIONS

Authority - §20-1-7(30)
Type - Legislative
Price - $2.00
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Dog Training Rules

## SERIES 55 - MIGRATORY BIRD HUNTING RULES (EXEMPT RULES)

Authority - §§20-1-17(7); 29A-1-3(c)
Type - Legislative
Price - $2.60
Effective - September 1, 2004

Section 1. General
Section 2. Definitions
Section 3. General Migratory Bird Hunting Rules
Section 4. Open Shooting and Falconry Season
Section 5. Shooting and Falconry Hours
Section 6. Shooting Bag and Possession Limits
Section 7. Falconry Bag and Possession Limits

## SERIES 56 - SPECIAL MIGRATORY BIRD HUNTING

Authority - §20-1-7(30)
Type - Legislative
Price - $2.60
Effective - April 16, 1998

Section 1. General
Section 2. Definitions
Section 3. General Migratory Bird Hunting Rules

## SERIES 57 - WATERFOWL HUNTING REGULATIONS

Authority - §§20-1-17(7); 29A-1-3(c)
Type - Legislative
Price - $3.00
Effective - September 1, 2004

Section 1. General
Section 2. Definitions
Section 3. General Provisions
Section 4. Open Shooting and Falconry Seasons
Section 5. Shooting and Falconry Hours
Section 6. Shooting Bag and Possession Limits
Section 7. Falconry Bag and Possession Limits
Section 8. Youth Waterfowl Hunting Season

**SERIES 58 - SPECIAL WATERFOWL HUNTING**

Authority - §§20-1-7(30); 29A-1-3c
Type - Legislative
Price - $2.80
Effective - April 16, 1998

Section 1. General
Section 2. Definitions
Section 3. General Waterfowl Hunting Rules

**SERIES 59 - SPECIAL WATERFOWL HUNTING AREAS**

Authority - §§20-1-7(30); 29A-1-3(c)
Type - Legislative
Price - $2.40
Effective - September 1, 2004

Section 1. General
Section 2. Definitions
Section 3. McClintic Wildlife Management Area
Section 4. Green Bottom Wildlife Management Area
Section 5. Warden Lake Wildlife Management Area

**SERIES 60 - FISHING REGULATIONS**

Authority - §§20-1-17(30); 20-1-17(7)
Type - Legislative
Price - $5.20
Effective - January 1, 2004

Section 1. General
Section 2. Definitions
Section 3. General Fishing Rules
Section 4. Open and Closing Dates
Section 5. Daily Creel Limits and Possession Limits
Section 6. Size Limits
Section 7. Catch and Release Black Bass Fishing Regulations
Section 8. Catch and Release Muskellunge Fishing Regulations
Section 9. Catch and Release Trout Fishing Regulations
Section 10. Fly Fishing Only Fishing Regulations
Section 11. Other Fishing Methods
Section 12. Use of Live Minnows as Bait
Section 13. Night Fishing Regulations
Section 14. McClintic Wildlife Management Area

**SERIES 61 - SPECIAL FISHING RULE**

Authority - §§20-1-7(30); 20-1-17(7)
Type - Legislative
Price - $2.80
Effective - April 13, 2004

Section 1. General
Section 2. Definitions
Section 3. Prohibitions
Section 4. Special Fishing Areas for Children and Persons Possessing a Valid Class Q License
Section 5. Special Fishing Area Rule for London, Marmet and Winfield Dam Tailwaters on the Kanawha River
Section 6. Special Fishing Area Rule for Division of Natural Resources - Owned or Leased Public Boating and Fishing Access Sites

## SERIES 62 - CATCHING AND SELLING BAIT FISH

Authority - §20-1-7(30)
Type - Legislative
Price - $2.40
Effective - June 1, 1989

Section 1. General
Section 2. Definition
Section 3. Species Which May be Legally Caught and Sold
Section 4. Possession Limit
Section 5. Sales Limits
Section 6. Size Limits
Section 7. Legal Collection Methods
Section 8. Restricted Areas

## SERIES 63 - COMMERCIAL SALE OF WILDLIFE

Authority - §§20-2-11; 20-1-7; 20-2-13
Type - Legislative
Price - $3.20
Effective - May 25, 2005

Section 1. General
Section 2. Definitions
Section 3. Wildlife Acquisition
Section 4. Wildlife Sales or Transfer
Section 5. Record Keeping
Section 6. Inspections
Section 7. Possession for Commercial Purposes Prohibited
Section 8. Penalties

## SERIES 64 - MISCELLANEOUS PERMITS AND LICENSES

Authority - §§20-1-7(20); 20-1-7(30)
Type - Procedural
Price - $5.00
Effective - May 10, 1996

Section 1. General
Section 2. Definitions
Section 3. Application Submission and Review
Section 4. Renewal of Issued Permits and Licenses
Section 5. Record Keeping and Reporting
Section 6. Inspections
Section 7. Terms and Conditions
Section 8. Penalties
Section 9. Appeals to the Director
Appendix

## SERIES 65 - FALCONRY

Authority - §20-1-7(30)
Type - Legislative
Price - $3.20
Effective - July 6, 1998

Section 1. General
Section 2. Definitions
Section 3. Permit Requirements
Section 4. Classes of Permits
Section 5. Examination

Section 6. Facilities and Equipment
Section 7. Nonresident Permits
Section 8. Reporting
Section 9. Marking
Section 10. Restrictions
Section 11. Revocation of Permit

**SERIES 66 - FERTILITY CONTROL OF FREE ROAMING WILDLIFE**

Authority - §20-1-5d
Type - Legislative
Price - $2.40
Effective - May 7, 1997

Section 1. General
Section 2. Definitions
Section 3. General Application Requirements
Section 4. Chemical Registration/Licensing
Section 5. Permit Conditions
Section 6. Public Notice

**SERIES 67 - LIFETIME HUNTING, TRAPPING AND FISHING LICENSES**

Authority - §20-2B-7
Type - Legislative
Price - $2.40
Effective - August 28, 2000

Section 1. General
Section 2. Definitions
Section 3. Lifetime Hunting, Trapping and Fishing License Requirements
Section 4. Fees for Lifetime Hunting, Trapping and Fishing Licenses
Section 5. Fees for Issuing Duplicate Lifetime Hunting, Trapping and Fishing Licenses

**SERIES 68 - ISSUANCE OF HUNTING, TRAPPING AND FISHING LICENSES BY TELEPHONE AND OTHER ELECTRONIC METHODS**

Authority - §20-2-33
Type - Legislative
Price - $2.00
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Licenses Sold by Telephone Transaction
Section 4. Licenses Sold by Internet Transaction
Section 5. Licenses Sold Electronically at the Point of Sale

# TITLE 21

# WEST VIRGINIA NURSING HOME ADMINISTRATORS LICENSING BOARD

## SERIES 1 - NURSING HOME ADMINISTRATORS

Authority - §§30-25-7; 30-1-1 et seq.
Type - Legislative
Price - $4.40
Effective - July 3, 2003


Section 1. General
Section 2. Definitions
Section 3. Examinations
Section 4. Education, Training and Experience
Section 5. Licenses
Section 6. Suspension or Revocation; Hearings; and Judicial Review
Section 7. Reciprocity
Section 8. Restoration
Section 9. Refunds


## SERIES 2 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR NURSING HOME ADMINISTRATORS, ADMINISTRATOR-IN-TRAINING, EMERGENCY AND TEMPORARY PERMIT HOLDERS

Authority - §§30-25-1 et seq., 30-1-1 et seq.
Type - Procedural
Price - $2.60
Effective - December 20, 2000


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses or Permits of Nursing Home Administrators, AITs, Permit Holders or Applicants
Section 5. Disposition of Complaints

# TITLE 12

## WEST VIRGINIA NURSING HOME LICENSING ADVISORY COUNCIL

Repealed March 25, 2002

# TITLE 13

# WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

## SERIES 1 - RULES OF THE BOARD OF OCCUPATIONAL THERAPY

Authority - §30-28-6
Type - Legislative
Price - $4.40
Effective - July 1, 1998


Section 1. General
Section 2. Definitions
Section 3. Powers and Duties of the Board
Section 4. Duties of the Chairperson
Section 5. Duties of the Secretary/Treasurer
Section 6. Executive Director or Executive Secretary
Section 7. Application for Licenses and Limited Permits
Section 8. Examination Process
Section 9. Issuance of Licenses and Limited Permits
Section 10. Exemptions
Section 11. Renewal
Section 12. Continuing Competency Requirements for Renewal of License
Section 13. Responsibilities of the Licensee or Limited Permit Holder
Section 14. Display of License or Limited Permit
Section 15. Duplicate License
Section 16. Notice of Change of Address, Change of Name
Section 17. Fees Shall be Collected and Determined by the Board for the Following (All Fees are Non-Refundable)
Section 18. Suspension, Revocation and Refusal to Renew License or Limited Permit
Section 19. Hearing Procedures
Section 20. Procedures for Judicial Review


## SERIES 2 - DISCIPLINARY, COMPLAINT AND CONTESTED CASE HEARING PROCEDURES FOR OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY

Authority - §30-28-6 et seq.
Type - Procedural
Price - $5.20
Effective - March 1, 2001


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Occupational Therapists, Occupational Therapy Assistants, Limited Permit Holders
Section 5. Dispostion of Complaints
Section 6. Emergency Action Matters
Section 7. Appeals
Section 8. Hearing Procedures
Section 9. Transcription of Testimony and Evidence
Section 10. Submission of Proposed Findings and Conclusion of Law
Section 11. Conferences; Informal Disposition of Cases
Section 12. Depositions
Section 13. Subpoenas
Section 14. Orders
Section 15. Appeal
Section 16. Procedures for Judicial Review

# TITLE 35

## DIVISION OF ENVIRONMENTAL PROTECTION
## OFFICE OF OIL AND GAS


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|---|---|---|---|
| Series | 1. | Miscellaneous Water Pollution Control (Formerly 38CSR11) | 399 |
| Series | 2. | Solid Waste (Formerly 38CSR12) | 399 |
| Series | 3. | Coalbed Methane Wells (Formerly 38CSR23) | 400 |
| Series | 4. | Oil and Gas Wells and Other Wells (Formerly 38CSR18) | 400 |
| Series | 5. | Designation of Future Use and Inactive Status for Oil and Gas Wells (Formerly 38CSR21) | 401 |
| Series | 6. | Abandoned Wells (Formerly 38CSR22) | 401 |
| Series | 7. | Certification of Gas Wells | 401 |


TOTAL COST FOR ALL OF TITLE 35 - $30.00

### SERIES 1 - MISCELLANEOUS WATER POLLUTION CONTROL RULE (FORMERLY 38CSR11)

Authority - §§22-1-10; 22-1-11; 22-6-2; 22-6-7; 22-11-1 thru 27
Type - Legislative
Price - $4.00
Effective - June 1, 1991


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Discharge Notification and Response |
| Section | 4. | Waste Load Allocations |
| Section | 5. | Small Waste Water Treatment Plants |
| Section | 6. | Outlet Markers |
| Section | 7. | Spill Prevention - Production Facilities |
| Section | 8. | Spill Prevention - Workover Operations |
| Section | 9. | Submittal of Spill Prevention Plans |


### SERIES 2 - OIL AND GAS OPERATIONS (FORMERLY 38CSR12)

Authority - §§22-1-13; 22-1-10; 22-1-11; 22-6-3 and 22-15-1 thru 8
Type - Legislative
Price - $2.00
Effective - June 12, 1987


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Permits |
| Section | 4. | Permit by Rule |

## SERIES 3 - COALBED METHANE WELLS (FORMERLY 38CSR23)

Authority - §22-21-3, 4
Type - Legislative
Price - $6.00
Effective - June 1, 1996


Section 1. General
Section 2. Definitions
Section 3. Inspectors, Inspection Forms, Violations, Abatement
Section 4. Permit Required for Coalbed Methane Well; Permit Fee; Soil Erosion Control Plan
Section 5. Casing Requirements - Coalbed Methane Wells
Section 6. Notice of Plugging and Reclamation of a CBM Well; Right to Take Well; Objection; Plugging Order; Plugging for Mine Through
Section 7. Work Order: Manner and Method of Plugging a CBM Well
Section 8. Plugging of Coalbed Methane Wells When a Workable Coal Seam is Encountered
Section 9. Form and Contents of Plats
Section 10. Rules Applicable to Separate Bonds; Blanket Bonds; Financial Responsibility; Financial Security for Stimulation in the Absence of Consent of Affected Coal Operators or Owners; Regulation; Designation of Agent Transfer of Title and Operator Status; Transfer Procedures; Periodical Circular; Ineffective Bonds; and Financial Responsibility
Section 11. Waste
Section 12. Records and Reports
Section 13. Water Protection, Testing and Redemption
Section 14. Operation and Reclamation
Section 15. Requirements for Production and Gathering Pipelines
Section 16. Variances


## SERIES 4 - OIL AND GAS WELLS AND OTHER WELLS (FORMERLY 38CSR18)

Authority - §§22-12-5; 22-1-3 and 22-6-2
Type - Legislative
Price - $7.20
Effective - May 10, 2001


Section 1. General
Section 2. Definitions
Section 3. Inspectors' Forms, Forms, Department Records
Section 4. Inspector's Findings of Violation, Abatement
Section 5. Permits, Notice, Review
Section 6. Plats, Notice to Coal Owner, Operator or Lessee
Section 7. Operational Rules on Liquid Injection and Waste Disposal Wells
Section 8. Objections to Applications; Notice
Section 9. Form and Contents of Plats
Section 10. Separate Bonds; Blanket Bonds; Financial Responsibility; Registration; Designation of Agent; Transfer of Title and Operator Status; Transfer Procedures; Periodical Circular; Hearings; Ineffective Bonds; and financial Responsibility from Competing Interests
Section 11. Operational Criteria
Section 12. Well Records
Section 13. Plugging, Abandonment and Reclamation
Section 14. Plugging Methods
Section 15. Reports
Section 16. Reclamation
Section 17. Preventing Waste
Section 18. Variances
Section 19. Water Supply Testing
Section 20. Groundwater Remediation

## SERIES 5 - DESIGNATION OF FUTURE USE AND INACTIVE STATUS FOR OIL AND GAS WELLS (FORMERLY 38CSR21)

Authority - §§22-6-1 THRU 7; 22-6-11; 22-6-19; 22-6-23,24; 22-6-26; 22-6-28,29,30; 22-6-32; 22-6-34; 22-9-5; and 22-10-1 thru 12
Type - Legislative
Price - $2.80
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Procedure for Designation of Bona Fide Future Use
Section 4. Demonstration of Designation of Bona Fide Future Use
Section 5. Inactive Status
Section 6. Effect on Nongovernmental Actions

## SERIES 6 - ABANDONED WELLS (FORMERLY 38CSR22)

Authority - §§22-1-3; 22-6-2 and 22-10-10
Type - Legislative
Price - $4.00
Effective - July 1, 1993

Section 1. General
Section 2. Definitions
Section 3. Declaration of Operator Status
Section 4. Financial Responsibility Requirements
Section 5. Plugging by Interested Parties
Section 6. Priority of Expenditures From the Oil and Gas Reclamation Fund
Section 7. Schedules for Plugging of Abandoned Wells
Section 8. Emergency Procedure

## SERIES 7 - CERTIFICATION OF GAS WELLS

Authority - §§22-1-3; 22-1-10; 22-6-2; 22-6-2(c)(11)
Type - Legislative
Price - $4.00
Effective - May 10, 2001

Section 1. General
Section 2. Definitions
Section 3. Filing Requirements
Section 4. Certification Procedure

# TITLE 39

## WEST VIRGINIA OIL AND GAS CONSERVATION COMMISSION

### SERIES 1 - RULES OF THE COMMISSION

Authority - §22-8
Type - Procedural
Price - $3.60
Effective - May 23, 2003


Section 1. General
Section 2. Definitions
Section 3. General Rules
Section 4. Operational Rules
Section 5. Secondary Recovery Rules
Section 6. Special Field Rules


### SERIES 2 - PROCEDURAL RULES OF THE COMMISSION

Authority - §22C-9
Type - Procedural
Price - $2.40
Effective - May 23, 2003


Section 1. General
Section 2. Rules of Practice and Procedure

# TITLE 40

# OIL AND GAS INSPECTORS EXAMINING BOARD

## SERIES 1 - RULES AND REGULATIONS GOVERNING PROCEDURES BEFORE THE OIL AND GAS INSPECTORS EXAMINING BOARD

Authority - §§22-13-3; 29A-3
Type - Procedural
Price - $2.80
Effective - October 9, 1990


Section 1. General
Section 2. Definitions
Section 3. Application
Section 4. Compensation for Inspectors and Supervising Inspectors
Section 5. Hearings Before the Board

# TITLE 14

# WEST VIRGINIA BOARD OF OPTOMETRY


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|---|---|---|---|
| Series | 1. | Rules of the West Virginia Board of Optometry | 404 |
| Series | 2. | Rules for Expanded Prescriptive Authority | 404 |
| Series | 3. | Contested Case Hearing Procedure | 404 |
| Series | 4. | Disciplinary and Complaint Procedures for Optometrists | 405 |
| Series | 5. | Schedule of Fees | 405 |
| Series | 6. | Written and Oral Examination and Scoring Policy | 405 |
| Series | 7. | Administration and Board Meetings | 405 |
| Series | 8. | Licensure by Endorsement | 405 |


TOTAL COST FOR ALL OF TITLE 14 - $19.80

## SERIES 1 - RULES OF THE WEST VIRGINIA BOARD OF OPTOMETRY

Authority - §30-8-1 et seq.
Type - Legislative
Price - $2.80
Effective - April 6, 2004


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application and Examinations |
| Section | 3. | Rules for Examination |
| Section | 4. | Colleges of Optometry |
| Section | 5. | Licenses |
| Section | 6. | Renewals |
| Section | 7. | Unlawful Use of the Prefix "Doctor" or "Dr." |
| Section | 8. | Continuing Education |


## SERIES 2 - EXPANDED PRESCRIPTIVE AUTHORITY

Authority - §§30-8-2a; 30-8-2b
Type - Legislative
Price - $2.40
Effective - June 21, 2002


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Certification |
| Section | 3. | Re-certification |
| Section | 4. | Insurance |
| Section | 5. | Procedures for Certification |
| Section | 6. | Fees |
| Section | 7. | Drug Formulary |
| Section | 8. | Restrictions |


## SECTION 3 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-8-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - December 28, 2000


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Hearing Procedure |
| Section | 4. | Transcription of Testimony and Evidence |
| Section | 5. | Submission of Proposed Findings of Fact and Conclusions of Law |
| Section | 6. | Conferences: Informal Disposition of Cases |
| Section | 7. | Depositions |
| Section | 8. | Subpoenas |
| Section | 9. | Orders |
| Section | 10. | Appeals |

## SERIES 4 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR OPTOMETRISTS

Authority - §§30-8-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $2.60
Effective - September 11, 2003

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Optometrists
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals
Section 8. Court Action and the Unlicensed Practice of Optometry

## SERIES 5 - SCHEDULE OF FEES

Authority - §30-8-3
Price - $2.00
Type - Legislative
Effective - June 21, 2002

Section 1. General
Section 2. Schedule of Fees

## SERIES 6 - WRITTEN AND ORAL EXAMINATION AND SCORING POLICY

Authority - §30-8
Type - Procedural
Price - $2.40
Effective - February 21, 2003

Section 1. General
Section 2. Anonymity
Section 3. Preparation
Section 4. Grading
Section 5. Pass-Fail Scoring

## SERIES 7 - ADMINISTRATION AND BOARD MEETINGS

Authority - §§30-8; 14-7
Type - Procedural
Price - $2.40
Effective - September 8, 2003

Section 1. General
Section 2. Administration
Section 3. Meetings of the Board

## SERIES 8 - LICENSURE BY ENDORSEMENT

Authority - §30-8-5(c)
Type - Legislative
Price - $2.20
Effective - August 8, 2003

Section 1. General
Section 2. Requirements for Licensure by Endorsement
Section 3. Application for Licensure by Endorsement
Section 4. Examination for Licensure by Endorsement

# TITLE 24

# WEST VIRGINIA BOARD OF OSTEOPATHY


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|---|---|---|---|
| Series | 1. | Licensing, Disciplinary and Complaint Procedures, Osteopathic Physicians | 406 |
| Series | 2. | Osteopathic Physician Assistants | 406 |
| Series | 3. | Contested Case Hearing Procedure | 407 |
| Series | 4. | Formation and Approval of Professional Limited Liability Companies | 407 |
| Series | 5. | Fees for Services Rendered by the Board of Osteopathy | 407 |
| Series | 6. | Disciplinary and Complaint Procedure | 407 |


Total Cost for all of Title 24 - $19.40

## SERIES 1 - LICENSING PROCEDURES, OSTEOPATHIC PHYSICIANS

Authority - §30-1-4; 30-14-1 et seq.
Type - Legislative
Price - $4.60
Effective - July 5, 2001


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application and Enforcement |
| Section | 3. | Definitions |
| Section | 4. | Qualifications and Application for a License to Practice Medicine and Surgery |
| Section | 5. | Application for State Board Examination |
| Section | 6. | Qualifications for the Issuance of a License to Practice Medicine and Surgery by Reciprocal Endorsement |
| Section | 7. | License to Practice Medicine and Surgery by Reciprocal Endorsement; Application Required |
| Section | 8. | Temporary Permit to Practice Osteopathic Medicine and Surgery; Qualifications |
| Section | 9. | Temporary Permit to Practice Osteopathic Medicine and Surgery; Application Required |
| Section | 10. | Temporary Permit to Practice Osteopathic Medicine and Surgery; Conditions of Practice |
| Section | 11. | Temporary Permit to Practice Osteopathic Medicine and Surgery; Examination Required |
| Section | 12. | Application Forms and Processing |
| Section | 13. | Educational Training Permits |
| Section | 14. | Written Examination, Examinee Conduct |
| Section | 15. | License Renewal; Renewal Application Form |
| Section | 16. | Policy Regarding License Applicants for New Licensure, License Renewal, or License Reactivation Who Have Had a License Revoked or Surrendered in Another State |
| Section | 17. | License Exemptions |
| Section | 18. | Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Osteopathic Physicians |
| Section | 19. | Severability |


## SERIES 2 - OSTEOPATHIC PHYSICIAN ASSISTANTS

Authority - §30-14-1
Type - Legislative
Price - $4.00
Effective - April 5, 1994


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Rules for Osteopathic Physician Assistants |
| Section | 3. | Severability |

## SERIES 3 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-14-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - March 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Hearing Procedures
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusion
Section 6. Hearing Examiner
Section 7. Conferences; Informal Disposition of Case
Section 8. Depositions
Section 9. Subpoenas
Section 10. Orders
Section 11. Appeals

## SERIES 4 - FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES

Authority - §31B-13-1304
Type - Legislative
Price - $2.40
Effective - April 29, 1999

Section 1. General
Section 2. Definitions
Section 3. Procedures for Formation and Approval of Professional Limited Liability Companies for Osteopathic Physicians; Fees
Section 4. Notification of Non-Compliance, Cessation of Rendering Professional Services
Section 5. Physician-Patient Relationship

## SERIES 5 - FEES FOR SERVICES RENDERED BY THE BOARD OF OSTEOPATHY

Authority - §30-1-4; 30-1-6
Type - Legislative
Price - $2.00
Effective - April 29, 1999

Section 1. General
Section 2. Schedule of Fees for Services Rendered by the West Virginia Board of Osteopathy for Physicians

## SERIES 6 - DISCIPLINARY AND COMPLAINT PROCEDURES

Authority - §§30-14-1; 30-1-1
Type - Procedural
Price - $3.40
Effective - March 1, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses or Traning Permits
Section 5. Dispostion of Reports and Complaints
Section 6. Appeals
Section 7. Severability

# TITLE 184

# PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY

## SERIES 1 - WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY PROCEDURAL AND INTERPRETIVE RULES REGARDING ECONOMIC DEVELOPMENT AND TOURISM

Authority - §§16-6a-6,13; 29A-3-3
Type - Procedural
Price - $2.60
Effective - December 27, 1991


Section 1. General
Section 2. Eligible Projects
Section 3. Application Procedures
Section 4. Preliminary Application Information
Section 5. Criteria Evaluation
Section 6. Selection of Project


## SERIES 2 THRU 7 - RESERVED

## SERIES 8 - WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY HEARING PROCEDURE RULES

Authority - §§17-16A-13(b); 29A-3-3
Type - Procedural
Price - $2.80
Effective - March 24, 1990


Section 1. General
Section 2. Notice
Section 3. Time of Notice Publication
Section 4. Environmental Statement Notices
Section 5. Other Notice
Section 6. Transmittal Letter
Section 7. Mailing
Section &. Location
Section 9. Equipment
Section 10. Time
Section 11. Conduct of a Hearing
Section 12. Transcript
Section 13. Alternate Compliance

# TITLE 143

# DIVISION OF PERSONNEL

## SERIES 1 - ADMINISTRATIVE RULES OF THE WEST VIRGINIA DIVISION OF PERSONNEL

Authority - §29-6-10
Type - Legislative
Price - $10.20
Effective - July 1, 2005


Section 1. General
Section 2. Preamble
Section 3. Definitions
Section 4. Classification Plans
Section 5. Compensation Plans and Salary Administration
Section 6. Applications and Examinations
Section 7. Registers
Section 8. Certification of Eligibles
Section 9. Appointments
Section 10. Probationary Period
Section 11. Promotions, Demotions and Transfers
Section 12. Separation, Tenure and Reinstatement
Section 13. Reconsideration
Section 14. Attendance and Leave
Section 15. Performance Evaluations
Section 16. Political Activities
Section 17. Employment Conflicts
Section 18. Payroll Certification
Section 19. Records and Reports
Section 20. Confidentiality
Section 21. Duties of State Officers; Legal Proceedings to Secure Compliance; Penalties
Section 22. Grievance Procedure
Section 23. Training and Development
Section 24. Employee Representative Organization Bulletin Boards
Section 25. Authority of the Board
Section 26. Amendments


## SERIES 2 - LEAVE DONATION PROGRAM

Authority -§29-6-27
Type - Legislative
Price - $2.80
Effective - July 1, 1996


Section 1. General
Section 2. Definitions
Section 3. Eligibility
Section 4. Recipient Status
Section 5. Method of Donations and Use of Donated Leave
Section 6. Appointing Authorities' Responsibilities
Section 7. Division of Personnel's Responsibilities and Annual Report

**SERIES 3 - WEST VIRGINIA DIVISION OF PERSONNEL WORKERS' COMPENSATION TEMPORARY TOTAL DISABILITY RULE**

Authority - §§23-4-1; 23-5A-4
Type - Legislative
Price - $2.40
Effective - July 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Pay
Section 4. Leave
Section 5. Order of Separation for Layoff

**SERIES 4 - PRE-EMPLOYMENT REFERENCE AND INQUIRIES RULE**

Authority - §29-6-10
Type - Legislative
Price - $2.60
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Verification of Eligibility
Section 4. Review and Reconsideration
Section 5. Records and Reports
Section 6. Employee and Applicant Responsibilities
Section 7. Appointing Authority Responsibilities

# TITLE 15

# STATE BOARD OF PHARMACY


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| Series | 1. | Rules of the West Virginia Board of Pharmacy | 411 |
| Series | 2. | Rules of the West Virginia Board of Pharmacy for the Uniform Controlled Substances Act | 412 |
| Series | 3. | Continuing Education for Licensure of Pharmacists | 412 |
| Series | 4. | Computer Regulations | 412 |
| Series | 5. | Licensing of Wholesale Distributors | 413 |
| Series | 6. | Mail Order House | 413 |
| Series | 7. | Registration of Pharmacy Technicians | 413 |
| Series | 8. | Controlled Substances Monitoring | 414 |
| Series | 9. | Complaint Procedures | 414 |
| Series | 10. | Board of Pharmacy Rules for Pharmacist Recovery Networks | 414 |


TOTAL COST FOR ALL OF TITLE 15 - $35.80

## SERIES 1 - RULES OF THE WEST VIRGINIA BOARD OF PHARMACY

Authority - §30-5-19
Type - Legislative
Price - $10.20
Effective - June 30, 2002


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | General Provisions |
| Section | 4. | Internship Requirements |
| Section | 5. | Examination for Licensure and Registration and Renewal Requirements |
| Section | 6. | Reciprocity; Licensure of Pharmacists from Other States or Countires |
| Section | 7. | Proceedings for Disciplinary Action |
| Section | 8. | Review by Circuit Court and Supreme Court of Board's Refusal to Issue Suspension or Revoke Permit |
| Section | 9. | Transfer of Legend Drugs |
| Section | 10. | Refilling Prescription Orders |
| Section | 11. | Transferring Prescription Orders Between Pharmacies |
| Section | 12. | Returning Drugs and Devices |
| Section | 13. | Drug Product Selection and Substitution |
| Section | 14. | Regulations Governing Pharmacy Permits |
| Section | 15. | Equipment, Facilities and Record Systems |
| Section | 16. | Sterile Pharmaceutical Compounding |
| Section | 17. | Licensure and Control of Nuclear Pharmacies |
| Section | 18. | Sanitary Regulations of Pharmacies |
| Section | 19. | Rules of Professional Conduct |
| Section | 20. | Duties and Responsibilities of the Pharmacist-in-Charge |
| Section | 21. | Manner of Issuance of a Prescription |
| Section | 22. | Labeling |
| Section | 23. | Pharmacists Consultants |
| Section | 24. | Specialized Dispensing Systems |
| Section | 25. | Institutions and Other Places Needing a Controlled Substance Permit |
| Section | 26. | Emergency Dispensing by Pharmacists |

## SERIES 2 - RULES OF THE BOARD OF PHARMACY FOR THE UNIFORM CONTROLLED SUBSTANCES ACT

Authority - §60A-3-301
Type - Legislative
Price - $5.80
Effective - May 1, 2001

Section 1. General
Section 2. Adoption of Federal Law
Section 3. Controlled Substance Permits
Section 4. Security Requirements
Section 5. Labeling and Packaging Requirements for Controlled Substances
Section 6. Records and Reports of Registrants
Section 7. Prescriptions
Section 8. Miscellaneous

## SERIES 3 - CONTINUING EDUCATION FOR LICENSURE OF PHARMACISTS

Authority - §30-5-3A
Type - Legislative
Price - $3.20
Effective - June 30, 2002

Section 1. General
Section 2. Definitions
Section 3. Purpose
Section 4. Continuing Pharmaceutical Education Requirements
Section 5. Methods of Acquiring continuing Pharmaceutical Education
Section 6. Program Administration
Section 7. Continuing Education Commission
Section 8. Responsibilities of Providers and Sponsors
Section 9. Responsibilities of Pharmacists
Section 10. Approval of Providers and Sponsors
Section 11. Approval of Continuing Pharmaceutical Programming
Section 12. Program Evaluation
Section 13. Credits and Records

## SERIES 4 - COMPUTER REGULATIONS

Authority - §60A-8-9
Type - Legislative
Price - $2.60
Effective - April 9, 1992

Section 1. General
Section 2. Use of Automated Data Processing
Section 3. Definitions
Section 4. Record of Dispensing Prescription Drugs
Section 5. Record of Retrieval (Documentation of Activity)
Section 6. Auxiliary Recordkeeping system
Section 7. Operating the ADP System

## SERIES 5 - LICENSING OF WHOLESALE DISTRIBUTORS

Authority - §60A-8-9
Type - Legislative
Price - $3.20
Effective - April 9, 1992

Section 1. General
Section 2. Definitions
Section 3. Wholesale Drug Distributor Licensing Requirements
Section 4. Minimum Required Information for Licensure
Section 5. Minimum Qualifications
Section 6. Personnel
Section 7. Violation and Penalties
Section 8. Minimum Requirements for the Storage and Handling of Prescription Drugs and for the Establishment and Maintenance of Prescription Drugs

## SERIES 6 - MAIL ORDER HOUSE

Authority - §30-5-6a
Type - Legislative
Price - $2.40
Effective - April 9, 1992

Section 1. General
Section 2. Definitions
Section 3. Permits for Mail Order Houses
Section 4. The Mail Order House Shall Maintain Prescription Records Which are Available for Review if Required by the Board
Section 5. Mail Order Houses Shall Have a Toll Free Accessible Telephone for Consumers to Obtain Counseling with a Licensed Pharmacist During Regular Working Hours and the Telephone Number Shall be Prominently Identified on the Prescription Container or on the Prescription Container Label
Section 6. Mail Order Houses Soliciting, Receiving and Dispensing and Delivering Orders Comprising Legend Drugs and Scheduled Controlled Drug Substances as Defined in 21 UCS 1 et seq., and 21 CFR 1 et seq., (1989) and Delivered to Ultimate Consumers in West Virginia Constitutes Doing Business in West Virginia
Section 7. Mail order Houses Doing Business in West Virginia by Dispensing and Delivering Prescription Orders to West Virginia Consumers Shall Designate a Resident Agent for Purposes of Service of Process and Notice

## SERIES 7 - REGISTRATION OF PHARMACY TECHNICIANS

Authority - §30-5-5(a)
Type - Legislative
Price - $3.20
Effective - June 1, 1997

Section 1. General
Section 2. Definitions
Section 3. Qualifications for Registration as a Pharmacy Technician; 20 Hour Training Program
Section 4. Registration and Examination; 2,080 Hour Training Program
Section 5. Duties and Restrictions of a Pharmacy Technician
Section 6. Identification of Technicians and Technician Trainees
Section 7. Certificate of Registration; Transfer of Registration

## SERIES 8 - CONTROLLED SUBSTANCES MONITORING

Authority - §60A-9-6
Type - Legislative
Price - $2.60
Effective - June 23, 2003

Section 1. General
Section 2. Definitions
Section 3. Prescription Monitoring Program
Section 4. Information to be Transmitted Weekly
Section 5. Prescription Forms
Section 6. Central Repository; Designation; Powers and Duties
Section 7. Confidentiality

## SERIES 9 - COMPLAINT PROCEDURES

Authority - §§30-5-1; 30-1-8(h)
Type - Procedural
Price - $2.60
Effective - January 15, 2001

Section 1. General
Section 2. Complaint Procedures.

## SERIES 10 - BOARD OF PHARMACY RULES FOR PHARMACISTS RECOVERY NETWORKS

Authority - §30-5-7c(d)
Type - Legislative
Price - $2.80
Effective - June 23, 2003

Section 1. General
Section 2. Definitions
Section 3. Pharmacists Recovery Network Agreements
Section 4. Due Process
Section 5. Receipt and Use of Information of Suspected Impairment
Section 6. Intervention & Referral
Section 7. Monitoring Treatment
Section 8. Monitoring Rehabilitation and Performance
Section 9. Monitoring Post-Treatment Support
Section 10. Reports of Cases of Impairment to the Board
Section 11. Periodic Reporting of Statistical Information
Section 12. Confidentiality
Section 13. Fees

# TITLE 16

# WEST VIRGINIA BOARD OF PHYSICAL THERAPY

## SERIES 1 - GENERAL PROVISIONS

Authority - §30-20-1 et seq.
Type - Legislative
Price - $3.40
Effective - June 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Applications
Section 4. Scores
Section 5. Issuance, Renewal or Reinstatement of License
Section 6. Temporary Permits for Physical Therapists
Section 7. Temporary Permits for Physical Therapy Assistants
Section 8. Nature of Practice for Physical Therapists
Section 9. Supervision of a Physical Therapist Assistant
Section 10. Licensing Individuals Outside the United States
Section 11. Fees

## SERIES 2 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-12-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - January 15, 2001

Section 1. General
Section 2. Definitions
Section 3. Conferences; Informal Disposition of Cases
Section 4. Depositions
Section 5. Subpoenas
Section 6. Hearing Procedure
Section 7. Transcription of Testimony and Evidence
Section 8. Submission of Proposed Findings of Fact and Conclusions of Law
Section 9. Orders
Section 10. Appeal

## SERIES 3 - DISCIPLINARY AND COMPLAINT PROCEDURES

Authority - §§30-20-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $2.60
Effective - January 15, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Physical Therapists
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

# TITLE 118

# WEST VIRGINIA PREPAID TUITION TRUST FUND

## SERIES 1 - RULES FOR THE WEST VIRGINIA PREPAID TUITION TRUST FUND

Authority - 18-30 et seq.
Type - Legislative
Price - $3.80
Effective - June 9, 1998


Section 1. General
Section 2. Definitions
Section 3. Program Description
Section 4. Application, Contract, Pricing and Payments
Section 5. Contract Purchasers
Section 6. Administrative Fee Schedule
Section 7. Grievance Petitions

# TITLE 92

# WEST VIRGINIA BOARD OF PROBATION AND PAROLE

## SERIES 1 - WEST VIRGINIA BOARD OF PROBATION AND PAROLE PROCEDURAL RULES

Authority - §62-12-13(c)
Type - Procedural
Price - $5.20
Effective - May 1, 2005


Section 1. General
Section 2. Definitions
Section 3. Board Decisions
Section 4. Eligibility for Parole Consideration
Section 5. Interviews of Inmates
Section 6. Factors in Decision
Section 7. Waiver of Interview
Section 8. Decisions of the Board
Section 9. Rescission of Parole
Section 10. Revocation of Parole
Section 11. Prerequisites to Revocation Hearing
Section 12. Representation by Counsel
Section 13. Procedure at Revocation
Section 14. Waiver of Revocation Hearing
Section 15. Decision by the Board
Section 16. Revocation Procedure
Section 17. Severability

# TITLE 23

# STATE BOARD OF PROFESSIONAL SURVEYORS

## SERIES 1 - RULES AND MINIMUM STANDARDS FOR PRACTICE OF LAND SURVEYING IN WEST VIRGINIA

Authority - §§30-1-7a; 30-13A-4(a)
Type - Legislative
Price - $3.20
Effective - June 1, 2005


Section 1. General
Section 2. General Purposes
Section 3. Definitions
Section 4. Qualifications of Applicants for Licenses, Exceptions, Fees, Examinations
Section 5. Issuance of License, Notice of Expiration, Renewal, Renewal Fee, Display; Certificate of Authorization; Professional Limited Liability Company (PLLC)
Section 6. Accredited Surveying Curricula
Section 7. Unethical Practices
Section 8. Suspension or Revocation of License; Procedure for Hearings of Application for an Original or Renewal License or Suspension or Revocation of any License; Judicial Review
Section 9. Competency in Field and Office Techniques
Section 10. Underground Surveys and Maps; Specific Technical Fields
Section 11. Licensing of Nonresident Surveyors


## SERIES 2 - MANDATORY CONTINUING EDUCATION FOR LAND SURVEYORS

Authority - §§30-1-7a; 30-13A-4
Type - Legislative
Price - $2.80
Effective - July 1, 2004


Section 1. General
Section 2. Definitions
Section 3. Continuing Professional Competency Requirements
Section 4. Reporting and Record Keeping
Section 5. Exemptions
Section 6. Review and Audit Processes


## SERIES 3 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR LAND SURVEYORS

Authority - §§30-13A-4(a); 30-1-1 et seq.
Type - Procedural
Price - $3.60
Effective - September 1, 2001


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Disposition of Complaints
Section 5. Requests for Hearing Following Denial of a License
Section 6. Hearing Procedure
Section 7. Transcription of Testimony and Evidence
Section 8. Submission of Proposed Findings of Fact and Conclusions of Law
Section 9. Depositions and Discovery
Section 10. Orders
Section 11. Appeal

# TITLE 189

# PROPERTY VALUATION AND PROCEDURES COMMISSION


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| Series | 1. | Instructions for Hiring Approval | 419 |
| Series | 2. | Statewide Procedures for the Visitation and Recommended Data Collection Procedures for the Different Species of Property | 419 |
| Series | 3. | Guidelines for Neat, Final Manual Drafting of Surface Tax Maps | 419 |
| Series | 4. | Statewide Procedures for the Manual Maintenance of Surface Tax Maps | 420 |
| Series | 5. | Tax Map Sales | 420 |

TOTAL COST FOR ALL OF TITLE 189 - $15.40


## SERIES 1 - INSTRUCTIONS FOR HIRING APPROVAL

Authority - §11-1C-4(d)
Type - Procedural
Price - $2.40
Effective - September 27, 1990


Section 1. General
Section 2. General Statement
Section 3. Hiring Approval Form
Section 4. Hiring Approval Procedure


## SERIES 2 - STATEWIDE PROCEDURES FOR THE VISITATION AND RECOMMENDED DATA COLLECTION PROCEDURES FOR THE DIFFERENT SPECIES OF PROPERTY

Authority - §11-1C-4(d)
Type - Procedural
Price - $5.00
Effective - September 27, 1990


Section 1. General
Section 2. Introduction
Section 3. Standard Visitation Procedures
Section 4. Recommended Residential Data Collection Procedures
Section 5. Data Collector Checklist
Section 6. Recommended Commercial/Industrial Data Collection Procedures
Table


## SERIES 3 - GUIDELINES FOR NEAT, FINAL MANUAL DRAFTING OF SURFACE TAX MAPS

Authority - §11-1C-4(d)
Type - Procedural
Price - $2.40
Effective - September 27, 1990


Section 1. General
Section 2. Introduction
Section 3. General Information

## SERIES 4 - STATEWIDE PROCEDURES FOR THE MANUAL MAINTENANCE OF SURFACE TAX MAPS

Authority - §11-1D-4(d)
Type - Procedural
Price - $3.40
Effective - September 27, 1990

Section 1. General
Section 2. Definitions
Section 3. General Guidelines
Section 4. Existing Surface Tax Maps
Section 5. Map Content - Existing Maps; Essential Information
Section 6. Tax Mapping Procedures

## SERIES 5 - TAX MAP SALES

Authority - §§11-10-5; 11-1C-4(d)
Type - Legislative
Price - $3.20
Effective - April 15, 1992

Section 1. General
Section 2. Purchasing, Location, Ordering Procedures, Price Schedule and Authority for Sale of Tax Maps
Section 3. County Assessors Performing Own Drafting or with Property Tax Division's Vendor for Drafting
Section 4. County Sales of Maps, Bonding, Contracts, Accounting, Inspection and Sales Deposits
Section 5. Prohibiting Reproduction of Tax Maps and Prescribing Penalty for Violation
Section 6. Tax Map Revisions; Revised Copies Provided to Department of Tax and Revenue
Section 7. County Assessors Addresses and Telephone Numbers

# TITLE 168

# PROSECUTING ATTORNEY'S INSTITUTE

## SERIES 1 - PAYMENT FOR COSTS OF FORENSIC MEDICAL EXAMINATION

Authority - §61-8b-18
Type - Procedural
Price - $2.60
Effective - July 3, 2002


Section 1. General
Section 2. Definitions
Section 3. Responsibilities of the Licensed Medical Facility
Section 4. Responsibilities of Law Enforcement Agencies
Section 5. Responsibilities of the Prosecuting Attorney
Section 6. Responsibilities of Prosecuting Attorneys Institute
Section 7. Limitations on Use of Fund

# TITLE 99

## DISIVISION OF PROTECTIVE SERVICES

### SERIES 1- RESERVED

### SERIES 2 - RANKS AND DUTIES OF OFFICERS WITHIN THE MEMBERSHIP OF THE DIVISION

Authority - §15-2D-3(c)(1)(B)
Type - Legislative
Price - $2.00
Effective - April 4, 2002

Section 1. General
Section 2. Organizational Structure
Section 3. Duties

# TITLE 17

# STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS


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| Series | 1. | Penalties and Fees | 423 |
| Series | 2. | Organization and Procedures of the Board of Examiners of Psychologists | 423 |
| Series | 3. | Qualifications for Licensure as a Psychologists and/or a School Psychologist | 423 |
| Series | 4. | Disciplinary and Complaint Procedures for Psychologists | 424 |
| Series | 5. | Contested Case Hearing Procedure | 424 |


TOTAL COST FOR ALL OF TITLE 17 - $15.40

## SERIES 1 - FEES

Authority - §30-21-6
Type - Legislative
Price - $2.20
Effective - April 30, 2004


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| Section | 1. | General |
| Section | 2. | Summary of Fees |


## SERIES 2 - ORGANIZATION AND PROCEDURES OF THE BOARD OF EXAMINERS OF PSYCHOLOGISTS

Authority - §§30-21-5,6(a)(6)
Type - Procedural
Price - $3.00
Effective - October 13, 1996


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| Section | 1. | General |
| Section | 2. | Organization of Meetings of the Board |
| Section | 3. | Employees of the Board |
| Section | 4. | Special Procedures and Definitions for Board Consideration of Applications Made for Licensing Under Provisions Other Than Standard, With Examination |
| Section | 5. | Procedures for Processing of Application Made Under the Standard Provision, with Examination |
| Section | 6. | Examinations |
| Section | 7. | Notification |
| Section | 8. | Temporary Permits |
| Section | 9. | Renewals |
| Section | 10. | Registers |


## SERIES 3 - QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST AND/OR A SCHOOL PSYCHOLOGIST

Authority - §30-21-6
Type - Legislative
Price - $3.60
Effective - June 1, 1997


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| Section | 1. | General |
| Section | 2. | Requirements of Graduate Degree Granting Institutions |
| Section | 3. | Master's Level Training Requirements |
| Section | 4. | Doctoral Level Training Requirements |
| Section | 5. | Adequacy of Supervised Experience |
| Section | 6. | Professional Ethics |
| Section | 7. | Responsibilities of Licensees |
| Section | 8. | Standards for Supervision of Persons Working Under the Direct and Regular Supervision of Licensees |
| Section | 9. | Standards for Supervision of Applicants for Licensure |
| Section | 10. | Standards for Supervision of Students |
| Section | 11. | Standards for Supervision of Psychological Assistants, Psychological Technicians or Psychometricians |
| Section | 12. | Licensure of School Psychologists |
| Section | 13. | Supervision Requirements for School Psychologist Applicants |
| Section | 14. | School Psychology Continuing Education Requirements for Licensed Psychologists |

## SERIES 4 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR PSYCHOLOGISTS

Authority - §§30-21-6; 30-1-4
Type - Procedural
Price - $3.60
Effective - March 1, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Psychologists
Section 5. Disposition of Complaints
Section 6. Appeals

## SERIES 5 - CONTESTED CASE HEARING PROCEDURE

Authority - §§39-21-6; 30-1-4
Type - Procedural
Price - $3.20
Effective - March 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Hearing Examiner
Section 7. Conferences; Informal Dispositions of Cases
Section 8. Depositions
Section 9. Subpoenas
Section 10. Orders
Section 11. Penalties
Section 12. Appeal

# TITLE 151

# WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE AGENCY

Index for Public Employees Insurance Agency


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| Series | 1. | Legislative Rules Pertaining to the General Administration of the West Virginia Public Employees Insurance Plan | 425 |
| Series | 2. | Reserved | 425 |
| Series | 3. | Rules of Procedure for Contested Case Hearings and Declaratory Rulings | 425 |
| Series | 4. | Procedural Rules for the Public Employees Insurance Agency Finance Board | 426 |
| Series | 5. | Reserved | 426 |


TOTAL COST FOR ALL OF TITLE 151 - $9.40

## SERIES 1 - LEGISLATIVE RULES PERTAINING TO THE GENERAL ADMINISTRATION OF THE WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE PLAN

Authority - §15-16-5
Type - Legislative
Price - $4.20
Effective - January 1, 2000


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Establishment and Implementation of the Plan |
| Section | 4. | Participation in the Plan |
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| Section | 6. | Appeals Process |
| Section | 7. | Nonstate Agencies |
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| Section | 9. | Refund Policy |
| Section | 10. | Administrative Expense Fund |
| Section | 11. | Miscellaneous |
| Section | 12. | Earned Extended Insurance Coverage |
| Section | 13. | Optional Life |


## SERIES 2 - RESERVED

## SERIES 3 - RULES OF PROCEDURE FOR CONTESTED CASE HEARINGS AND DECLARATORY RULINGS

Authority - §§5-16-18; 29A-5-1(a); 29A-4-1
Type - Procedural
Price - $3.00
Effective - April 1, 1987


| | | |
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| Section | 1. | General |
| Section | 2. | Application |
| Section | 3. | Definitions |
| Section | 4. | Hearings |
| Section | 5. | Continuation and Adjournment |
| Section | 6. | Transcription of Reported Testimony and Evidence |
| Section | 7. | Submission of Proposed Findings of Fact and Conclusions of Law; Time for Submission |
| Section | 8. | Appointment of Hearing Examiner; Function of Hearing Examiner |
| Section | 9. | Conferences; Informal Disposition of Cases; Disposition of Cases Without Hearing |
| Section | 10. | Discovery |
| Section | 11. | Orders; Content |
| Section | 12. | Declaratory Ruling - Procedures |
| Section | 13. | Appeal |
| Section | 14. | Severability |

## SERIES 4 - PROCEDURAL RULES FOR THE PUBLIC EMPLOYEES INSURANCE AGENCY FINANCE BOARD

Authority - §6-9A-3; 5-16-3(c); 5-16-24
Type - Procedural
Price - $2.60
Effective - December 13, 1990

Section 1. General
Section 2. Definitions
Section 3. Meeting
Section 4. Public Hearings
Section 5. Meetings General Open to Public; Executive Session
Section 6. Decisions
Section 7. Minutes; Records

## SERIES 5 - RESERVED

Repealed the Board was Sunset by the 1997 Legislature

# PUBLIC EMPLOYEES RETIREMENT SYSTEM

See Consolidated Public Retirement Board
Title 162, Series 5

# TITLE 53

# PUBLIC ENERGY AUTHORITY

## SERIES 1 - RULES AND PROCEDURE FOR THE ISSUANCE OF BONDS, ESTABLISHMENT OF FEE SCHEDULE AND COST ALLOCATIONS

Authority - §5D-1-5(11)
Type - Legislative
Price - $2.80
Effective - April 15, 1992


Section 1. General
Section 2. Definitions
Section 3. Prerequisites to Authority's Approval of Bond Issue
Section 4. Special Notice Requirements of Meetings at Which a Bond Issue will be Finally Considered
Section 5. Fees for the Issuance of Bonds
Section 6. Allocation of Costs Applicable to issuance of Bonds
Section 7. Amendment of Fee Schedule


## SERIES 2 - PROCEDURE FOR PROVIDING NOTICE OF MEETINGS

Authority - §§5D-1-5; 6-9A-3
Type - Procedural
Price - $2.40
Effective - October 7, 1991


Section 1. General
Section 2. Notice of Regular Meetings
Section 3. Notice of Special Meetings
Section 4. Notice of Emergency Meetings
Section 5. Notice Requirements of Meeting at Which Bond Issue will be Finally Considered
Section 6. Notice Requirements of Meeting at Which Exercise of Right of Eminent Domain will be Finally Considered


## SERIES 3 - RULES AND PROCEDURES FOR THE EXERCISE OF THE POWERS OF EMINENT DOMAIN FOR QUALIFIED PROJECTS

Authority - §5D-1-5(14)
Type - Legislative
Price - $3.20
Effective - April 15, 1992


Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Notices to Property Owners and Record Keeping
Section 5. Criteria for Appraisals
Section 6. Application for Authority's Approval of Eminent Domain Power
Section 7. Approval of Acquiring Entity's Application
Section 8. Prerequisites to Authority's Approval of Eminent Domain Power
Section 9. Special Notice of Meetings at Which the Exercise of Eminent Domain will be Finally Considered
Section 10. Exercising the Right to Eminent Domain

## SERIES 4 - RULES AND PROCEDURE FOR APPLICATION FOR AND ENVIRONMENTAL ASSESSMENT OF PROJECTS SEEKING QUALIFICATION FOR PUBLIC ENERGY AUTHORITY'S ASSISTANCE

Authority - §5D-1-5(34)
Type - Legislative
Price - $2.60
Effective - June 10, 1993

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Application and Environmental Assessment for Authority's Assistance
Section 5. Notice to Public Counties in Which Project Located
Section 6. Request for Supplemental Information or Data
Section 7. Review by Counsel and Assistance of Appropriate Governmental Agencies
Section 8. Public Hearing on Application
Section 9. Criterion for Approval of Proposed Project's Application

# TITLE 89

# WEST VIRGINIA PUBLIC LEGAL SERVICES COUNCIL

## SERIES 1 - PUBLIC MEETING NOTIFICATION

Authority - §§29-21-4; 6 and 6-9A-3
Type - Procedural
Price - $2.00
Effective - February 4, 1983


Section 1. General
Section 2. Written Notice
Section 3. Written Notice of Special Meeting
Section 4. Exceptions
Section 5. Executive Session

# TITLE 166

# PUBLIC PORT AUTHORITY

## SERIES 1 - PORT DISTRICT APPLICATION REQUIREMENTS

Authority - §17-16B-8
Type - Procedural
Price - $2.60
Effective - March 1, 1995


Section 1. General
Section 2. Definitions
Section 3. Application Package
Section 4. Liability
Section 5. Application Submission and West Virginia Public Port Authority Decision Form

# TITLE 150

# PUBLIC SERVICE COMMISSION

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TOTAL COST FOR ALL OF TITLE 150 - $189.90

## SERIES 1 - RULES OF PRACTICE AND PROCEDURE

Authority - §24-1-7
Type - Procedural
Price - $12.10
Effective - September 13, 2004

Section 1. General
Section 2. Executive Secretary to Furnish Information
Section 3. Records
Section 4. Filing Papers
Section 5. Parties and Protests
Section 6. Complaints
Section 7. Answer and Service
Section 8. Amendments
Section 9. Motions, Objections, Responses, Replies
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Section 12. Hearings
Section 13. Evidence
Section 14. Subpoenas for Witnesses and Documents
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Section 17. Proposed Orders
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## SERIES 2 - RULES AND REGULATIONS FOR THE GOVERNMENT OF THE CONSTRUCTION AND FILING OF TARIFFS OF PUBLIC UTILITIES AND COMMON CARRIERS BY MOTOR VEHICLE

Authority - §§24-1-1; 24-1-7; 24-2-1,2; 24A-1-1; 24A-2-4a
Type - Legislative
Price - $19.90
Effective - December 24, 2002

Section 1. General
Section 2. General Applicability
Section 3. Form and Size of Tariffs
Section 4. Contents of Schedules
Section 5. Designation of Tariffs
Section 6. Filing Additional Schedules
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Section 15. Posting Tariffs
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Section 17. Withdrawing Tariffs
Section 18. Report of Tariff Changes
Section 19. Information to be Submitted With Filing of Tariff or Application to Initiate or Change Rates
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Section 22. Electric Cooperative, Natural Gas Cooperative, Telephone Cooperative and Municipal Utility Ratemaking

and Appeal Procedures
Section 23. General Applicability - Common Carriers by Motor Vehicles
Section 24. Form and Size of Tariff
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## SERIES 3 - RULES AND REGULATIONS FOR THE GOVERNMENT OF ELECTRIC UTILITIES

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-2
Type - Legislative
Price - $12.40
Effective - January 3, 2000

Section 1. General
Section 2. Records, Reports and Other Information to be Supplied to the Commission
Section 3. Meter Requirements
Section 4. Customer Relations
Section 5. Engineering Requirements
Section 6. Inspection and Tests
Section 7. Standards of Quality of Service
Section 8. Safety Requirements
Section 9. Transmission Line Construction
Section 10. Promotional Practices
Section 11. Consumer Reimbursement Program
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## SERIES 4 - RULES AND REGULATIONS FOR THE GOVERNMENT OF GAS UTILITIES AND GAS PIPELINE SAFETY

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-2; 16-13A-9; 8-18-23
Type - Legislative
Price - $12.70
Effective - April 19, 2005

Section 1. General
Section 2. Records, Reports and Other Information to be Supplied to the Consumer
Section 3. Meter Requirements
Section 4. Customer Relations
Section 5. Engineering Requirements
Section 6. Inspections and Tests
Section 7. Standards of Quality of Service
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Section 10. Promotional Practices
Section 11. Inspection, Enforcement and Appeals
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## SERIES 5 - RULES AND REGULATIONS FOR THE GOVERNMENT OF SEWER UTILITIES

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-2; 24-2-5; 24-2-7, 8, & 9; 24-3-2; 24-3-5; 16-13A-2; 16-13A-9; 8-18-23
Type - Legislative
Price - $6.00
Effective - October 24, 2003

Section 1. General
Section 2. Records, Reports and Other Information to be Supplied to the Commission
Section 3. Meter Requirements
Section 4. Customer Relations
Section 5. Utility Facilities; Service Pipes; Extension of System
Section 6. Safety Requirements
Section 7. Creation or Alteration of Public Service Districts
Forms

## SERIES 6 - RULES AND REGULATIONS FOR THE GOVERNMENT OF TELEPHONE UTILITIES

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-2; 16-13A-9; 18-10-23
Type - Legislative
Price - $11.60
Effective - February 8, 2004

Section 1. General
Section 2. Customer Relations
Section 3. Engineering
Section 4. Metering Inspections and Tests
Section 5. Records and Receipts
Section 6. Standards of Quality of Service
Section 7. Safety
Section 8. Promotional Practices
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Section 11. Customer Owned Public Telephones
Section 12. Intrastate Use of Automatic Dialing and Announcing Devices
Section 13. Alternative Operator Services
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## SERIES 7 - RULES AND REGULATIONS FOR THE GOVERNMENT OF WATER UTILITIES

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-2; 16-13A-9; 8B-18-23
Type - Legislative
Price - $9.00
Effective - October 24, 2003

Section 1. General
Section 2. Records, Reports and Other Information to be Supplied to the Commission
Section 3. Meter Requirements
Section 4. Customer Relations
Section 5. Utility Facilities; Service Pipes; Extension of System
Section 6. Inspections and Tests
Section 7. Safety Requirements
Section 8. Creation or Alteration of Public Service Districts
Forms

## SERIES 8 - RULES AND REGULATIONS FOR THE GOVERNMENT OF RAILROAD SAFETY AND SANITATION

Authority - §24-1-7
Type - Legislative
Price - $5.60
Effective - February 18, 1984


Section 1. Requirements to Govern the Provision, Construction and Maintenance of Sanitation and Shelter Facilities for Railroad Company Employees
Section 2. Accident Reporting
Section 3. Clearances
Section 4. Construction, Reconstruction and Maintenance of Walkways Adjacent to Railroad Truckage; and Removal of Debris, Trash, etc.
Section 5. Filing of Rules of the Operating Departments of Railroad Corporations
Section 6. Safety Programs
Section 7. Inspection of Trackage, Roadbeds, Bridges and Other Structures: And to Maintenance and Repairs of Bridges and other Structures
Section 8. Adoption of Federal Regulations
Section 9. Reserved
Section 10. Minimum Motor Vehicle Standards
Section 11. Right-of-Way Drainage
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## SERIES 9 - RULES GOVERNING MOTOR CARRIERS, PRIVATE COMMERCIAL CARRIERS AND THE FILING OF EVIDENCE OF INSURANCE AND FINANCIAL RESPONSIBILITY BY MOTOR CARRIERS

Authority - §§24-2-1b; 24-2-2; 24A-2-3; 24A-3-4; 24A-3-6; 24A-4-1; 24A-5-5
Type - Legislative
Price - $14.50
Effective - January 10, 2004


Section 1. General
Section 2. Rules & Regulations Governing the Filing and Approval of Surety Bonds, Policies or Certificates of Insurance, Qualifications as a Self-Insurer, and Other Evidence of Financial Responsibility by Motor Cariers
Section 3. Rules Applicable to All or Some Motor Carriers
Section 4. Rules and Regulations Applicable to Motor Carriers Transporting Passengers
Section 5. Rules and Regulations Applicable to Wrecker Companies
Section 6. Rules Applicable to Motor Carriers Transporting Solid Waste
Section 7. Temporary Authority
Section 8. Leased Equipment
Section 9. Forms
Forms


## SERIES 10 - RESERVED

Repealed and Replaced by 150CSR2
Effective December 24, 2002

## SERIES 11 - TRANSPORTING HAZARDOUS WASTE BY RAIL

Authority - §22-18-7(b)
Type - Legislative
Price - $3.00
Effective - December 24, 2002

Section 1. General
Section 2. The Manifest System
Section 3. Recordkeeping
Section 4. Labeling
Section 5. Discharges
Section 6. Revisions to Regulations
Section 7. Variances
Section 8. Standards for Universal Waste Transporters
Section 9. Standards for Used Oil Transporters
Section 10. Standards Applicable to the Transportation of Solid Waste Military Munitions

## SERIES 12 - INTRASTATE RAIL TRANSPORTATION

Authority - §24-1-7
Type - Legislative
Price - $6.20
Effective - August 27, 1990

Section 1. General
Section 2. Filing of Railroad Rates
Section 3. Investigation and Suspension of Railroad Rates
Section 4. Procedural Requirements for Protest and Replies Regarding Proposed Rail Rates, Classification, Rule or Practice
Section 5. Rules Relating to Determination of Market Dominance in Commission Proceedings - Market Dominance Guidelines
Section 6. Rules, Regulations and Requirements Relative to Complaints Against the Reasonableness of Intrastate Railroad Rates
Section 7. Rules, Regulations and Requirements Related to Intrastate Railroad Transportation Contracts
Section 8. Exemptions of Particular Rail Transportation from Regulation Under USC 10505
Section 9. Discrimination
Section 10. Limited Liability Rate

## SERIES 13 - RULES AND REGULATIONS GOVERNING THE USE OF BROADCAST AND STILL PHOTOGRAPHIC EQUIPMENT IN PUBLIC HEARINGS OF THE WEST VIRGINIA PUBLIC SERVICE COMMISSION

Authority - §24-1-7
Type - Procedural
Price - $2.00
Effective - August 15, 1981

Section 1. General
Section 2. Use of Broadcasts and Still Picture

## SERIES 14 - RESERVED

Repealed & Replaced by 150CSR9
Effective - August 25, 2003

## SERIES 15 - RULES AND REGULATIONS FOR THE USE OF THE NUMBER "911"

Authority - §24-6-10
Type - Legislative
Price - $2.00
Effective - July 11, 1997

Section 1. General
Section 2. Prohibition Regarding the use of the Number "911"

## SERIES 16 - TRANSPORTATION OF NATURAL GAS

Authority - §§24-3-3a, 24-1-1, 24-1-7, 24-2-7, 24-2-11
Type - Legislative
Price - $4.60
Effective - December 4, 2000

Section 1. General
Section 2. Transportation Obligations
Section 3. Transportation Rates, Practices and Services
Section 4. Bypass
Section 5. Utility to Utility Competition
Section 6. Existing Transportation Arrangements
Section 7. Priority of Service
Section 8. Reporting Requirements
Section 9. Modifications
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## SERIES 17 - RESERVED

Repealed and Replaced by 150CSR5 and 150CSR7 effective October 24, 2003

## SERIES 18 - CARRIER ACCESS TO THE LINES AND FACILITIES OF OTHER CARRIERS

Authority - §§24-1-1; 24-1-7; 24-2-7; 24-3-3b
Type - Legislative
Price - $3.40
Effective - December 12, 1987

Section 1. General
Section 2. Procedures for Carrier Access
Section 3. Determination of Access Charges
Section 4. Operations by the Accessing Carrier or Shipper
Section 5. Miscellaneous Provisions

## SERIES 19 - SHIPPER ACCESS TO THE LINES AND FACILITIES OR RAIL CARRIERS

Authority - §§24-1-1; 24-1-7; 24-2-7; 24-3-3b
Type - Legislative
Price - $3.40
Effective - December 12, 1987

Section 1. General
Section 2. Procedures for Shipper Access
Section 3. Determination of an Access Charge
Section 4. Operations by the Accessing Shipper
Section 5. Miscellaneous Provisions

**SERIES 20 - USE AND CONSUMPTION OF WATER BY INHABITANTS AND ALL USERS REGARDLESS OF CLASS OF SERVICE, DURING TIMES OF EMERGENCY AND PERIODS OF TEMPORARY INADEQUACY OF SUPPLY OF AVAILABLE WATER**

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-7
Type - Legislative
Price - $2.60
Effective - June 1, 1989

Section 1. General
Section 2. Local Water Rationing Plan

**SERIES 21 - CERTIFICATION AND OPERATION OF TELECOMMUNICATIONS RELAY SERVICE (TRS)**

Authority - §§24-1-1; 24-1-7; 24-2-1; 29A-3-1; 29A-3-15
Type - Legislative
Price - $8.60
Effective - January 16, 1993

Section 1. General
Section 2. Commission Requests for Certificate Applications
Section 3. Telecommunication Relay Service Certificates
Section 4. Term of Certificate
Section 5. TRS Rates
Section 6. Irrevocability of Applications and Penalties for Failure to Provide Service in Accordance with the Certificate Granted
Section 7. Proprietary/Confidential Information
Section 8. Contracting of Subcontracting
Section 9. Service and Operational Standards

**SERIES 22 - IMPLEMENTATION OF THE SINGLE STATE REGISTRATION SYSTEM FOR INTERSTATE MOTOR CARRIERS OPERATING IN WEST VIRGINIA**

Authority - §§24-2-1; 24-2-2; 24A-5-5; 24A-6A-14; 49 U.S.C. 11506
Type - Legislative
Price - $6.80
Effective - September 24, 1994

Section 1. General
Section 2. Definitions
Section 3. Implementation
Section 4. Registration Process
Section 5. Designation of Process Agent
Section 6. Proof of Insurance
Section 7. Registration Receipts
Section 8. Change of Name, Address and/or Ownership of Registrant
Section 9. Compliance
Section 10. Registration State Accounting
Section 11. Auditing
Section 12. Reciprocity
Section 13. Acquisition of ICC Authority After Holding Exempt Authority
Section 14. Forms
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## SERIES 23 - RULES AND REGULATIONS IMPLEMENTING A UNIFORM REGISTRATION AND PERMITTING PROGRAM FOR MOTOR CARRIERS TRANSPORTING HAZARDOUS MATERIALS

Authority - §24-2-1; 24-2-2; 24A-5-5; 24A-6B-1; Public Law #101-615
Type - Legislative
Price - $3.60
Effective - December 12, 1994

Section 1. General
Section 2. Definitions
Section 3. Preemption
Section 4. Implementation
Section 5. Base State Agreements
Section 6. Base State Selection
Section 7. Single Trip Permits
Section 8. Owner/Operator Vehicles
Section 9. Uniform Program Application
Section 10. Hazardous Materials Registration - Part I
Section 11. Apportioned Vehicle Registration Fees
Section 12. Hazardous Materials Registration - Part II
Section 13. Hazardous Materials Registration - Part III
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Section 15. Grants and Revenues
Section 16. Suspension, Revocation and Denial
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## SERIES 24 - RULES AND REGULATIONS FOR DISCOUNTED TELECOMMUNICATIONS SERVICES

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-2
Type - Legislative
Price - $2.60
Effective - June 1, 1998

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Section 3. Discount Mechanism
Section 4. Matrix
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Section 6. Application for Funding
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## SERIES 25 - RULES AND REGULATIONS GOVERNING EMERGENCY TELEPHONE SERVICE

Authority - §§24-1-1; 24-1-7; 24-2-1; 24-2-2; 24-6-6b and 24-6-11
Type - Legislative
Price - $3.40
Effective - February 24, 2000

Section 1. General -- Franchising Procedures
Section 2. Issuance of Cable Television Franchises
Section 3. Renewal of Existing Cable Television Franchises
Section 4. Issuance of Cable Television Franchise to Non-Franchised Cable Operators Already Providing Cable Service
Section 5. Procedure for Granting Transfer of a Cable Franchise or Cable System
Section 6. Requests for Information
Section 7. Violation of Rules; Penalties
Section 8. Severability
Section 9. Notification of Service and Rate Changes
Section 10. Payment of Annual Fees
Section 11. Payment of Filing and Document Fees
Section 12. Charges for Disconnection and Downgrades
Section 13. Notice of Potential Transfers Due to Encumbrances
Section 14. Exception
Section 15. Rate Regulation
Section 16. Notice of Requirements When Cable Operator Proposes to Install Cable Television Services of Facilities Upon Property of Landlord
Section 17. Calculation of Collection of Late Fees
Section 18. Notices to be Mailed and Filed by Cable Operators
Section 19. Annual Report
Section 20. Technical Standards

## SERIES 26 - RULES AND REGULATIONS FOR THE GOVERNMENT OF CABLE TELEVISION

Authority - §24D-1-1 et seq.
Type - Legislative
Price - $13.50
Effective - February 24, 2000

Section 1. General
Section 2. Applicability
Section 3. Request for Proposals
Section 4. Inviatation of Applications; Public Notice of Request for Proposals
Section 5. Required Contents of Application
Section 6. Investigation and Due Diligence Required
Section 7. Requirement for Public Hearing on Reasonable Notice
Section 8. Timing and Manner of Award of Franchise
Section 9. Procedure for Renewal of Existing Franchises
Section 10. Procedure for Franchising Non-franchised Cable Operators Already Providing Cable Service
Section 11. Procedure for Granting Transfer of a Cable Franchise or Cable System
Section 12. Request for Information
Section 13. Violation of Rules; Penalties
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Section 15. Rate Regulation
Section 16. Notice of Requirements When Cable Operator Proposes to Install Cable Television Service or Facilities Upon Property of Landlord
Section 17. Calculation and Collection of Late Fees
Section 18. Notices to be Mailed and Filed by Cable Operators
Section 19. Annual Report
Section 20. Technical Standards
Forms and Instructions

## SERIES 27 - RULES AND REGULATIONS FOR THE TRANSPORTATION OF COAL BY COMMERCIAL MOTOR VEHICLES

Authority - §§17C-17A-3(c); 17C-17A-5(k); 17C-17A-6(d); 17C-17A-7; 17C-17A-8(1); 17C-17A-8(3); 17C-17A-9(f)(4)
Type - Legislative
Price - $7.80
Effective - July 7, 2004

Section 1. General
Section 2. Definitions
Section 3. Permit Applications for the Coal Resource Transportation System
Section 4. Reporting of Coal Shipments
Section 5. Administrative Process for Issuing Administrative Sanctions
Section 6. Administrative Sanctions Concerning Coal Shipments
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Section 8. Impoundments of Vehicle and its Load
Section 9. Scales for Weighing Coal Shipments
Section 10. Vehicle Operations and Safety
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Section 12. Public Toll Free Number
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## SERIES 28 - RULES FOR THE GOVERNMENT OF FEES FOR INSTALLATION OF UNITED STATES DEPARTMENT OF VETERANS AFFAIR MARKERS

Authority - §24F-1-1 et seq.
Type - Legislative
Price - $2.40
Effective - February 17, 2004

Section 1. General
Section 2. Prices
Section 3. Discrimination
Section 4. Petitions for Relief

## SERIES 29 - RULES FOR STATEWIDE TELEPHONE INFORMATION AND REFERRAL 211 SERVICE

Authority - §24-8-2
Type - Legislative
Price - $3.20
Effective - June 9, 2005

Section 1. General
Section 2. Definitions
Section 3. The 211 Collaborative
Section 4. Selection of Subsequent 211 Providers
Section 5. Standards Applicable to the 211 Provider
Section 6. Review of the Statewide 211 System
Section 7. Charges, Availability and Participation
Section 8. Complaints
Section 9. 911 Referral and Phone Directories
Section 10. Statewide 211 Database

## SERIES 30 - RULES GOVERNING SITING CERTIFICATES FOR EXEMPT WHOLESALE GENERATORS

Authority - §24-2-11c
Type - Legislative
Price - 7.00
Effective - September 10, 2005

Section 1. General
Section 2. Pre-filing and Filing Requirements
Section 3. Application
Section 4. Application Fee
Section 5. Requirements of other Agencies
Section 6. Modification or Amendment to Siting Certificates
Section 7. Transfer or Assignment of Siting Certificate
Section 8. Civil Penalties
Forms

# TITLE 186

# GOVERNOR'S COMMITTEE FOR THE PURCHASE OF COMMODITIES AND SERVICES FROM THE HANDICAPPED

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Total Cost for Title 186: $14.60

## SERIES 1 - FAIR MARKET DETERMINATION

Authority - §5A-3A-5
Type - Legislative
Price - $3.40
Effective - June 17, 1993


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| Section | 4. | Initial Fair Market Price Determination Procedures |
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## SERIES 2 - VIOLATIONS AND GRIEVANCES

Authority - §5A-3A-4
Type - Procedural
Price - $2.60
Effective - October 19, 1990


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## SERIES 3 - PROCUREMENT LIST

Authority - §5A-3-5
Type - Legislative
Price - $3.20
Effective - June 17, 1993


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**SERIES 4 - QUALIFICATIONS FOR PARTICIPATION: COMMISSION FOR THE PURCHASE OF COMMODITIES AND SERVICES FROM THE HANDICAPPED**

Authority - §5A-3A-5
Type - Legislative
Price - $2.80
Effective - July 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Qualification for Program Participation

**SERIES 5 - MONITORING THE CENTRAL NONPROFIT AGENCY**

Authority - §5A-3A-4
Type - Procedural
Price - $2.80
Effective - June 21, 2004

Section 1. General
Section 2. Definitions
Section 3. Committee Responsibilities
Section 4. CNA Responsibilities
Section 5. Compliance
Section 6. Annual Budget
Section 7. Purpose of Annual Review
Section 8. Independent Audit
Section 9. Community Rehabilitation Program
Section 10. State Use Program
Section 11. Review
Section 12. Formal Recommendation

# TITLE 178

# WEST VIRGINIA RACING COMMISSION

Index for the Racing Commission


| | | | Page |
|---|---|---|---|
| Series | 1. | Thoroughbred Rules | 446 |
| Series | 1A. | Determining the Organizations to Represent the Horsemen in the State | 447 |
| Series | 2. | Greyhound Rules | 448 |
| Series | 3. | Organization and Meeting Notices | 449 |
| Series | 4. | Dispute Resolutions Procedure | 449 |
| Series | 5. | Pari-Mutuel Wagering | 449 |


TOTAL COST FOR ALL OF TITLE 178 - $43.50

## SERIES 1 - THOROUGHBRED RULES

Authority - §19-23-5, 6, 8 and 13
Type - Legislative
Price - $14.10
Effective - June 6, 2005


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Calculation of Time |
| Section | 4. | Administrative |
| Section | 5. | Financial Responsibility |
| Section | 6. | Minors |
| Section | 7. | Telephone, Telegraph, Radio and Television |
| Section | 8. | Associations |
| Section | 9. | Officials |
| Section | 10. | Stewards |
| Section | 11. | Racing Secretary |
| Section | 12. | Horsemen"s Bookkeeper |
| Section | 13. | Placing Judges |
| Section | 14. | Paddock Judge |
| Section | 15. | Timer |
| Section | 16. | Starter |
| Section | 17. | Clerk of the Scales |
| Section | 18. | Jockey Room Custodian |
| Section | 19. | Handicapper |
| Section | 20. | Horse Identifier |
| Section | 21. | Racing Commission Veterinarians |
| Section | 22. | Bleeders |
| Section | 23. | Practicing Veterinarian |
| Section | 24. | Test Barn |
| Section | 25. | Chemist |
| Section | 26. | Split Samples |
| Section | 27. | Administrative Procedures Prior to Split Sample Testing |
| Section | 28. | Administrative Procedures Subsequent to a Split Sample Testing |
| Section | 29. | Cost of Split Sample Testing |
| Section | 30. | Storage and Shipment of Split Samples |
| Section | 31. | Trainer Responsibility |
| Section | 32. | Camera and Film Patrol |
| Section | 33. | Policing |
| Section | 34. | Sanitation |
| Section | 35. | Colors and Equipment |
| Section | 36. | Declarations and Scratches |
| Section | 37. | Disciplinary Action |
| Section | 38. | Engagements and Transfer |
| Section | 39. | Entries, Declarations and Subscriptions |
| Section | 40. | Also Eligible |
| Section | 41. | Preferred List |
| Section | 42. | Penalties and Allowances |

Section 43. Occupational Permits and Permit Holders
Section 44. Tip Sheet Vendor
Section 45. Jockeys and Apprentice Jockeys
Section 46. Jockey Agents
Section 47. Naming of Riders
Section 48. Blacksmiths
Section 49. Owners - Trainers
Section 50. Authorized Agents
Section 51. Licensing Requirements for Multiple Owners
Section 52. Partnerships
Section 53. Stable Names
Section 54. Trainers
Section 55. Claiming
Section 56. Postponement and Cancellation of Races
Section 57. Dead Heats
Section 58. Paddock to Starting Gate
Section 59. Starting Gate to Finish
Section 60. Illegal and Corrupt Practices
Section 61. Objections and Protests
Section 62. Scale of Weights for Age
Section 63. Weighing Out
Section 64. Weighing In
Section 65. Workout
Section 66. Medication
Section 67. Vendors of Horse Feed or Medicine
Section 68. Appeal and Review
Section 69. Auditor of Pari-Mutuel
Section 70. State Security Officer
Section 71. State Breeder Awards
Section 72. West Virginia Thoroughbred Development Fund
Section 73. Alcohol and Drug Testing
Section 74. Health and Disability Benefits for West Virginia Jockeys
Tables

## SERIES 1A - DETERMINING THE ORGANIZATIONS TO REPRESENT THE HORSEMEN OF THE STATE

Authority - §19-23-6
Type - Procedural
Price - $2.60
Effective - March 4, 1996

Section 1. General
Section 2. Interpretative Note
Section 3. Definitions
Section 4. Petition
Section 5. Notification of Election
Section 6. Organizational Funds
Section 7. Ballots
Section 8. Who may Receive Ballots
Section 9. Mailing Ballots
Section 10. Receipt and Counting Ballots
Section 11. Challenges

## SERIES 2 - GREYHOUND RULES

Authority - §19-23-6
Type - Legislative
Price - $10.40
Effective - May 31, 2004

Section 1. General
Section 2. Definitions
Section 3. Calculation of Time
Section 4. Administrative
Section 5. Financial Responsibility
Section 6. Checks
Section 7. Minors
Section 8. Telephone, Telegraph, Radio and Television
Section 9. Associations
Section 10. Officials
Section 11. Judges
Section 12. Association's Racing Secretary
Section 13. Paddock Judge
Section 14. Timer
Section 15. Starter
Section 16. Clerk of Scales
Section 17. Chart Writer
Section 18. Lead-Outs
Section 19. Racing Commission Veterinarians
Section 20. Test Area
Section 21. Chemist
Section 22. Camera and Film Patrol
Section 23. Policing
Section 24. Kennel Names
Section 25. Registration
Section 26. Owners
Section 27. Partnerships
Section 28. Corporations
Section 29. Authorized Agents
Section 30. Schooling
Section 31. Entries
Section 32. Post Position
Section 33. Declarations
Section 34. Scratches
Section 35. The Race
Section 36. Weights and Weighing
Section 37. Grading
Section 38. Dead Heats
Section 39. Objections
Section 40. Disciplinary Action
Section 41. Occupational Permits and Permit Holders
Section 42. Tip Sheet Vendor
Section 43. Trainers
Section 44. Postponement and Cancellation of Races
Section 45. Illegal and Corrupt Practices
Section 46. Medication
Section 47. Vendors of Greyhound Feed or Medicine
Section 48. Appeal and Review
Section 49. Auditor of Pari-Mutuel
Section 50. Racing Commission Security Officer
Section 51. Greyhound Breeding Development Fund
Section 52. Alcohol and Drug Testing
Table

## SERIES 3 - ORGANIZATION AND MEETING NOTICES

Authority - §§6-9A, 19-23
Type - Procedural
Price - $2.00
Effective - December 20, 1982

Section 1. General
Section 2. Organization

## SERIES 4 - DISPUTE RESOLUTIONS PROCEDURE

Authority - §19-23-6
Type - Procedural
Price - $2.80
Effective - September 30, 1991

Section 1. General
Section 2. Definitions
Section 3. Hearings and Appeal Procedures

## SERIES 5 - PARI-MUTUEL WAGERING

Authority - §19-23-6
Type - Legislative
Price - $11.60
Effective - April 3, 2000

Section 1. General
Section 2. Definitions
Section 3. Information of a General Nature
Section 4. Totalisator System
Section 5. Account Wagering
Section 6. Simulcast Wagering
Section 7. Interstate Common Pool Wagering
Section 8. Calculation of Payoffs and Distribution of Pools
Tables

# TITLE 18

# WEST VIRGINIA RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS


| | | | Page |
|---|---|---|---|
| Series | 1. | Rules & Regulations of the West Virginia Board of Examiners of Radiologic Technologists | 450 |
| Series | 2. | Continuing Education | 450 |
| Series | 3. | Contested Case Hearing Procedure | 451 |
| Series | 4. | Disciplinary and Complaint Procedures for Radiologic Technologists | 451 |
| Series | 5. | Standard of Ethics | 451 |
| Series | 6. | Practice of Radiologic Technology | |

TOTAL COST FOR ALL OF TITLE 18 - $17.00


## SERIES 1 - RULES AND REGULATIONS OF THE WEST VIRGINIA BOARD OF EXAMINERS OF RADIOLOGIC TECHNOLOGISTS

Authority - §30-23-5
Type - Legislative
Price - $2.80
Effective - June 1, 2005


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Board Functions |
| Section | 4. | Licenses and Temporary Permits |
| Section | 5. | Educational Requirements for Applicants for Licensure |


## SERIES 2 - CONTINUING EDUCATION

Authority - §30-7A-1 et seq.
Type - Legislative
Price - $3.60
Effective - May 1, 1998


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Continuing Education |
| Section | 4. | Exceptions to Continuing Education Requirements |
| Section | 5. | Failure to meet Requirements or Exceptions to Requirements |
| Section | 6. | Reinstatement of a License on Non-Practicing or Suspended Status or Issuance of a Temporary License |
| Section | 7. | Audit of Licenses |
| Section | 8. | Continuing Education - Providers |
| Section | 9. | Minimum Standards for Approved Providers |
| Section | 10. | Independent or Self-Study |
| Section | 11. | Continuing Education Subjects |

## SERIES 3 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-23-1; 30-1-1
Type - Procedural
Price - $3.00
Effective - January 15, 2001


Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Conferences; Informal Disposition of Cases
Section 7. Depositions
Section 8. Subpoenas
Section 9. Orders
Section 10. Appeal


## SERIES 4 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR RADIOLOGIC TECHNOLOGISTS

Authority - §§30-23-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $2.60
Effective - August 15, 2003


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals


## SERIES 5 - STANDARD OF ETHICS

Authority - §§30-23-1 et seq. and 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - November 28, 2003


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Standard of Practice
Section 5. Code of Ethics


## SERIES 6 - PRACTICE OF RADIOLOGIC TECHNOLOGY

Authority - §§30-23-1 et seq; 30-1-1 et seq.
Type - Interpretive
Price - $2.00
Effective - June 10, 2004


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Interpretative Ruling

# TITLE 190

# REAL ESTATE APPRAISER LICENSING AND CERTIFICATION BOARD

## SERIES 1 - RESERVED

Repealed and Replaced by 190 CSR 2
Effective May 27, 1997

## SERIES 2 - REQUIREMENTS OF LICENSURE AND CERTIFICATION

Authority - §§30-38-6; 30-38-7; 30-38-9
Type - Legislative
Price - $4.40
Effective - June 25, 2003


Section 1. General
Section 2. Definitions
Section 3. Exceptions to License Requirement
Section 4. General Qualifications for Licensure or Certification
Section 5. Additional Qualifications for Licensed Residential Real Estate Appraisers
Section 6. Additional Qualifications for Certified General and Certified Residential Real Estate Appraisers
Section 7. Procedure for Calculation of Experience by the Board
Section 8. Qualifications for Licensure or Certification by Reciprocity
Section 9. Qualifications for Temporary Permit as a Licensed Residential Real Estate Appraiser; Certified Residential or Certified General Real Estate Appraiser
Section 10. License and Certification Fees
Section 11. Apprentice Permits
Section 12. Inactive Status
Section 13. Licenses and Certifications
Section 14. Standards of Professional Appraisal Practice


## SERIES 3 - RENEWAL OF LICENSURE OR CERTIFICATION

Authority - §§30-38-7; 30-38-9; 30-38-11
Type - Legislative
Price - $2.60
Effective - June 25, 2003


Section 1. General
Section 2. Definitions
Section 3. Renewal Term
Section 4. Qualifications for Renewal
Section 5. Policies and Procedures of the Board for Approving Continuing Education Courses
Section 6. Procedures for Renewal
Section 7. Board Discretion to Deny Renewal
Section 8. Standards of Professional Appraisal Practice

## SERIES 4 - INVESTIGATIVE AND HEARING PROCEDURES

Authority - §37-14-6
Type - Procedural
Price - $3.20
Effective - March 19, 2004


Section 1. General
Section 2. Definitions
Section 3. Powers and Proceedings
Section 4. Contested Hearing Case
Section 5. Disposition
Section 6. Motion for Rehearing
Section 7. Final Decision
Section 8. Ex Parte Communications
Section 9. Judicial Review
Section 10. Application for Reinstatement
Section 11. Public Records and Publication of Decisions
Section 12. Quasi-Judicial Immunity
Section 13. Standards of Professional Appraisal Practice

# TITLE 174

# WEST VIRGINIA REAL ESTATE COMMISSION

## SERIES 1 - REQUIREMENTS IN LICENSING REAL ESTATE BROKERS AND SALESMEN AND THE CONDUCT OF BROKERAGE BUSINESS

Authority - §47-12-3,19
Type - Legislative
Price - $4.00
Effective - July 1, 2003

Section 1. General
Section 2. Definitions
Section 3. License Fees
Section 4. License Certificates
Section 5. Branch Offices
Section 6. Cancellations and Transfers
Section 7. Qualifications for Real Estate Broker's License
Section 8. Office Signs
Section 9. Advertising
Section 10. Trade and Fictitious Names
Section 11. Offer of Inducements and Gifts
Section 12. Location of Office
Section 13. Renewal of License
Section 14. Examinations
Section 15. Complaints
Section 16. Trust Funds
Section 17. Commingling Defined
Section 18. Closing Statements
Section 19. Requirements of Broker
Section 20. Court Action
Section 21. Bad Checks
Section 22. Agency Disclosure

## SERIES 2 - SCHEDULE OF FEES

Authority - §30-40-8
Type - Legislative
Price - $2.40
Effective - November 1, 2003

Section 1. General
Section 2. Schedule of Fees

## SERIES 3 - REQUIREMENTS IN APPROVAL AND REGISTRATION OF REAL ESTATE COURSES, COURSE PROVIDERS AND INSTRUCTORS

Authority - §30-40-8
Type - Legislative
Price - $2.60
Effective - July 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Real Estate Courses, Course Providers and Instructors

# TITLE 100

# RECORDS MANAGEMENT AND PRESERVATION BOARD

## SERIES 1 - COUNTY RECORDS MANAGEMENT AND PRESERVATION GRANT PROGRAM

Authority §5A-8-15
Type - Legislative
Price - $2.40
Effective - July 1, 2002


Section 1. General
Section 2. Definitions
Section 3. County Records Management Assessment Program
Section 4. County Records Management Program
Section 5. County Records Management and Preservation Grants Program


## SERIES 2 - RULE FOR GENERAL MANAGEMENT AND PRESERVATION OF COUNTY RECORDS

Authority - §5A-8-15
Type - Legislative
Price - $3.80
Effective - July 1, 2004


Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Objectives
Section 5. Responsibilities

# TITLE 94

# REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY


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|---|---|---|---|
| Series | 1. | Establishment of Regular Meetings | 456 |
| Series | 2. | Public Hearings to be Held Before Beginning Construction, Acquisition or Renovation of New Facilities or Existing Facilities or Existing Facilities Not Currently Being Used as Jails for Use as a Regional Jail or Prison Facility | 456 |
| Series | 3. | Criteria & Procedures for Determination of Cost Per Day for Inmates Incaracerated in Regional Jails Operated by the Authority | 457 |
| Series | 4. | Regulations Establishing Criteria for Identifying and Potential Sites for Private Prisons and Providing for Public Hearings to Allow Reasonable Participation in the Selection Process by the Citizens of the Area to be Affected by the Construction & Operation of a Private Prison Facility | 457 |
| Series | 5. | Handbook of Inmate Rules and Procedures | 457 |


TOTAL COST OF ALL OF TITLE 94 - $16.80

## SERIES 1 - ESTABLISHMENT OF REGULAR MEETINGS

Authority - §31-20-4
Type - Procedural
Price - $2.60
Effective - October 19, 1989


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application and Enforcement |
| Section | 3. | Definitions |
| Section | 4. | Regular Meetings Established, Time, Place |
| Section | 5. | Special Meetings, Notice Required, Time, Place, Purpose |
| Section | 6. | Proceeding to be Open, Exceptions, Executive Session Permitted |
| Section | 7. | Minutes |
| Section | 8. | Quorum, Majority Vote Required, Vote by Proxy Prohibited |
| Section | 9. | Records of the Board - Public Document |


## SERIES 2 - PUBLIC HEARINGS TO BE HELD BEFORE BEGINNING CONSTRUCTION, ACQUISITION OR RENOVATION OF NEW FACILITIES OR EXISTING FACILITIES NOT CURRENTLY BEING USED AS JAILS FOR USE AS A REGIONAL JAIL OR CORRECTIONAL FACILITY OR PRIVATE PRISON

Authority - §§31-20-5; 25-5-10
Type - Procedural
Price - $2.40
Effective - April 5, 1999


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application and Enforcement |
| Section | 3. | Definition |
| Section | 4. | Public Hearings |
| Section | 5. | Notice |
| Section | 6. | Conduct of Hearings |
| Section | 7. | Site Selection Criteria |

**SERIES 3 - CRITERIA AND PROCEDURES FOR DETERMINATION OF COST PER DAY FOR INMATES INCARCERATED IN REGIONAL JAILS OPERATED BY THE AUTHORITY**

Authority - §31-20-10(h)
Type - Procedural
Price - $2.60
Effective - July 1, 1995

Section 1. General
Section 2. Application and Enforcement
Section 3. Annual Schedule of Operational Expenditures
Section 4. Annual Statement of Cost Per Inmate Per Day
Section 5. Calculation of Cost Per Inmate Day
Section 6. Preparation and Distribution of Monthly Statements of Costs Incurred
Section 7. Allocation of Costs for Inmates Sentenced to the Division of Corrections
Section 8. Extraordinary Costs
Section 9. Settlement Statement

**SERIES 4 - REGULATIONS ESTABLISHING CRITERIA FOR IDENTIFYING AND EVALUATING POTENTIAL SITES FOR PRIVATE PRISONS AND PROVIDING FOR PUBLIC HEARINGS TO ALLOW REASONABLE PARTICIPATION IN THE SELECTION PROCESS BY THE CITIZENS OF THE AREA TO BE AFFECTED BY THE CONSTRUCTION AND OPERATION OF A PRIVATE PRISON FACILITY**

Authority - §25-5-10(a)
Type - Legislative
Price - $2.60
Effective - April 17, 1991

Section 1. General
Section 2. Application and Enforcement
Section 3. Definition
Section 4. Public Hearing
Section 5. Notice
Section 6. Conduct of Public Hearings
Section 7. Criteria for Identifying and Evaluating Potential Sites for Private Prisons

**SERIES 5 - HANDBOOK OF INMATE RULES AND PROCEDURES**

Authority - §§31-20-5(v); 29A-1-3(c)
Type - Legislative
Price - $6.60
Effective - October 8, 1994

Section 1. General
Section 2. Adoption by Reference

# TITLE 19

# WEST VIRGINIA BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

Index for Registered Professional Nurses


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|---|---|---|---|
| Series | 1. | Policies and Criteria for the Evaluation and Accreditation of Colleges, Departments or Schools of Nursing | 458 |
| Series | 2. | Reserved | 458 |
| Series | 3. | Requirements for Registration and Licensure as a Registered Professional Nurse | 459 |
| Series | 4. | Qualification of Graduates of Foreign Nursing Schools for Admission to the Professional Nurse Licensing Examination | 459 |
| Series | 5. | Contested Case Hearing Procedure | 459 |
| Series | 6. | Procedure for Open Meetings and Bylaws | 460 |
| Series | 7. | Announcement of Advanced Practice | 460 |
| Series | 8. | Limited Prescriptive Authority for Nurses in Advanced Practice | 460 |
| Series | 9. | Disciplinary Action | 461 |
| Series | 10. | Standards for Professional Nursing Practice | 461 |
| Series | 11. | Continuing Education | 461 |
| Series | 12. | Fees for Services Rendered by the Board and Supplemental Fee for the Center for Nursing | 461 |


TOTAL COST FOR ALL OF TITLE 19 - $31.40

## SERIES 1 - ACCREDITATION OF SCHOOLS POLICIES AND CRITERIA FOR THE EVALUATION AND ACCREDITATION OF COLLEGES, DEPARTMENTS OR SCHOOLS OF NURSING

Authority - §30-7-4; 30-1-4
Type - Legislative
Price - $3.20
Effective - April 10, 2000


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definition |
| Section | 3. | Purposes of Accreditation |
| Section | 4. | Application for Legal Accreditation |
| Section | 5. | Accreditation of Education Unit |
| Section | 6. | Loss of Accreditation |
| Section | 7. | Closing of a Program |
| Section | 8. | Reports |
| Section | 9. | Mission and Goals/Outcomes of the Nursing Education Unit |
| Section | 10. | Organization and Administrative Control of the Nursing Education Unit |
| Section | 11. | Faculty of the Nursing Education Unit |
| Section | 12. | Students in the Nursing Education Unit |
| Section | 13. | Curriculum |
| Section | 14. | Resources, Facilities and Services |
| Section | 15. | Evaluation of the Nursing Education Unit |


## SERIES 2 - RESERVED

Repealed by 19-1 Effective April 5, 1995

## SERIES 3 - REQUIREMENTS FOR REGISTRATION AND LICENSURE

Authority - §§30-1-4; 30-7-4
Type - Legislative
Price - $4.00
Effective - July 1, 2002


Section 1. General
Section 2. Definitions
Section 3. Application for Examination
Section 4. Temporary Permit to Practice as a Registered Professional Nurse
Section 5. Licensure Examination
Section 6. Failure to Pass Licensure Examination
Section 7. Licensure by Endorsement
Section 8. Change of Name and/or Address
Section 9. Renewal of License
Section 10. Reinstatement of Lapsed License
Section 11. Verification of Licensure to Another State Board of Nursing
Section 12. Loss of Certificate of Registration or Current Licensure Card
Section 13. Penalty for Presentation of Non-Negotiable Check
Section 14. Professional Misconduct
Section 15. Impaired Nurse Treatment Program
Section 16. Expungement of Records


## SERIES 4 - QUALIFICATION OF GRADUATES OF FOREIGN NURSING SCHOOLS FOR ADMISSION TO THE PROFESSIONAL NURSE LICENSING EXAMINATION

Authority - §30-7-4a & b
Type - Legislation
Price - $2.40
Effective - April 9, 1984


Section 1. General
Section 2. Suppression and Repeal of Former Regulations
Section 3. Application and Enforcement
Section 4. Definition
Section 5. Qualification of Graduates of Foreign Nursing Schools for Admission to the RN Licensing Examination


## SERIES 5 - CONTESTED CASE HEARING PROCEDURE

Authority - §§30-7-1 et seq.; 29A-5-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - February 7, 1993


Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Hearing Examiner
Section 7. Conferences; Informal Disposition of Cases
Section 8. Depositions
Section 9. Subpoenas
Section 10. Orders
Section 11. Appeal

## SERIES 6 - PROCEDURES FOR OPEN MEETINGS AND BYLAWS

Authority - §§6-9A-3; 30-1
Type - Procedural
Price - $2.80
Effective - November 13, 1987

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Regular Meetings: Notice, Time, Place
Section 5. Special Meetings: Notice Required, Time, Place and Purpose
Section 6. Proceedings to be Open, Exceptions, Executive Session Permitted
Section 7. Minutes
Section 8. Quorum; Majority Vote Required; Vote by Proxy Prohibited
Section 9. Records of the Board to be Public
Section 10. Election of Officers, Duties of Officers
Section 11. Resignation of Members
Section 12. Committees
Section 13. Amendments to Procedural Policies
Section 14. Parliamentary Authority

## SERIES 7 - ANNOUNCEMENT OF ADVANCED PRACTICE

Authority - §30-7-4
Type - Legislative
Price - $2.40
Effective - July 1, 1991

Section 1. General
Section 2. Definition
Section 3. Announcement of Advanced Practice
Section 4. Approval of National Certifying Body

## SERIES 8 - LIMITED PRESCRIPTIVE AUTHORITY FOR NURSES IN ADVANCED PRACTICE

Authority - §§30-7-15a; 30-15-7a
Type - Legislative
Price - $3.00
Effective - June 15, 1993

Section 1. General
Section 2. Definition
Section 3. Application and Eligibility for Limited Prescriptive Authority
Section 4. Renewal of Prescriptive Privileges
Section 5. Pharmacology Course Requirements
Section 6. Drugs Excluded From Prescriptive Authority
Section 7. Termination of Limited Prescriptive Privileges
Section 8. Adoption/Revision of Rules/Policies

## SERIES 9 - DISCIPLINARY ACTION

Authority - §§30-1; 30-7; 30-15; 30-24
Type - Legislative
Price - $3.40
Effective - September 18, 2004

Section 1. General
Section 2. Definitions
Section 3. Investigations
Section 4. Disciplinary Action
Section 5. Professional Misconduct
Section 6. Impaired Nurse Treatment Program

## SERIES 10 - STANDARDS FOR PROFESSIONAL NURSING PRACTICE

Authority - §30-7-1 et seq.
Type - Legislative
Price - $2.60
Effective - April 1, 1994

Section 1. General
Section 2. Standards Related to the Registered Professional Nurse's Responsibility to Implement the Nursing Process
Section 3. Standards Related to the Registered Professional Nurse's Responsibility as a Member of the Nursing Profession

## SERIES 11 - CONTINUING EDUCATION

Authority - §§30-1-4; 30-7-4
Type - Legislative
Price - $3.00
Effective - April 5, 1995

Section 1. General
Section 2. Definition of Terms
Section 3. Continuing Education
Section 4. Continuing Education Providers

## SERIES 12 - FEES

Authority - §§30-7-4; 30-7-8a; 30-1-4
Type - Legislative
Price - $2.00
Effective - July 1, 2005

Section 1. General
Section 2. Schedule of Fees for Services Rendered by the West Virginia Board of Examiners for Registered Professional Nurses and Supplemental Fee for the West Virginia Center for Nursing

# TITLE 30

# WEST VIRGINIA BOARD OF RESPIRATORY CARE

Index for West Virginia Board of Respiratory Care


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| Series | 1. | Procedure for License Application | 462 |
| Series | 2. | Establishment of Fees | 462 |
| Series | 3. | Continuing Education Requirements | 462 |
| Series | 4. | Disciplinary Action | 463 |
| Series | 5. | Disciplinary and Complaint Procedures for Respiratory Practitioners | 463 |
| Series | 6. | Contested Case Hearing Procedure | 463 |
| Series | 7. | Home Medical Suppliers | 463 |


TOTAL COST FOR ALL OF TITLE 30 - $17.60

## SERIES 1 - PROCEDURE FOR LICENSURE APPLICATION

Authority - §30-34-6
Type - Legislative
Price - $2.40
Effective - June 24, 1997


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application for Licensure |
| Section | 3. | Temporary Permits |
| Section | 4. | Grandfather Applicants |
| Section | 5. | Restricted Titles |


## SERIES 2 - ESTABLISHMENT OF FEES

Authority - §30-34
Type - Legislative
Price - $2.00
Effective - June 24, 1997


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Application Fee |
| Section | 3. | Renewal Fee Schedule |


## SERIES 3 - CONTINUING EDUCATION REQUIREMENTS

Authority - §30-34-5
Type - Legislative
Price - $2.80
Effective - April 20, 2000


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Accrual of Continuing Education Units Mandatory; Computation of Accrual |
| Section | 4. | Methods of Acquiring Continuing Education Units |
| Section | 5. | Procedures for Accreditation of Sponsors and Approval of Continuing Education Activities |
| Section | 6. | Responsibilities and Reporting Requirements of the Carry Over Licensees |
| Section | 7. | Carry-over of Continuing Education Units |
| Section | 8. | Board to Approve Continuing Education Units; Appeal When Approval Denied |
| Section | 9. | Temporary License Holders and Inactive Status |

**SERIES 4 - DISCIPLINARY ACTION**

Authority - §30-34-5
Type - Legislative
Price - $2.80
Effective - April 22, 2000

Section 1. General
Section 2. Definitions
Section 3. Investigation
Section 4. Disciplinary Action
Section 5. Professional Misconduct

**SERIES 5 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR RESPIRATORY PRACTITIONERS**

Authority - §30-34-5 et seq.
Type - Procedural
Price - $2.60
Effective - March 1, 2001

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Respiratory Practitioners
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

**SERIES 6 - CONTESTED CASE HEARING PROCEDURE**

Authority - §§30-34-5 et seq. 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - March 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusion of Law
Section 6. Conferences; Informal Disposition of Cases
Section 7. Depositions
Section 8. Subpoenas
Section 9. Orders
Section 10. Appeal

**SERIES 7 - HOME MEDICAL SUPPLIERS**

Authority - §30-34-15d
Type - Interpretive
Price - $2.00
Effective - September 7, 2000

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Actions Allowed by Non-Licensed Home Medical Equipment Dealers or Their Agents
Section 5. Restrictions of Non-Licenses Home Medical Equipment Dealers or Their Agents

# TITLE 84

# BOARD OF REVIEW

## SERIES 1 - BOARD OF REVIEW PROCEDURAL RULES

Authority - §§21A-4-13; 21A-7-7; and 21A-7-13
Type - Procedural
Price - $3.60
Effective - October 29, 1999


Section 1. General
Section 2. Basic Provisions
Section 3. General Appeals
Section 4. Labor Dispute Cases
Section 5. Appeal from Appeal Tribunal"s Decision
Section 6. General Hearing Procedures and Policies

# TITLE 115

# STATE BOARD OF RISK AND INSURANCE MANAGEMENT

Index for the Board of Risk and Insurance Management


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| Series | 1. | Mine Subsidence Insurance | 465 |
| Series | 2. | Public Entities Insurance Program | 465 |
| Series | 3. | Administrative Regulations of State Board of Risk and Insurance Management | 465 |
| Series | 4. | Discontinuation of Professional Malpractice Insurance | 466 |
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| Series | 6. | Preferred Medical Liability and High Risk Medical Liability Program | 466 |
| Series | 7. | Patient Injury Compensation Fund | 466 |


Total Cost for all of Title 115 - $22.00

## SERIES 1 - MINE SUBSIDENCE INSURANCE

Authority - §33-30-15
Type - Legislative
Price - $4.40
Effective - May 8, 2002


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Implementation of Insurance Coverage |
| Section | 4. | Miscellaneous Provisions |

Appendix


## SERIES 2 - PUBLIC ENTITIES INSURANCE PROGRAM

Authority - §§29-12-1 et seq.; 29-12A-1 et seq.
Type - Legislative
Price - $2.40
Effective - July 1, 2005


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Designation of Agent of Record |
| Section | 4. | Service Fee |
| Section | 5. | Commission of Agent of Record |
| Section | 6. | Ineligible Classes |
| Section | 7. | Rates and Coverages |
| Section | 8. | Cancellation and Nonrenewal Provisions |


## SERIES 3 - ADMINISTRATIVE REGULATIONS OF STATE BOARD OF RISK AND INSURANCE MANAGEMENT

Authority - §29-12-1 et seq.
Type - Procedural
Price - $2.00
Effective - September 17, 2003


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Administration |
| Section | 3. | Control of Risk |
| Section | 4. | Settlement of Claims |

## SERIES 4 - DISCONTINUATION OF PROFESSIONAL MALPRACTICE INSURANCE

Authority - §29-12-5C
Type - Legislative
Price - $2.00
Effective - April 14, 1992

Section 1. General
Section 2. Purpose
Section 3. Findings
Section 4. Discontinuation of the Program

## SERIES 5 - PROCEDURE FOR PROVIDING WRITTEN NOTIFICATION OF CLAIMS OF POTENTIAL LIABILITY TO THE STATE OR ITS EMPLOYEES

Authority - §29-12-5
Type - Legislative
Price - $2.60
Effective - June 1, 2000

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Reporting Requirements
Appendix

## SERIES 6 - PREFERRED MEDICAL LIABILITY AND HIGH RISK MEDICAL LIABILITY PROGRAM

Authority - §29-12-5(c)(2)(N)
Type - Legislative
Price - $3.00
Effective - March 27, 2002

Section 1. General
Section 2. Definitions
Section 3. Implementation of Insurance Coverage
Section 4. Miscellaneous Provisions

## SERIES 7 - PATIENT INJURY COMPENSATION FUND

Authority - §§29-12-5(a)(10); 29-12D-2(a)(6); 29-12D-3(c); 29-12D-3(f); 29-12D-3(g)
Type - Legislative
Price - $5.60
Effective - July 1, 2005

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Patient Injury Compensation Fund
Section 5. Fund Administration
Section 6. Payment of Compensation
Section 7. Application for Compensation
Section 8. Settlements
Section 9. Initial Review and Determination
Section 10. Executive Review Committee
Section 11. Administrative Appeal
Section 12. Judicial Appeal of Final Decision
Section 13. Attorneys' Fees
Section 14. Confidentiality of Information

# TITLE 198

# RON YOST PERSONAL ASSISTANCE SERVICES ACT BOARD

## SERIES 1 - RON YOST PERSONAL ASSISTANCE SERVICES ACT BOARD

Authority - §18-10L-6
Type - Legislative
Price - $3.00
Effective - July 1, 2000


Section 1. General
Section 2. Description of Program
Section 3. Board Membership, Length of Term, Attendance, Officers, Expenses and Meetings
Section 4. Program
Section 5. Appeals
Section 6. Funding
Section 7. Sliding Scale

# TITLE 20

# BOARD OF REGISTRATION FOR SANITARIANS

## SERIES 1 - RULES FOR PROCEDURE FOR CONTESTED CASE HEARINGS AND DECLARATORY RULINGS

Authority - §30-17-1
Type - Procedural
Price - $2.80
Effective - May 6, 1982


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Hearings
Section 5. Transcription of Reported Testimony and Evidence
Section 6. Submission of Proposed Findings of Fact and Conclusions of Law
Section 7. Appointment of Hearing Examiner
Section 8. Conferences; Informal Disposition of Cases
Section 9. Depositions Permitted
Section 10. Subpoenas
Section 11. Orders
Section 12. Principal Office
Section 13. Declaratory Ruling - Procedures
Section 14. Appeal
Section 15. Severability


## SERIES 2 - PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF COMPLAINTS

Authority - §§30-1-8; 30-17-9
Type - Legislative
Price - $2.80
Effective - February 1, 2001


Section 1. General
Section 2. Definitions
Section 3. Filing of Complaint
Section 4. Notice of Hearing
Section 5. Investigation of Complaint
Section 6. Conduct of Hearing
Section 7. Disposition of Complaints
Section 8. Penalties
Section 9. Appeals

# TITLE 164

# SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA

## SERIES 1 - PROCEDURAL HANDBOOK FOR THE SCHOOL BUILDING AUTHORITY

Authority - §18-9D-1(16)
Type - Procedural
Price - $8.00
Effective - October 29, 1995

Section 1. General
Section 2. Incorporation of School Building Authority of West Virginia Revised Policy and Procedures Handbook

# TITLE 127

## SECONDARY SCHOOLS ACTIVITIES COMMISSION

Index for Secondary Schools Activities Commission


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| Series | 3. | Provisions Governing Contests | 471 |
| Series | 4. | Provisions Governing Conduct | 471 |
| Series | 5. | Band Activities | 472 |
| Series | 6. | Violations of the Athletic Rules | 472 |
| Series | 7. | Officials' Handbook | 472 |

TOTAL FOR ALL OF TITLE 127 $25.00


### SERIES 1 - CONSTITUTION

Authority - §18-2-5
Type - Legislative
Price - $4.60
Effective - August 10, 2004


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Name |
| Section | 3. | Objects |
| Section | 4. | Membership |
| Section | 5. | Administration |
| Section | 6. | Officers and Duties |
| Section | 7. | Meetings |
| Section | 8. | Board of Appeals |
| Section | 9. | Funds |
| Section | 10. | Amendments |
| Section | 11. | Executive Secretary |
| Section | 12. | Duties of Executive Secretary |
| Section | 13. | Review Board |
| Section | 14. | Rules and Regulations |
| Section | 15. | Board of Trustees |


### SERIES 2 - ATHLETICS, PROVISIONS GOVERNING ELIGIBILITY

Authority - §18-2
Type - Legislative
Price - $3.80
Effective - September 13, 2005


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Note |
| Section | 3. | Enrollment & Team Memberships |
| Section | 4. | Agent |
| Section | 5. | Semester and Session |
| Section | 6. | Scholarship |
| Section | 7. | Residence - Transfer |
| Section | 8. | Adoption - Guardianship |
| Section | 9. | Undue Influence - Recruiting |
| Section | 10. | Nonschool Participation |
| Section | 11. | Amateur |
| Section | 12. | Participation as an Ineligible |
| Section | 13. | Practice |

## SERIES 3 - PROVISIONS GOVERNING CONTESTS

Authority - §18-2-25
Type - Legislative
Price - $5.80
Effective - September 13, 2005


Section 1. General
Section 2. Duties and Responsibilities of Principal
Section 3. Physical Exam - Parental Permission
Section 4. All-Star Participation
Section 5. Awards
Section 6. Coaches
Section 7. Camps - Out-of-Season Coaching
Section 8. Forfeit and Restitution
Section 9. Game Officials
Section 10. Classification
Section 11. Exchange of Eligibility Certificates
Section 12. Legal Opponents
Section 13. Contracts
Section 14. Definition of a Game or Contest
Section 15. Sunday Contests
Section 16. Sports Rules - Game Protests
Section 17. Sanctioning and Travel
Section 18. State Championships
Section 19. Season Regulations
Section 20. Baseball
Section 21. Basketball (Boys and Girls)
Section 22. Cheerleading
Section 23. Cross Country
Section 24. Football
Section 25. Golf
Section 26. Soccer
Section 27. Softball
Section 28. Swimming
Section 29. Tennis
Section 30. Track and Field
Section 31. Volleyball
Section 32. Wrestling


## SERIES 4 - PROVISIONS GOVERNING CONDUCT

Authority - §18-2-25
Type - Legislative
Price - $3.00
Effective - September 6, 2002


Section 1. General
Section 2. Sportsmanship
Section 3. Code for Interscholastic Athletics

## SERIES 5 - BAND ACTIVITIES

Authority - §18-2-25
Type - Legislative
Price - $2.60
Effective - August 6, 2002

Section 1. General
Section 2. Enrollment and Membership - Band
Section 3. Scholarship - Band
Section 4. Festivals - Band
Section 5. Sanctioning - Band
Section 6. Awards - Band
Section 7. Classification of Schools - Band

## SERIES 6 - VIOLATIONS OF THE ATHLETIC RULES

Authority - §18-2-25
Type - Legislative
Price - $2.80
Effective - August 6, 2002

Section 1. General
Section 2. Powers of the Board of Appeals to Impose Penalties
Section 3. Method for Protests - Deputies
Section 4. Method of Protests - Executive Secretary
Section 5. Method of Protests - Contested Cases
Section 6. Review Board

## SERIES 7 - OFFICIALS' HANDBOOK

Authority - §18-2
Type - Legislative
Price - $2.00
Effective - August 6, 2002

Section 1. General (Incorporation of 1987-88 Handbook)

# TITLE 153

# SECRETARY OF STATE

Index for the Secretary of State


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| Series | 6. | Standard Size and Format for Rules and Related Documents Filed in the Secretary of State"s Office | 475 |
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| Series | 14. | Guidelines for the Use of Nicknames and Other Designations on the Ballot | 477 |
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TOTAL COST FOR ALL OF TITLE 153 - $71.80

## SERIES 1 - FILING OF RULES, ORDERS, OPINIONS, MEETING NOTICES AND OTHER DOCUMENTS IN THE SECRETARY OF STATE'S OFFICE FOR INCLUSION IN THE STATE REGISTER

Authority - §29A-2-6
Type - Procedural
Price - $2.60
Effective - November 16, 1992

Section 1. General
Section 2. Quantity
Section 3. Time Requirements
Section 4. Notices Format
Section 5. Refusal to Accept Filing of Rules
Section 6. Final Filing of Interpretive, Procedural or Exempt Proposed Rules
Section 7. Final Filing of Proposed Legislative Rules Authorized by the Legislature
Section 8. Fees for Copies

## SERIES 2 - FEES RELATING TO ELECTRONIC RECORDS

Authority - §59-1-2
Type - Legislative
Price - $2.80
Effective - April 1, 1999

Section 1. General
Section 2. Definitions
Section 3. Records of the Administrative Law Division
Section 4. Records of the Corporation Division
Section 5. Records of the Uniform Commercial Code (UCC) Division
Section 6. Records of the Charitable Organization, Elections and Executive Records Division and Other Public Information
Section 7. Subscriber Accounts; Multiple Users and Access to Records of Multiple Divisions
Section 8. Purchase of Database Index; Records for Resale

## SERIES 3 - REGISTRATION FORM AND RECEIPTS

Authority - §§3-1A-6, 3-2-19, 3-2-20, 3-2-41
Type - Legislative
Price - $2.00
Effective - February 3, 1987

Section 1. General
Section 2. Registration Form Prescribed, Issuance of Previous Forms Prohibited
Section 3. Registration Receipts

## SERIES 4 - PROCEDURE RULE FOR SUBMITTING SUGGESTEE EXECUTIONS SERVED ON THE OFFICE OF THE SECRETARY OF STATE

Authority - §29A-3-2
Type - Procedural
Price - $2.00
Effective - September 4, 1981

Section 1. General
Section 2. General Purpose
Section 3. Procedure for Submitting Suggestee Executions

## SERIES 5 - MATTERS RELATING TO CORPORATIONS AND OTHER BUSINESS ENTITY FILING

Authority - §31-1-67
Type - Legislative
Price - $2.60
Effective - April 3, 1998


Section 1. General
Section 2. Definitions
Section 3. Corporate and other Business Names; Availability, Consent, Reservation of Names
Section 4. Good Standing Certificates
Section 5. Procedure for Reinstatement of Corporation or Other Business Administratively Revoked or Dissolved by a Court
Section 6. Filing in the Office of the Clerk of the County Commission


## SERIES 6 - STANDARD SIZE AND FORMAT FOR RULES AND RELATED DOCUMENTS FILED IN THE SECRETARY OF STATE'S OFFICE

Authority - §29A-2-6(c)
Type - Legislative
Price - $4.00
Effective - June 7, 1996


Section 1. General
Section 2. Definitions
Section 3. Standard Size of Rules and Related Documents
Section 4. Forms and Other Documents
Section 5. Numbering and Indention
Section 6. Underlining and Strike-Throughs, Capitalization
Section 7. Repeal and Replacement
Section 8. Incorporation by Reference
Section 9. Filing Proposed Amendments to An Existing Series
Section 10. Filing of a Proposed New Series Rules
Section 11. Filing of Emergency Rule
Section 12. Tables, Charts, Diagrams, etc.
Section 13. Effective Dates
Section 14. Electronic Filing
Section 15. Publication of Materials from State Register
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## SERIES 7 - SUBMISSION OF OTHER DOCUMENTS FOR APPROVAL TO SOLICIT CONTRIBUTIONS FOR A CHARITABLE ORGANIZATION

Authority - §§29-19-3(c); 29-19-5(a); 29-19-5(c); 29-19-8; 29-19-9 and 29A-1-2(c)
Type - Interpretive
Price - $2.40
Effective - March 26, 1993


Section 1. General
Section 2. Other Documents Prescribed by the Secretary of State
Section 3. Examination of Applications
Section 4. Contracts to be Filed

## SERIES 8 - ELECTIONEERING PROHIBITION - MEASUREMENT OF PROHIBITED AREAS

Authority - §§3-1A-6; 3-1-20; 3-1-37; 3-9-6 and 3-9-9
Type - Interpretive
Price - $2.00
Effective - October 25, 1985

Section 1. General
Section 2. Measurement

## SERIES 9 - ELIMINATION OF PRECINCT REGISTRATION BOOKS

Authority - §3-2-21
Type - Legislative
Price - $2.00
Effective - June 12, 2000

Section 1. General
Section 2. Definitions
Section 3. Elimination of Separate Precinct Registration Books

## SERIES 10 - RESERVED

REPEALED AND REPLACED BY 146CSR4 EFFECTIVE JUNE 7, 1996

## SERIES 11 - RESERVED

REPEALED AND REPLACED January 27, 1997

## SERIES 12 - RULES OF PROCEDURE FOR CONTESTED CASE HEARINGS RELATED TO LICENSING OF PRIVATE DETECTIVES AND SECURITY GUARDS

Authority - §§30-18; 30-1-8 and 29A-5
Type - Procedural
Price - $2.60
Effective - December 21, 2000

Section 1. General
Section 2. Request for Hearing Following Denial of Initial Licensure
Section 3. Reapplication Following Denial of Initial Licensure
Section 4. Required Hearing Prior to Suspension, Revocation or Refusal to Renew; Notice
Section 5. Conduct of Hearings
Section 6. Continuation or Delay of Hearing
Section 7. Transcription of Reported Testimony and Evidence
Section 8. Submission of Proposed Findings of Fact and Conclusions of Law; Time for Submission
Section 9. Appointment of Hearing Examiner; Function of Hearing Examiner
Section 10. Conferences; Informal Disposition of Cases
Section 11. Depositions Permitted
Section 12. Subpoenas
Section 13. Orders, Content
Section 14. Appeal
Section 15. Severability

## SERIES 13 - WEST VIRGINIA FARM LIEN CENTRAL FILING SYSTEM

Authority - §46-9-407(8)
Type - Legislative
Price - $5.80
Effective - July 1, 1990

Section 1. General
Section 2. Definitions
Section 3. Effective Financing Statement
Section 4. EFS Information
Section 5. Place of Filing EFS
Section 6. Amendment or Continuation of EFS
Section 7. Effect of EFS
Section 8. Obligations Subject to Central Filing
Section 9. Registration
Section 10. Master List
Section 11. Portions of the Master List
Section 12. Farm Product List and Codes
Section 13. Crop Year
Section 14. Amount and Reasonable Description
Section 15. Distribution of Portions of Master List
Section 16. Fees
Section 17. Forms
Section 18. Continuation of Farm Product Liens Perfected Under Prior Law
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## SERIES 14 - GUIDELINES FOR THE USE OF NICKNAMES AND OTHER DESIGNATIONS ON THE BALLOT

Authority - §§3-1A-6; 3-5-13
Type - Legislative
Price - $2.40
Effective - June 7, 1996

Section 1. General
Section 2. Allowable Additions or Alterations to Legal Names
Section 3. Unallowable Additions or Alterations to Legal Names
Section 4. Maximum Length of Name

## SERIES 15 - FILING FEES FOR CREDIT SERVICE

Authority - §46A-6C-5(e)
Type - Legislative
Price - $2.00
Effective - April 4, 2000

Section 1. General
Section 2. Filing Fee

## SERIES 16 - RESERVED

Repealed and Replaced with 153 CSR 18
June 7, 1996

## SERIES 17 - RESERVED

Repealed and Replaced with 153 CSR 18
June 7, 1996

## SERIES 18 - PROCEDURES FOR CANVASSING ELECTIONS

Authority - §3-1A-6
Type -Legislative
Price - $3.00
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Preparation
Section 4. Order of Canvassing Procedures b Voting System
Section 5. Receiving the Absentee Ballots for All Voting Systems
Section 6. Canvassing Each Precinct
Section 7. Special Canvassing Procedures for Elections Conducted With Lever Voting Machines
Section 8. Special Canvassing Procedures for Elections Conducted With Electronically Tabulated Ballots; Hand Counting Five Percent (5%) of Precincts
Section 9. Declaring the Results
Section 10. Certifying the Results
Section 11. Preparing for a Recount

## SERIES 19 - PROCEDURES FOR FILING FOR AUTHORIZATION TO DO BUSINESS BY VOLUNTARY ASSOCIATIONS AND BUSINESS TRUSTS

Authority - §§47-9A-1 et seq.; 31-1-67
Type - Procedural
Price - $2.00
Effective - February 13, 1989

Section 1. General
Section 2. Definitions
Section 3. Filing Procedure

## SERIES 20 - PROCEDURES FOR RECOUNT OF ELECTION RESULTS

Authority - §3-1A-6
Type - Legislative
Price - $3.40
Effective - May 8, 1997

Section 1. General
Section 2. Definitions
Section 3. Requesting a Recount
Section 4. Preparation
Section 5. Notification of Recount
Section 6. Conducting the Recount
Section 7. Order of Recount Procedures by Voting System
Section 8. Special Recount Procedures for Elections Conducted With Lever Voting Machines
Section 9. Special Recount Procedures for Elections Conducted With Electronically Tabulated Ballots; Hand Counting Five Percent (5%) of Precincts
Section 10. Recount by Step Procedures
Section 11. Certifying the Results

## SERIES 21 - RESERVED

**SERIES 22 - RULES OF PROCEDURE FOR CONTESTED CASE HEARINGS DEALING WITH DENIALS AND REVOCATIONS OF NOTARY PUBLIC COMMISSIONS**

Authority - §29C-7-101
Type - Procedural
Price - $2.60
Effective - February 8, 1990

Section 1. General
Section 2. Definitions
Section 3. Notice of Hearing
Section 4. How Hearings to be Conducted
Section 5. Continuation and Adjournment
Section 6. Transcription of Reported Testimony and Evidence
Section 7. Submission of Proposed Findings of Fact and Conclusion of Law, Time for Submission
Section 8. Appointment of Hearing Examiner, Function of Hearing Examiner
Section 9. Conferences; Informal Disposition of Cases
Section 10. Orders; Content
Section 11. Appeal
Section 12. Severability

**SERIES 23 - ABSENTEE VOTING MILITARY VOTERS WHO ARE MEMBERS OF RESERVE UNITS CALLED TO ACTIVE DUTY**

Authority - §3-1A-6; 42 U.S.C. §1973ff-1
Type - Legislative
Price - $2.40
Effective - June 7, 1996

Section 1. General
Section 2. Absentee Voting for Activated Reservists
Section 3. Procedures
Affidavit

**SERIES 24 - NUMBERED DIVISIONS FOR THE ELECTION OF CIRCUIT JUDGES**

Authority - §§3-1A-6; 3-1-17
Type - Procedural
Price - $2.40
Effective - June 7, 1996

Section 1. General
Section 2. Designation of Numbered Divisions
Section 3. Nomination of Circuit Judges in Numbered Divisions
Section 4. Election of Circuit Judges in Numbered Divisions
Section 5. Continuity of Numbered Divisions

**SERIES 25 - COMBINED VOTER REGISTRATION AND DRIVER LICENSING PROGRAM**

Authority - §§3-1A-6; 3-2-12; 17-3-1; 17B-2-8
Type - Legislative
Price - $2.80
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Revenue
Section 4. Expenditures

## SERIES 26 - OFFICIAL ELECTION FORMS AND VENDOR AUTHORIZATION

Authority - §3-1A-6
Type - Legislative
Price - $2.40
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Official Election Forms Prescribed; Issuance of Forms Prohibited, Acceptance of Forms
Section 4. Approval of Official Forms Offered for Sale by Vendors
Section 5. Duties of the Secretary of State

## SERIES 27 - PROCEDURES FOR HANDLING BALLOTS AND COUNTING WRITE-IN VOTES IN COUNTIES USING PUNCH CARD OR OPTICAL SCAN BALLOTS

Authority - §§3-1A-6; 3-4A-27; 3-6-4a; 3-6-5
Type - Procedural
Price - $3.20
Effective - June 7, 1996

Section 1. General
Section 2. Definitions
Section 3. Casting and Counting Write-In Votes
Section 4. Procedures for Punch Card Ballots
Section 5. Procedures for Optical Scan Ballots

## SERIES 28 - AGENCIES DESIGNATED TO PROVIDE VOTER REGISTRATION SERVICES

Authority - §§3-1A-6; 3-2-13
Type - Legislative
Price - $2.40
Effective - May 16, 2005

Section 1. General
Section 2. Definitions
Section 3. Designated Public Assistance Agencies
Section 4. Designated Disabilities Service Agencies
Section 5. Designated County Marriage License Offices

## SERIES 29 - TRADEMARKS AND SERVICE MARKS

Authority - §47-2-10
Type - Legislative
Price - $3.40
Effective - June 12, 1997

Section 1. General
Section 2. Application for New Registration
Section 3. Review and Approval of Registration
Section 4. Renewal of Registration
Section 5. Assignments, Changes of Cancellation
Section 6. Classification of Goods and Services
Section 7. Fees

## SERIES 30 - USE OF ELECTRONIC SIGNATURES BY STATE AGENCIES

Authority - §39-5-4
Type - Legislative
Price - $4.40
Effective - June 21, 2002


Section 1. General
Section 2. Definitions
Section 3. Agency Use of Electronic Records and Electronic Signatures Generally
Section 4. Agency Procedures for Adoption, Modification or Revocation of Electronic Signature Acceptance
Section 5. Requirements for Acceptance of Digital Marks
Section 6. Security Requirements for Acceptance of Digital Signature
Section 7. Requirements for Acceptance of Digital Signatures
Section 8. Requirements for Acceptance of Other Forms of Electronic Signatures
Section 9. Selection of State Authority; Eligibility Requirements for Registration and Certificate Management and Authority
Section 10. Requirements for State Certificate Management Authority Practice
Section 11. Requirements for State Repository Practice
Section 12. Requirements for Issuance of Certificates
Section 13. Subscribers; Duties upon Acceptance of Certificate
Section 14. Suspension of Certificate
Section 15. Revocation of Certificate
Section 16. Expiration of Certificate
Section 17. Form of Certificates
Section 18. Record Keeping and Retention
Section 19. Compliance Audit
Section 20. Procedure on Discontinuance of Business of State Certification Authority or State Repository
Section 21. Fees for Issuance of Certificates


## SERIES 31 - RESERVED

Repealed & Replaced by 153CSR30
Effective June 21, 2002

## SERIES 32 - REGISTRY REQUIREMENTS FOR CELEBRANTS OF MARRIAGE

Authority - §48-2-402
Type - Legislative
Price - $2.40
Effective - June 21, 2002


Section 1. General
Section 2. Secretary of State"s Registry of Persons Authorized to Celebrate Marriages
Section 3. Registry Requirements
Section 4. Proof of Qualifications of Religions Representative to Celebrate Marriages
Section 5. Application Fees Received by the Secretary of State
Section 6. Order Authorizing a Person to Celebrate Marriages in All Counties


## SERIES 33 - REGISTRY FOR NOTIFICATION OF A STATE OF EMERGENCY

Authority - §46A-6J-4
Type - Legislative
Price - $2.00
Effective - June 23, 2003


Section 1. General
Section 2. Applying to be Notified of State Declared Emergencies and Natural Disasters
Section 3. Fees
Section 4. Notification to Registrants
Section 5. Withdrawing From Notification


## SERIES 34 - RESERVED

## SERIES 35 - UNIFORM COMMERCIAL CODE, REVISED ARTICLE 9

Authority - §46-9-526
Type - Legislative
Price - $4.40
Effective - June 21, 2002


Section 1. General
Section 2. Definitions
Section 3. Filing Office Information
Section 4. UCC Document Delivery and Time of Filing
Section 5. Approved Forms
Section 6. Fees
Section 7. Payment of Fees
Section 8. Overpayment and Underpayment Policies
Section 9. Public Records Services
Section 10. New Practices and Technologies
Section 11. Acceptance and Refusal of Documents
Section 12. UCC Information Management System
Section 13. Filing and Data Entry Procedures
Section 14. Search Requests and Reports
Section 15. Other Notices of Liens

# TITLE 111

# COMMISSIONER OF SECURITIES

## SERIES 1 - COMMISSIONER OF SECURITIES RULES OF PRACTICE AND PROCEDURE

Authority - §32-4-41(2)
Type - Legislative
Price - $7.40
Effective - June 12, 1985


Section 1. General
Section 2. Reserved
Section 3. Reserved
Section 4. Reserved
Section 5. Reserved
Section 6. Reserved
Section 7. Reserved
Section 8. Reserved
Section 9. Reserved
Section 10. Rules of Practice and Procedure
Section 11. Registration of Broker-Dealer and Agents
Section 12. Post Registration Provisions
Section 13. Licensing of Investment Advisers
Section 14. Registration of Securities
Section 15. General Provisions

# TITLE 76

## WEST VIRGINIA BUREAU OF SENIOR SERVICES

(Formerly the West Virginia Commission on Aging)


| | | | Page |
|---|---|---|---|
| Series | 1. | Hearing and Appeals | 484 |
| Series | 2. | Meetings and Organization | 484 |
| Series | 3. | West Virginia State Plan for Aging Programs | 484 |
| Series | 4. | West Virginia Long-Term Care Ombudsman Program | 485 |
| Series | 5. | West Virginia Long-Term Care Ombudsman Program Procedural Rules | 485 |


TOTAL COST FOR ALL OF TITLE 76 WITHOUT INCORPORATED DOCUMENTS - $18.60

### SERIES 1 - HEARING AND APPEAL PROCEDURES

Authority - §16-5P and 45 CFR
Type - Procedural
Price - $3.00
Effective - September 30, 2004


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Hearings and Appeals |
| Section | 3. | Request for Bureau of Senior Service Hearing/Appeal |


### SERIES 2 - MEETINGS AND ORGANIZATION

Authority - §29-14 and §6-9A
Type - Procedural
Price - $2.40
Effective - July 31, 1986


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Officers and Duties |
| Section | 3. | Meetings |
| Section | 4. | Committees |
| Section | 5. | Parliamentary Procedure |
| Section | 6. | Amendments |


### SERIES 3 - WEST VIRGINIA STATE PLAN FOR AGING PROGRAMS

Authority - §16-5P-1
Type - Interpretive
Price - $2.00 (Without Manual) $13.80 (With Manual)
Effective - October 1, 2004


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Incorporation by Reference |

## SERIES 4 - WEST VIRGINIA LONG-TERM CARE OMBUDSMAN PROGRAM

Authority - §16-5L-21
Type - Legislative
Price - $5.00
Effective - July 1, 1994

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Office of the State Long-term Care Ombudsman
Section 5. State Long-term Care Ombudsman Continuing Education
Section 6. Duties of the State Long-term Care Ombudsman Programs
Section 7. Designation of Regional Long-term Care Ombudsman Programs
Section 8. Conflict of Interest
Section 9. Regional and Volunteer Long-term Care Ombudsman
Section 10. Duties of the Regional and Volunteer Long-term Care Ombudsman
Section 11. Certification and Continuing Education
Section 12. Investigation of Complaints
Section 13. Confidentiality of Information
Section 14. Procedure for Complaints Filed Against Regional or Volunteer Long-term Care Ombudsman
Section 15. Severability

## SERIES 5 - WEST VIRGINIA LONG-TERM CARE OMBUDSMAN PROGRAM PROCEDURAL RULE

Authority - §16-5L-21
Type - Procedural
Price - $6.20
Effective - July 31, 1995

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Office of the State Long-Term Care Ombudsman
Section 5. Designation of Regional Long-Term Care Ombudsman Programs
Section 6. Certification and Continuing Education
Section 7. Conflict of Interest
Section 8. Investigation of Complaints
Section 9. Ombudsman Program Services
Section 10. Legal Issues
Section 11. Willing Interference
Section 12. Severability

# TITLE 50

# SHALLOW GAS WELL REVIEW BOARD

## SERIES 1 - RULES OF PRACTICE BEFORE THE BOARD

Authority - §§22-7-6; 29A-3
Type - Procedural
Price - $3.80
Effective - August 22, 1987


Section 1. General
Section 2. Rules Applicable to Proceedings Concerning the Location of Shallow Gas Wells
Section 3. Rules Applicable to Proceedings to Establish Drilling Units
Section 4. Disputes Under Pooling Order
Section 5. Hearings

# TITLE 25

# BOARD OF SOCIAL WORK EXAMINERS

## SERIES 1 - QUALIFICATIONS FOR LICENSURE AS A SOCIAL WORKER

Authority - §§30-30-(3)(a). (3)(e)(4), (3)(e)(5), (3)(e)(6); 30-30-9; 30-1-(8)(a); 30-1-(15)(e)
Type - Legislative
Price - $4.80
Effective - July 1, 2002


Section 1. General
Section 2. Definitions
Section 3. Qualifications for License
Section 4. Code of Ethics
Section 5. Applications
Section 6. Contested Case Hearing Procedures
Section 7. Responsibilities of Licensees
Section 8. Continuing Social Work Education Requirements for Licensees
Section 9. Continuing Social Work Education Requirements for Providers
Section 10. Disciplinary Proceedings
Section 11. Violations of Child Support Orders


## SERIES 2 - ORGANIZATION AND PROCEDURES OF THE BOARD OF SOCIAL WORK EXAMINERS

Authority - §30-30 et seq.
Type - Procedural
Price - $2.00
Effective - November 30, 1992


Section 1. General
Section 2. Organization of Meetings of the Board
Section 3. Applications
Section 4. Examinations
Section 5. Availability of Rules and Regulations


## SERIES 3 - FEE SCHEDULE

Authority - §§30-1-6(c); 30-30-3(3)(1)(4); 30-30-11
Type - Legislative
Price - $2.60
Effective - July 1, 2002


Section 1. General
Section 2. Fee Schedule

# TITLE 63

# SOIL CONSERVATION COMMISSION

## SERIES 1 - SOIL CONSERVATION COMMITTEE REGULATIONS

Authority - §§19-21A; 18-21B
Type - Legislative
Price - $2.80
Effective - July 1, 1998


Section 1. General
Section 2. Procedure for Appointing and Electing District Soil Conservation Supervisors
Section 3. Expenditures of Funds by the State Soil Conservation Committee for Watershed Programs
Section 4. Procedure for Complying with Open Governmental Proceedings Law

# TITLE 54

# SOLID WASTE MANAGEMENT BOARD

Index for the Solid Waste Management Board


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|---|---|---|---|
| Series | 1. | Rules and Regulations Governing Disbursement of Loans and Grants to Governmental Agencies for for the Acquisition or Construction of Solid Waste Disposal | 489 |
| Series | 2. | The Establishment of Fee Schedule and Cost Allocations Applicable to the Issuance of Bonds by the West Virginia Solid Waste Management Board | 489 |
| Series | 3. | Comprehensive Litter and Solid Waste Control Plans | 489 |
| Series | 4. | Commercial Solid Waste Facility Siting Plans | 490 |
| Series | 5. | Disbursement of Grants to Solid Waste Authority | 490 |


TOTAL COST FOR OF TITLE 54 - $17.40

## SERIES 1 - RULES AND REGULATIONS GOVERNING DISBURSEMENT OF LOANS AND GRANTS TO GOVERNMENTAL AGENCIES FOR THE ACQUISITION OR CONSTRUCTION OF SOLID WASTE DISPOSAL

Authority - §16-26-1
Type - Legislative
Price - $3.40
Effective - June 17, 1991


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Grants |
| Section | 4. | Loans |


## SERIES 2 - THE ESTABLISHMENT OF FEE SCHEDULE AND COST ALLOCATIONS APPLICABLE TO THE ISSUANCE OF BONDS BY THE WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

Authority - §16-26-1 et seq.
Type - Legislative
Price - $2.40
Effective - June 17, 1991


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Fees |
| Section | 4. | Allocations of Costs Applicable to Issuance of Bonds of the Board |
| Section | 5. | Amendment of Fee Schedule |


## SERIES 3 - RULES AND REGULATIONS FOR THE DEVELOPMENT OF COMPREHENSIVE LITTER AND SOLID WASTE CONTROL PLANS

Authority - §§22C-3-6; 22C-4-8; 22C-4-23; 20-11-1 et seq.
Type - Legislative
Price - $4.60
Effective - May 21, 2001


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Requirement and Procedure for Plan Development, Update and Approval |
| Section | 4. | Required Format of Plan |
| Section | 5. | Content of Plan |
| Section | 6. | Development, Update and Amendment Process |
| Section | 7. | Public Participation Process |

## SERIES 4 - COMMERCIAL SOLID WASTE FACILITY SITING PLANS

Authority - §§22C-3-6; 22C-4-24
Type - Legislative
Price - $3.60
Effective - May 21, 2001

Section 1. General
Section 2. Definitions
Section 3. Procedure for Plan Development and Approval
Section 4. Required Format of Commercial Siting Plan
Section 5. Required Content of Commercial Siting Plan
Section 6. Review and Amendment Process
Section 7. Public Participation Process

## SERIES 5 - DISBURSEMENT OF GRANTS TO SOLID WASTE AUTHORITY

Authority - §§22C-3-6; 22C-4-30
Type - Legislative
Price - $3.40
Effective - April 15, 2002

Section 1. General
Section 2. Definitions
Section 3. Application for Grants
Section 4. Eligibility for Participation
Section 5. Personnel Qualifications
Section 6. Compliance With Federal and State Laws
Section 7. Authorized Use of Grant Funds and Factors Considered in Evaluation Applications
Section 8. Grant Withdrawal and Penalty
Section 9. Reporting Requirements
Section 10. Management of Grant
Section 11. Disposition of Equipment
Section 12. General Conditions and Requirements

# TITLE 29

# BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

## SERIES 1 - LICENSE OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Authority - §30-32-10
Type - Legislative
Price - $4.60
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Qualifications
Section 4. Provisional License
Section 5. Renewal
Section 6. Reinstatement of Expired Licenses
Section 7. Standards of Conduct
Appendix

## SERIES 2 - RULE GOVERNING SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY ASSISTANTS

Authority - §30-32-10
Type - Legislative
Price - $2.60
Effective - June 9, 2005

Section 1. General
Section 2. Definitions
Section 3. Qualifications
Section 4. Responsibilities of the Supervisor
Section 5. Role of the Speech-Language Pathology and/or Audiology Assistant
Section 6. Tasks Outside the Scope of Responsibility of an Assistant
Section 7. Renewal of Assistant Registration

## SERIES 3 - CONTESTED CASE HEARING PROCEDURE

Authority - §30-32-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - March 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Hearing Examiner
Section 6. Conferences; Informal Disposition of Cases
Section 7. Depositions
Section 8. Subpoenas
Section 9. Orders
Section 10. Appeal

## SERIES 4 - DISCIPLINARY AND COMPLAINT PROCEDURES FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Authority - §§30-32-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - March 1, 2001


Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses of Speech-Language Pathologists, Audiologist, Provisional Licenses and Assistants
Section 5. Disposition of Complaints
Section 6. Contested Case Hearings
Section 7. Appeals

# TITLE 55

# STATE EMERGENCY RESPONSE COMMISSION

## SERIES 1 - EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW

Authority - §15-5A-5
Type - Legislative
Price - $3.60
Effective - June 14, 1993


Section 1. General
Section 2. Definitions
Section 3. Reporting by Covered Facilities
Section 4. Emergency Notification
Section 5. Requests for Information - General Provisions
Section 6. Requests for MSDS Information
Section 7. Requests for Hazardous Chemical Inventory Forms
Section 8. Trade Secrets and Confidential Information
Section 9. Fees
Section 10. Grants
Section 11. Enforcement

# TITLE 81

# WEST VIRGINIA STATE POLICE

Index for State Police


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| Series | 1. | Supplemental Pay | 494 |
| Series | 2. | Cadet Selection Physical Qualifications | 494 |
| Series | 3. | West Virginia State Police - Career Progression System | 495 |
| Series | 4. | Modified Vehicle Inspection | 495 |
| Series | 5. | Contracted Police or Security Services | 495 |
| Series | 6. | Carrying of Handguns by Retired or Medically Discharged Members | 495 |
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TOTAL COST FOR ALL OF TITLE 81 - $51.60

## SERIES 1 - SUPPLEMENTAL PAY

Authority - §15-2-25
Type - Legislative
Price - $2.00
Effective - March 29, 1999


| | | |
|---|---|---|
| Section | 1. | General |
| Section | 2. | Supplemental Pay |


## SERIES 2 - CADET SELECTION PHYSICAL QUALIFICATIONS

Authority - §15-2-5
Type - Legislative
Price - $4.00
Effective - June 15, 1998


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|---|---|---|
| Section | 1. | General |
| Section | 2. | General Rules of Cadet Selection |
| Section | 3. | Application Stage |
| Section | 4. | Applicant Screening Initial Stage |
| Section | 5. | Interview Stage |
| Section | 6. | Background Investigation Stage |
| Section | 7. | Psychological Assessment Stage |
| Section | 8. | Medical Selection Stage |
| Section | 9. | Final Selection Stage |

## SERIES 3 - WEST VIRGINIA STATE POLICE - CAREER PROGRESSION SYSTEM

Authority - §15-2-5; 15-2-25
Type - Legislative
Price - $4.20
Effective - May 16, 2005


Section 1. General
Section 2. For the Purposes of this Rule
Section 3. Career Progression System - General Requirements
Section 4. Permanent Rank Promotions
Section 5. Non-Supervisory Rank Reclassification
Section 6. Criminalist Reclassification
Section 7. Administrative Support Specialist Reclassification
Section 8. Creation of Career Progression Review Committee and Its Duties


## SERIES 4 - MODIFIED VEHICLE INSPECTION

Authority - §17C-15-48(i)
Type - Legislative
Price - $4.20
Effective - June 15, 1998


Section 1. General
Section 2. General Requirements
Section 3. Modified Vehicle Inspection Definitions
Section 4. Modified Vehicle Inspection Requirements


## SERIES 5 - CONTRACTED POLICE OR SECURITY SERVICES

Authority - §15-2-18(b)
Type - Legislative
Price - $2.60
Effective - June 15, 1998


Section 1. General
Section 2. Definitions
Section 3. Application for Contracted Police or Security Services
Section 4. Contract Guidelines
Section 5. Assignment of Members
Section 6. Compensation


## SERIES 6 - CARRYING OF HANDGUNS BY RETIRED OR MEDICALLY DISCHARGED MEMBERS

Authority - §15-2-25
Type - Legislative
Price - $2.40
Effective - May 16, 2005


Section 1. General
Section 2. Authorization Requirements
Section 3. Authorization Issuance
Section 4. Authorization Termination and Revocation and Renewal
Section 5. Handgun Certification

## SERIES 7 - REQUESTS FOR INFORMATION (FREEDOM OF INFORMATION ACT)

Authority - §29B-1-3
Type - Procedural
Price - $2.60
Effective - December 13, 2003

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Form of Request
Section 5. Responsibilities of the Division
Section 6. Fees
Fee Schedule

## SERIES 8 - WEST VIRGINIA STATE POLICE GRIEVANCE PROCEDURE

Authority - §15-2-6(a)
Type - Legislative
Price - $3.40
Effective - June 15, 1998

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Grievance Procedure Generally
Section 5. Procedural Levels and Procedure at each Level
Section 6. Hearings Generally
Section 7. Enforcement and Reviewability; Costs; Good Faith
Section 8. Allocation of Costs
Section 9. Mandamus Proceeding
Section 10. Grievant's Right to Attorney"s Fees and Costs
Section 11. Application of Rule

## SERIES 9 - WEST VIRGINIA DNA DATABASE

Authority - §15-2-24a
Type - Legislative
Price - $3.00
Effective - April 1, 1996

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Procedures for the Withdrawal of Blood Samples for DNA Analysis
Section 5. Receipt of Blood Samples at State Police Headquarters
Section 6. Transport and Receipt of Dried Blood Stains to Marshall University for DNA Analysis
Section 7. Handling, Processing and Analyzing Blood Samples at Marshall
Section 8. The Monitoring, Inspection and Prohibitions on the Exchange of Information
Section 9. The Expungement of Information

**SERIES 10 - WEST VIRGINIA STATE POLICE PROFESSIONAL STANDARDS INVESTIGATIONS, EMPLOYEE RIGHTS, EARLY IDENTIFICATION SYSTEM, PSYCHOLOGICAL ASSESSMENT AND PROGRESSIVE DISCIPLINE**

Authority - §15-2-5
Type - Legislative
Price - $5.00
Effective - May 16, 2005

Section 1. General
Section 2. Definitions
Section 3. Professional Standards Unit Organization and Responsibilities
Section 4. Incidents to be Investigated
Section 5. Complaint Filing Procedure
Section 6. Records Retention
Section 7. Operational Procedures
Section 8. Employee Rights and Conduct During an Internal Investigation or Inquiry
Section 9. Early Identification System
Section 10. Psychological Assessment Program
Section 11. Progressive Discipline

**SERIES 11 - WEST VIRGINIA UNIFORM CRIME REPORTING PROGRAM: GENERAL GUIDELINES AND REPORTING REQUIREMENTS**

Authority - §§15-2-24(l) & (j); 48-2A-9(d)
Type - Procedural
Price - $3.20
Effective - September 2, 1997

Section 1. General
Section 2. Definitions
Section 3. Purposes
Section 4. Objectives
Section 5. Information Collected
Section 6. Jurisdictional Reporting
Section 7. Records Needed
Section 8. Reporting Requirements Established
Section 9. Certification and Approval
Section 10. Supplies and Services Offered to UCR Contributors

**SERIES 12 - WRITTEN DIRECTIVE SYSTEM**

Authority - §15-2-5
Type - Legislative
Price - $2.40
Effective - March 29, 1999

Section 1. General
Section 2. Definitions
Section 3. Written Directives of the West Virginia State Police

**SERIES 13 - ORGANIZATIONAL STRUCTURE**

Authority - §15-2-3
Type - Interpretive
Price - $2.60
Effective - August 1, 2005

Section 1. General
Section 2. Organizational Structure

## SERIES 14 - GUIDELINES PERTAINING TO THE WEST VIRGINIA SEX OFFENDER REGISTRATION ACT

Authority - §§15-1-1 and 62-21-2
Type - Procedural
Price - $7.00
Effective - July 1, 2001


Section 1. General
Section 2. Definitions
Section 3. Purposes
Section 4. Objectives
Section 5. Persons Required to Register
Section 6. Duration of Registration
Section 7. Responsibilities of Administrators of Incarceration Facilities, Probation or Parole Officers
Section 8. Responsibilities of the Sentencing Court
Section 9. Responsibility of Circuit Court
Section 10. Responsibility of the Prosecuting Attorney
Section 11. Sex Offender Registration Advisory Board
Section 12. Responsibilities of the Board
Section 13. Responsibilities of the State Police
Section 14. The Responsibilities of Law Enforcement Agencies, Other Than the State Police
Section 15. Responsibilities of the Sex Offender Registry
Section 16. Responsibilities of Community Organizations or Religious Organizations Authorized to Receive Sex Offender Registration Information
Section 17. Responsibilities of Those Persons Required to Register
Section 18. Responsibility of a Person Who is Qualified to be Registered as a Sex Offender, but is not Registered and has been Arrested on a New Criminal Charge
Section 19. Community Notification/Education Meetings
Section 20. Responsibilities of the Public
Section 21. Documents Available


## SERIES 15 - BAIL BOND ENFORCER REGISTRATION, AUTHORIZATION AND NOTIFICATION PROCEDURES AND REQUIREMENTS

Authority - §§51-10A-2(g); 15-2-25
Type - Interpretive
Price - $2.80
Effective - September 18, 2000


Section 1. General
Section 2. Definitions
Section 3. Persons Required to Register
Section 4. Requirements and Procedures for Registration, Authorization and Notification

# TITLE 172

# STATE RAIL AUTHORITY

## SERIES 1 - ORGANIZATION AND MEETING

Authority - §29-18 et seq.
Type - Procedural
Price - $2.80
Effective - September 1, 2001


Section 1. General
Section 2. Definitions
Section 3. Office of the Authority
Section 4. Board of Directors
Section 5. Meetings of the Board of Directors
Section 6. Officers of the Authority
Section 7. Duties of Officers
Section 8. Resignations
Section 9. Fiscal Year
Section 10. Seal


## SERIES 2 - VALUATION OF USED ROLLING STOCK AND EQUIPMENT

Authority - §29-18-6-11(B)(i)
Type - Legislative
Price - $2.00
Effective - May 1, 2002


Section 1. General
Section 2. Valuation of Used Rolling Stock and Equipment

# TITLE 169

# WEST VIRGINIA STATEWIDE ADDRESSING AND MAPPING BOARD

## SERIES 1 - RESERVED

## SERIES 2 - ADDRESSING AND MAPPING STANDARDS AND PARTICIPATION BY PUBLIC AGENCIES IN STATEWIDE ADDRESSING AND MAPPING PROJECT

Authority - §§24E-1-6, 7 & 9(b); 29A-3-15
Type - Legislative
Price - $4.20
Effective - April 8, 2004


Section 1. General
Section 2. Addressing and Mapping Standards
Section 3. Creation of the Statewide Addressing and Mapping Systems; Participation by Public Agencies and Other Entities; Rights and Responsibilities of Participating Public Agencies and Other Entities
Section 4. Protection of Privacy, Homeland Security and Distribution of Works

# TITLE 49

# SURFACE MINE BOARD

## SERIES 1 - PROCEDURAL RULES GOVERNING APPEALS BEFORE THE SURFACE MINE BOARD

Authority - §22B-1-3c
Type - Procedural
Price - $3.00
Effective - February 24, 1997


Section 1. General
Section 2. Notice of Appeal; Answer
Section 3. The Certified Record
Section 4. Filing and Service of Documents
Section 5. Orders of the Board; Submission of Motions
Section 6. Site Visits
Section 7. Intervention
Section 8. Discovery
Section 9. Evidentiary Hearings
Section 10. Rules of Evidence and Procedure
Section 11. Ex Parte Contracts
Section 12. Confidential Information

# TITLE 121

# OFFICE OF TAX APPEALS

## SERIES 1 - RULES OF PRACTICE AND PROCEDURE BEFORE THE WEST VIRGINIA OFFICE OF TAX APPEALS

Authority - §11-10A-20
Type - Procedural
Price - $14.70
Effective - April 20, 2003


Section 1. General
Section 2. Definitions
Section 3. Name of Office, Location and Business Hours
Section 4. Jurisdiction of Office of Tax Appeals
Section 5. Timely Filing
Section 6. Computation of Time
Section 7. West Virginia Legal Holidays
Section 8. Enlargement or Reduction of Time
Section 9. Office Records
Section 10. Confidentiality of Records and Information
Section 11. Proceedings Not Open to Public
Section 12. Seal; authenticating Records; Judicial Notice
Section 13. Payment of Fees or Charges
Section 14. Disability of Administrative Law Judge
Section 15. Form and Style of Papers
Section 16. Docketing of Cases
Section 17. Appearances and Representation of Parties
Section 18. Encouraged Resolution of Controversies by the Parties
Section 19. Counsel Conference
Section 20. Ex Parte Communications
Section 21. Commencement of Proceedings
Section 22. Filing of Petition
Section 23. Special Rule for Appeal of Jeopardy Assessment
Section 24. Service of Papers
Section 25. Proper Parties; Capacity
Section 26. Processing of Filed Petition
Section 27. Scheduling of Hearing
Section 28. General Rules of Pleading
Section 29. Form of Pleading
Section 30. Signing of Pleadings
Section 31. Answer
Section 32. Reply
Section 33. Pleading Special Matters
Section 34. Defenses and Objections Made by Pleading or Motion
Section 35. Amended and Supplemental Pleadings
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# DIVISION OF TAX

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TOTAL COST FOR ALL OF TITLE 110 - $335.80

## SERIES 1 - APPRAISAL OF PROPERTY FOR PERIODIC STATEWIDE REAPPRAISALS FOR AD VALOREM PROPERTY TAX PURPOSES

Authority - §11-1A-1(f)
Type - Legislative
Price - $14.20
Effective - April 4, 1988


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## SERIES 1A - VALUATION OF FARMLAND AND STRUCTURES SITUATED THEREON FOR AD VALOREM PROPERTY TAX PURPOSES

Authority - §11-1C-1(b)
Type - Legislative
Price - $4.60
Effective - July 26, 1991

Section 1. General
Section 2. Valuation Rule
Appendices

## SERIES 1B - LISTING OF INTERESTS IN NATURAL RESOURCES

Authority - §11-1A-1(f)
Type - Legislative
Price - $2.60
Effective - June 12, 1987

Section 1. General
Section 2. Identification of Property to be Appraised; Persons Required to Make Returns
Section 3. Failure to List Property, etc; Collection of Penalties and Forfeitures

## SERIES 1C - GUIDELINES FOR ASSESSORS TO ASSURE FAIR AND UNIFORM NONUTILITY PERSONAL PROPERTY VALUES

Authority - §11-1A-29a
Type - Legislative
Price - $2.80
Effective - May 13, 1987

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Section 2. Definitions
Section 3. Assessor's Activities
Section 4. Tax Commissioner Activities
Section 5. Rights to a Hearing

## SERIES 1D - ADMINISTRATIVE REVIEW OF APPRAISALS BY THE TAX COMMISSIONER

Authority - §11-1A-1(f)
Type - Legislative
Price - $2.80
Effective - June 12, 1987

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## SERIES 1E - REVIEW OF APPRAISALS BY THE COUNTY COMMISSION SITTING AS AN ADMINISTRATIVE APPRAISAL REVIEW BOARD

Authority - §11-1A-1(f)
Type - Legislative
Price - $2.80
Effective - June 12, 1987


Section 1. General
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## SERIES 1F - ADDITIONAL REVIEW AND IMPLEMENTATION OF PROPERTY APPRAISALS

Authority - §11-1A-1(f)
Type - Legislative
Price - $5.60
Effective - May 13, 1987


Section 1. General
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Section 3. Intent and Application of These Rules
Section 4. Appraisal of Property - Generally
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Section 18. Appraisal of Property; Date of Implementation Assessor to Make Assessments


## SERIES 1G - REVIEW BY CIRCUIT COURT ON CERTIORARI

Authority - §11-1A-1(f)
Type - Legislative
Price - $2.00
Effective - May 13, 1987


Section 1. General
Section 2. Definitions
Section 3. Request for Review by Circuit Court

## SERIES 1H - VALUATION OF TIMBERLAND AND MANAGED TIMBERLAND

Authority - §§11-1C-5(a)(2)(B); 11-1C-11(c)(1) and 11-1C-11b(c)
Type - Legislative
Price - $4.60
Effective - May 1, 1999

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Classification of Timberland and Managed Timberland
Section 5. Valuation of Farm Woods Lots
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## SERIES 1I - VALUATION OF ACTIVE AND RESERVE COAL PROPERTY FOR AD VALOREM PROPERTY TAX PURPOSES

Authority - §§11-1A-11; 11-1C-5(b)
Type - Legislative
Price - $6.20
Effective - June 1, 2005

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Valuation Methods
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## SERIES 1J - APPRAISAL OF PRODUCING AND RESERVE OIL AND NATURAL GAS FOR AD VALOREM TAX PURPOSES

Authority - §§11-1C-5(b); 11-1C-5a and 11-1C-10(d)
Type - Legislative
Price - $4.80
Effective - June 1, 2005

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Methods of Valuation

## SERIES 1K - VALUATION OF NATURAL RESOURCES PROPERTY OTHER THAN COAL, OIL OR NATURAL GAS FOR AD VALOREM TAX PURPOSES

Authority - §§11-1C-5(a) & (d); 11-1C-5a and 11-1C-10(d)
Type - Legislative
Price - $3.80
Effective - May 1, 1999

Section 1. General
Section 2. Introduction
Section 3. Definitions
Section 4. Valuation Methods

## SERIES 1L - VALUATION OF PUBLIC PROPERTY FOR AD VALOREM PROPERTY TAX PURPOSES

Authority - §§11-1C-5(b); 11-6C-1
Type - Legislative
Price - $4.00
Effective - July 26, 1991

Section 1. General
Section 2. Definitions
Section 3. Situs of Intangible
Section 4. Valuation of Operating Public Utility Property (excluding Commercial Motor Vehicle Property)
Section 5. Valuation of Commercial Motor Vehicles
Section 6. Taxpayer Return for all Public Utility Property Except Commercial Motor Vehicles

## SERIES 1M - VALUATION OF PUBLIC UTILITY PROPERTY FOR AD VALOREM PROPERTY TAX PURPOSES

Authority - §11-1C-5(b)-1
Type - Legislative
Price - $3.20
Effective - May 1, 2001

Section 1. General
Section 2. Definition
Section 3. Situs
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Section 5. Valuation of Interstate Commercial Motor Vehicles
Section 6. Taxpayer Returns for All Public Utility Property Except Commercial Vehicle

## SERIES 1N - VALUATION OF VEHICLES, WATERCRAFT AND AIRCRAFT FOR AD VALOREM PROPERTY TAX PURPOSES

Authority - §11-1C-1 et seq.
Type - Legislative
Price - $2.40
Effective - July 26, 1991

Section 1. General
Section 2. Definitions
Section 3. Valuation of Automobiles
Section 4. Valuation of Trucks, Recreational Vehicles, Motorcycles, Mopeds and Other Vehicles
Section 5. Valuation of Watercraft
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## SERIES 1P - VALUATION OF COMMERCIAL AND INDUSTRIAL REAL AND PERSONAL PROPERTY FOR AD VALOREM PROPERTY TAX PURPOSES

Authority - §11-1C-1 et seq.
Type - Legislative
Price - $3.20
Effective - July 26, 1991

Section 1. General
Section 2. Appraisal of Valuation of Commercial and Industrial Real Property

## SERIES 2 - ELECTRONIC DATA PROCESSING SYSTEM NETWORK FOR PROPERTY TAX ADMINISTRATION

Authority - §§11-1C-4; 11-1A-21(d)
Type - Legislative
Price - $3.20
Effective - May 1, 1999

Section 1. General
Section 2. Definitions
Section 3. Network Development Responsibility
Section 4. County Responsibility
Section 5. Network Operations
Section 6. Network Security and Safeguards

## SERIES 3 - EXEMPTION OF PROPERTY FROM AD VALOREM PROPERTY TAXATION

Authority - §§11-3-9; 29A-3-1
Type - Legislative
Price - $8.60
Effective - May 1, 1989

Section 1. General
Section 2. Definitions
Section 3. Constitutional Authority
Section 4. Statutory Exemptions from Ad Valorem Property Taxes
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Section 12. Places of Divine Worship
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Section 15. Cemeteries
Section 16. Property Belonging to, or Held in Trust for, Colleges, Seminaries, Academies and Free Schools, if Used for Educational, Literary or Scientific Purposes, Including Books, Apparatus, Annuities and Furniture
Section 17. Property Belonging to, or Held in Trust for, Colleges or Universities Located in West Virginia, or any Public or Private Nonprofit Foundation or Corporation Which Receives Contributions Exclusively for Such College or University, if the Property or Dividends, Interest Rents or Royalties Derived Therefrom are Used or Devoted to Educational Purposes of Such College or University
Section 18. Public and Family Libraries
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Section 22. Property Belonging to Benevolent Associations, not conducted for Private Profit
Section 23. Property Belonging to any Public Institution for the Education of the Deaf, Dumb or Blind
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Section 25. House of Refuge and Lunatic or Orphan Asylums
Section 26. Homes for Children or for the Aged, Friendless, or Infirm, not Conducted for Private Profit
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Section 34. Property Used for the Public Purposes of Distributing Water or Providing Sewer Services by a Duly Chartered Nonprofit Corporation when Such Property is not Held, Leased out, or Used for Profit
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**SERIES 3B - PROCEDURES FOR WHEN THE TAX COMMISSIONER ORDERS A COUNTY ASSESSOR OR COUNTY COMMISSION OR BOTH TO COMPLY WITH TAX ASSESSMENTS**

Authority - §§11-1-2; 11-1-6
Type - Procedural
Price - $2.80
Effective - January 21, 1988

Section 1. General
Section 2. Notice from Tax Commissioner to County Assessor and County Commission of Improper Assessment
Section 3. Notice of Order to Increase Assessments
Section 4. Review and Resubmission of the Property Books by the County Assessor
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Section 9. Revision of Levy Rates
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**SERIES 4 - VALUATION OF PERCENTAGE OF COMPLETION OF IMPROVEMENTS AND INFRASTRUCTURE DEVELOPMENT IN A RECORDED PLAN OR PLAT**

Authority - 11-3-1b(b)
Type - Legislative
Price - $2.80
Effective - May 1, 2001

Section 1. General
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**SERIES 5 - RESERVED**

**SERIES 6 - POLLUTION CONTROL FACILITIES**

Authority - §§11-6A-4; 11-10-5
Type - Legislative
Price - $2.60
Effective - May 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Statement of Pollution Control Facilities Tax Treatment
Section 4. Approval as Pollution Control Facility
Section 5. Allocation or Separation of Values
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## SERIES 6A - SOLID WASTE ASSESSMENT FEE

Authority - §§20-5F-5a(f); 11-10-5; 29A-3-1 et seq.
Type - Legislative
Price - $3.40
Effective - April 2, 1990

Section 1. General
Section 2. Definitions
Section 3. Imposition of Tax
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## SERIES 6B - SEE SERIES 50A

## SERIES 6D - DETERMINING THE EARLIEST DATE WHEN THE ALTERNATIVE FUEL MOTOR VEHICLE TAX CREDIT MAY APPLY TO QUALIFIED INVESTMENT

Authority - §11-6D-8(b)
Type - Interpretive
Price - $2.80
Effective - October 8, 1996

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## SERIES 6F - PROPERTY TAX VALUATION OF CERTAIN MANUFACTURING PROPERTY

Authority - §11-6F-5
Type - Legislative
Price - $5.80
Effective - May 1, 1999

Section 1. General
Section 2. Definitions
Section 3. Application for Certification of Capital Addition Property
Section 4. Polymer Alliance Zone Investment
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## SERIES 8 - REVISION OF LEVY ESTIMATES

Authority - §11-1
Type - Legislative
Price - $2.00
Effective - June 29, 1964

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## SERIES 9 - RESERVED

WITHDRAWN APRIL 24, 1995 SEE 189CSR5

## SERIES 10 - EXCEPTIONS TO CONFIDENTIALITY OF TAXPAYER INFORMATION, DISCLOSURE OF CERTAIN TAXPAYER INFORMATION

Authority - §11-10-5s
Type - Legislative
Price - $2.60
Effective - April 15, 1992

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## SERIES 10B - PAYMENT OF TAXES BY CREDIT CARD OR DEBIT CARD

Authority - §§11-10-5; 11-10-5n(e)
Type - Legislative
Price - $3.40
Effective - May 1, 2002

Section 1. General
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## SERIES 10C - RESERVED

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Authority - §39A-3-2
Type - Procedural
Price - $3.60
Effective - March 18, 2002

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Section 2. Definitions
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## SERIES 10E - RESERVED

## SERIES 10F - PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Authority - §11-10-5e
Type - Legislative
Price - $4.20
Effective - May 1, 2003

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Section 10. Procedures for Payment - ACH Debit Payment Method
Section 11. Procedures for Payment - ACH Credit Payment Method
Section 12. Requirement for Filing Returns
Section 13. Penalties, etc. for Noncompliance
Section 14. Voluntary Use of EFT to Pay Taxes
Section 15. Proof of Payment
Section 16. Correction of Errors
Section 17. Emergency Payment
Section 18. Grace Period During Implementation

## SERIES 10G- ALTERNATE RESOLUTION OF TAX DISPUTES

Authority - §11-10-23
Type - Legislative
Price - $3.20
Effective - June 15, 2004

Section 1. General
Section 2. Definitions
Section 3. Jurisdiction and Scope of Alternative Dispute Resolution
Section 4. Conciliation
Section 5. Confidentiality

## SERIES 10H - TAX AMNESTY PROGRAM OF 2004

Authority - §1101-H-4(b)
Type - Interpretive
Price - $4.00
Effective - August 24, 2004


Section 1. General
Section 2. Legislative Intent, Findings and Purpose
Section 3. Definitions
Section 4. Development and Administration of Tax Amnesty Program; Implementation of Program
Section 5. Duration and Application of Amnesty Program
Section 6. Waiver of Penalties; Criminal Immunity; Exceptions and Limitations
Section 7. Application for Amnesty; Requirements; Deficiency Assessment
Section 8. Examination of Amnesty Returns and Taxpayer Books and Records
Section 9. Penalty on Liabilities Eligible for Amnesty When Taxpayer Fails to Apply for or Comply With Amnesty
Appendix


## SERIES 11 - INHERITANCE AND TRANSFER TAX

Authority - §11-10
Type - Legislative
Price - $3.00
Effective - September 16, 1966


Section 1. General
Section 2. Deduction of Federal Estate Tax
Section 3. Jointly Held Property


## SERIES 12 - RESERVED

## SERIES 12A - ANNUAL TAX ON INCOMES OF CERTAIN CARRIERS

Authority - §11-10-5a
Type - Legislative
Price - $4.80
Effective - January 1, 1974


Section 1. General
Section 2. Definition
Section 3. Imposition of Gross Tax
Section 4. Imposition of Net Tax
Section 5. Problems and Solutions
Section 6. Return of Taxpayer
Section 7. Reserved
Section 8. Tax Year
Section 9. Payment
Section 10. Assessment of Deficiency
Section 11. Reserved
Section 12. Petition for Reassessment
Section 13. Hearings and Appeals
Section 14. Reserved
Section 15. Reserved
Section 16. Penalties
Section 17. Extension of Time

## SERIES 12B - REGISTRATION OF TRANSIENT VENDORS

Authority - §11-12-24
Type - Legislative
Price - $3.00
Effective - May 13, 1987

Section 1. General
Section 2. Definitions
Section 3. Registration
Section 4. Certificates
Section 5. Notice
Section 6. Bond
Section 7. Notification to Tax Commissioner
Section 8. Revocation or Suspension
Section 9. Seizure of Property
Section 10. Forfeiture Proceeding

## SERIES 12C - CONTRACTOR PREFERENCE FOR DETERMINING SUCCESSFUL BIDS

Authority - §§11-10-5; 5A-3-37
Type - Interpretive
Price - $3.00
Effective - October 2, 1992

Section 1. General
Section 2. Definitions
Section 3. Preference - Construction Services
Section 4. Preference - Commodities and Printing
Section 5. Certification
Section 6. Investigating Certifications
Section 7. Preference to be Considered in Making Awards
Section 8. Violations
Section 9. Jeopardizing Federal Funds

## SERIES 13 - BUSINESS AND OCCUPATION TAX

Authority - §§11-10-5; 29A-3-1 et seq.
Type - Legislative
Price - $5.80
Effective - May 1, 1996

Section 1. General
Section 1A. Definitions
Section 2. Imposition of Privilege Tax
Section 2D. Public Service or Utility Business
Section 2E. Business of Gas Storage; Effective Date
Section 2M. Business of Generating or Producing Electric Power, Exceptions; Rates
Section 2N. Business of Generating or Producing or Selling Electric Power; Exemptions Rates
Section 2O. Business of Generating, Producing or Selling Electricity on or After June 1, 1995; Definitions; Rate of Tax
Section 3. Exemptions
Section 3A. Reserved for Future Use
Section 3B. Reserved for Future Use
Section 4. Compilation of Tax; Payment
Section 5. Return and Remittance by the Taxpayer
Section 6. Reserved
Section 7. Reserved
Section 8. Reserved
Section 9. Tax Year and Method of Accounting
Section 10. Reserved
Section 11. Reserved
Section 12. Reserved
Section 13. Reserved

Section 14. Reserved
Section 15. Reserved
Section 16. Reserved
Section 17. Reserved
Section 18. Reserved
Section 19. Reserved
Section 20. Reserved
Section 21. Reserved
Section 22. Reserved
Section 23. Reserved
Section 24. Reserved
Section 25. Reserved
Section 26. Reserved
Section 27. General Procedure and Administration

**SERIES 13A - SEVERANCE TAX**

Authority - §§11-13A-23(b); 11-10-5
Type - Legislative
Price - $6.80
Effective - April 15, 1992

Section 1. General
Section 2. Definitions
Section 2a. Determination of Gross Value
Section 3. Imposition of Tax
Section 4. Treatment Processes as Production
Section 5. Oil and Gas Operating Unit
Section 6. Additional Tax for Benefit of Counties
Section 7. Accounting
Section 8. Annual Return
Section 9. Estimated Taxes
Section 10a. Development Investment Credits
Section 11. Filing Extensions
Section 12. Remittance Extensions
Section 13. Filing
Section 14. Payment
Section 15. Signature and Verification
Section 16. Bond
Section 17. Special Rules for Remittance
Section 18. Records Retention
Section 19. Procedure and Administration
Section 20. Crimes and Penalties
Section 21. Severability
Section 22. Short Taxable Year
Section 23. Reserved for Future Use
Section 24. Priority of Tax in Distributions of Property and Estates

**SERIES 13B - TELECOMMUNICATIONS TAX**

Authority - §11-10-5
Type - Legislative
Price - $4.00
Effective - April 4, 1988

Section 1. General
Section 2. Definitions
Section 3. Tax Imposed on Telecommunications Businesses; Effective Date
Section 4. Accounting Periods and Methods of Accounting
Section 5. Annual Return
Section 6. Periodic Installment Payments of Tax
Section 7. Extension of Time for Filing Returns

Section 8. Extensions of Time for Paying Taxes
Section 9. Place for Filing Returns or Other Documents
Section 10. Time and Place for Paying Tax Shown on Returns
Section 10a. Tax Credit for Business Investment and Jobs Expansion; Credit for Eligible Research and Development Projects; Credit for Reducing Telephone Rates for Certain Low-Income Residential Customers; Rules
Section 11. Signing of Returns and Other Documents
Section 12. Records
Section 13. Preservation of Rights and the Liabilities of Taxpayers
Section 14. General Procedure and Administration
Section 15. Criminal Penalties
Section 16. Severability
Tables

## SERIES 13C - BUSINESS INVESTMENT AND JOBS EXPANSION TAX CREDIT, CORPORATION HEADQUARTERS RELOCATION TAX CREDIT, AND SMALL BUSINESS TAX CREDIT

Authority - §§11-10-5; 11-13C-14(g); 29A-3-15
Type - Legislative
Price - $14.90
Effective - May 1, 1995

Section 1. General
Section 2. Overview of the Credit
Section 3. Definitions
Section 4. Amount of Credit Allowed - When Investment is Placed in Service - Time Period Over Which Investment Can be Placed in Service
Section 4a. Credit Allowed for Locating Corporate Headquarters in This State
Section 4b. Credit Allowable for Certified Projects
Section 5. Application of Annual Credit Allowance
Section 6. Qualified Investment
Section 7. New Jobs Percentage
Section 7a. Small Business Credit
Section 8. Forfeiture of Unused Tax Credits; Redetermination of Credit Allowed
Section 8a. Recapture of Credit, Recapture Tax
Section 9. Transfer of Qualified Investment to Successors
Section 10. Identification of Investment Credit Property
Section 11. Failure to Keep Records of Investment Credit Property
Section 12. Interpretation and Construction
Section 13. Severability
Section 14. Restrictions and Limitations on Credits Allowed by West Virginia Code Article §11-13C
Section 15. Definition of Controlled Group of Corporations
Section 15A. Excluded Stock
Section 15B. Rules for Determining Stock Ownership
Section 15C. Franchised Corporations

## SERIES 13I - TAX CREDIT FOR EMPLOYING FORMER EMPLOYEES OF COLIN ANDERSON CENTER

Authority - §§11-10-5; 11-13I-3(a) & 29A-3-15
Type - Legislative
Price - $2.60
Effective - May 1, 1996

Section 1. General
Section 2. Definitions
Section 3. Availability
Section 4. Amount
Section 5. Application
Section 6. Documentation

## SERIES 13J - TAX CREDIT FOR QUALIFIED AGRICULTURAL EQUIPMENT

Authority - §11-13J-5
Type - Legislative
Price - $2.60
Effective - June 1, 1997

Section 1. General
Section 2. Definitions
Section 3. Description of the Credit
Section 4. General Procedure and Administration

## SERIES 13M - TAX CREDIT FOR NEW VALUE-ADDED WOOD MANUFACTURING OPERATIONS

Authority - §11-13M-7, 8 & 10
Type - Legislative
Price - $3.00
Effective - May 1, 1999

Section 1. General
Section 2. Definitions
Section 3. Overview of the Credit
Section 4. Application of the Credit
Section 5. Annual Computation of New Jobs Held by Full-Time Employees
Section 6. Availability of Credit Between Eligible Predecessor and Successor Taxpayers
Section 7. Credit Recapture for Improperly Claiming the Credit or for Excessive Jobs Loss
Section 8. General Procedure and Administration

## SERIES 13N - TAX CREDITS FOR NEW STEEL, ALUMINUM OR POLYMER MANUFACTURING OPERATIONS

Authority - §§11-13N-7, 8 & 10; 11-13O-7, 8 & 10
Type - Legislative
Price - $2.80
Effective - May 1, 1999

Section 1. General
Section 2. Definitions
Section 3. Overview of the Credit
Section 4. Application of the Credit
Section 5. Annual Computation of New Jobs Held by Full-Time Employees
Section 6. Availability of Credit Between Eligible Predecessor and Successor Taxpayers
Section 7. Credit Recapture for Improperly Claiming the Credit or for Excessive Jobs Loss
Section 8. General Procedure and Administration

## SERIES 13P - TAX CREDIT FOR MEDICAL MALPRACTICE LIABILITY INSURANCE PREMIUMS

Authority - §11-13P-8
Type - Legislative
Price - $3.20
Effective - May 1, 2003

Section 1. General
Section 2. Definitions
Section 3. Tax Credit Authorized
Section 4. Excess Credit Forfeited
Section 5. Determination of Tax Base for Application of the Credit
Section 6. Filing of the Return and Payment of Tax
Section 7. Computation and Application of Credit
Section 8. Burden of Proof

## SERIES 13AA - INFORMATION TO BE UTILIZED FOR CALCULATING THE DISTRIBUTION OF OIL AND GAS SEVERANCE TAXES

Authority - §11-13A-5a(c)
Type - Procedural
Price - $2.40
Effective - October 1, 2001


Section 1. General
Section 2. Interpretive Note
Section 3. Definitions
Section 4. Activity for Which Information is Needed
Section 5. Information Gathering Process
Section 6. Presumptions


## SERIES 13AB - REDUCED SEVERANCE TAX RATES FOR THIN SEAMS OF COAL

Authority - §11-10-5
Type - Interpretive
Price - $2.60
Effective - October 17, 1997


Section 1. General
Section 2. Interpretive Note
Section 3. Definitions
Section 4. Reduction of Severance Tax Rates


## SERIES 14 - GASOLINE AND SPECIAL FUEL EXCISE TAX

Authority - §§11-10-5; 29A-3-1 et seq.
Type - Legislative
Price - $4.80
Effective - April 2, 1990


Section 1. General
Section 2. Definitions
Section 3. Imposition of Tax
Section 3a. Applicability of Rate Increase to Gasoline or Special Fuel on Hand or in Inventory
Section 4. Computation of Tax
Section 5. Exemptions from Tax
Section 5a. Exemption for Bulk Sales to Interstate Motor Carriers
Section 6. Gasoline or Special Fuel Exported or in Interstate Commerce; Distributors or Produces may Pay Tax Shipments into State
Section 7. Due Date of Reports; Reports Required; Records to be Kept; Examination of Records; Subpoena Powers; Examination of Witnesses
Section 8. Tax Due
Section 9. Reserved for Future Use
Section 10. Refund of Taxes Illegally Collected, etc.; Refund
Section 11. Refund of Tax Because of Certain Nonhighway Uses; Statute of Limitations and Effective Date
Section 11a. Refund of Tax Used by Volunteer Fire Departments, Nonprofit Ambulance Services and Emergency Rescue Services
Section 12. Partial Refund of Tax on Tax Paid Gallonage Consumed in Buses
Section 13. Surety Bonds Required; Release of Surety; New Bond
Section 14. Reserved for Future Use
Section 15. Reserved for Future Use
Section 16. Reserved for Future Use
Section 17. Reserved for Future Use
Section 18. Reserved for Future Use
Section 19. Penalty for Failure to File Required Return When no Tax Due
Section 20. Reserved for Future Use
Section 21. Reserved for Future Use

Section 22. Reserved for Future Use
Section 23. Reserved for Future Use
Section 24. Reserved for Future Use
Section 25. Receivership or Insolvency Proceeding
Section 26. Reserved for Future Use
Section 27. Reserved for Future Use
Section 28. Reserved for Future Use
Section 29. Severability
Section 30. General Procedure and Administration

## SERIES 14A - MOTOR CARRIER ROAD TAX

Authority - §§11-10-5; 29A-3-1 et seq.
Type - Legislative
Price - $3.60
Effective - April 2, 1990

Section 1. General
Section 2. Definitions
Section 3. Imposition of Tax, Amount; Tax in Addition to All Other Taxes
Section 4. Computation of Tax
Section 5. Reports of Carriers; Joint Reports; Records; Examination of Records; Subpoenas and Witnesses
Section 6. Payment of Tax
Section 7. Identification Markers; Fees; Criminal Penalty
Section 8. Exemptions
Section 9. Credits Against Tax
Section 10. Reserved for Future Use
Section 11. Refunds Authorized; Claim for Refund and Procedure Thereon; Surety Bonds
Section 12. Enforcement Powers
Section 13. Reserved for Future Use
Section 14. Reserved for Future Use
Section 15. Reserved for Future Use
Section 16. Penalty for Failure to File Return When No Tax Due
Section 17. Reserved for Future Use
Section 18. Reserved for Future Use
Section 19. Reserved for Future Use
Section 20. Reserved for Future Use
Section 21. Reserved for Future Use
Section 22. Reserved for Future Use
Section 23. Reserved for Future use
Section 24. Reserved for Future Use
Section 25. Reserved for Future use
Section 26. Severability
Section 27. General Procedure and Administration

## SERIES 14B - INTERNATIONAL FUEL TAX AGREEMENT

Authority - §§11-10-5; 11-14B-12
Type - Legislative
Price - $2.80
Effective - May 1, 1996

Section 1. General
Section 2. Definitions
Section 3. Registration of Motor Carriers
Section 4. Change of Issuance Dates for Identification Markers (Decals) and Transition Rules for Identification Markers Issued During the Period of July 1, 1994 to December 31, 1995
Section 5. Exchange of Information
Section 6. All Interstate Motor Carriers Doing Business in West Virginia Required to Join the International Fuel Tax Agreement

## SERIES 15 - CONSUMERS SALES AND SERVICE TAX AND USE TAX

Authority - §11-10-5
Type - Legislative
Price - $26.40
Effective - July 15, 1993


Section 1. General
Section 2. Definitions
Section 3. Imposition of Tax; Rates; Tax Base
Section 4. Collection of Tax; Accrual; Liabilities
Section 4a. Liability of Officers of Corporation
Section 4b. Priority of Tax in Distributions of Property and Estates
Section 5. Remittance of Tax
Section 6. Taking Exemption Certificate, Material Purchase Certificate Number or Direct Pay Permit Number
Section 7. Tax Computed on Gross Proceeds or Gross Value of Tangible Personal Property Sold to Consumers, or Consumed or Used, by the Manufacturer or Producer Thereof
Section 8. Furnishing of Services Included; Exceptions
Section 8a. Contracting Services
Section 8b. Nonresident Contractors - Registration, Bond, etc. Required
Section 8c. Transition Rules for Elimination of Exemption for Materials and Supplies Incorporated in Real Property Owned by Governmental Entities
Section 8d. Limitations on Right to Assert Exemptions
Section 9. Exemptions
Section 9a. Method of Claiming Exemptions, Refunds of Tax, Credit Against Other Taxes
Section 9b. Reserved for Future Use
Section 9c. Direct Pay Permits
Section 9d. Apportionment of Purchase Price
Section 10. Material Purchase Certificate
Section 11. Imposition of Tax on Gasoline and Special Fuels
Section 12. Reserved for Future Use
Section 13. Reserved for Future Use
Section 14. Maintenance of Records
Section 14a. Record Keeping of Transactions
Section 14b. Auditing Taxpayer Records
Section 15. Bond to Secure Payment
Section 16. Canceling or Revoking Permits to Collect Use Tax
Section 17. Liability and Penalties
Section 18. Transition Rules for Amendments to Statute or Regulations
Section 19. Agency Relationships; Direct Purchases
Section 20. Reserved for Future Use
Section 21. Reserved for Future Use
Section 22. Reserved for Future Use
Section 23. Reserved for Future Use
Section 24. Reserved for Future Use
Section 25. Reserved for Future Use
Section 26. Reserved for Future Use
Section 27. Reserved for Future Use
Section 28. General Procedure and Administration
Section 29. Criminal Penalties
Section 30. Sales to and Purchases by Nonresident Individuals
Section 31. Banking Business
Section 32. Containers, Wrapping, Packing and Shipping Materials
Section 33. Persons Rendering Services
Section 34. Sales by the State, Counties and Municipalities
Section 35. Personal Services and Sales to Persons Rendering Such Services
Section 36. Hospitals
Section 37. Nursing and Convalescent Homes
Section 38. Hotels, Motels, Tourist Homes and Rooming Houses
Section 39. Camp Grounds and Non-educational Camps
Section 40. Elementary and Secondary Schools
Section 41. Churches and Religious Groups
Section 42. Nonprofit Organizations
Section 43. Out-of-State Purchases
Section 44. Leased Departments
Section 45. Rentals, Licenses and Leases of Tangible Personal Property; Generally

Section 46. Money-operated Machines and Devices, Vending Machines, etc.
Section 47. Reserved for Future Use
Section 48. Radio and Television Broadcasting Stations
Section 49. Printers
Section 50. Newspapers and Magazines
Section 51. Florists
Section 52. Amusement Services and Places of Amusement
Section 53. Employees' Meals
Section 54. Reserved for Future Use
Section 55. Reserved for Future Use
Section 56. Trading Stamps, Coupons and Meal Tickets
Section 57. Public Assistance
Section 58. Collection Agencies
Section 59. Funeral Directors
Section 60. Employee or Independent Contractor
Section 61. Pawn Brokers
Section 62. Dentists, Dental laboratories, Optometrists, Opticians
Section 63. Warranties
Section 64. Boat and Aircraft Dealers
Section 65. Motor Vehicle Dealers
Section 66. Well Servicing
Section 67. Laundries, Laundromats and Dry Cleaning
Section 68. Photographers, Film Developers
Section 69. Parking
Section 70. Fraternity and Sorority Houses
Section 71. Advertising Agencies
Section 72. Organizations Which Qualify or are Qualified under I.R.C. §501(c)(3) and §501(c)(4) of the Internal Revenue Code
Section 73. Distributors of Gasoline and/or Special Fuel
Section 74. Reserved for Future Use
Section 75. Weight Loss Programs
Section 76. Electronic Data Processing Services and Related Software
Section 77. Sales of Data Processing Equipment
Section 78. Physical Fitness Centers
Section 79. Tanning Salons
Section 80. Masseuses and Masseurs
Section 81. Travel Agencies
Section 82. Barber and Beauty Shops
Section 83. Reserved for Future Use
Section 84. Interior Decorating
Section 85. Bookkeeping
Section 86. Auctioneers, Auction Sales, Auctions
Section 87. Real Estate Brokers and Real Estate Salesman
Section 88. Commodity Brokers
Section 89. Delivery Charges
Section 90. Jewelry, Furniture, Hardware, Dry Goods, Apparel Stores
Section 91. Restaurants and Bars
Section 92. Drugs
Section 93. Farm Equipment
Section 94. Service Stations
Section 95. Grocery Store Coupons
Section 96. Mineral Royalties
Section 97. Trailer Parks
Section 98. Medical laboratories
Section 99. Professionals - Lawyers, Doctors, Etc.
Section 100. Flight Instruction
Section 101. Dance Instruction
Section 102. Consultants
Section 103. Exterminators
Section 104. Plane and Boat Rides
Section 105. Insurance Agencies
Section 106. Natural Resource Brokers
Section 107. Contracting: General Rules
Section 108. Contracting: Transition Rules
Section 109. Contracting for Governmental Entities
Section 110. Nonresident Contractors

Section 111. Installation of Tangible Personal Property
Section 112. Materials Produced or Manufactured by Contractors
Section 113. Contractors Who are Also Retailers
Section 114. Sales of Tangible Personal Property With Incidental Installation
Section 115. Maintaining, Servicing or Repairing Tangible Personal Property
Section 116. Maintaining, Servicing, Repairing, Altering, Improving or Decorating of Buildings, Structures or Real Property
Section 117. Specific Businesses with Contracting Issues
Section 118. Reserved For Future Use
Section 119. Reserved for Future Use
Section 120. Reserved for Future use
Section 121. Reserved for Future Use
Section 122. Mobile Homes, Modular Homes and Manufactured Homes
Section 123. Direct Use Concept
Section 124. Reserved for Future Use
Section 125. Educational Summer Camps
Section 126. Food
Section 127. Roadside Market, Open-Air Market, Farmer's market, Etc.
Section 128. Mail Order Sales
Section 129. Leases of Tangible Personal Property
Section 130. Emergency Medical Services and Ambulance Authorities
Appendix

**SERIES 15A - BABY-SITTING SERVICES**

Authority - §11-10-5
Type - Interpretive
Price - $2.40
Effective - August 17, 1992

Section 1. General
Section 2. Interpretive Note
Section 3. Definitions
Section 4. Applicability of Consumers Sales Tax

**SERIES 15B - NAILS AND FENCING - COMMERCIAL PRODUCTION OF AN AGRICULTURE PRODUCT**

Authority - §11-10-5
Type - Interpretive
Price - $2.40
Effective - August 17, 1992

Section 1. General
Section 2. Interpretive Note
Section 3. Definitions
Section 4. Applicability of Consumers Sales Tax

**SERIES 15C - RESERVED**

**SERIES 15D - SERVICES OF CERTAIN COMMUNITY-BASED SERVICE ORGANIZATIONS EXEMPT FROM TAX**

Authority - §11-10-5
Type - Interpretive
Price - $3.20
Effective - October 2, 1992

Section 1. General
Section 2. Interpretive Note
Section 3. Definitions
Section 4. Applicability of Consumers Sales Tax

**SERIES 15E - RESERVED**

**SERIES 15F - SALES TAX HOLIDAY**

Authority - §11-10-5
Type - Interpretive
Price - $5.00
Effective - August 2, 2004

Section 1. General
Section 2. Interpretive Note
Section 3. Definitions
Section 4. Exemption for Certain Clothing and Footwear
Section 5. Exemption for Certain School Supplies Other Than Computers and Computer Accessories
Section 6. Exemption for Certain Computers and Computer Accessories
Section 7. Articles Normally Sold as a Unit
Section 8. Sets Containing Both Exempt and Taxable Items
Section 9. Buy One, Get One Free or for a Reduced Price
Section 10. Exchanging a Tax-Exempt Purchase after the Holiday Ends
Section 11. Returning an Eligible Item
Section 12. Coupons and Discounts
Section 13. Gift Certificates
Section 14. Layaway Sales
Section 15. Mail, Telephone, E-mail and Internet Orders and Custom Orders
Section 16. Rain Checks
Section 17. Rebates
Section 18. Repairs and Alterations
Section 19. Refunds
Section 20. Shipping and Handling Charges
Section 21. Records and Reporting
Section 22. Exceptions
Section 23. Listing of Taxable and Exempt Items
List of Representative Items

**SERIES 15I - CONSUMERS SALES AND SERVICE TAX AND USE TAX - EXECUTIVE ORDERS DECLARING EMERGENCY AND EXEMPTING FROM TAX MOBILE HOMES AND SIMILAR UNITS AND BUILDING MATERIAL USED AND CONSUMED IN REPAIR OR REPLACEMENT OF RESIDENCES AND BUSINESSES DAMAGED IN A DISASTER**

Authority - §11-10-5
Type - Legislative
Price - 3.00
Effective - June 1, 2005

Section 1. General
Section 2. Interpretive Note
Section 3. Definitions
Section 4. Exempt Purchases
Section 5. Procedure for Claiming the Exemption
Section 6. Implementation of Rule

## SERIES 16 - WEST VIRGINIA BINGO RULES AND REGULATIONS

Authority - §§47-20-23; 11-10-5
Type - Legislative
Price - $7.80
Effective - May 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Bingo Operations
Section 4. Licensing
Section 5. Annual License
Section 6. Limited Occasion License
Section 6a. Super-bingo License
Section 7. License Fees and Exemption from Taxes
Section 8. Information Required in Applications
Section 9. Amendment of License
Section 10. Licensee Rules
Section 11. Limits on Prizes Awarded: State Fair Excepted
Section 12. Operators of Bingo Games and Related Concessions: State Fair Excepted
Section 12a. Compensation of Bingo Operator
Section 13. Compensation
Section 14. Concessions Exception
Section 15. Use of Facilities for Bingo
Section 16. Payment of Reasonable Expenses: Disbursement and Net Proceeds
Section 17. Records
Section 18. Advertising
Section 19. Fraud; Penalties
Section 20. Obtaining License Fraudulently; Penalties
Section 21. Violation of Provisions; Penalties
Section 22. Proceeds of State Fair
Section 23. State Fair
Section 24. Administration
Section 25. Filing of Reports
Section 26. Filing a Copy of License
Section 27. County Option Election
Section 28. Prohibited Acts
Section 28a. Smoking and Nonsmoking Sections
Section 29. Restrictions on Use of Bingo Equipment
Section 30. Requirement for a Registration Statement
Section 31. Additional Remedies for the Tax Commissioner, Administrative Procedures; Depost of Money Penalties
Appendices

## SERIES 17 - TOBACCO PRODUCTS EXCISE TAX

Authority - §§11-10-5; 11-17-10; 60-9-5
Type - Legislative
Price - $5.40
Effective - May 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Tobacco Products Dealer Requirements
Section 4. Cigarette Tax Paid Stamps and Taxing Other Tobacco Products
Section 5. Affixing Stamps
Section 6. Authority and Permit for Use of Metering Devices and Heat Applied Stamp Machine
Section 7. Sales of Cigarettes on Railways, Boats and Buses
Section 8. State Institutions and the Excise Tax
Section 9. Metering Machines
Section 10. Contractural Obligations of Meter Users and Stamp Machine Users
Section 11. Prohibitions
Section 12. Records and Reports
Section 13. Audits
Section 14. Administrative Sanctions
Section 15. General Enforcement Provisions

## SERIES 17A - TOBACCO PRODUCTS EXCISE TAX ON FLOORSTOCKS

Authority - §11-10-5
Type - Procedural
Price - $2.00
Effective - June 16, 2003

Section 1. General
Section 2. Incorporation
Section 3. Payment of Tobacco Products Excise Tax on Floorstocks and Tax Stamps

## SERIES 18 - RESERVED

## SERIES 19 - SOFT DRINKS TAX

Authority - §11-10-5
Type - Legislative
Price - $4.80
Effective - April 15, 1992

Section 1. General
Section 2. Definitions
Section 3. Excise Tax on Bottled Soft Drinks, Syrups and Dry Mixtures; Disposition Thereof
Section 4. Reserved for Future Use
Section 5. Affixing of Tax Stamps or Tax Crowns
Section 5a. Cancellation and Removal of Stamps
Section 5b. Disposition of Unused Crowns; Penalty for Violation
Section 6. Purchase of Tax Stamps or Tax Crowns; Discounts and Commissions; Refunds and Statute of Limitations
Section 6a. Due Date of Reports; Additional Reports; Extensions of Time
Section 6b. Additional Penalty for Late Filing or Payment
Section 6c. Reserved for Future Use
Section 6d. Interstate Sales
Section 7. Reserved for Future Use
Section 8. Reserved for Future Use
Section 8a. Seizure and Sale of Soft Drink Syrups by Commissioner; Forfeiture; Collection of Tax
Section 9. Reserved for Future Use
Section 10. Altering Counterfeiting or Reusing Tax Stamps or Tax Crowns; Penalty
Section 11. Penalties; Crimes; Tax Crimes and Penalties Act Applicable
Section 12. Separability
Section 13. General Procedure and Administration
Section 14. Representative List of Taxable Soft Drink Products
Section 15. Priority of Tax in Distribution of Property and Estates

## SERIES 20 - RESERVED

## SERIES 21 - PERSONAL INCOME TAX

Authority - §§11-21-1 et seq.; 29A-3-15
Type - Legislative
Price - $15.00
Effective - April 2, 1990

Section 1. General
Section 2. Legislative Findings
Section 3. Imposition of Tax; Minimum Tax; Persons Subject to Tax
Section 4. Rate of Tax
Section 5. Effect of Rate Changes During Taxable Year
Section 6. Accounting Periods and Methods
Section 7. Resident and Nonresident Defined
Section 8. Credits Against Tax
Section 9. Meaning of Terms
Section 9a. Pledge of Credit or Collateral by Endorser, Guarantor or Accommodator Not to Constitute Investment in

| | | Borrower |
|---|---|---|
| Section | 10. | Reserved |
| Section | 11. | West Virginia Taxable Income of Resident Individual |
| Section | 12. | West Virginia Adjusted Gross Income of Resident Individual |
| Section | 12a. | Additional Modification Reducing Federal Adjusted Gross Income |
| Section | 12b. | Modification for the Purchase of Revenue Bonds Under an Individual Higher Education Savings Plan Program |
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Section 71. Requirements of Withholding Tax from Wages
Section 72. Information Statement for Employee
Section 73. Credit for Tax Withheld
Section 74. Employer's Return and Payment of Withheld Taxes
Section 75. Employer's Liability for Withheld Taxes
Section 76. Employer's Failure to Withhold
Section 77. Reserved
Section 78. Reserved
Section 79. Reserved
Section 80. Criminal Penalties
Section 81. General Procedure and Administration
Section 82. Severability

**SERIES 21A - PERSONAL INCOME TAX LOW INCOME EXCLUSION**

Authority- §§11-21-51(a)(1); 11-21-71(a)
Type - Legislative
Price - $2.40
Effective - June 1, 1997

Section 1. General
Section 2. Definitions
Section 3. Taxable Income Calculation
Section 4. Amount of Deduction
Section 5. Withholding
Section 6. Filing of a Return

**SERIES 21B - SENIOR CITIZEN TAX CREDIT FOR PROPERTY TAXES PAID**

Authority - §11-21-21(c)
Type - Legislative
Price - $3.00
Effective - May 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Senior Citizen Tax Credit
Section 4. Qualification for Homestead Exemption
Section 5. Determination of Eligibility
Section 6. Notice of Eligibility, Forms and Instructions
Section 7. Calculation of Credit
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**SERIES 21C - METHOD OF REPORTING THE ALTERNATIVE METHOD FOR DISTRIBUTION OF QUALIFIED REHABILITATED BUILDINGS INVESTMENT CREDIT**

Authority - §11-21-8e(b)
Type - Procedural
Price - $2.60
Effective - September 15, 2001

Section 1. General
Section 2. Definitions
Section 3. Methods for Certain Entities to Distribute Credit
Section 4. Sale, Assignment or Other Transfer of Credit

## SERIES 22 - PROPERTY TRANSFER TAX

Authority - §§11-22-5; 11-10-5
Type - Legislative
Price - $3.00
Effective - April 15, 1992


Section 1. General
Section 2. Definitions
Section 3. Taxation Rate
Section 4. Stamps, Affixation and Cancellation
Section 5. Reports
Section 6. Penalties
Section 7. Refunds and Credits


## SERIES 23 - BUSINESS FRANCHISE TAX

Authority - §11-10-5
Type - Legislative
Price - $8.00
Effective - April 15, 1992


Section 1. General
Section 2. General Overview
Section 3. Definitions
Section 4. Tax Base Determined
Section 5. Apportionment of Tax Base
Section 5a. Special Apportionment Rules - Financial Organizations Effective for Taxable Years Beginning on or After January 1, 1991
Section 6. Imposition of Tax
Section 7. Persons and Organizations Exempt from Tax
Section 8. Accounting Periods and Methods of Accounting
Section 9. Annual Returns
Section 10. Extension of Time for Filing Returns
Section 11. Time and Place for Paying Tax Shown on Returns
Section 11a. Priority of Tax in Distributions of Property and Estate
Section 12. Extensions of Time for Paying Tax
Section 13. Declaration and Payment of Estimated Tax
Section 14. Requirements Concerning Returns, Notices, Records and Statements
Section 15. Signing of Returns and Other Documents
Section 16. Place for Filing Returns or Other Documents
Section 17. Credits Against Tax
Section 17a. Tax Credit for Business Investment and Jobs Expansion; Industrial Expansion and Revitalization; Eligible Research and Development Projects and Coal Loading Facilities; Consumer Sales and Service Tax and Use Tax Paid
Section 18. Tax Under Section §11-23-11 et seq. of the West Virginia Code is in Addition to All Other Taxes
Section 19. Records
Section 20. Criminal Penalties
Section 21. General Procedure and Administration
Section 22. Severability
Section 23. Reserved for Future Use
Section 24. Reserved for Future use
Section 25. Credit for Consumers Sales and Service Tax and Use Tax Paid
Section 26. Reserved for Future Use
Section 27. Credit for Franchise Tax Paid to Another State by a Financial Organization
Section 28. Notice of Business Activities Report

## SERIES 24 - CORPORATION NET INCOME TAX

Authority - §§11-10-5; 29A-3-1 et seq.
Type - Legislative
Price - $12.00
Effective - April 15, 1992


Section 1. General
Section 2. Introductory Statement
Section 3. Definitions
Section 3a. Specific Terms Defined
Section 4. Imposition of Tax
Section 4a. Effect of Rate Changes During Taxable Years
Section 5. Corporations Exempt from Tax
Section 6. Adjustments in Determining West Virginia Taxable Income
Section 7. Allocation and Apportionment
Section 7a. Special Apportionment Rules for Motor Carriers
Section 7b. Special Apportionment Rules for Financial Organizations
Section 8. Accounting Periods and Methods of Accounting
Section 9. Reserved for Future Use
Section 9a. Severance Tax Credit Against Corporation Net Income Tax
Section 9b. Reserved
Section 9c. Research and Development Credit
Section 10. Reserved
Section 11. Credit for Reducing Electric and Natural Gas Utility Rates for Low Income Residential Customers
Section 11a. Credit for Reducing Telephone Utility Rates for Low Incomes
Section 12. Veteran's Incentive Tax Credit
Section 13. Returns; Time for Filing
Section 13a. Method for Filing
Section 13b. Information Return for Corporation Electing to be Taxed Under Subchapter 5
Section 14. Time and Place for Filing Returns and Paying Tax
Section 15. Signing of Returns and Other Documents
Section 16. Declarations of Estimated Tax
Section 17. Payments of Estimated Tax
Section 18. Extensions of Time
Section 19. Requirements Concerning Returns, Notices, Records and Statements
Section 20. Report of Change in Federal Taxable Income
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Section 23b. Definitions
Section 23c. Procedures
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Section 24. Credit for Income Tax Paid to Another State
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Section 35. Reserved
Section 36. Reserved
Section 37. Reserved
Section 38. Reserved
Section 39. Reserved
Section 40. Severability
Section 41. General Procedure and Administration

## SERIES 25 - RESERVED

## SERIES 26 - MUNICIPAL BUSINESS AND OCCUPATION TAX

Authority - §§8-13-5; 11-10-5
Type - Legislative
Price - $12.00
Effective - April 15, 1992


Section 1. General
Section 1a. Definitions
Section 2. Imposition of Privilege Tax
Section 2a. Production of Natural Resource Products
Section 2b. Manufacturing, Compounding or Preparing Products; processing of Food Excepted
Section 2c. Selling Tangible Property; Exempt Sales
Section 2d. Public Service or Utility Business
Section 2e. Contracting
Section 2f. Reserved for Future Use
Section 2g. Business of Operating Amusements
Section 2h. Service Business or Calling
Section 2i. Furnishing Property for Hire; Rental and Royalty
Section 2j. Small Loan and Industrial Loan Business
Section 2k. Banking and Other Financial Business
Section 3. Exemptions
Section 4. Compilation of Tax; Payment
Section 5. Return and Remittance by Taxpayer
Section 6. Reserved for Future Use
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Section 9. Reserved for Future Use
Section 10. Taxability of Specific Businesses
Section 11. Doing Business Within and Without the Municipality
Section 12. Jurisdiction to Impose a Municipal Business and Occupational Tax
Section 13. Business Activity Subject to Municipal Business and Occupational Tax in More than One Municipality
Section 14. Procedure and Administration
Section 15. Maximum Rates
Section 16. Reciprocal Exchange Agreements
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## SERIES 27-34 - RESERVED

## SERIES 35 - CHARITABLE RAFFLE BOARDS AND GAMES

Authority - §§11-10-5; 47-23-11
Type - Legislative
Price - $3.40
Effective - May 1, 1994


Section 1. General
Section 2. Definitions
Section 3. Fees
Section 4. No Fees on Charitable Raffle Boards and Games by Municipalities or Other Governmental Subdivisions
Section 5. Reserved
Section 6. Reserved
Section 7. Surety Bonds Required; Release of Surety; New Bond
Section 7a. Requirement of Wholesalers and Distributers to be Licensed to do Business in State; Resident Agent Requirement
Section 8. How Fee Paid; Reports Required; Due Date; Records to be Kept; Inspection of Records and Stocks; Examination of Witnesses, Summons, etc.

Section 9. Penalty for Failure to File Return When no Fee Due; Crimes; Other Offenses; Penalties; Seizures of Illegal Boards and Games; Disposition
Section 10. Transportation of Charitable Raffle Boards and games; Forfeitures and Sales of Charitable Raffle Boards, Charitable Raffle Games and Equipment; Criminal Sanctions
Section 11. Administration; Rule-making; Required Verification
Section 12. Severability
Section 13. General Procedure and Administration

**SERIES 36 - PRENEED CEMETERY COMPANIES**

Authority - §§5F-2-2(a)(11); 5F-1-1(a)(1)
Type - Legislative
Price - $3.60
Effective - May 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Information Filing; Fees, Compliance Agent
Section 4. Exemptions
Section 5. Deposit in Preneed Trust Required; Who May Serve as Trustee
Section 6. Requirements for Preneed Cemetery Company Contracts
Section 7. Identification of Funds
Section 8. Corpus of Trust Account and Income to Remain in Preneed Trust Account; Exception
Section 9. Disbursement of Trust Funds Upon Performance of Contract; Mausoleum Construction Required
Section 10. Seller Required to Keep Records
Section 11. Financial Report and Written Assurance Required
Section 12. Inclusion of Property, Goods & Services to be Delivered Within One Hundred Twenty Days
Section 13. Breach of Contract by Seller; Trust to be Single Purpose Trust
Section 14. Trustee May Rely on Certifications and Affidavits
Section 15. Transfer of Trust Funds to Another Trustee
Section 16. Use of Trustee's Name in Advertisements
Section 17. Cemetery Property Maintained by Cemetery Company
Section 18. Waiver of Article Void
Section 19. Violation a Misdemeanor

**SERIES 37 - CHARITABLE RAFFLES**

Authority - §§47-21-21; 11-10-5 & 29A-3-1 et seq.
Type - Legislative
Price - $7.40
Effective - May 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Raffle Operations
Section 4. Licensing
Section 5. Annual License
Section 6. Limited Occasion License
Section 7. License Fees and Exemptions From Taxes
Section 8. Information Required in Applications
Section 9. Amendment of License
Section 10. Licensee Regulations
Section 11. Limits on Prizes Awarded: General Provisions
Section 12. Compensation of Raffle Operator
Section 13. Compensation for Concession Operator; Concession Operated by Charitable or Public Service Organization
Section 14. Payment of Reasonable Expenses from Proceeds; Net Proceeds Disbursements
Section 15. Records
Section 16. Advertising
Section 17. Fraud; Penalties

Section 18. Obtaining License Fraudently; Penalties
Section 19. Violation of Provisions; Penalties
Section 20. Proceeds of State Fair
Section 21. State Fair
Section 22. Administration
Section 23. Filing of Reports
Section 24. Filing of Copy of License
Section 25. County Option Election
Section 26. Prohibited Acts
Section 26a. Smoking and Nonsmoking Section
Section 27. Restriction on Use of Raffle Equipment
Section 28. Requirement for a Registration Statement
Appendix

## SERIES 50A - EXCHANGE OF INFORMATION AGREEMENT BETWEEN TAX DIVISION AND DIVISION OF ENVIRONMENTAL PROTECTION

Authority - §§11-10-5; 11-10-5s
Type - Legislative
Price - $2.00
Effective - May 1, 1995

Section 1. General
Section 2. Purpose
Section 3. Disclosure of Certain Information Authorized

## SERIES 50B - EXCHANGE OF INFORMATION AGREEMENT BETWEEN THE STATE TAX DEPARTMENT AND THE ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Authority - §§11-10-5 & 55; 60-9-5(a) & 8(a)
Type - Legislative
Price - $2.00
Effective - May 1, 2001

Section 1. General
Section 2. Purpose
Section 3. Disclosure of Certain Information Authorized

# TITLE 119

# SECRETARY OF TAX AND REVENUE

## SERIES 301 - REGISTRATION OF TELEMARKETERS

Authority - §§29A-3-15; 46A-6F-301; 46A-6F-303
Type - Legislative
Price - $2.60
Effective - April 9, 1999


Section 1. General
Section 2. Registration Fees
Section 3. Failure to Register or Meet Security Requirement; Remedies

# TITLE 144

# DIVISION OF TOURISM COMMISSION

## SERIES 1 - RESERVED

## SERIES 2 - DIRECT ADVERTISING GRANTS

Authority - §§5B-1-9(b); 5B-2-12
Type - Procedural
Price - $2.60
Effective - February 7, 2005


Section 1. General
Section 2. Definitions
Section 3. Applications
Section 4. Review and Evaluations
Section 5. Evaluation Criteria
Section 6. Match Requirement
Section 7. Eligible Expenditures; Ineligible Expenditures
Section 8. Audit & Compliance
Section 9. Project Agreement

# TITLE 197

## WEST VIRGINIA TRAUMATIC BRAIN AND SPINAL CORD INJURY REHABILITATION FUND BOARD

### SERIES 1- TRAUMATIC BRAIN AND SPINAL CORD INJURY REHABILITATION FUND BOARD

Authority - §18-10K-3
Type - Legislative
Price - $2.60
Effective - July 1, 2000


Section 1. General
Section 2. Description of Program
Section 3. Criteria and Priorities for Use of Fund
Section 4. Fund as Payer of Last Resort
Section 5. Appeals


### SERIES 2- WEST VIRGINIA TRAUMATIC BRAIN AND SPINAL CORD INJURY REHABILITATION FUND BOARD PROCEDURAL RULES

Authority - §18-10K-3
Type - Procedural
Price - $2.60
Effective - August 1, 1999


Section 1. General
Section 2. Description of Program
Section 3. Election of Officers
Section 4. Committees
Section 5. Meetings
Section 6. Procedures

# TITLE 112

# STATE TREASURER


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| Series | 2. | Substitute Checks - Exceptional Items Fund | 538 |
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TOTAL COST FOR ALL OF TITLE 112 - $32.00

## SERIES 1 - PROCEDURE FOR DEPOSIT OF FUNDS IN THE TREASURER'S OFFICE BY STATE AGENCIES

Authority - §12-2-2
Type - Procedural
Price - $2.60
Effective - July 8, 1981


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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Procedures for Deposit |


## SERIES 2 - SUBSTITUTE CHECKS -- EXCEPTIONAL ITEMS FUND

Authority - §12-4-11
Type - Procedural
Price - $2.00
Effective - September 17, 1979


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| Section | 2. | Procedures and Conditions for Issuance of Duplicate or Substitute Checks |


## SERIES 3 - ESTABLISHMENT OF IMPREST FUNDS

Authority - §12-2-2
Type - Legislative
Price - $2.40
Effective - May 7, 1998


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| Section | 2. | Definitions |
| Section | 3. | Establishment of Imprest Fund |
| Section | 4. | Increasing or Decreasing the Balance |
| Section | 5. | Change of Person Responsible for the Imprest Fund |
| Section | 6. | Audit and Record Keeping |

**SERIES 4 - PROCEDURE FOR DEPOSIT OF MONEYS WITH THE STATE TREASURER'S OFFICE BY STATE AGENCIES**

Authority - §12-2-2
Type - Legislative
Price - $2.60
Effective - May 7, 1998

Section 1. General
Section 2. Definitions
Section 3. Procedures for Deposits

**SERIES 5 - RULES FOR ENFORCEMENT OF THE UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT**

Authority - §36-8-28
Type - Legislative
Price - $3.20
Effective - March 31, 1999

Section 1. General
Section 2. Definitions
Section 3. Presumption of Abandonment
Section 4. Safe Deposit Boxes
Section 5. Dormancy Charges and Other Deductions
Section 6. Reporting and Due Diligence
Section 7. Payment or Delivery
Section 8. Advertising
Section 9. Custody by State
Section 10. Claims
Section 11. Destruction or Disposition of Property
Section 12. Periods of Limitation
Section 13. Requests for Reports and Examination of Records
Section 14. Disposition/Reporting of Property Held by Law Enforcement Agencies
Section 15. Descent and Distribution

**SERIES 6 - SELECTION OF STATE DEPOSITORIES FOR DISBURSEMENT ACCOUNT THROUGH COMPETITIVE BIDDING**

Authority - §12-1-2
Type - Legislative
Price - $2.60
Effective - May 7, 1998

Section 1. General
Section 2. Definitions
Section 3. Procedures for Bidding
Section 4. Award and Compensation

**SERIES 7 - SELECTION OF STATE DEPOSITORIES FOR RECEIPT ACCOUNTS**

Authority - §12-1-2
Type - Legislative
Price - $2.40
Effective - May 7, 1998

Section 1. General
Section 2. Definitions
Section 3. Selection of Depositories for Receipt Accounts
Section 4. Procedures
Section 5. Compensation

## SERIES 8 - PROCEDURES FOR PROCESSING PAYMENTS FROM THE STATE TREASURY

Authority - §12-3-1
Type - Legislative
Price - $2.40
Effective - May 7, 1998

Section 1. General
Section 2. Definitions
Section 3. Procedures for Processing State Warrants and Checks

## SERIES 9 - RULES FOR THE REPORTING OF DEBT CAPACITY

Authority - §12-6B-4
Type - Legislative
price - $2.60
Effective - May 7, 1998

Section 1. General
Section 2. Definitions
Section 3. Debt Capacity and Debt Impact Reporting

## SERIES 10 RULES FOR THE REPORTING OF STATE DEBT TO THE STATE TREASURER"S OFFICE

Authority - §12-6A-7
Type - Legislative
Price - $3.00
Effective - May 7, 1998

Section 1. General
Section 2. Definitions
Section 3. Debt Information Reporting Timetables
Section 4. Reporting Information Requirements

## SERIES 11 - PROCEDURES FOR THE WEST VIRGINIA PREPAID TUITION TRUST FUND

Authority - §18-30-1
Type - Procedural
Price - $2.80
Effective - October 31, 1997

Section 1. General
Section 2. Board
Section 3. Location of Office Hours
Section 4. Public Information and Inspection of Records
Section 5. Public Access to the West Virginia Prepaid Tuition Trust Fund
Section 6. Rulemaking Proceedings
Section 7. Board Chairman and officers
Section 8. Meetings
Section 9. Meeting Agenda
Section 10. Conflict of Interest
Section 11. Amendments

## SERIES 12 - PROCEDURES FOR FEES IN COLLECTIONS BY CHARGE, CREDIT OR DEBIT CARD OR BY ELECTRONIC PAYMENT

Authority - §12-3A-6
Type - Legislative
Price - $3.40
Effective - June 1, 2005


Section 1. General
Section 2. Definitions
Section 3. General Information
Section 4. Convenience Fee
Section 5. Request to Assess and Collect a Convenience Fee
Section 6. Duties of Spending Units
Section 7. STO Duties

# TITLE 128

## HIGHER EDUCATION INTERIM GOVERNING BOARD (UNIVERSITY) BOARD OF TRUSTEES

See TITLE 133
Higher Education Policy Commission

# TITLE 86

# WEST VIRGINIA DEPARTMENT OF VETERANS' AFFAIRS

## SERIES 1 - STATE HOME FOR VETERANS

Authority - §9A-2-3
Type - Procedural
Price - $2.80
Effective - December 26, 1997

Section 1. General
Section 2. General Plan of Filing
Section 3. West Virginia Veterans Home in Barboursville
Section 4. Leaves of Absence, Furloughs or Discharges
Section 5. Discipline
Section 6. Floor Leaders
Section 7. Clothing
Section 8. Medical Care
Section 9. Burials
Section 10. General
Section 11. Report of Administrator to Division of Veterans Affairs
Section 12. Administrator May Accept Gifts, Donations or Requests

## SERIES 2 - STATE HOME FOR VETERANS - FISCAL

Authority - §9A-2-3
Type - Legislative
Price - $2.40
Effective - April 22, 1996

Section 1. General
Section 2. Federal Aid Accepted for Veterans Homes
Section 3. Veterans Home Operating Fund, Consolidated Federal Funds Veterans Home Fund - Moneys for the Maintenance of the Veterans Home to be Deposited With State Treasurer
Section 4. Contribution for Residents of Home - Creation of Special Fund

## SERIES 3 - PROCEDURAL RULES AND REGULATIONS FOR THE OPERATION OF THE DIVISION OF VETERANS' AFFAIRS

Authority - §9A-1-10
Type - Procedural
Price - $9.20
Effective - March 22, 1992

Section 1. General
Section 2. Duties of the Director
Section 3. Employment Policies
Section 4. Personnel
Section 5. Office Procedures
Appendix

## SERIES 4 - VA HEADSTONES OR MARKERS

Authority - §29-22A-10
Type - Legislative
Price - $2.20
Effective - April 28, 2005


Section 1. General
Section 2. Definitions
Section 3. Priority in Setting Markers
Section 4. Application Process
Section 5. Eligibility
Section 6. Expenditure of Funds

# TITLE 26

## WEST VIRGINIA BOARD OF VETERINARY MEDICINE

Index for Veterinary Medicine


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| Series | 2. | Hearing Procedures of the West Virginia Board of Veterinary Medicine | 545 |
| Series | 2A. | Contested Case Hearing Procedures | 546 |
| Series | 3. | Registration of Veterinary Technicians | 546 |
| Series | 4. | Standards of Practice | 546 |
| Series | 5. | Certified Animal Euthanasia Technicians | 546 |
| Series | 6. | Schedule of Fees | 547 |


TOTAL COST OF ALL OF TITLE 26 - $21.00

### SERIES 1 - ORGANIZATION AND OPERATION OF WEST VIRGINIA BOARD OF VETERINARIAN MEDICINE

Authority - §30-10-4 et seq.
Type - Legislative
Price - $3.80
Effective - June 1, 2005


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### SERIES 2 - HEARING PROCEDURES OF THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

Authority - §30-10-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $2.60
Effective - February 1, 2001


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| Section | 2. | Application |
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| Section | 4. | Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Veterinarians |
| Section | 5. | Disposition of Complaints |
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## SERIES 2A - CONTESTED CASE HEARING PROCEDURES

Authority - §§30-10-1 et seq.; 30-1-1 et seq.
Type - Procedural
Price - $3.00
Effective - February 1, 2001

Section 1. General
Section 2. Definitions
Section 3. Hearing Procedure
Section 4. Transcription of Testimony and Evidence
Section 5. Submission of Proposed Findings of Fact and Conclusions of Law
Section 6. Conferences; Informal Disposition of Cases
Section 7. Depositions
Section 8. Subpoenas
Section 9. Orders
Section 10. Appeals

## SERIES 3 - REGISTRATION OF VETERINARY TECHNICIANS

Authority - §30-10-7
Type - Legislative
Price - $3.20
Effective - August 1, 2002

Section 1. General
Section 2. Registration of Veterinary Technicians
Section 3. Boards Authority

## SERIES 4 - STANDARDS OF PRACTICE

Authority - §30-10-4
Type - Legislative
Price - $5.60
Effective - July 1, 2003

Section 1. General
Section 2. Definitions
Section 3. General Professional Ethics
Section 4. Minimum Standards of Practice
Section 5. Minimum Veterinary Facility Standards
Section 6. Abandoned Animals

## SERIES 5 - CERTIFIED ANIMAL EUTHANASIA TECHNICIANS

Authority - §30-10A-9
Type - Legislative
Price - $2.80
Effective - June 1, 2005

Section 1. General
Section 2. Application and Exam Fees
Section 3. Certified Animal Euthanasia Technicians Program
Section 4. Written Examination
Section 5. Practical Skills Examination
Section 6. Testing Date
Section 7. Revocations, Suspensions
Section 8. Continuing Education Requirement
Section 9. Certification Annual Renewal
Section 10. Record Keeping
Section 11. Storage
Section 12. Minimum Standards

## SERIES 6 - SCHEDULE OF FEES

Authority - §30-10-4(c)
Type - Legislative
Price - $2.20
Effective - June 1, 2005

Section 1. General
Section 2. Schedule of Fees

# TITLE 129

# VOCATIONAL EDUCATION, STATE BOARD OF

(SEE DEPARTMENT OF EDUCATION)

# TITLE 130

## DIVISION OF VOCATIONAL REHABILITATION

Index for Vocational Rehabilitation


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| Series | 1. | WVDVR Case Services | 549 |
| Series | 2. | WVDVR Resources | 549 |
| Series | 3. | Reserved | 549 |
| Series | 4. | Hearings Involving Applicants Who Have Been Denied Attendant Care Services | 549 |
| Series | 5. | Hearings Involving Applicants Who Have Been Found Not Eligible to Receive Rehabilitation Services or For Any Eligible Client Who Has Been Denied Specific Rehabilitation Service | 550 |
| Series | 6. | Consumer Advisory Committees, Meetings and Duties | 550 |

TOTAL COST OF ALL OF TITLE 130 - $11.20


### SERIES 1 - WVDVR CASE SERVICES

Authority - §18-10F
Type - Procedural
Price - $2.00 (Without Incorporated Documents)
Effective - January 3, 1983

Section 1. General
Section 2. Case Services Manual Incorporated

### SERIES 2 - WVDVR RESOURCES

Authority - §18-10F
Type - Legislative
Price - $2.00 (Without Incorporated Documents)
Effective - January 3, 1983

Section 1. General
Section 2. Resources Manual Incorporated

### SERIES 3 - RESERVED

### SERIES 4 - HEARINGS INVOLVING APPLICANTS WHO HAVE BEEN DENIED ATTENDANT CARE SERVICES

Authority - §§18-10A-1 thru 15; 18-10-4A
Type - Procedural
Price - $2.40
Effective - January 1, 1987

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Applications for Services
Section 5. Right to Appeal Decision if Denied Attendant Care Services
Section 6. Responsibility to Inform All Applicants of Their Right to Appeal
Section 7. Hearings

**SERIES 5 - HEARINGS INVOLVING APPLICANTS WHO HAVE BEEN FOUND NOT ELIGIBLE TO RECEIVE REHABILITATION SERVICES FOR ANY ELIGIBLE CLIENT WHO HAS BEEN DENIED SPECIFIC REHABILITATION SERVICE**

Authority - §§18-10A-1 thru 15; 18-10-4A
Type - Procedural
Price - $2.40
Effective - January 1, 1987

Section 1. General
Section 2. Applications
Section 3. Definitions
Section 4. Application for Rehabilitation Services
Section 5. Right to Appeal Decision if Found Not Eligible to Receive Rehabilitation Services
Section 6. Responsibility to Inform All Applicants of Their Right to Appeal
Section 7. Hearings

**SERIES 6 - CONSUMER ADVISORY COMMITTEES, MEETINGS AND DUTIES**

Authority - §§18-10A-1 thru 18-10-4A
Type - Procedural
Price - $2.40
Effective - January 11, 1987

Section 1. General
Section 2. Application
Section 3. Definitions
Section 4. Regular Meetings Established, Time Place
Section 5. Special Meetings
Section 6. Proceeding to be Open, Exceptions, Executive Session Permitted
Section 7. Minutes
Section 8. Quorum, Majority Vote Required, Vote by Proxy Prohibited
Section 9. Records of the Committees to be Public
Section 10. Membership

# TITLE 132

# VOCATIONAL-TECHNICAL-OCCUPATIONAL EDUCATION

## SERIES 1 - CERTIFICATE DEFINITIONS

Authority - §18-2B-2(b)
Type - Interpretive
Price - $2.00
Effective - October 9, 1995


Section 1. General
Section 2. Collegiate Certificate Program
Section 3. Technical Certificate Program
Section 4. Occupational Certificate Program


## SERIES 2 - PROGRAM APPROVAL PROCESS

Authority - §18-2B-2(b)
Type - Procedural
Price - $2.60
Effective - January 3, 1996


Section 1. General
Section 2. Standard Length Courses
Section 3. Short-Term Courses
Section 4. Joint Commission Review Criteria
Section 5. Program Approval Review
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# TITLE 33

## ENVIRONMENTAL PROTECTION
## OFFICE OF WASTE MANAGEMENT

(TITLE 33 WAS FORMERLY INCLUDED IN TITLE 47 ENVIRONMENTAL PROTECTION WATER RESOURCES - WASTE MANAGEMENT. THE FOLLOWING INDEX SHOWS THE NEW SERIES NUMBERS WITH THE CORRECT NAMES FOLLOWED BY A CROSS REFERENCE CHART OF THE OLD SERIES NUMBERS.)


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| Series | 4. | Lead Acid Battery | 554 |
| Series | 5. | Waste Tire Management | 555 |
| Series | 6. | Solid Waste Management Fee Exemption (Procedural) | 555 |
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| Series | 39. | Reserved | 558 |
| Series | 40. | Commercial Solid Waste Landfill Closure Assistance Program | 558 |


TOTAL COST OF ALL OF TITLE 33 - $81.40

| TITLE 33 - OFFICE OF WASTE MANAGEMENT | | |
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| OLD | NEW | NAME OF RULE |
| 47CSR4 | 33CSR22 | Assessment of Civil Administrative Penalties |
| 47CSR12 | 33CSR23 | Groundwater Protection Standards (Hazardous Waste Facilities) |
| 47CSR35 | 33CSR20 | Hazardous Waste Management |
| 47CSR35A | 33CSR21 | Commercial Hazardous Waste Management Siting Fees |
| 47CSR36 | 33CSR30 | Underground Storage Tank |
| 47CSR37 | 33CSR31 | Underground Storage Tank Fee Assessment |
| 47CSR37A | 33CSR32 | Underground Storage Tank Insurance Trust Fund |
| 47CSR38 | 33CSR1 | Solid Waste Management |
| 47CSR38A | 33CSR6 | Solid Waste Management Fee Exemption (Procedural) |
| 47SR38B | 33CSR7 | Proof of Proper Solid Waste Disposal (Interpretive) |
| 47CSR38C | 33CSR40 | Commercial Solid Waste Landfill Closure Assistance Program |
| 47CSR38D | 33CSR2 | Sewage Sludge Management |
| 47CSR38E | 33CSR3 | Yard Waste Composting |
| 47CSR38F | 33CSR4 | Lead Acid Battery |
| 47CSR38G | 33CSR5 | Waste Tire Management |
| 47CSR40A | 33CSR26 | Hazardous Waste Emergency Response Fund |
| 47CSR40B | 33CSR27 | Hazardous Waste Emergency Response Fund (Interpretive) |

## SERIES 1 - SOLID WASTE MANAGEMENT

Authority - §§22-15-5; 22-15-8(e); 22-15-10; 22-15-12; 22-15-13 & 22-15-14
Type - Legislative
Price - $23.20
Effective - April 14, 2004

Section 1. General
Section 2. Definitions
Section 3. Solid Waste Facility & Permitting Requirements
Section 4. Landfill Performance Standards
Section 5. Other Solid Waste Facility Performance Standards
Section 6. Closure and Post-Closure Care
Section 7. Open Dumps
Appendix

## SERIES 2 - SEWAGE SLUDGE MANAGEMENT RULE

Authority - §§22-15-8(e); 22-15-20(b) AND 22-15-20(q)
Type - Legislative
Price - $5.40
Effective - June 12, 2000

Section 1. General
Section 2. Definitions
Section 3. Standards for Use, Disposal and Processing of Sewage Sludge
Section 4. Permits Required
Section 5. General Processing Facility and Land Application Permit Requirements
Section 6. Fee Bonding Requirements
Appendix
Table

## SERIES 3 - YARD WASTE COMPOSTING RULE

Authority - §20-11-8(c)
Type - Legislative
Price - $4.00
Effective - June 26, 2001

Section 1. General
Section 2. Definitions
Section 3. Yard Waste Composting and Permitting Requirements
Section 4. Closure Requirements for a Commercial Yard Waste Composting Facility
Section 5. Commercial Yard Waste Composting Operator, Training and Certification Program

## SERIES 4 - LEAD ACID BATTERY REGULATIONS

Authority - §20-11C; 20-11-8c
Type - Legislative
Price - $2.40
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Lead Acid Battery Handling, Storage and Disposal Requirements

**SERIES 5 - WASTE TIRE MANAGEMENT RULE**

Authority - §§22-1-3; 22-1-3a; 20-11-8(D); 22-15-21(k)
Type - Legislative
Price - $4.00
Effective - June 26, 2001

Section 1. General
Section 2. Definitions
Section 3. Permitting Requirements

**SERIES 6 - SOLID WASTE ASSESSMENT FEE EXEMPTIONS**

Authority - §20-5F-4
Type - Procedural
Price - $3.00
Effective - April 1, 1999

Section 1. General
Section 2. Solid Waste Assessment Fee Exemptions
Section 3. Certificates of Exemption
Appendix

**SERIES 7 - PROOF OF PROPER SOLID WASTE DISPOSAL**

Authority - §20-9-9
Type - Interpretive
Price - $2.00
Effective - April 1, 1999

Section 1. General
Section 2. Proof of Proper Solid Waste Disposal

**SERIES 8 - STANDARDS FOR BENEFICIAL USE OF MATERIALS SIMILAR TO SEWAGE SLUDGE**

Authority - §22-15-22(b)
Type - Legislative
Price - $5.00
Effective - March 21, 2003

Section 1. General
Section 2. Definitions
Section 3. Standards for Beneficial Use of Sludge or Other Approved Materials
Section 4. Permits Required
Section 5. Permit Application Requirements
Section 6. Draft Permits and Public Comments
Section 7. Modification, Revocation and Reissuance, Suspension and Revocation of Permits
Section 8. Permit Contents and Requirements
Section 9. Fees
Section 10. Bonding Requirements
Appendices

**SERIES 9-19 - RESERVED**

## SERIES 20 - HAZARDOUS WASTE MANAGEMENT RULE

Authority - §22-18-6
Type - Legislative
Price - $6.20
Effective - June 1, 2005


Section 1. General
Section 2. Hazardous Waste Management System: General
Section 3. Identification and Listing of Hazardous Waste
Section 4. Notification of Hazardous Waste Activity Regulations
Section 5. Standards Applicable to Generators of Hazardous Waste
Section 6. Standards Applicable to Transporters of Hazardous Waste
Section 7. Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
Section 8. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
Section 9. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
Section 10. Land Disposal Restrictions
Section 11. The Hazardous Waste Permit Program
Section 12. Deed and Lease Disclosure; Notice in Deed to Property
Section 13. Universal Waste Rule
Section 14. Standards for the Management of Used Oil
Section 15. Appeal Rights
Tables


## SERIES 21 - COMMERCIAL HAZARDOUS WASTE MANAGEMENT FACILITY SITING FEES

Authority - §22C-5-6(b)
Type - Legislative
Price - $2.00
Effective - June 1, 1994


Section 1. General
Section 2. Definitions
Section 3. Application Fees


## SERIES 22 - ASSESSMENT OF CIVIL ADMINISTRATIVE PENALTIES

Authority - §§22-18-17; 22-15-15
Type - Legislative
Price - $4.40
Effective - April 22, 1991


Section 1. General
Section 2. Definitions
Section 3. Notice of Violations
Section 4. Penalty Assessment Procedures
Section 5. Hearings and Appeals
Section 6. Individual Civil Administrative Penalties
Section 7. Civil Administrative Penalty Calculation Procedures
Tables


## SERIES 23 - GROUNDWATER PROTECTION STANDARDS

Authority - §§22-18; 22-11
Type - Legislative
Price - $2.00
Effective - April 25, 1984


Section 1. General
Section 2. Groundwater Protection Standards

## SERIES 24 - HAZARDOUS WASTE MANAGEMENT FEE

Authority §§22-18-22(b), (c); 29A-1 et seq.
Type - Legislative
Price - $3.00
Effective - April 17, 2003

Section 1. General
Section 2. Definitions
Section 3. Fee Assessment and Deposits
Section 4. Information and Reporting Requirements
Section 5. Fee Assessment
Table

## SERIES 25 - RESERVED

## SERIES 26 - HAZARDOUS WASTE EMERGENCY RESPONSE FUNDS FEE ASSESSMENT

Authority - §22-19-5(d)
Type - Procedural
Price - $3.20
Effective - September 27, 2002

Section 1. General
Section 2. Definitions
Section 3. Fee Assessment Deposits
Section 4. Information and Reporting Requirements
Section 5. Fee Assessments
Appendix

## SERIES 27 - RESERVED

Repealed September 21, 1999

## SERIES 28-29 - RESERVED

## SERIES 30 - UNDERGROUND STORAGE TANKS

Authority - §22-17-6
Type - Legislative
Price - $3.20
Effective - July 1, 2001

Section 1. General
Section 2. Adoption of Federal Regulations
Section 3. Certification Requirements for Individuals who Install, Repair, Retrofit, Upgrade, Perform Changes-in-Service or Close Tightness Test Underground Storage Tank Systems; or Install, Repair, Upgrade or Test Corrosion Protection on Underground Storage Tank Systems
Section 4. Notification Requirements
Section 5. Carriers
Appendix

## SERIES 31 - UNDERGROUND STORAGE TANK FEE ASSESSMENTS

Authority - §22-17-6
Type - Legislative
Price - $2.80
Effective - June 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Fee Assessment
Section 4. Fee Collection
Section 5. Fee Deposit

## SERIES 32 - UNDERGROUND STORAGE TANK INSURANCE TRUST FUND

Authority - §20-5H-6
Type - Legislative
Price - $2.80
Effective - July 1, 1999

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Applying for Coverage
Section 5. Capitalization Fees
Section 6. Powers and Duties of the Board
Section 7. Cancellation of Coverage
Section 8. Emergency Claims
Section 9. Non-emergency Claims
Section 10. Notification Requirements
Section 11. Powers and Duties of the Advisory Committee
Section 12. Severability of Requirements

## SERIES 33-39 - RESERVED

## SERIES 40 - COMMERCIAL SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM REGULATIONS

Authority - §22-16-13
Type - Legislative
Price - $2.80
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Closure Assistance Application
Section 4. Conditions for Closure Assistance Application Approval
Section 5. Interim Status Assistance
Section 6. Post Closure Assistance
Section 7. Contracting
Section 8. Final Closure Assistance Priority

# TITLE 44

# WATER DEVELOPMENT AUTHORITY

## SERIES 1 - REQUIREMENTS GOVERNING DISBURSEMENT OF LOANS AND GRANTS TO GOVERNMENTAL AGENCIES FOR THE DESIGN, ACQUISITION OR CONSTRUCTION OF WATER DEVELOPMENT FACILITIES

Authority - §20-5C-6
Type - Legislative
Price - $6.40
Effective - June 12, 1987

Section 1. General
Section 2. Definitions
Section 3. Step I Projects - State Loans
Section 4. Step II Projects - State Loans
Section 5. Step III Projects - State Grants
Section 6. PL-660 Projects - State Matching Grants - Cost Overruns
Section 7. PL-660 Projects - State Grants
Section 8. Priority System for Construction Grant Recipients to Determine Whether a State Hardship Grant Should be Provided to Help Relieve a Hardship in Local Funding
Section 9. Loans to Governmental Agencies for Design, Construction or Acquisition of Water Development Projects
Section 10. Financing Water Development Projects by issuance of Revenue Bonds in Conjunction with the Small Business Administration Guarantee of Lease Between Authority and Small Business Concern

## SERIES 2 - REQUIREMENTS GOVERNING DISBURSEMENT OF LOANS AND GRANTS TO GOVERNMENTAL AGENCIES FOR THE ACQUISITION OR CONSTRUCTION OF WATER DEVELOPMENT PROJECTS (WATER FACILITIES)

Authority - §20-5C-6
Type - Legislative
Price - $3.00
Effective - July 1, 1985

Section 1. General
Section 2. Definitions
Section 3. State Grants
Section 4. State Loans

## SERIES 3 - RULE CONFIRMING EXISTING PRACTICES AND ADDITIONAL NEW PROCEDURES FOR OPEN MEETINGS

Authority - §§22C-1-6(1); 6-9A-3
Type - Procedural
Price - $2.20
Effective - November 4, 1999

Section 1. General
Section 2. Procedures
Section 3. Emergency Meeting
Section 4. Continued Meeting
Section 5. Additional Notice

# TITLE 47

## DIVISION OF ENVIRONMENTAL PROTECTION
## OFFICE OF WATER RESOURCES

(TITLE 47 WAS FORMERLY TITLE 47 ENVIRONMENTAL PROTECTION WATER RESOURCES - WASTE MANAGEMENT. DUE TO DEP RESTRUCTURING THIS TITLE HAS BEEN DIVIDED INTO TWO SEPARATE SECTIONS TITLE 47 AND TITLE 33 - OFFICE OF WASTE MANAGEMENT.)


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| Series | 32. | Environmental Laboratories Certification and Standards of Performance | 565 |
| Series | 33. | State Construction Grants Program Rule | 565 |
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TOTAL COST OF ALL OF TITLE 47 - $137.20 (NOT INCLUDING INCORPORATED REFERENCES)

### SERIES 1 - ADMINISTRATIVE PROCEEDINGS AND CIVIL PENALTY ASSESSMENT

Authority - §22-11-22(b)
Type - Legislative
Price - $3.00
Effective - May 1, 2002


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| Section | 1. | General |
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| Section | 3. | Applicability of the Rule |
| Section | 4. | Notice |
| Section | 5. | Administrative Proceedings |
| Section | 6. | Civil Penalty Assessment |
| Section | 7. | Entry of Consent Decree |
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### SERIES 2 - RESERVED

## SERIES 3 - POLLUTION PREVENTION AND COMPLIANCE ASSISTANCE

Authority - §§22-1-1(b)(10); 22-1-6d
Type - Legislative
Price - $2.40
Effective - May 7, 1999

Section 1. General
Section 2. Definitions
Section 3. Powers and Limitations
Section 4. Confidentiality
Section 5. Imminent Hazard

## SERIES 5A - STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSES AND PERMITS

Authority - §§22-11-7(a); 22-1-6(d)(6)
Type - Legislative
Price - $4.60
Effective - July 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Scope and Effect of Certification
Section 4. Applications, Procedures for Certification Issuance
Section 5. Public Notice, Public Hearings
Section 6. Compensatory Mitigation
Section 7. Appeal of Certification
Section 8. Enforcement of Certification Provisions

## SERIES 6-8 - RESERVED

## SERIES 9 - UNDERGROUND INJECTION CONTROL FEE SCHEDULE

Authority - §22-11-10
Type - Legislative
Price - $3.40
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Fee Assessment and Collection
Section 4. Initial UIC Permit Application Fees
Section 5. Permit Renewal Application
Section 6. Permit Modification Application Fees
Section 7. Annual Permit Fees
Section 8. Area Permit Fees
Tables

## SERIES 9A - RESERVED

Repealed November 3, 1999

## SERIES 10 - NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM (NPDES)

Authority - §22-11-4(a)(16)
Type - Legislative
Price - $12.20
Effective - June 3, 2005

Section 1. General
Section 2. Definitions
Section 3. Permits
Section 4. Application for Permits
Section 5. Conditions Applicable to all Permits
Section 6. Establishing Permit Conditions
Section 7. Calculating NPDES Permit Conditions
Section 8. Schedules of Compliance
Section 9. Modification, Revocation and Reissuance, Suspension and Revocation of Permits
Section 10. Draft Permits
Section 11. Fact Sheet
Section 12. Public Comment and Hearings and Effective Date of Permit
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Section 15. Federal Effluent Limitations Guidelines and Standards Incorporation
Section 16. Enforcement
Section 17. Conflict of Interest
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Appendix

## SERIES 11 - SPECIAL REGULATIONS

Authority - §22-11 et seq.
Type - Legislative
Price - $3.20
Effective - July 1, 1987

Section 1. General
Section 2. Reporting Spills and Accidental Discharges
Section 3. Coin Operated and Other Commercial Laundries
Section 4. Coin Operated and Other Fee Generating Car Washing Establishments
Section 5. Water Purification Wastewater Control Measure
Section 6. Waste Load Allocations for Sewage Discharges
Section 7. Small Wastewater Treatment Plants
Section 8. Permit Application Filing Fee
Section 9. Outlet Markers

## SERIES 11A - WASTE LOADS

Authority - §22-11-4(a)(14)
Type - Procedural
Price - $2.60
Effective - December 23, 1996

Section 1. General
Section 2. Definition
Section 3. Interpretation of the Waste Load Allocation Concept
Section 4. Waste Load Allocation Procedure
Section 5. Transfer or Assignment of Waste Load Allocation

## SERIES 12 - RESERVED

## SERIES 13 - UNDERGROUND INJECTION CONTROL

Authority - §22-11-8(B)(7)
Type - Legislative
Price - $10.20
Effective - June 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Criteria for Exempted Aquifer Status
Section 4. Classes of Wells
Section 5. Area of Review
Section 6. Corrective Action and Mechanical Integrity
Section 7. Requirements for Wells Injecting Hazardous Waste
Section 8. Criteria and Standards Applicable to Class 1 Wells
Section 9. Criteria and Standards Applicable to Class 2 Wells
Section 10. Criteria and Standards Applicable to Class 3 Wells
Section 11. Criteria and Standards Applicable to Class 4 Wells
Section 12. Criteria and Standards Applicable to Class 5 Injection Wells
Section 13. Injection Well Permitting Program
Table

## SERIES 14 - RESERVED

Repealed & Replaced See 47CSR13.2 effective July 15, 1998

## SERIES 15-25 - RESERVED

## SERIES 26 - WATER POLLUTION CONTROL PERMIT FEES SCHEDULE

Authority - §22-11-10
Type - Legislative
Price - $4.60
Effective - April 28, 2003

Section 1. General
Section 2. Definitions
Section 3. Fee Assessment and Collection
Section 4. Initial Permit Application Fees
Section 5. Permit Renewal Application Fees
Section 6. Permit Modification Application Fees
Section 7. Annual Permit Fees
Tables

## SERIES 27-29 - RESERVED

## SERIES 30 - WV/NPDES REGULATIONS

Authority - §22-11-1 et seq.
Type - Legislative
Price - $12.20
Effective - June 1, 2004

Section 1. General
Section 2. Definitions
Section 3. Permits
Section 4. Application for Permits
Section 5. Conditions Applicable to All Permits
Section 6. Establishing WV/NPDES Permit Conditions
Section 7. Calculating WV/NPDES Conditions
Section 8. Modification, Reissuance, Suspension and Revocation of Permits
Section 9. Permits for Major Facilities
Section 10. Procedure for Permit Issuance
Section 11. Fact Sheet
Section 12. New Sources
Section 13. General Permits
Section 14. Decision of Variances
Section 15. Enforcement
Tables

## SERIES 30A - WV/NPDES COAL AND QUARRY MINING FORMS

Authority - §§22-1-3; 22-11-4(14)
Type - Procedural
Price - $14.60
Effective - March 19, 1998

Section 1. General
Section 2. Forms

## SERIES 31 - STATE WATER POLLUTION CONTROL REVOLVING FUND PROGRAM

Authority - §§22C-2-3(b); 22C-2-7(a)
Type - Legislative
Price - $17.80
Effective - May 4, 2000

Section 1. General
Section 2. Definitions
Section 3. State Priority System and Project Priority List
Section 4. Fund Establishment and Administration
Section 5. Program Requirements
Section 6. Environmental Review of Funded Projects
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Section 8. Project Design and Construction
Appendix

## SERIES 32 - ENVIRONMENTAL LABORATORIES CERTIFICATION AND STANDARDS OF PERFORMANCE

Authority - §22-1-15
Type - Legislative
Price - $6.00
Effective - May 1, 1995

Section 1. General
Section 2. Definitions
Section 3. Certification Program; Application Procedures and Requirements
Section 4. Laboratory Requirements
Section 5. Methodology, Quality Control and Record Keeping
Section 6. Appeals
Tables

## SERIES 33 - STATE CONSTRUCTION GRANTS PROGRAM RULE

Authority - 22C-2-6
Type - Legislative
Price - $2.60
Effective - May 7, 1999

Section 1. General
Section 2. Definitions
Section 3. State Water Pollution Control Revolving Fund
Section 4. Fund Establishment and Administration
Section 5. Hardship Grants Program Requirements
Section 6. Review Guidelines

## SERIES 33A - RESERVED

Repealed by Agency July 15, 1998

## SERIES 34 - DAM SAFETY REGULATIONS

Authority - §22-14-4
Type - Legislative
Price - $10.40
Effective - May 1, 1995

Section 1. General
Section 2. Definitions
Section 3. Classification of Dams
Section 4. Certificates of Approval
Section 5. Application Procedures
Section 6. Plans and Specifications
Section 7. Design Requirements
Section 8. Construction or Modification of a Dam
Section 9. Breaching of a Dam
Section 10. Removal of a Dam
Section 11. Abandonment of a Dam
Section 12. Reduction or Enlargement of a Dam
Section 13. Dams Completed Before July 1, 1973
Section 14. Sale or Transfer of a Dam
Section 15. Dam Operations and Safety
Section 16. Dam Maintenance
Section 17. Dam Repairs
Section 18. Application and Annual Registration Fees
Section 19. Civil Administrative Penalties
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## SERIES 35-54 - RESERVED

**SERIES 55 - GROUNDWATER PROTECTION ACT FEE SCHEDULE**

Authority - §22-12-9(a)
Type - Legislative
Price - $2.60
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Groundwater Protection Fund and Groundwater Remediation Fund Fees
Section 4. Severability

**SERIES 56 - ASSESSMENT OF CIVIL ADMINISTRATIVE PENALTIES**

Authority - §22-12-10
Type - Legislative
Price - $3.60
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Notice of Violations
Section 4. Penalty Assessment Procedures
Section 5. Hearings and Appeals
Section 6. Individual Civil Administrative Penalties
Section 7. Civil Administrative Procedures
Tables

**SERIES 57 - GROUNDWATER QUALITY STANDARD VARIANCES**

Authority - §22-12-1 et seq.
Type - Legislative
Price - $3.20
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Statutory Exemptions
Section 4. Contamination in Excess of Groundwater Quality Standards
Section 5. Deviation from Existing Quality
Section 6. Variances from Groundwater Quality Standards and Preventative Action Limits

**SERIES 57A - GROUNDWATER PROTECTION STANDARDS AT STREAM GENERATING FACILITIES**

Authority - §22-12-5(l)
Type - Legislative
Price - $3.80
Effective - June 1, 2000

Section 1. General
Section 2. Definitions
Section 3. Variance Applicable Areas
Section 4. Groundwater Protection Standards and Preventative Action Limits
Section 5. Terms and Conditions
Section 6. Periodic Review
Tables

## SERIES 57B - GROUNDWATER PROTECTION STANDARDS AT STEAM ELECTRIC GENERATING FACILITY

Authority - §22-12-5(1)
Type - Legislative
Price - $3.20
Effective - June 1, 2002

Section 1. General
Section 2. Definitions
Section 3. Variance Applicable Area
Section 4. Groundwater Protection Standards and Preventative Action Limits
Section 5. Terms and Conditions
Section 6. Periodic Review
Table

## SERIES 58 - GROUNDWATER PROTECTION REGULATIONS

Authority - §22-12-5(d)
Type - Legislative
Price - $3.20
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Conflicting Provisions
Section 4. Groundwater Protection Practices for Industrial Establishments
Section 5. Applicability to Facilities or Activities not Included in the Definition of an Industrial Establishment
Section 6. Groundwater Protection Practices for Private or Publicly Owned Sewage Treatment Operations (Reserved)
Section 7. Prohibitions
Section 8. Remediation
Section 9. Fees
Section 10. Enforcement
Section 11. Waiver Provision
Section 12. Appeals
Section 13. Requirements for Reuse of Sludges (Reserved)

## SERIES 59 - MONITORING WELL REGULATIONS

Authority - §22-12-5(d)
Type - Legislative
Price - $2.60
Effective - June 1, 1994

Section 1. General
Section 2. Definitions
Section 3. Application and Enforcement
Section 4. Certification of Monitoring Well Drillers
Section 5. Monitoring Well Drillers Identification
Section 6. Advisory Board
Section 7. Denial, Suspension, Revocation or Certification
Section 8. Administrative Due Process
Section 9. Severability

## SERIES 60 - MONITORING WELL DESIGN STANDARDS

Authority - §22-12-5(d)
Type - Legislative
Price - $5.20
Effective - May 1, 1996

Section 1. General
Section 2. Applicability
Section 3. Definitions
Section 4. Conflicting Provisions
Section 5. Borehole Protection
Section 6. Monitoring Well Location and Reporting Requirements
Section 7. Well Riser
Section 8. Well Screen
Section 9. Tremic Pipes and Sealing Procedures
Section 10. Filter Packs
Section 11. Sealing Requirements
Section 12. Drilling Methods and Fluids
Section 13. Cross Contamination
Section 14. Disposal and Decontamination
Section 15. Borehole Diameter
Section 16. Recovery Wells
Section 17. Well Development, Redevelopment and Reconditioning
Section 18. Monitoring Well Construction Documentation
Section 19. Abandonment Requirements
Section 20. Driven Point Wells
Section 21. Temporary Monitoring Wells
Section 22. Special Circumstances and Exceptions
Section 23. Enforcement
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# TITLE 98

# WEST VIRGINIA WOMEN'S COMMISSION

## SERIES 1 - MEETINGS AND BYLAWS

Authority - §§6-9A-3; 29-20-5
Type - Procedural
Price - $2.60
Effective - August 1, 1998


Section 1. General
Section 2. Definitions
Section 3. Regular Meetings
Section 4. Special Meetings; Emergency Meetings
Section 5. Cancellation of Meetings
Section 6. Open Meetings; Exceptions; Executive Meeting
Section 7. Minutes and Records
Section 8. Quorum; Majority Vote Required; Proxy Vote Prohibited
Section 9. Appointment, Election and Duties of Officers
Section 10. Resignation of Members

# TITLE 85

## WORKERS' COMPENSATION COMMISSION

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TOTAL COST FOR ALL OF TITLE 85 - $128.1 (WITHOUT INCORPORATED REFERENCES)

### SERIES 1 - RULES AND REGULATIONS OF THE WORKERS' COMPENSATION FUND

Authority - §23-1-1(a); 23-4-1 et seq.
Type - Legislative
Price - $5.00
Effective - June 1, 2005

(Ed. Note: Sections 11, 14 and 20 were repealed and replaced by 85CSR20 effective June14. 2004.)


| | | |
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| Section | 1. | General |
| Section | 2. | Definitions |
| Section | 3. | Injured Workers' Report of Injury and Application for Compensation |
| Section | 4. | Employer's Report of Injuries |
| Section | 5. | Special Rules for Owner and Officer Claims |
| Section | 6. | Special Rules for Temporary total Disability Claims |
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Section 12. Overpayments
Section 13. Occupational Pneumonconiosis and Occupational Disease Claims
Section 14. Special Rules on Closure of Claims
Section 15. Procedures for Suspension for Claimant Abuse
Section 16. Travel Expenses - Medical Examination and Treatment
Section 17. Litigated Claims
Section 18. Miscellaneous Administrative Matters
Section 19. Preferred Drug List
Section 20. Severability
Table

## SERIES 2 - COAL-WORKERS PNEUMOCONIOSIS FUND

Authority - §23-4B.
Type - Legislative
Price - $5.60
Effective - May 1, 2005

Section 1. General
Section 2. General
Section 3. Subscription
Section 4. Coverage
Section 5. Classification and Premium Rates
Section 6. Payment of Benefits
Section 7. Quarterly Reporting
Section 8. Cancellation and Reinstatement
Section 9. Audit and Inspection
Section 10. Withdrawal
Section 11. Transfers
Section 12. Transition
Section 13. Severability

## SERIES 3 - EMPLOYERS' EXCESS LIABILITY FUND

Authority - §§23-1-1(j)(3); 23-4C-3
Type - Legislative
Price - $4.80
Effective - May 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Subscription and Premiums Coverage
Section 4. Premiums and Rates
Section 5. Coverage of Insuring Agreement
Section 6. Limit of Liability
Section 7. Policy Exclusion
Section 8. Condition
Section 9. Transition
Section 10. Severability

## SERIES 4 - ATTORNEY FEES

Authority - §23-5
Type - Legislative
Price - $2.80
Effective - May 23, 1985

Section 1. General
Section 2. Compensable Representation
Section 3. Fee Petition
Section 4. Contract for Legal Services
Section 5. Duties of Attorneys and Other Employees
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Section 7. Reimbursement of Expenses
Section 8. Fee Limits
Section 9. Action Upon Petition; Notice; Review
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## SERIES 5 - PERMANENT TOTAL DISABILITY

Authority - §§23-1-1a(j)(3); 23-4-6(j)(1); 23-4-16(d)
Type - Legislative Exempt
Price - $3.00
Effective - August 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Completion and Support of PTD Application
Section 4. Program to Update Disability Status of Those Receiving PTD Benefits as of July 1, 2003
Section 5. Monitoring of PTD Recipients
Section 6. Termination of the Commission
Section 7. Severability

## SERIES 6 - WORKERS' COMPENSATION DEBT REDUCTION FUND ASSESSMENTS

Authority - §§23-1-1A; 23-2C-3(f)(3); 23-2D-5; 23-2D-6
Type - Legislative
Price - $2.60
Effective - September 1, 2005

Section 1. General
Section 2. Purpose of Rule
Section 3. Definitions
Section 4. Initial Surcharge and Assessments Made Pursuant to W. Va. Code §23-2C-3(f)(3)
Section 5. Subsequent Surcharge and Assessment Rates Set by the Insurance Commissioner Pursuant to W. Va. Code §23-2C-3(f)(3)
Section 6. Surcharge and Assessment Methodology for Collections Made Pursuant to W. Va. Code §23-2C-3(f)(3)
Section 7. Severability

## SERIES 7 - RULES FOR SELECTED HEARINGS

Authority - §23-1-1a(j)(3); 23-2-17
Type - Legislative
price - $3.00
Effective - August 1, 2005


Section 1. General
Section 2. Definitions
Section 3. Article Two Decisions
Section 4. Administrative Hearings; Notice and Place
Section 5. Parties and Conduct of Hearings
Section 6. Correction of the Record
Section 7. Subpoenas
Section 8. Discovery
Section 9. Hearing Officers
Section 10. Concluding the Hearing
Section 11. Pending Petitions
Section 12. Termination of the Commission
Section 13. Severability


## SERIES 8 - REPEALED

## SERIES 9 - RISK MANAGEMENT

Authority - §§21A-2-6(2); 21A-3-7(b) & (c); 23-1-1; 23-2-4; 23-2-9 & 23-2-18
Type - Legislative
Price - $12.50
Effective - May 1, 2005


Section 1. General
Section 2. Purpose of Rule
Section 3. Definitions
Section 4. Auditing; Classifications and Inspections
Section 5. Employers
Section 6. Employees Covered; Employers Required to Subscribe; Coverage Elections; Assignment
Section 7. Ratemaking
Section 8. Guaranteed Cost Plan
Section 9. Deductibles
Section 10. Reserved
Section 11. Reserved
Section 12. Reserved
Section 13. Reserved (July 1, 2004 by 85-18)
Section 14. Tax Monthly, Quarterly and Annual Reporting and Payment Requirements
Section 15. Reports of Gross Wages; Remittances; Requests for Refunds
Section 16. Name and Address of Employer; Legal Notice; Fee for Employer Records and Publications
Section 17. Sale, Transfer, Absorption or Merger of Business; Assignment of Premium Rates
Section 18. Implementation
Section 19. Severability

## SERIES 10 - PRIMARY CONTRACTOR LIABILITY

Authority - §23-1-1a; 23-2-1d; 23-1-1a(j)(3)
Type - Legislative
Price - $3.40
Effective - March 1, 2004

Section 1. General
Section 2. Purpose of Rule
Section 3. Definitions
Section 4. Primary Contractor's Liability; Generally
Section 5. Avoiding Primary Contractor Liability
Section 6. Extent of Liability
Section 7. Collections Efforts
Section 8. Appeal Process
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## SERIES 11 - ENFORCEMENT OF REPORTING AND PAYMENT REQUIREMENTS

Authority - §§23-3-1; 23-2-5; 23-2-9; 23-1-13; 23-4A-6; 29A-3-3; 5F-2-2(a)(11) & (12)
Type - Legislative
Price - $5.80
Effective - August 22, 1996

Section 1. General
Section 2. Definitions
Section 3. Employer Delinquency and Default or Termination
Section 4. Further Effects of Delinquency
Section 5. Notice to Employees of Delinquent Employers
Section 6. Audits of Employers
Section 7. Methods of Collection of Payments and Enforcement
Section 8. Statutory Lien
Section 9. Civil Actions
Section 10. Injunctions from Carrying on Business
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Section 12. Distraint upon Personal Property
Section 13. Applications for Reinstatement
Section 14. Administrative Hearings
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Section 16. Clearance of Backlog
Section 17. Criminal Penalties
Section 18. Freedom of Information Act
Section 19. Severability

## SERIES 12 - COMPROMISE AND SETTLEMENT OF WORKERS" COMPENSATION ISSUES

Authority - §§23-1-5; 23-1-8; 23-1-13; 23-1-14; 23-1-15; 23-4-1 et seq.; 23-5-1; 23-5-7
Type - Legislative
Price - $2.60
Effective - September 1, 2005

Section 1. General
Section 2. Purpose
Section 3. Definitions
Section 4. Parties
Section 5. Notice
Section 6. Issues Subject to Settlement
Section 7. Manner of Payment
Section 8. Dependent"s Benefits
Section 9. Settlement Not to be Considered an Admission Against Interest
Section 10. Effective Date of Settlement

Section 11. Minor Dependants and Claimants
Section 12. Death of Claimant
Section 13. Deduction from Settlement Awards
Section 14. Settlement Terms
Section 15. Severability

**SERIES 13 - RESERVED**

Repealed & Replaced by 85CSR20
Effective June 14, 2004

**SERIES 14 - PROCEDURAL RULES FOR THE WORKERS' COMPENSATION BOARD OF MANAGERS**

Authority - §§6-9A-3; 21a-3-7; 29a-3-3
Type - Procedural
Price - $2.80
Effective - July 1, 2005

Section 1. General
Section 2. Application and Enforcement
Section 3. Definitions
Section 4. Meetings; Rules of Order; Selection of Vice-Chairperson
Section 5. Agenda
Section 6. Opening the Meeting
Section 7. Discussion
Section 8. Motions; Voting
Section 9. Proceeding to be Open; Exceptions; Executive Session Permitted
Section 10. Citizens' Right to Address Board
Section 11. Subcommittees
Section 12. Minutes
Section 13. Records of the Board - Public

**SERIES 15 - VOCATIONAL AND PHYSICAL REHABILITATION**

Authority - §§21A-3-7(b)(c); 23-4-9C
Type - Legislative
Price - $5.00
Effective - May 5, 2004

Section 1. General
Section 2. Purpose of Rule; Cooperation
Section 3. Definitions
Section 4. Priorities
Section 5. Identification of Rehabilitation Candidates; the Rehabilitation Assessment/Evaluation Process
Section 6. Implementation of the Rehabilitation Plan
Section 7. Payment of Indemnity Benefits
Section 8. Rehabilitation Closure Report
Section 9. Registration of Providers
Section 10. Payment for Physical and Vocational Rehabilitation Services
Section 11. Trial Return to Work
Section 12. Employer-Preferred Vocational Rehabilitation Services
Section 13. Severability

**SERIES 16 - RESERVED**

Repealed and Replaced by 85CSR20
Effective June 14, 2004

## SERIES 17 - ELECTRONIC SUBMITTAL OF INVOICES AND RECEIPT OF PAYMENTS

Authority - §§21A-2-6(1) - 6(14); 21A-3-7(b) & 7(c); 23-1-1; 23-1-13 & 14
Type - Legislative
Price - $2.60
Effective - November 1, 1997


Section 1. General
Section 2. Purpose of These Rules
Section 3. Definitions
Section 4. Electronic Submission of Invoices
Section 5. Payment by Electronic Means
Section 6. Self-Insured Employers
Section 7. Exemptions
Section 8. Implementation
Section 9. Severability


## SERIES 18 - SELF INSURANCE SELF ADMINISTRATION AND THIRD PARTY ADMINISTRATORS

Authority - §§23-1-1a; 23-2-4; 23-2-9
Type - Legislative
Price - $8.40
Effective - July 1, 2004


Section 1. General
Section 2. Purpose of Rule
Section 3. Definitions
Section 4. Self Insurance Status
Section 5. Application for Self Insurance
Section 6. Reconciliation and Settlement of Applicant's Account
Section 7. Catastrophe Reserve Election
Section 8. Commission's Review of the Application for Self-Insurance
Section 9. Security and Bond
Section 10. Self-Insured Employer's Modification of Business
Section 11. Voluntary Termination of Self-Insured Status
Section 12. Present Value Payment of Unpaid but Awarded Claims Liabilities
Section 13. Subscribing Employers Buy-Out of Liability Previously Incurred as Self-Insured Employer
Section 14. Current Status of Employers Not Affected
Section 15. Self Administration of Claims
Section 16. Payroll Reports and Premium Taxes
Section 17. Auditing, Monitoring and Inspections; Record Keeping
Section 18. Maintaining Self-Insured Status; Annual Review
Section 19. Involuntary Revocation of Self-Insurance Status
Section 20. Name and Address of Employer; Legal Notice; Publications; Employer Correspondence
Section 21. Third Party Administrators
Section 22. Administrative Protests and Hearings
Section 13. Severability

## SERIES 19 - SELF INSURANCE RISK POOLS

Authority - §§23-1-1a(j)(3); 23-2-4; 23-2-9(l); 23-2C-22
Type - Legislative
Price - $3.80
Effective - August 1, 2004


Section 1. General
Section 2. Purpose of Rule
Section 3. Definitions
Section 4. Self Insurance Pools; Establishment; Application of Funds
Section 5. Participation
Section 6. Surety Requirements
Section 7. Security Pool Funding
Section 8. Security Pool Assessments Pursuant to W. Va. Code §23-2-9(i)
Section 9. Guaranty Pool Funding
Section 10. Converting to Regular Subscriber Status or Becoming Inactive
Section 11. Transfer to the Insurance Commissioner
Section 12. Severability


## SERIES 20 - GUIDELINES FOR THE TREATMENT OF WORKERS' COMPENSATION INJURIES

Authority - §23-1-1a(j)(3); 23-4-3b(b)
Type - Legislative
Price - $17.00
Effective - February 1, 2005


Section 1. General
Section 2. Purpose of Rules
Section 3. Definitions
Section 4. Adoption of Standards and Acceptance of Rules
Section 5. Qualified Providers and Registration
Section 6. The Role of the Treating Physician
Section 7. Initial Reporting of Injury
Section 8. Additional Reporting Requirements
Section 9. Coverage and Billing Provisions
Section 10. Supplies
Section 11. Vision Care
Section 12. Psychiatric/Psychological Services
Section 13. Coverage Medication Checks
Section 14. Medication/Injections
Section 15. Dental Services
Section 16. Experimental Procedures
Section 17. Unusual Treatment
Section 18. Organ Transplants
Section 19. Other Non-Covered Services
Section 20. Payment for Appearance at Hearings
Section 21. Treatment of Unrelated Conditions
Section 22. Consultations
Section 23. Miscellaneous Coverage and Reimbursement Issues
Section 24. Treatment Guidelines; Post Concussion Syndrome
Section 25. Treatment Guidelines; Corneal Abrasion
Section 26. Treatment Guidelines: Corneal Foreign Body
Section 27. Treatment Guidelines: Hyphema
Section 28. Treatment Guidelines: Eyelid Laceration
Section 29. Treatment Guidelines: Canalicular Laceration
Section 30. Treatment Guidelines: Orbital Contusion
Section 31. Treatment Guidelines: Orbital Fracture
Section 32. Treatment Guidelines: Corneoscleral Lacerations
Section 33. Treatment Guidelines: Chemical Ocular Injuries
Section 34. Treatment Guidelines: Functional Capacity Evaluations; Work Conditioning and Work Hardening Rehabilitation Programs (Effective Date: February 1, 2005)
Section 35. Treatment Guidelines: Cervical Musculioligamentous Injury (Sprain/Strain)

Section 36. Treatment Guidelines: Acute Herniated Cervical Disc
Section 37. Treatment Guidelines: Low Back Musculoligamentous Injury (Sprain/Strain)
Section 38. Treatment Guidelines: Herniated Lumbar Disc
Section 39. Treatment Guidelines: Lumbar Fusion
Section 40. Treatment Guidelines; Shoulder Injury Guidelines
Section 41. Treatment Guidelines: Carpal Tunnel Syndrome
Section 42. Treatment Guidelines: Injuries to the Knee
Section 43. Treatment Guidelines: Knee Sprains
Section 44. Treatment Guidelines: Meniscal Injuries
Section 45. Treatment Guidelines: Foot and Ankle Injuries
Section 46. Treatment Guidelines: Physical Medicine
Section 47. Treatment Guidelines: Protocols and Procedures for Performing Audiological Examinations and Evaluations in Workers' Compensation Claims for Noise-Induced hearing Loss
Section 48. Treatment Guidelines: Psychiatric Claims
Section 49. Treatment Guidelines: Multi-Disciplinary Pain Management
Section 50. Treatment Guidelines: Interventional Management of Chronic Pain
Section 51. Treatment Guidelines: Complex Regional Pain Syndrome
Section 52. Procedure in Occupational Pneumoconiosis Cases
Section 53. Long-Term Opioid Therapy Guideline
Section 54. Drugs with Specific Limitations
Section 55. Drugs and Medications: Actions by the Commission
Section 56. Physician's Records of Medication
Section 57. Payment for Oral Opioid Treatment for Chronic, Noncancer Pain.
Section 58. Required Authorization for Treatment of Chronic, Noncancer Pain with Opioids
Section 59. Required Documentation to be Submitted for Continued Coverage of Opioids to Treat Chronic, Noncancer Pain
Section 60. Duration Commission will Continue to Pay for Opioids to Treat Chronic, Noncancer Pain
Section 61. Denial of Payment of Opioid Medications Used to Treat Cancer, Noncancer Pain
Section 62. Payment for Nonopioid Medications for the Treatment of Chronic, Noncancer Pain; Chelation Therapy
Section 63. Expected Period of Time to Reach Maximum Medical Improvement
Section 64. Ranges of Partial Disability Awards for Common Injuries and Diseases
Section 65. Adoption of Standards
Section 66. Evidentiary Requirements
Section 67. Exceptions to the Guides
Section 68. Payment for Evaluations
Section 69. Violation and Penalties
Section 70. Injured Employee's Responsibilities Concerning Medical Examination and Treatment (Effective Date -- February 1, 2005)
Section 71. Severability
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## SERIES 21 - MANAGED HEALTH CARE PLANS

Authority - §§23-4-3(b)(2); 23-1-1a(j)(3); 23-2C-17(d)
Type - Legislative Exempt
Price - $3.60
Effective - August 1, 2005

Section 1. General
Section 2. Purpose of Rule; Cooperation
Section 3. Definitions
Section 4. Minimum Plan Standards
Section 5. Application Process
Section 6. Approval by the Commission
Section 7. Plan Modifications
Section 8. Suspension or Revocation of Certification
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Section 10. Minimum Grievance Standards
Section 11. Reporting Requirements
Section 12. Provider Verification
Section 13. Injured Worker Opt-Out Standards
Section 14. Severability

## SERIES 22 - GUIDELINES FOR PSYCHIATRIC PERMANENT IMPAIRMENT EVALUATIONS, EVIDENCE AND RATINGS OF PSYCHIATRIC IMPAIRMENT DUE TO WORKERS' COMPENSATION INJURIES

Authority - §§21A-2-6(1), (2), (14); 21A-2-19; 21A-3-7(b)3-1-1; 21A-3-7(c); 29A-3-1; Executive Order #5-94
Type - Legislative
Price - $10.00
Effective - September 22, 1995

Section 1. General
Section 2. Purpose of These Rules
Section 3. Definitions
Section 4. Evidentiary Requirements
Section 5. Psychiatric Evaluation and Impairment Guidelines
Section 6. Psychological Examination Guidelines
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Section 8. Severability
Appendices

## SERIES 23 - LOSS PREVENTION

Authority - §§23-2B-2; 23-2-4; 23-1-1
Type - Legislative
Price - $3.80
Effective - September 1, 2005

Section 1. General
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Section 3. Definitions
Section 4. Tier One: Focus Program Employer
Section 5. Tier Two: Target Program Employer
Section 6. Tier Three Employer
Section 7. New Subscriber Employers
Section 8. General Provisions: Classification and Reclassification
Section 9. Notification
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Section 12. Forms
Section 13. Retaliation Complaint Procedure
Section 14. Severability
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## SERIES 24 - QUALIFIED LOSS MANAGEMENT PROGRAM

Authority - §§23-2B-3; 23-2-4 & 23-1-1
Type - Legislative
Price - $3.80
Effective - September 1, 2005

Section 1. General
Section 2. Purpose of Rule
Section 3. Definitions
Section 4. Employer Participation; Eligibility
Section 5. Small Employer"s Group Associations
Section 6. Qualifications for Loss Management Service Providers
Section 7. Assignment of Credit Factors
Section 8. Credits
Section 9. Withdrawal of Plan Approval
Section 10. Termination of Participation by Client Employer
Section 11. Notification
Section 12. Administrative Protests and Hearings
Section 13. Retaliation Complaint Procedure
Section 14. Severability

## SERIES 25 - RESERVED

## SERIES 26 - HEALTH CARE ADVISORY PANEL

Authority - §§23-4-3b; 23-4-7a
Type - Legislative
Price - $3.20
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Appointments
Section 4. Chair; Vice Chair; Secretary
Section 5. Meetings; Conduct of Business
Section 6. Sub-panels
Section 7. Minutes
Section 8. Majority Vote Required; Vote by Proxy Prohibited
Section 9. Records of the Panel - Public
Section 10. Resignation
Section 11. Preferred Drug List
Section 12. Transition
Section 13. Severability

## SERIES 27 - QUALIFIED REHABILITATION PROVIDER

Authority - §§6-9A-3; 23-1-1a(j)(3); 23-4-1 et seq; 29A-3-3
Type - Legislative Exempt
Price - $2.80
Effective - January 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Appointments
Section 4. Chair; Vice Chair; Secretary
Section 5. Meetings; Conduct of Business
Section 6. Sub-panels
Section 7. Minutes
Section 8. Majority Vote Required; Vote by Proxy Prohibited
Section 9. Records of the Panel - Public
Section 10. Resignation
Section 11. Preferred Drug List
Section 12. Severability

## SERIES 28 - RULES FOR HEALTH CARE VENDOR HEARINGS

Authority - §§21A-2-6(1), -6(2)(14); 21A-2-19; 21A-3-7(b), 7(c); 23-1-1; 23-4-3; 3-4-3c
Type - Procedural
Price - $3.40
Effective - July 1, 2005

Section 1. General
Section 2. Definitions
Section 3. Overpayments: Notification and Reconsideration
Section 4. Suspension or Termination
Section 5. Final Decision; Petition for Hearing
Section 6. Hearings; General Provisions
Section 7. Parties and Conduct of Hearings
Section 8. Burden of Proof
Section 9. Standard for Medically Unsupported Treatment
Section 10. Correction of the Record

Section 11. Subpoenas
Section 12. Hearing Officers
Section 13. Conclusion of Hearing
Section 14. Pending Petitions
Section 15. Notices
Section 16. Transition
Section 17. Severability

**SERIES 29 - 30 - RESERVED**

**SERIES 31 - EMPLOYEE LEASING**

Authority - §§21A-2-6(1) & 6(2); 21A-3-7(b) & 7(c); 23-1-1; 23-2-4
Type - Legislative
Price - $3.20
Effective - September 1, 2000

Section 1. General
Section 2. Purpose of Rule
Section 3. Definitions
Section 4. Application
Section 5. Reporting
Section 6. Classification of Risk; Loss Experience Assignment
Section 7. Notification; no Amendment or Abrogation of Employment Law or Employee Rights
Section 8. Coal-Workers' Pneumoconiosis Fund
Section 9. Severability

**SERIES 32 - STATE AGENCY REVOCATION OR REFUSAL TO GRANT, ISSUE OR RENEW CONTRACTS, LICENSES, PERMITS, CERTIFICATES OR OTHER AUTHORITY TO CONDUCT A TRADE, PROVESSION OR BUSINESS TO OR WITH AN EMPLOYING UNIT IN DEFAULT OF ITS WORKERS' COMPENSATION OBLIGATIONS**

Authority - §§23-1-1a(j)(3); 23-1-1b(g)(16)l 2302C-15(e)
Type - Legislative Exempt
Price - $3.00
Effective - August 1, 2005

Section 1. General
Section 2. Definitions
Section 3. General Prohibition
Section 4. Timing of Review
Section 5. Revocation
Section 6. Conditional Issue or Conditional Restoration
Section 7. Request for Reconsideration; Petition for Hearing
Section 8. Procedure for Petitioning for Exemption
Section 9. Procedures for Implementation
Section 10. Severability

# TITLE 102

# WORKERS' COMPENSATION APPEAL BOARD

## SERIES 1 - RULES OF PRACTICE AND PROCEDURE

Authority - §23-5-11
Type - Procedural
Price - $3.20
Effective - December 31, 2004


Section 1. General
Section 2. Purpose
Section 3. Appeal Process; Generally
Section 4. Initiation of the Appeal Process
Section 5. Briefs
Section 6. Hearings and Decisions
Section 7. Motions
Section 8. Settlements and Stipulations
Section 9. Application of Rules
Appendix

# TITLE 93

# WORKERS' COMPENSATION OFFICE OF JUDGES

## SERIES 1 - LITIGATION OF PROTESTS

Authority - §§23-4-8C; 23-4-15b; 23-5-8(e); 23-5-8(f)
Type - Procedural
Price - $4.00
Effective - September 1, 2005


Section 1. General
Section 2. Index
Section 3. Litigation Process


## SERIES 2 - RULES ON TIME STANDARDS' COMPENSATION OFFICE OF JUDGES

Authority - §§23-5-8; 23-5-9; 29A-1-2; 29A-3-3
Type - Procedural
Price - $2.80
Effective - July 1, 2004


Section 1. General
Section 2. Definitions
Section 3. Implementation of Rules
Section 4. Motions
Section 5. Hearings
Section 6. Time Standards
Section 7. Issuance of Decisions
Section 8. Severability

# STEP PROCEDURE FOR LEGISLATIVE RULE-MAKING

**Step 1.** **RECOGNITION OF NEED** - An agency recognizes the need for filing a new rule, amending an existing rule or revoking an existing rule or part of a rule. This need may be based on changes in state statute, federal statute or rule, judicial order, request by interested groups or citizens, agency investigation of a problem, etc.

**Step 2.** **DRAFTING** - During the process of drafting a rule an agency should seek information on content from numerous sources, i.e., staff investigations, interest groups, other state rules, other state agencies, court rulings, scientific or association publications, the agency's Attorney General representative, etc. It is during the drafting stage when many problems, interests and jurisdictional conflicts can be dealt with preventing greater problems from arising during public hearings or legislative review.

**Step 3.** **REVIEW OF DRAFT** - When an agency files any draft of a proposed rule with the Secretary of State and Legislative Rule-making Review Committee (LRMRC), it **MUST** have prior written approval of the Cabinet Secretary with administrative supervision over the agency. If the agency is an agency, board or commission which is not administered by a Cabinet Secretary, the agency **MUST** have prior written consent of the agency head, board or commission.

**Step 4.** **THE PROPOSED RULE** - The final draft of the proposed rule MUST follow the format established by the Secretary of State's rule 153CSR6 Standard Size and Format for Rules and Related Documents Filed in the Secretary of State's Office. The agency must include as Section 1, a GENERAL section. Within the GENERAL section there must be the following subsections -- "scope", "authority", "filing date", effective date" and if necessary a provision for "repeal of a former rule". During the time the legislative rule is proposed, the "filing date" and the "effective date" shall be blank. If the agency is amending an existing rule, the new language MUST be underlined and the language to be deleted MUST be stricken through, but clearly legible. If the agency is proposing major changes to an existing rule, the agency may decide to repeal the existing rule and replace the rule as a new rule. If so, underlining and strike-throughs are not required but a provision MUST be placed in the GENERAL section of the proposed rule. **This should only be done if the agency is proposing major changes to the rule.**

All copies of the rules MUST be filed on 8 1/2 x 11 paper, single sided or double sided, but not a combination of both. The copy of the legislative rule filed with the Secretary of State's office MUST be an original with page numbering and no staples.

**Step 5.** **PUBLIC HEARING AND/OR COMMENT PERIOD - FILING** - The agency shall file its proposed rule with the Secretary of State for Public Hearing and/or Comment Period. The following documents must be included in this order when filing:

1. One copy of the Notice of Public Hearing and/or Comment Period, forms #1 or #2, signed
2. One copy of Approval of Filing by the Cabinet Secretary, agency head, board or commission, who administers the agency
3. One copy of brief summary of the proposed rule
4. One copy of statement of circumstances which require this rule
5. One copy of the fiscal note, with name of contact person and telephone number
6. One copy of the proposed rule with page numbering
7. One copy of any relevant federal statutes or regulations, if applicable

The agency should decide whether it will hold a public hearing and/or a comment period for the proposed rule. The proper notice MUST contain the TIME, DATE AND PLACE of the public hearing and/or where the written comments may be mailed. **THE PUBLIC HEARING AND/OR COMMENT PERIOD NOTICE MUST BE FILED IN THE SECRETARY OF STATE'S OFFICE NOT LESS THAN THIRTY (30) DAYS NOR MORE THAN SIXTY (60) DAYS BEFORE THE DATE OF THE PUBLIC HEARING AND/OR THE END OF THE COMMENT PERIOD.** The notice must contain the rule title and an authorized signature for filing notice.

**The agency should file one complete set of the proposed rule with the LRMRC at this time. Additional information may be requested by the committee following preliminary staff review.**

Even though the Code only requires notice of Public Hearing and/or Comment Period to be filed with the Secretary

of State for inclusion in the State Register and grants to each agency discretionary publication as a Class I legal advertisement, the following other distributions are prudent:

1. Capitol News Service
2. Interested or affected state and local agencies
3. Interested or affected federal agencies
4. Interested or affected associations
5. Interested or affected individuals, legislators and the Governor's Office

**5A.** **CONDUCT OF PUBLIC HEARING AND/OR COMMENT PERIOD** - The conduct of the public hearing is under the discretion of the agency and the procedure that best ensures the receipt of comments. However, the manner in which comments are received and the conduct of the hearing should be partially determined by the needs of the agency and the information required by the Administrative Procedures Act for legislative review and State Register filing.

**5B.** **FOLLOWING PUBLIC HEARING AND/OR COMMENT PERIOD** - The agency should review all comments received to determine possible changes in the proposed rule. No comments can be reviewed and/or accepted after the close of the public hearing and/or comment period. The following actions are required to be documented and filed with the rule:

1. If a public hearing was held, a transcript of the hearing and names of all who attended
2. Comments received, both written and oral with a response to the comments
3. Amendments made to the proposed rule as a result of comments or other information received
4. Reasons for the amendments

**Step 6.** **AGENCY APPROVAL OF PROPOSED RULE AND FILING WITH LRMRC** - Again, before the agency files the agency approved rule with the Secretary of State and LRMRC, the agency **MUST** have prior written approval by the Cabinet Secretary, agency head, board or commission, who administers the agency. This must be done within ninety (90) days of the public hearing or close of comment period, or the rule will be deemed withdrawn (unless a specific exemption is granted by LRMRC).

This is a 2-step procedure. The agency MUST first file all documents with the Secretary of State's office. After properly filing with the Secretary of State's office, the agency is required to file the documents with LRMRC.

****REMEMBER THAT THIS IS A FILING OF AN AGENCY APPROVED RULE AND NOT THE FINAL FILING OF THE RULE. It is still a PROPOSED rule and must be approved by the Legislature.****

**6A.** **FILING APPROVED RULE WITH THE SECRETARY OF STATE** - Be sure to perform this step accurately and completely. The following documents MUST be filed in this order with the Secretary of State:

1. One copy of the notice of agency approval and submission to the LRMRC, form #3, signed
2. One copy of Approval of Filing by the Cabinet Secretary, agency head, board or commission, who administers the agency
3. One copy of the completed LRMRC questionnaire, with name of contact person, clearly printed, address and telephone number
4. One copy of brief summary of agency approved rule
5. One copy of statement of circumstances which require this rule
6. One copy of the fiscal note
7. One copy of the agency approved rule, with page numbering
8. One copy of all documents listed in 5B

**6B.** **FILING WITH THE LRMRC** - The following documents are required to be included when filing an agency approved rule with the LRMRC:

a. Fifteen (15) copies of the document package filed with the Secretary of State's office in Step 6A

b. Any other information requested by the LRMRC rules. Additional information may be requested by the committee following preliminary staff review.

Filing may be at the LRMRC staff office, located at the Main Capitol, Room MB 47, or at a LRMRC meeting.

A proposed legislative rule will be placed on the LRMRC agenda following completion of staff analysis. It is therefore necessary that a proposed rule be filed early enough for this work to be accomplished. The agency will be notified at which meeting the proposed rules will be placed on the agenda. During the course of staff analysis it may be necessary to meet with committee staff. A copy of the analysis will be sent to the agency and a written response to the analysis by the agency may be filed with the LRMRC or responses may be delivered orally before the LRMRC . When filing with the LRMRC remember that all documents must be present and complete.

****IMPORTANT: The text of the proposed rule filed with the Secretary of State and with LRMRC MUST be identical - word for word, comma for comma. Failure to ensure this fact may result in the LRMRC's authorization of a rule different from the agency approved rule in the Secretary of State's Office. The Legislature may authorize a rule that is not filed with the Secretary of State and therefore not legally in existence.****

**Step 7.** **LRMRC REVIEW** - Department heads, board chairpersons or executive secretaries should be present at all meetings at which their agency approved rules are on the agenda. Support personnel may also attend the meetings to aid the department head or board chairperson. Be prepared to:

1. Explain the need for the rule
2. Explain the general content of the rule
3. Respond to questions of the committee members
4. Respond to staff analysis, etc.

The committee review shall also include those areas enumerated in W. Va. Code §29A-3-11(b). The committee may hold a public hearing on the proposed rules, delay action until later, recommend changes to be made by the agency prior to committee action at a later meeting or take action upon the rule. After the review the committee will recommend one of the following to the Legislature:

1. Authorize the promulgation of the legislative rule, or
2. Authorize the promulgation of part of the legislative rule, or
3. Authorize the promulgation of the legislative rule with certain amendments, or
5. Recommend that the proposed rule be withdrawn.

The committee shall immediately file a notice of which action occurs in the State Register and with the agency proposing the legislative rule. When the recommendation is other than the promulgation of the proposed legislative rule, a statement of the reasons for such recommendation will be stated in the notice to be filed in the State Register and with the agency.

**Step 8.** **COMPLYING WITH RECOMMENDATIONS OF LRMRC** - In the event of LRMRC authorizes the agency to promulgate the legislative rule as originally filed, the agency is not required to file any documents with the Secretary of State's office. The committee will submit the proposed legislative rule to the Legislature in its agency approved form.

In the event the agency or the committee decides to make changes or modifications to the proposed legislative rule, the agency should consult with committee staff on the preparation of such modifications. Again, before the agency complies with the recommendations of LRMRC, the agency **MUST** have prior written approval by the Cabinet Secretary, agency head, board or commission, who administers the agency. Within 10 days of the LRMRC meeting the agency MUST file with the Secretary of State and LRMRC the following:

1. One copy of the Notice of Rule Modification of Proposed Rule, form #4

2. One copy of Approval of Filing by the Cabinet Secretary, agency head, board or commission, who administers the agency

3. One copy of proposed legislative rule with modifications

4. Ten copies of the document package filed with the Secretary of State's office above in 1, 2 & 3 to be filed with LRMRC

If the committee recommends that the rule be withdrawn, the agency may comply by submitting a letter stating that the proposed rule be withdrawn with proper signatures to the Secretary of State's office to be published in the State Register.

**Step 9.** **SUBMISSION OF LEGISLATIVE RULE TO LEGISLATURE** - The LRMRC drafts a Bill of Authorization including a copy of the proposed legislative rule to be introduced prior to the 20th day of the Session. A notice of the submission to the Legislature will be filed in the State Register by the LRMRC prior to the 20th day of the Session.

**Step 10.** **LEGISLATIVE SESSION** - Bills of Authorization are treated like other bills and go through the usual enactment process. The agency may contact Committee staff or this office to determine the status of any particular Bill of Authorization during the Session.

**Step 11.** **EFFECTIVE AND FILING DATE** - The effective date may be established by the Legislature or the agency following passage of the **Bill of Authorization**. In either case the agency MUST FINAL FILE the proposed legislative rule with the Secretary of State. Again, before the agency files the final filed rule with the Secretary of State, the agency **MUST** have prior written approval by the Cabinet Secretary, agency head, board or commission, who administers the agency. The documents required to final file the rule are:

1. One completed copy of the Notice of Final Filing and Adoption, form #6

2. One copy of Approval of Filing by the Cabinet Secretary, agency head, board or commission, who administers the agency

3. Promulgation history of the proposed rule

4. The effective date of the legislative rule, if the Legislature has not established the effective date in the **Bill of Authorization**. ****IMPORTANT**** The agency has up to 60 days following the Governor's signature of the **Bill of Authorization** to final file the legislative rule with the Secretary of State's office. The agency may set the effective date of the legislative rule up to 90 days from the date the legislative rules are final filed with the Secretary of State.

5. The agency **MUST** submit the legislative rule on a 3 1/2" disk, in a WordPerfect compatible format, to the Secretary of State's office. The disk copy **MUST** be a **CLEAN COPY**, with all underlining and strike-throughs taken out. The text of the computer filed rule **MUST** be identical - word for word, comma for comma as the hard copy authorized by the Legislature. Please state on the disk the format the rule is in and the title it is filed under.

**Step 12.** **PROOFREADING** - The final rule, as produced by the Secretary of State, shall be sent to the agency for review and proofing. The agency may have up to ten (10) working days to review the final rule and return any corrections or a statement of confirmation. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records. (153CSR10.8.b).

These twelve (12) steps constitute legislative rule-making. If there is to be a deviation from these procedures, **PLEASE** contact the LRMRC staff or the Secretary of State's office for guidance on specific cases. This information is not intended to replace W. Va. Code §29A (the Administrative Procedures Act) but is to assist the agency with its compliance. The APA is the controlling document and should be consulted during the entire rule-making process.

The Secretary of State's office understands the complexity of filing legislative rules for rule-making. If at anytime a question arises, **PLEASE CALL OUR OFFICE AND WE WILL BE GLAD TO HELP.**

# STEP PROCEDURE FOR INTERPRETIVE OR PROCEDURAL RULE-MAKING

**Definitions of INTERPRETIVE and PROCEDURAL rule: [W. Va. Code §29A-1-2(c) & (g)]**

**Interpretive** means every rule adopted by an agency independently of any delegation of legislative power which is intended by the agency to provide information or guidance to the public regarding the agency's interpretations, policy or opinions upon the law enforced or administered by it and which is not intended by the agency to be determinative of any issue affecting private rights, privileges or interest.

**Procedural** means every rule which fixes rules of procedure, practice or evidence for dealings with or proceedings before and agency, including forms prescribed by the agency.

**Step 1.** **RECOGNITION OF NEED** - The agency recognizes the need for filing a new rule, amending an existing rule or revoking an existing rule or part of a rule. This need may be based on changes in state statute, federal statute or rule, judicial order, request by interested groups or citizens, agency investigation of a problem, etc.

**Step 2.** **DRAFTING** - The agency must classify the proposed rule as either Legislative, Interpretive or Procedural rule according to W. Va. Code §29A. The agency may reclassify a Interpretive or Procedural as a Legislative rule, but a Legislative rule can not become a Interpretive or Procedural rule. During the process of drafting a rule an agency should seek information on content from numerous sources, i.e., staff investigations, interest groups, other state rules, other state agencies, court rulings, scientific or association publications, the agency's Attorney General representative, etc. It is during the drafting stage when many problems, interests and jurisdictional conflicts can be dealt with preventing greater problems from arising during public hearings or legislative review.

**Step 3.** **REVIEW OF DRAFT** - When an agency files any draft of a proposed rule with the Secretary of State and Legislative Rule-making Review Committee (LRMRC), it **MUST** have prior written approval of the Cabinet Secretary with administrative supervision over the agency. If the agency is an agency, board or commission which is not administered by a Cabinet Secretary, the agency **MUST** have prior written consent of the agency head, board or commission.

**Step 4.** **THE PROPOSED RULE** - The final draft of the proposed rule MUST follow the format established by the Secretary of State's rule 153CSR6 Standard Size and Format for Rules and Related Documents Filed in the Secretary of State's Office. The agency must include as Section 1, aGENERAL section. Within the GENERAL section there must be the following subsections -- "scope", "authority", "filing date", effective date" and if necessary a provision for "repeal of a former rule". During the time the rule is proposed, the "filing date" and the "effective date" shall be blank. If you are amending an existing rule, the new languagMUST be underlined and the language to be deleted MUST be stricken through, but clearly legible. If the agency is proposing major changes to an existing rule, the agency may decide to repeal the existing rule and replace the rule as a new rule. If so underlining and strike-throughs are not required but a provision MUST be placed in the GENERAL section of the proposed rule. **This should only be done if the agency is proposing major changes to the rule.**

All copies of the rules MUST be filed on 8 1/2 x 11 paper, single sided or double sided, but not a combination of both. The copy of the proposed rule filed with the Secretary of State's office MUST be an original with page numbering and no staples.

**Step 5.** **PUBLIC HEARING AND/OR COMMENT PERIOD - FILING** - The agency files their proposed rule with the Secretary of State for Public Hearing and/or Comment Period. The following documents must be included in this order when filing:

1. One copy of the Notice of Public Hearing and/or Comment Period, forms #1 or #2, signed
2. One copy of Approval of Filing by the Cabinet Secretary, agency head, board or commission, who administers the agency
3. One copy of brief summary of the proposed rule
4. One copy of the statement of circumstances which require this rule
5. One copy of the fiscal note, with name of contact person and telephone number
6. One copy of the proposed rule, with page numbering

The agency should decide whether it will hold a public hearing and/or a comment period for the proposed rule. The proper notice MUST contain the TIME, DATE AND PLACE of the public hearing and/or where the written comments may be mailed. **THE PUBLIC HEARING AND/OR COMMENT PERIOD NOTICE MUST BE FILED IN THE SECRETARY OF STATE'S OFFICE NOT LESS THAN THIRTY (30) DAYS NOR MORE THAN SIXTY (60) DAYS BEFORE THE DATE OF THE PUBLIC HEARING AND/OR COMMENT PERIOD.** The notice must contain the rule title and an authorized signature for filing notice.

Even though the Code only requires notice of Public Hearing and/or Comment Period to be filed with the Secretary of State for inclusion in the State Register and grants to each agency discretionary publication as a Class I legal advertisement, the following other distributions are prudent:

1. Capitol News Service
2. Interested or affected state and local agencies
3. Interested or affected federal agencies
4. Interested or affected associations
5. Interested or affected individuals, legislators and the Governor's Office

**5A.** **CONDUCT OF PUBLIC HEARING AND/OR COMMENT PERIOD** - The conduct of the public hearing is under the discretion of the agency and the procedure that best ensures the receipt of comments. However, the manner in which comments are received and the conduct of the hearing should be partially determined by the needs of the agency and the information required by the Administrative Procedures Act, W. Va. Code §29A for legislative review and State Register filing.

**5B.** **FOLLOWING PUBLIC HEARING AND/OR COMMENT PERIOD** The agency should review all comments received to determine possible changes in the proposed rule. No comments can be reviewed and/or accepted after the close of the public hearing and/or comment period. The following actions are required to be documented and filed with the rule:

1. If a public hearing was held, a transcript of the hearing and names of all who attended
2. Comments received, both written and oral with a response to comments
3. Amendments made to the proposed rule as a result of comments or other information received
4. Reasons for the amendments

**Step 6.** **AGENCY ADOPTION OF PROPOSED RULE** - Again, before the agency files the agency adopted rule with the Secretary of State, the agency **MUST** have prior written approval by the Cabinet Secretary, agency head, board or commission, who administers the agency. This must be done within six months of the public hearing or close of comment period, or the rule will be deemed withdrawn.

****AMENDMENTS TO THE RULE AFTER HEARING DO NOT REQUIRE AN ADDITIONAL HEARING BUT CANNOT CHANGE THE MAIN PURPOSE OF THE RULE.****

**6A.** **FILING ADOPTED RULE WITH THE SECRETARY OF STATE** - This is an extremely important and frequently omitted step. Be sure to perform this step accurately and completely. The following documents MUST be filed with the Secretary of State in this order:

1. One copy of the notice of agency adoption, form #5, signed
2. One copy of Approval of Filing by the Cabinet Secretary, agency head, board or commission, who administers the agency
3. One copy of the agency adopted rule, with page numbering
4. One copy of the documents listed in Step 5B
5. The agency **MUST** submit the procedural or interpretive rule on a 3 1/2" disk, in a WordPerfect compatible format, to the Secretary of State's office. The disk copy **MUST** be a **CLEAN COPY**, with all underlining and strike-throughs taken out. The text of the computer filed rule **MUST** be identical - word for word, comma for comma as the hard copy. Please state on the disk the format the rule is in and the title it is filed under.

Remember to include the **effective date** of the rule. This can be established by the agency or the effective date

will be thirty (30) days after filing, whichever date is later. The agency MUST adopt or withdraw the rule within six (6) months after the close of public comment and/or comment period or the rule will be deemed withdrawn.

**Step 7.** **PROOFREADING** - The final rule as produced by the Secretary of State shall be sent to the agency for review and proofing. The agency may have up to ten (10) working days to review the final rule and return any corrections or a statement of confirmation. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records. (153CSR10-8.b)

These are the seven (7) steps for adoption of an Interpretive or Procedural rule. They are quite similar to the steps for Legislative rules. Consult W. Va. Code §29A, the Administrative Procedures Act for guidance as to whether the agency's proposal falls within the definition of an interpretive or procedural rule and not within the definition of a legislative rule. Simply calling a rule interpretive or procedural does not make it so. The content and effect of the rule dictates its type, not the mere label.

**AGAIN, IF THE AGENCY IS IN DOUBT OR HAS ANY QUESTIONS - PLEASE CALL THE SECRETARY OF STATE'S OFFICE!!!!!**

## STEP PROCEDURE FOR EMERGENCY RULE MAKING

ONLY Legislative rules can be filed as an Emergency rule NOT Interpretive or Procedural rules. Emergency rules remain valid up to fifteen (15) months from filing.

**Step 1.** **RECOGNITION OF NEED** - Same as a Legislative Rule

**Step 2.** **DRAFTING** - Same as a Legislative Rule

**Step 3.** **REVIEW OF DRAFT** - Same as a Legislative Rule

**Step 4.** **THE PROPOSED EMERGENCY RULE** - Same as a Legislative Rule

**Step 5.** **FILING AN AGENCY ADOPTED EMERGENCY RULE** - Again, before the agency files the agency adopted emergency rule with the Secretary of State and LRMRC, the agency **MUST** have prior written approval by the Cabinet Secretary, agency head, board or commission, who administers the agency. The following documents MUST be filed in this order with the Secretary of State's office:

1. Fourteen (14) copies of Notice of an Emergency rule, form #7
2. Fourteen (14) copies of Approval of Filing by the Cabinet Secretary, agency head, board or commission, who administers the agency
3. Fourteen (14) copies of LRMRC Emergency Rule Questionnaire with the name of the contact person and telephone number clearly printed..
4. Fourteen (14) copies of brief summary of the proposed Emergency rule, with statement of circumstances constituting the emergency.
5. Fourteen (14) copies of Fiscal Note.
6. Fourteen (14) copies of the proposed Emergency rule with page numbering with new language underlined and with language to be deleted from any existing rule stricken through but clearly legible

Be specific about the facts and circumstances constituting the emergency and cite the appropriate and applicable necessity enumerated in W. Va. Code §29A-3-15(f).

**IMPORTANT - The agency MUST file a notice for a public hearing and/or comment period with the Secretary of State's office WITHIN thirty (30) days of the date the emergency rule was filed. If the agency fails to do this, the emergency rule WILL EXPIRE on the thirty-first (31st) day.**

The Secretary of State's office is required by law (W. Va. Code §29A-3-15) to review all emergency rules to determine:

1. That the scope of statutory authority has not been exceeded
2. Whether there exists a justified emergency
3. Whether the agency complied with these procedures

The Secretary of State has forty-two (42) days from the date the rule is filed as an emergency to make the above determination. The Secretary of State may disapprove an emergency rule for any of the reasons listed above. This decision is appealable to the Supreme Court of Appeals. The Secretary of State may solicit additional information, conduct a public hearing, meet with the agency or take other actions to acquire information needed to reach a decision to approve or disapprove an emergency rule.

The Secretary of State strongly urges agencies to at least conduct a public hearing and/or comment period on proposed rule before considering filing proposed rule as an emergency.

**NOTE: An Emergency Rule will become effective upon the approval of the Secretary of State or upon the forty-second (42nd) day following filing, whichever occurs first. (W. Va. Code §29A-3-15).**

**Step 6.** **FILING WITH LRMRC** - The filing of an agency adopted emergency rule requires the following documents to be filed with the LRMRC:

1. One copy of the documents filed with the Secretary in Step 5 above

**Step 7.** **LRMRC REVIEW** - The LRMRC may review the emergency rule to determine:

1. That the scope of statutory authority has not been exceeded
2. Whether there exists a justified emergency
3. Whether the agency complied with these procedures

The LRMRC may recommend to the agency, the Legislature or the Secretary of State such actions as it may deem proper.

The agency MUST, as part of the legislative rule making procedure, file the agency approved rule with the LRMRC. If the agency fails to file the agency approved rule with the Secretary of State and the LRMRC within ninety (90) days from the date the emergency rule was filed, the rule WILL EXPIRE on the ninety-first (91st) day.

****Remember the filing of the emergency rule with the LRMRC (Step 6 above) is separate from the filing of the agency approved rule with the LRMRC (Step 6 of the Legislative rule-making procedure).** DO NOT confuse the two SEPARATE steps below:**

a. **The filing of an emergency rule**

b. **The filing of an agency approved rule to go through the legislative rule-making procedure.**

**IMPORTANT If an emergency rule expires due to the agency's failure to follow Steps 5, 6 & 7, the emergency rule cannot be revived by ANY method.**

**Step 8.** **AMENDMENTS TO AN EMERGENCY RULE** - if the agency wishes to amend an emergency rule the agency **MUST** have prior written approval by the Cabinet Secretary, agency head, board or commission, who administers the agency before filing with the Secretary of State and LRMRC. The agency MUST file with the Secretary of State the following:

1. Fourteen (14) copies of the Notice of an Emergency Amendment to an Emergency rule, form # 8, signed
2. Fourteen (14) copies of all documents in Step 5 above, with amendments
3. The agency is required to submit One copy of all documents filed above to the LRMRC

**NOTE: The emergency amendment will become effective upon the approval of the Secretary of State or upon the forty-second (42nd) day following filing of the amendment, whichever occurs first. The amendment will be included into the original emergency rule BUT this does not gain the agency additional time or relieve you from Steps 6 or 7.**

****REMEMBER** - The Emergency rule and/or the Emergency rule amendment will remain in effect for a **TOTAL** of fifteen (15) months, or until the Legislative rule goes into effect.

**ONCE AGAIN IF THE AGENCY HAS ANY QUESTIONS ABOUT THE EMERGENCY RULE PROCESS - PLEASE CALL THE SECRETARY OF STATE'S OFFICE.**

## OCCUPATIONAL LICENSING

| | | |
|---|---|---|
| Title | 1 | State Board of Accountancy |
| Title | 2 | West Virginia Board of Architects |
| Title | 3 | State Board of Barbers and Cosmetologists |
| Title | 4 | West Virginia Board of Chiropractic Examiners |
| Title | 5 | West Virginia Board of Dental Examiners |
| Title | 6 | West Virginia Board of Embalmers and Funeral Directors |
| Title | 7 | State Board of Registration for Professional Engineers |
| Title | 8 | West Virginia Board of Hearing Aid Dealers |
| Title | 9 | West Virginia Board of Landscape Architects |
| Title | 10 | West Virginia State Board of Examiners for Licensed Practical Nurses |
| Title | 11 | West Virginia Board of Medicine |
| Title | 12 | West Virginia Nursing Home Licensing Advisory Council |
| Title | 13 | West Virginia Board of Occupational Therapy |
| Title | 14 | West Virginia Board of Optometry |
| Title | 15 | State Board of Pharmacy |
| Title | 16 | West Virginia Board of Physical Therapy |
| Title | 17 | State Board of Examiners of Psychologists |
| Title | 18 | West Virginia Radiologic Technology Board of Examiners |
| Title | 19 | West Virginia Board of Examiners for Registered Professional Nurses |
| Title | 20 | Board of Registration for Sanitarians |
| Title | 21 | West Virginia Nursing Home Administrators Licensing Board |
| Title | 22 | Division of Foresters |
| Title | 23 | State Board of Land Surveyors |
| Title | 24 | West Virginia Board of Osteopathy |
| Title | 25 | Board of Social Work Examiners |
| Title | 26 | West Virginia Board of Veterinary Medicine |
| Title | 27 | Board of Examiners in Counseling |
| Title | 28 | West Virginia Contractor's Licensing Board |
| Title | 29 | West Virginia Board of Examiners for Speech-Language Pathology and Audiology |
| Title | 30 | West Virginia Board of Respiratory Care |
| Title | 31 | West Virginia Board of Licensure for Dietitians |
| Title | 32 | West Virginia Board of Acupuncture |

## ENVIRONMENTAL PROTECTION

| | | |
|---|---|---|
| Title | 33 | Office of Waste Management |
| Title | 34 | Coal Bed Methane Review Board |
| Title | 35 | Office of Oil & Gas |
| Title | 36 | Board of Coal Mine Health and Safety |
| Title | 37 | Mine Board of Appeals |
| Title | 38 | Mining & Reclamation |
| Title | 39 | West Virginia Oil and Gas Conservation Commission |
| Title | 40 | Oil and Gas Inspectors Examining Board |
| Title | 41 | Mine Inspectors Examining Board |
| Title | 42 | West Virginia Department of Labor |
| Title | 43 | Minimum Wage Rate Board |
| Title | 44 | Water Development Authority |
| Title | 45 | Office of Air Quality |
| Title | 46 | Office of Environmental Quality Board |
| Title | 47 | Office of Water Resources |
| Title | 48 | Miner Training, Education and Certification Board |
| Title | 49 | Surface Mining Board |
| Title | 50 | Shallow Gas Well Review Board |
| Title | 51 | Labor-Management Relations Board |
| Title | 52 | Air Quality Board |
| Title | 53 | Public Energy Authority |
| Title | 54 | Solid Waste Management Board |
| Title | 55 | State Emergency Response Commission |
| Title | 56 | Office of Miners' Health, Safety & Training |
| Title | 57 | Commercial Hazardous Waste Management Facility Siting Board |
| Title | 58 | Natural Resources |
| Title | 59 | Office of Abandoned Mine Lands |
| Title | 60 | Environmental Protection - Director's Office |

## AGRICULTURE - HEALTH

| | | |
|---|---|---|
| Title | 61 | Department of Agriculture |
| Title | 62 | Beef Industry Self-Improvement Assessment Board |
| Title | 63 | Soil Conservation Commission |
| Title | 64 | West Virginia State Board of Health |
| Title | 65 | Health Care Cost Review Authority |
| Title | 66 | Reserved |
| Title | 67 | Farm Management Commission |
| Title | 68 | Reserved |
| Title | 69 | Health and Human Resources |
| Title | 70 | WV Cancer Advisory Committee |
| Title | 71 | WV Primary Care Support Program Advisory Board |
| Title | 72 | Catastrophic Illness Commission |
| Title | 73 | Reserved |
| Title | 74 | Reserved |
| Title | 75 | Reserved |

## SOCIAL AND HUMAN SERVICES

| | | |
|---|---|---|
| Title | 76 | West Virginia Commission on Senior Services |
| Title | 77 | West Virginia Human Rights Commission |
| Title | 78 | Department of Human Services |
| Title | 79 | Commission on Children and Youth |
| Title | 80 | Commission on Drunk Driving Prevention |
| Title | 81 | West Virginia State Police |
| Title | 82 | Department of Culture and History |
| Title | 83 | Department of Employment Security |
| Title | 84 | Employment Security Board of Review |
| Title | 85 | Workers' Compensation Fund |
| Title | 86 | West Virginia Department of Veterans' Affairs |
| Title | 87 | State Fire Commissioner |
| Title | 88 | West Virginia Housing Development Fund |
| Title | 89 | West Virginia Public Legal Services Council |
| Title | 90 | Department of Corrections |
| Title | 91 | Department of Motor Vehicles |
| Title | 92 | Board of Probation and Parole |
| Title | 93 | Workers' Compensation Office of Judges |
| Title | 94 | Regional Jail and Prison Authority |
| Title | 95 | Jail and Prisons Standards Commission |
| Title | 96 | Bureau of Employment Programs |
| Title | 97 | Child Support Enforcement Division |
| Title | 98 | Women's Commission |
| Title | 99 | Division of Protective Services |
| Title | 100 | Records Management and Preservation Board |
| Title | 101 | West Virginia Juvenile Facilities Standards Commission |
| Title | 102 | Workers' Compensation Appeal Board |
| Title | 103 | West Virginia Fire Marshal |
| Title | 104 | Reserved |
| Title | 105 | Reserved |

## INSURANCE AND FINANCE

| | | |
|---|---|---|
| Title | 106 | Commissioner on Banking |
| Title | 107 | West Virginia Board of Banking and Financial Institutions |
| Title | 108 | West Virginia Lending and Credit Rate Board |
| Title | 109 | West Virginia Municipal Bond Commission |
| Title | 110 | State Tax Department |
| Title | 111 | Commissioner of Securities |
| Title | 112 | State Treasurer |
| Title | 113 | Reserved |
| Title | 114 | Insurance Commissioner |
| Title | 115 | State Board of Risk and Insurance Management |

## INSURANCE AND FINANCE, CONT'D.

| | | |
|---|---|---|
| Title | 116 | Hospital Finance Authority |
| Title | 117 | Economic Development Authority |
| Title | 118 | Prepaid Tuition Trust Fund Board of Trustees |
| Title | 119 | West Virginia Department of Tax and Revenue |
| Title | 120 | West Virginia Economic Development Grant Committee |
| Title | 121 | Office of Tax Appeals |
| Title | 122 | Reserved |
| Title | 123 | Reserved |
| Title | 124 | Reserved |
| Title | 125 | Reserved |

## EDUCATION

| | | |
|---|---|---|
| Title | 126 | Department of Education |
| Title | 127 | Secondary Schools Activities Commission |
| Title | 128 | Board of Trustees |
| Title | 129 | State Board of Vocational Education |
| Title | 130 | Division of Vocational Rehabilitation |
| Title | 131 | Board of Directors |
| Title | 132 | West Virginia Commission for Vocational-Technical-Occupational Education |
| Title | 133 | Higher Education Policy Commission |
| Title | 134 | Board of the Promise Scholarship Program |
| Title | 135 | West Virginia Council for Community and Technical College Education |
| Title | 136 | Reserved |
| Title | 137 | Reserved |
| Title | 138 | Reserved |
| Title | 139 | Reserved |
| Title | 140 | Reserved |

## GOVERNMENT

| | | |
|---|---|---|
| Title | 141 | The Adjutant General |
| Title | 142 | Attorney General |
| Title | 143 | Division of Personnel |
| Title | 144 | Tourism Commission |
| Title | 145 | West Virginia Development Office |
| Title | 146 | State Elections Commission |
| Title | 147 | Employee Suggestion Award Board |
| Title | 148 | Administration |
| Title | 149 | Governor's Committee on Crime, Delinquency and Corrections |
| Title | 150 | Public Service Commission |
| Title | 151 | West Virginia Public Employees Insurance Board |
| Title | 152 | Reserved |
| Title | 153 | Secretary of State |
| Title | 154 | Reserved |
| Title | 155 | Auditor |
| Title | 156 | Educational and State Employees Grievance Board |
| Title | 157 | Department of Highways |
| Title | 158 | Ethics Commission |
| Title | 159 | State Building Commission |
| Title | 160 | Court of Claims |
| Title | 161 | Information Services and Communications Division |
| Title | 162 | Consolidated Public Retirement Board |
| Title | 163 | Reserved |
| Title | 164 | School Building Authority of West Virginia |
| Title | 165 | Council for Community and Economic Development |
| Title | 166 | WV Public Port Authority |
| Title | 167 | Infrastructure and Jobs Development Council Funding Rules |
| Title | 168 | West Virginia Prosecuting Attorney's Institute |
| Title | 169 | West Virginia Statewide Addressing and Mapping Board |
| Title | 170 | Reserved |

# MISCELLANEOUS COMMISSIONS

| | | |
|---|---|---|
| Title | 171 | State Aeronautics Commission |
| Title | 172 | State Rail Authority |
| Title | 173 | West Virginia Library Commission |
| Title | 174 | Real Estate Commission |
| Title | 175 | Alcohol Beverage Control Commission |
| Title | 176 | Alcohol Beverage Control Commission - Beer |
| Title | 177 | Athletic Commission |
| Title | 178 | West Virginia Racing Commission |
| Title | 179 | Lottery Commission |
| Title | 180 | Archives and History Commission |
| Title | 181 | Blennerhassett Historical Park Commission |
| Title | 182 | Commercial Whitewater Advisory Board |
| Title | 183 | Reserved |
| Title | 184 | Parkways, Economic Development and Tourism Authority |
| Title | 185 | Public Transportation |
| Title | 186 | Purchase of Commodities & Services from the Handicapped, Governor's Comm. for |
| Title | 187 | Reserved |
| Title | 188 | Capitol Building Commission |
| Title | 189 | Property Valuation Training and Procedures Commission |
| Title | 190 | WV Real Estate Appraiser Licensing & Certification Board |
| Title | 191 | Family Protection Board |
| Title | 192 | West Virginia Commission for the Hearing Impaired |
| Title | 193 | West Virginia Technology Related Assistance Revolving Fund for Individuals with Disabilities |
| Title | 194 | West Virginia Massage Therapy Licensure Board |
| Title | 195 | West Virginia Educational Broadcasting Authority |
| Title | 196 | West Virginia Diesel Commission |
| Title | 197 | West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board |
| Title | 198 | West Virginia Division of Rehabilitation Services |
| Title | 199 | Office of Explosives and Blasting |
| Title | 200 | State Board of Registration for Foresters |
| Title | 201 | West Virginia Design-Build Board |
| Title | 202 | Retail Liquor Licensing Board |
| Title | 203 | Courthouse Improvement Authority Facilities |
| Title | 204 | Hatfield-McCoy Regional Recreational Authority |
| Title | 205 | West Virginia Geological and Economic Survey |

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