WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVIII

Issue 18

May 7, 2021

A Weekly Publication

Administrative Law Division

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

(304) 558-6000

sos.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

a. **Legislative Rules**
b. **Interpretive Rules**
c. **Procedural Rules**
d. **Emergency Rules**
e. **LRMRC and LOCEA**

Legislative Interims

Orders

Ethics Commission Opinions

Grievances Reports

Office of Tax Appeal Decisions

Governor's Executive Orders

Attorney General Opinions

Other Documents or Information Filed

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

Coal Mine Health and Safety

Health and Human Services

- Bureau for Public Health
- Bureau for Medical Services
- Health Care Authority
- Human Services

Higher Education Policy Commission

Medical Imaging & Radiation Therapy Tech. Bd. Of Exam.

Medicine, WV Board of

Miner Training Education and Certification

Motor Vehicles

Public Service Commission

Racing Commission

Registered Professional Nurses

Risk and Insurance Management

Tax Department

Treasurer

U.S. House of Representatives

CHRONOLOGICAL INDEX, VOLUME XXXVIII ISSUE 18			
NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Coal Mine Health and Safety 36-44	Rule Governing Mine Rescue Requirements for the Office of Miners' Health, Safety and Training Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only June 17, 2021, 5:00 pm Frank Foster 106 Dee Drive Charleston, WV 25311 frank.g.foster@wv.gov
Higher Education Policy Commission 133-59	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, and College-Level Examination Program Procedural	§18B-1-6	Written Comments Only June 1, 2021, 5:00 pm Chancellor Sarah Tucker 1018 Kanawha Blvd., East, Suite 700 Charleston, WV 25301 chancellors.office@wvhepc.edu
Miner Training Education and Certification 48-01	Standards for Certification of Underground Belt Examiners and Underground Coal Mines Legislative Exempt	§§22A-6-4, 22A-6-5, 22A-3-39(i)	Written Comments Only June 17, 2021, 5:00 pm Frank Foster 106 Dee Drive Charleston, WV 25311 frank.g.foster@wv.gov
Miner Training Education and Certification 48-02	Safety Training Program for Prospective Underground Coal Miners Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only June 17, 2021, 5:00 pm Frank Foster 106 Dee Drive Charleston, WV 25311 frank.g.foster@wv.gov
Miner Training Education and Certification 48-03	Safety Training Programs for Prospective Surface Coal Miners Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only June 17, 2021, 5:00 pm Frank Foster 106 Dee Drive Charleston, WV 25311 frank.g.foster@wv.gov
Miner Training Education and Certification 48-04	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only June 17, 2021, 5:00 pm Frank Foster 106 Dee Drive Charleston, WV 25311 frank.g.foster@wv.gov

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

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

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

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382	4/28/2021	6/1/2021
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382	4/28/2021	6/1/2021
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382	4/28/2021	6/1/2021
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382	4/28/2021	6/1/2021
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382	4/28/2021	6/1/2021
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020	Bundled HB2382	4/28/2021	6/1/2021
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020		8/26/2020	Modified & Approved 9/25/2020 Filed 9/28/2020	Bundled HB2382	4/28/2021	6/1/2021
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/13/2020	8/13/2020		8/17/2020	Modified & Approved 11/16/2020 Filed 11/19/2020	Bundled SB182	4/13/2021	5/15/2021
Coal Mine Health and Safety (36-44)	Rule Governing Mine Rescue Requirements for the Office of Miners' Health, Safety and Training Legislative Exempt	5/3/2021	6/17/2021						
Community & Technical College Ed (135-01)	Strengthening Career and Technical Education for the 21st Century Act (Perkins V) Funding Formula for WV Council for Comm. & Tech. College Ed. and WV State Bd. Of Education Procedural	4/28/2021	5/28/2021						
Community & Technical College Ed (135-59)	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, and College-Level Examination Program Procedural	4/28/2021	5/28/2021						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-007)	Regulations for Adult Diversion and Transition Programs (Policy 1471) Legislative Exempt	2/10/2021	3/15/2021					4/15/2021	7/1/2021
Education (126-008)	Drug-Free Workplace (Policy 1461) Legislative Exempt	2/10/2021	3/15/2021					4/15/2021	5/17/2021
Education (126-025A)	Standards for Basic and Specialized Health Care Procedures (Policy 2422.7) Legislative Exempt	3/11/2021	4/12/2021						
Education (126-030)	Transformative System of Support for Early Literacy (Policy 2512) Legislative Exempt	4/15/2021	5/17/2021						
Education (126-069)	Regulations for Juvenile Diversion and Transition Programs (Policy 2800) Legislative Exempt	4/15/2021	5/17/2021						
Education (126-084)	Student Driver Eligibility Certificate (Policy 4150) Legislative Exempt	3/11/2021	4/12/2021						
Education (126-143)	County Superintendent Performance Evaluations (Policy 5309) Legislative Exempt	3/11/2021	4/12/2021						
Emergency Management (170-04)	SIRN Emergency Purchasing Procedure Procedural	1/29/2021	3/1/2021						
Emergency Management (170-05)	Purchases During States of Emergency Procedural	1/29/2021	3/1/2021						
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	7/2/2020	8/11/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/11/2020	Bundled HB2382	4/9/2021	6/1/2021
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-07)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code (Repeal) Legislative	6/22/2020	7/22/2020		8/24/2020	Approved 11/16/2020	Bundled SB156		
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 ERD by 5/11/2021					
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	6/22/2020	7/22/2020		8/13/2020	Approved 11/16/2020	Bundled SB156		
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 1/4/2021	Bundled HB2427	4/30/2021	6/1/2021
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020	Approved 12/9/2020	Bundled HB2427	4/29/2021	7/1/2021
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/16/2020	Bundled HB2427	4/29/2021	7/1/2021
Health (64-17)	Food Establishments Legislative	Called up during 2021 Legislative session					HB2427	4/30/2021	4/30/2021
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020		8/21/2020	Modified & Approved 11/17/2020 Filed 12/10/2020	Bundled HB2427	4/30/2021	7/1/2021
Health (64-48)	Emergency Medical Services Legislative	9/4/2020	10/5/2020	9/4/2020 Approved 9/30/2020 Amendment 10/1/2020 Approved 10/1/2020 Amendment 1/13/2021 Approved 1/13/2021	11/20/2020	Modified & Approved 12/9/2020 Filed 1/4/2021	Bundled HB2427	4/30/2021	7/1/2021

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	7/1/2020	7/31/2020		8/21/2020	Modified & Approved 12/9/2020 Filed 12/16/2020	Bundled HB2427	4/29/2021	7/1/2021
Health (64-115)	Diabetes Self-Management Education Legislative	7/2/2020	8/3/2020		8/26/2020	Modified & Approved 11/17/2020 Filed 11/20/2020	Bundled HB2427	4/30/2021	7/1/2021
Health and Human Resources (69-16)	Purchasing Procedures Procedural	3/15/2021	4/14/2021					4/16/2021	5/17/2021
Higher Education Policy Comm. (133-59)	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, and College-Level Examination Program Procedural	4/30/2021	6/1/2021						
Higher Education Policy Comm. (133-63)	Mental Health Loan Repayment Program Legislative	6/26/2020	7/27/2020	6/26/2020 Effective 6/26/2020	7/29/2020	Approved 3/12/2021	HB3299		
Higher Education Policy Comm. (133-64)	Administrative Exemption Legislative	11/20/2020	12/21/2020		3/11/2021	Modified & Approved 3/12/2021	HB3299		
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020		8/28/2020	Approved 11/17/2020	Bundled HB2400		
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/16/2020	Bundled HB2427		
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/15/2020	Bundled HB2427	4/30/2021	7/1/2021
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	7/1/2020	7/31/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/15/2020	Bundled HB2427	4/30/2021	7/1/2021

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020	Bundled SB160	4/12/2021	7/1/2021
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020	Bundled SB160	4/12/2021	7/1/2021
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020	Bundled SB160	4/12/2021	7/1/2021
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Approved 9/25/2020	Bundled SB160	4/12/2021	7/1/2021
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020		8/24/2020	Modified w/Certain Amendments & Approved 12/9/2020	Bundled SB216	4/27/2021	6/9/2021
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	4/23/2020	5/23/2020	3/26/2020 Approved 3/26/2020	6/24/2020	Approved 11/16/2020	Bundled SB182		
Miner Training Education and Certification (48-01)	Standards for Certification of Underground Belt Examiners for Underground Coal Mines Legislative Exempt	5/3/2021	6/17/2021						
Miner Training Education and Certification (48-02)	Safety Training Program for Prospective Underground Coal Miners Legislative Exempt	5/3/2021	6/17/2021						
Miner Training Education and Certification (48-03)	Safety Training Programs for Prospective Surface Coal Miners Legislative Exempt	5/3/2021	6/17/2021						
Miner Training Education and Certification (48-04)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements Legislative Exempt	5/3/2021	6/17/2021						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	7/15/2020	8/17/2020		8/19/2020	Approved 9/25/2020	Bundled HB2400	4/30/2021	5/3/2021
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020	Bundled HB2400	5/6/2021	5/7/2021
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020		8/7/2020	Modified & Approved 11/16/2020 Filed 11/17/2020	Bundled HB2400		
Natural Resources (58-46)	Defining the Terms Used in All Hunting and Trapping Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020	Bundled SB216	4/15/2021	7/1/2021
Natural Resources (58-50)	Deer Hunting Rule Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020	Bundled SB216	4/15/2021	7/1/2021
Natural Resources (58-56)	Special Migratory Game Bird Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020	Bundled SB216	4/15/2021	7/1/2021
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020	Bundled SB216	4/15/2021	7/1/2021
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020 Amendment 8/26/2020 Effective 10/7/2020	6/5/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	7/22/2020	8/21/2020		8/26/2020	Approved 11/16/2020	Bundled SB182		
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	4/1/2020 Approved 4/1/2020	6/5/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020 7/22/2020	6/2/2020 8/21/2020	4/20/2020 Approved 4/20/2020	6/5/2020 9/4/2020	Modified & Approved 11/16/2020 Filed 12/2/2020	Bundled SB182		
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/19/2020	Bundled SB182		
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						
Public Service Commission (150-05)	Rules for the Government of Sewer Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021						
Public Service Commission (150-07)	Rules for the Government of Water Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commission (150-09)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						
Public Service Commission (150-16)	Rules Governing the Transportation of Natural Gas Legislative Exempt	10/7/2020	11/16/2020					4/15/2021	6/14/2021
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020	Modified & Approved 12/9/2020	Bundled SB160	4/29/2021	7/28/2021
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/21/2020	8/20/2020		8/24/2020	Modified & Approved 12/9/2020 Filed 12/11/2020	Bundled SB182	4/19/2021	7/1/2021
Risk and Insurance Management (115-01)	Mine Subsidence Insurance Legislative	7/9/2020	8/8/2020		8/18/2020	Approved 11/17/2020	Bundled SB126	5/4/2021	8/1/2021
Secretary of State (153-07)	Submission of Other Documents to Solicit Contributions for Charitable Organizations Interpretive	12/7/2020	1/8/2021						
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative	4/24/2020	5/29/2020	3/25/2020 Amendment 4/24/2020 Amendment 4/27/2020 Effective 6/8/2020	6/23/2020	Modified & Approved 11/17/2020 Filed 12/4/2020	Bundled SB182		
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative	4/30/2020	6/1/2020	3/27/2020 Amendment 3/31/2020 Approved 4/1/2020	6/25/2020	Modified & Approved 11/17/2020 Filed 12/4/2020	Bundled SB182		
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	4/28/2021	6/4/2021	4/27/2021 ERD by 6/8/2021					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Emergency Response Comm. (55-01)	Emergency Planning and Community Right to Know Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020	Bundled SB156		
State Emergency Response Comm. (55-02)	Emergency Planning Grant Program Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020	Bundled SB156		
Tax (110-01A)	Valuation of Farmland and Structures Situated Thereon for Ad Valorem Property Tax Purposes Legislative Exempt	Called up in the 2021 Legislative Session					Bundled SB160		
Underground Facilities Damage Prevention Bd. (214-02)	Rules of Procedure for Complaints and Contested Cases Before the WV Underground Facilities Damage Prevention Board Procedural	4/21/2021	5/21/2021						
Waste Mgmt., Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	7/8/2020	8/11/2020		8/25/2020	Approved 9/25/2020	Bundled HB2382	4/19/2021	7/1/2021
Water Resources Division of Water and Waste Management (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020		8/17/2020	Modified & Approved 12/9/2020 Filed 12/22/2020	Bundled HB2382	4/22/2021	5/22/2021
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/9/2021	3/11/2021 Written Comments Extended To 3/26/2021						
Workers Compensation (85-17)	Electronic Submittal of Invoices and Receipt of Payments Legislative Exempt	4/1/2021	5/20/2021						

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021	4/27/2021				
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021	4/27/2021				
Dangerous Wild Animal Board 74-01	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021				
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021				
Higher Education Policy Commission 133-52	Annual Reauthorization of Degree-Granting Institutions 8/5/2022	5/5/2021	5/5/2021				
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021				
Public Service Commission (150-37)	Telephone Conduit Occupancy 8/1/2022	5/6/2021					
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021				
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021					
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
Treasurer 112-04	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies 6/1/2022	5/5/2021	5/6/2021				
Treasurer 112-06	Selection of State Depositories for Disbursement Accounts through Competitive Bidding 6/1/2022	5/6/2021	5/6/2021				

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
5/3/2021 9:50:35 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-44

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Rule Governing Mine Rescue Requirements for the Office of Miners' Health, Safety and Training

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/17/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Frank Foster

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 11:04 AM
Office of West Virginia
Secretary Of State

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-57

RULE TYPE: LegislativeExempt

RULE NAME: Rule Governing Proximity Detection Systems and Haulage Safety Generally

CITE STATUTORY AUTHORITY: §§22A-6-4 and 22A-6-5

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:

On page 4 at 36 CSR §57-8-1, the reference to 36 CSR §30-1 et seq. was deleted and 36 CSR §25-12 was inserted.

FILING DATE: 04/30/2021

EFFECTIVE DATE: 02/11/2021

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 10:59:00 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-11

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

RULE NAME: BEHAVIORAL HEALTH CENTERS LICENSURE

CITE STATUTORY AUTHORITY: 27-9-1; §27-17-1, et seq.; 27-1A-4(g); 27-1A-6(6); and 27-1A-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 2427

Section 64-5-1(a) Passed On 4/6/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 10:13:13 AM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-17

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

RULE NAME: Food Establishments

CITE STATUTORY AUTHORITY: 16-1-4 and 16-6-2

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 2427

Section 64-5-1(d) Passed On 4/6/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 30, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 10:46:46 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-45

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

RULE NAME: LEAD ABATEMENT LICENSING

CITE STATUTORY AUTHORITY: 16-1-4 and 16-35-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 2427

Section 64-5-1(e) Passed On 4/6/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 10:54:27 AM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-48

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

RULE NAME: EMERGENCY MEDICAL SERVICES

CITE STATUTORY AUTHORITY: 16-1-4, 16-4C-6, 16-4C-14, and 16-4C-23

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 2427

Section 64-5-1(f) Passed On 4/6/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 10:50:15 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-115

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

RULE NAME: DIABETES SELF-MANAGEMENT EDUCATION

CITE STATUTORY AUTHORITY: 33-59-1(k) and 16-1-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 2427

Section 64-5-1(i) Passed On 4/6/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES
Commissioner's Office
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3712
Telephone: (304) 558-1700 Fax: (304) 558-1451

Bill J. Crouch
Cabinet Secretary

Cynthia E. Beane
Commissioner

May 3, 2021

FILED
2021 MAY -3 A 11:09
OFFICE WEST VIRGINIA
SECRETARY OF STATE

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Cynthia Beane, MSW, LCSW
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

New Medicaid Chapter	☐
Medicaid Chapter Update	☐X
New Medicaid Policy	☐
Medicaid Policy Update	☐
State Plan Amendment for title XIX, Medicaid	☐
Other	☐

The following is an explanation of the above material:

Chapter Number: 501
Title: Aged and Disabled Waiver

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material

Date

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES
Commissioner's Office
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3712
Telephone: (304) 558-1700 Fax: (304) 558-1451

Bill J. Crouch
Cabinet Secretary

Cynthia E. Beane
Commissioner

May 3, 2021

FILED
2021 MAY -3 A 11:09
OFFICE WEST VIRGINIA
SECRETARY OF STATE

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Cynthia Beane, MSW, LCSW
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

New Medicaid Chapter	☐
Medicaid Chapter Update	☐X
New Medicaid Policy	☐
Medicaid Policy Update	☐
State Plan Amendment for title XIX, Medicaid	☐
Other	☐

The following is an explanation of the above material:

Chapter Number: 512
Title: Traumatic Brain Injury Waiver

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material

Date

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/5/2021 2:21:06 PM
Office of West Virginia
Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-48

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 18B-1-6

RULE NAME: 133-48 Research Trust Fund

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

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

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

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

Establishes guidelines documentation standards for the distribution of funds in the West Virginia Research Trust Fund.

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

The West Virginia Research Trust Fund is part of the Science and Technology Plan Vision 2025.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

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

N/A

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/5/2021 3:23:20 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-48

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 133-48 Research Trust Fund Program

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Blvd East Suite 700

Charleston, WestVirginia 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 130-455-8401 6

CITE STATUTORY AUTHORITY: 18B-1-6

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

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

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED:

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/5/2021 2:35:12 PM
Office of West Virginia Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-52

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 18B-1-6

RULE NAME: 133-52 Annual Reauthorization of Degree-Granting Institutions

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

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

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

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

Establishes policy regarding annual reauthorization of degree-granting institutions which offer degrees above the associate level.

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

Policy and procedure remains in effect.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

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

N/A

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
5/5/2021 3:29:23 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-52

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 133-52 Annual Reauthorization of Degree-Granting Institutions

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Blvd East Suite 700

Charleston, WestVirginia 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 130-455-8401 6

CITE STATUTORY AUTHORITY: 18B-1-6

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

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

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED:

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 3:38:42 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Human Services TITLE-SERIES: 78-03

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

RULE NAME: MINIMUM LICENSING REQUIREMENTS FOR RESIDENTIAL CHILD CARE AND TREATMENT FACILITIES FOR CHILDREN AND TRANSITIONING ADULTS AND VULNERABLE AND TRANSITIONING YOUTH GROUP HOMES AND PROGRAMS IN WEST VIRGINIA

CITE STATUTORY AUTHORITY: 49-2-121, 27-17-3, 27-1A-4(g), 27-1A-6(6) and 27-1A-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 2427

Section 64-5-1(m) Passed On 4/6/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/30/2021 4:34:36 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Human Services TITLE-SERIES: 78-27

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

RULE NAME: PROCEDURE TO CONTEST THE SUBSTANTIATION OF CHILD ABUSE OR NEGLECT

CITE STATUTORY AUTHORITY: 29A-5-1 et seq. and 49-4-601b.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 2427

Section 64-5-1(n) Passed On 4/6/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/3/2021 9:52:28 AM

Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miner Training Education And Certification TITLE-SERIES: 48-01

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

RULE NAME: Standards for Certification of Underground Belt Examiners for Underground Coal Mines

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4, 22A-6-5 and 22A-3-39(i)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/17/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Frank Foster

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/3/2021 10:00:13 AM

Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miner Training Education And Certification

TITLE-SERIES: 48-02

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Safety Training Program for Prospective Underground Coal Minersw

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/17/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Frank Foster

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/3/2021 10:07:33 AM

Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miner Training Education And Certification

TITLE-SERIES: 48-03

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Safety Training Programs for Prospective Surface Coal Miners

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/17/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Frank Foster

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/3/2021 10:10:01 AM

Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miner Training Education And Certification

TITLE-SERIES: 48-04

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/17/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Frank Foster

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/30/2021 10:09:12 AM

Office of West Virginia Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Motor Vehicles

TITLE-SERIES: 91-05

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: DENIAL, SUSPENSION, REVOCATION, DISQUALIFICATION, RESTRICTION, NON-RENEWAL, CANCELLATION, ADMINISTRATIVE APPEALS AND REINSTATEMENT OF DRIVING PRIVILEGES

CITE STATUTORY AUTHORITY: W. Va. Code §§17A-2-9, 17B-2B-10, 17C-5A-2 and 17C-5A-3a

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB2400

Section §64-8-2 Passed On 4/15/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 3, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Ronald David Johnson Jr Mba -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/6/2021 3:43:15 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Motor Vehicles TITLE-SERIES: 91-13

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE

CITE STATUTORY AUTHORITY: W. Va. Code §§17A-2-9 and 17D-2A-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB2400

Section §84-8-2 Passed On 4/15/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 7, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Ronald David Johnson Jr Mba – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/6/2021 10:32:12 AM
Office of West Virginia Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

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

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

RULE NAME: 150-37 Telephone Conduit Occupancy

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

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

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

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

The Rules were promulgated in 2017 to fulfill the statutory duty of the Commission to promulgate rules consistent with W.Va. Code 24-2E-3 relating to the laws prohibition on a telephone public utility from prohibiting a customer that provides their own conduit from using that conduit for other purposes in addition to telephone service facilities. The statute required the Commission to set standards and practices to apply to the customer and all occupants of shared conduit. The Commission proposes no changes to the Rules other than extension of the sunset date to August 1, 2023.

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

To allow time for the Commission to address with the Legislature whether the rules should continue in effect after the one-year extension.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/30/2021 3:41:22 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Racing Commission TITLE-SERIES: 178-05

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

RULE NAME: 178-05 Pari-Mutuel Wagering

PRIMARY CONTACT

NAME: Kelli Talbott

ADDRESS: 812 Quarrier Street Second Floor

Charleston, WV 25301

EMAIL: kelli.d.talbott@wvago.gov

PHONE NUMBER: 304-558-8989

CITE STATUTORY AUTHORITY: WV Code 19-23-6

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

WV Code 19-23-6 expressly requires the Racing Commission to promulgate and have a separate rule governing pari-mutuel wagering in WV. This rule satisfies that statutory requirement.

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

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED:

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

PUBLIC HEARING:

Dr. Sue Painter, DNP, RN
Executive Director

email: mboard@wv.gov
web address: wvrnboard.wv.gov

TELEPHONE:
(304) 744-0900
FAX (304) 744-0600

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
90 MacCorkle Avenue, SW
Suite 203
South Charleston, WV 25303-1443

May 6, 2021

FILED
2021 MAY -5 P 1:50
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Mac Warner, The Honorable Secretary of State,
Secretary of State's Office — Administrative Law
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

RE: West Virginia Code of State Rules

Administrative Notice of Termination of Suspension of 19 CSR 01; 19 CSR 03; 19 CSR 08; 19 CSR 11; 19 CSR 13.

The West Virginia Board of Examiners for Registered Professional Nurses previously suspended certain provisions of 19 CSR 01; 19 CSR 03; 19 CSR 08; 19 CSR 11; 19 CSR 13 pursuant to W. Va. Code S 15-5-6 and the State of Emergency declared by the Governor's Proclamation Declaring a State of Emergency issued on March 16, 2020. Following the filing of revised 19 CSR 01; 19 CSR 03; 19 CSR 08; 19 CSR 11; 19 CSR 13 and other circumstances, the Board now deems it appropriate to now lift the suspension of these provisions with one (1) exception.

The exception is to continue the suspension with the word "educator" so the passage would read as follows:

§19-13-6. Minimum Standards of a Dialysis Technician Training Programs.

- 6.1.f. The curriculum offered by the training program shall include both classroom and clinical instruction of at least three hundred twenty (320) clock hours in length and content which ensures sufficient preparation for safe and effective practice as a dialysis technician. Of the three hundred twenty (320) clock hours, at least one hundred sixty (160) clock hours shall be theoretical instruction with at least one hundred (100) hours face to face instruction in a classroom setting and a minimum of one hundred sixty (160) hours of supervised clinical experience. Supervised clinical experience shall provide opportunities for the student to apply theory and to achieve stated objectives in a patient care setting and shall include clinical learning experiences to develop the skills required by dialysis technicians to provide safe patient care. The registered professional nurse ~~educator~~ or clinical preceptor shall be physically present and accessible to the student when the student is in the patient care area.

Reinstatement of the above rules shall take effect June 1, 2021, with this filing of a Notice lifting the suspension.

If you have any questions, please feel free to contact the Board at:

West Virginia Board of Examiners for Registered Professional Nurses 90 MacCorkle Ave. SW, Suite 203

South Charleston, WV 25303
Phone: (304) 744-0900 or 1-877-743-NURS(6877)
Fax: (304) 744-0600
Web Address: www.wvrnboard.wv.gov Email: [illegible]

For the Board,

Sue Painter

Sue Painter
Executive Director

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/4/2021 12:29:36 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Risk And Insurance Management TITLE-SERIES: 115-01

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

RULE NAME: Mine Subsidence Insurance

CITE STATUTORY AUTHORITY: W. Va. Code §33-30-15.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 128

Section §64-2-2 Passed On 3/11/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 1, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/5/2021 3:27:45 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Treasurer TITLE-SERIES: 112-04

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 12-2-2

RULE NAME: 112-04 Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

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

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

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

The proposed legislative rule governs the procedures for deposit of monies from state agencies. This rule was previously updated in 2017 and the only proposed change is to update the sunset provision.

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

§12-2-2 requires the State Treasurer to propose rules for legislative approval prescribing the manner in which state agencies deposit monies with the State Treasurer's Office. This rule is necessary to remain in compliance with code.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

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

None

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/6/2021 10:43:24 AM
Office of West Virginia Secretary Of State

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

AGENCY: Treasurer TITLE-SERIES: 112-04

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

RULE NAME: 112-04 Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies

PRIMARY CONTACT

NAME: James Fuerhoff

ADDRESS: 1900 Kanawha Boulevard East Rm E 145

Charleston, WV 25305

EMAIL: james.fuerhoff@wvsto.com

PHONE NUMBER: 304-341-0744

CITE STATUTORY AUTHORITY: §12-2-2

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

§12-2-2 requires the State Treasurer to propose rules for legislative approval prescribing the manner in which state agencies deposit moneys with the State Treasurer's Office.

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

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED:

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

PUBLIC HEARING:

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/6/2021 2:20:08 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Treasurer TITLE-SERIES: 112-06

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: §12-1-2

RULE NAME: 112-06 Selection of State Depositories for Disbursement Accounts through Competitive Bidding

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

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

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

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

The legislative rule implements the provisions of §12-1-2 which requires the State Treasurer's Office to select depositories for disbursement accounts through competitive bidding by financial institutions in this State. This rule was previously updated in 2017 and the only change is to update the sunset provision.

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

This legislative rule is required by §12-1-2 of WV State Code.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

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

None

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/6/2021 3:15:40 PM

Office of West Virginia Secretary Of State

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

AGENCY: Treasurer TITLE-SERIES: 112-06

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

RULE NAME: 112-06 Selection of State Depositories for Disbursement Accounts Through Competitive Bidding

PRIMARY CONTACT

NAME: James Fuerhoff

ADDRESS: 1900 Kanawha Boulevard East Rm E 145

Charleston, WV 25305

EMAIL: james.fuerhoff@wvsto.com

PHONE NUMBER: 304-341-0744

CITE STATUTORY AUTHORITY: §12-1-2

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

The legislative rule implements the provisions of §12-1-2 which requires the State Treasurer's Office to select depositories for disbursement accounts through competitive bidding by financial institutions in this State.

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

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED:

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

PUBLIC HEARING:

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/30/2021 2:58:52 PM

Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Higher Education Policy Commission

TITLE-SERIES: 133-59

RULE TYPE: Procedural

Amendment to Existing Rule: Yes

Repeal of existing rule: Yes

RULE NAME: Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, And College-Level Examination Program

CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/01/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Chancellor Sarah Tucker

ADDRESS: 1018 Kanawha Blvd., East, Suite 700

Charleston, WV 25301

EMAIL: chancellors.office@wvhepc.edu

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

May Legislative Interim Schedule

May 10, 2021

State Capitol

Monday, May 10, 2021

10:00 AM — 12:00 PM	Legislative Oversight Commission on Health and Human Resources Accountability	House Chamber
10:00 AM — 12:00 PM	Commission on Special Investigations	Senate Finance
10:00 AM — 12:00 PM	Legislative Oversight Commission on Education Accountability	Senate Judiciary
12:00 PM — 1:00 PM	Joint Legislative Committee on Flooding	Senate Judiciary
1:00 PM — 3:00 PM	Post Audits Subcommittee	Senate Finance
3:00 PM — 5:00 PM	Joint Committee on Government and Finance	Senate Finance

FILED
2021 MAY -6 P 12: 26
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Posted in the following offices;
Senate President, House Speaker,
Senate Clerk, House Clerk,
Legislative Services and
Secretary of State's office.
5/3/21

Orders Report

Docket Number	Agency	Respondent	Date Rendered
21-6-12045-H	**Health Care Authority**	West Virginia University Hospitals, Inc.	4/28/2021
20-6-12006-P	**Health Care Authority**	United Physicians Care, Inc.	4/28/2021
21-4-12039-NH	**Health Care Authority**	Summersville Center LLC	4/26/2021
21-4-12039-NH	**Health Care Authority**	Whitman Properties LLC	4/26/2021
20-9-11878-P	**Health Care Authority**	Berkeley Medical Center	4/22/2021
17-2-11142-NH	**Health Care Authority**	First Center LLC	4/22/2021
17-2-11142-NH	**Health Care Authority**	Citenik Properties LLC	4/22/2021
20-6-11984-H	**Health Care Authority**	West Virginia University Hospitals, Inc.	4/2/2021
19-3-11644-R	**Health Care Authority**	Bio-Medical Applications of West Virginia, Inc dba FMC Hurricane	3/31/2021
03-FY-2021	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Kelly Karl	5/1/2021
20-79-W	**Medicine, West Virginia Board Of**	Salwa Mohamed Salih, MD	4/27/2021
20-83-W	**Medicine, West Virginia Board Of**	Dean Anthony Siciliano, MD	5/3/2021

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2021-06	A College Professor of political science asks whether he may: 1) Use public funds to purchase meals for students attending college-approved events at the State Capitol and other off-campus locations, and 2) Invite a candidate for public office to speak to his class without extending an invitation to all candidates in the same race.
2021-07	A County Assessor asks whether he may park his assigned county vehicle at his home to use for travel related to his public duties but not for commuting to work or other personal use.
2021-08	A County Board of Education Member asks whether she must recuse herself from participating in updates about a lawsuit filed against the Board by her brother and a related lawsuit in which her brother will likely be a witness.

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 13-21

By the Governor

WHEREAS, a State of Emergency was declared on March 16, 2020 for all counties in West Virginia, to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Order 79-20 required that all doctors, nurses, staff, and employees working at nursing homes and assisted living facilities throughout the state be tested for COVID-19 twice a week; and

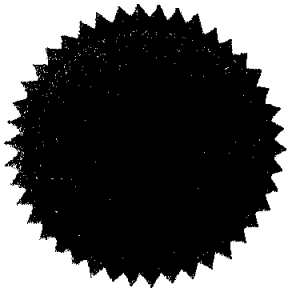
WHEREAS, West Virginia's public health experts have advised that, in light of the State's successful campaign to vaccinate her most vulnerable population early, terminating the provisions of Executive Order 79-20 with respect to the population that has been fully vaccinated against COVID-19, but providing that at least twice-weekly testing shall remain a requirement for any doctors, nurses, staff, and employees who are not yet fully vaccinated against COVID-19, is appropriate at this time; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, effective immediately, as follows:

1. that Executive Order 79-20 is hereby terminated and of no further effect;
2. that all doctors, nurses, staff, and employees working at nursing homes and assisted living facilities throughout the State who are not yet fully vaccinated against COVID-19 shall be tested for COVID-19 at least twice a week until the issuance of a subsequent order modifying, amending, or terminating this Order; and
3. that those doctors, nurses, staff, and employees working at nursing homes and assisted living facilities throughout the State who are fully vaccinated against COVID-19 are not required to be tested at least twice a week for COVID-19, but such fully vaccinated doctors, nurses, staff, and employees should continue to follow the recommendations for testing published by the federal Centers for Medicare and Medicaid Services, under the United States Department of Health and Human Services, as the same may be updated from time to time.

[*Signature Page Follows*]

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirtieth day of April, in the year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-Eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

FILED
2021 MAY -4 A 9:59 OTHER
OFFICE WEST VIRGINIA
SECRETARY OF STATE

July 1, 2021 – June 30, 2022

INTENDED USE PLAN(Draft)

For the
WEST VIRGINIA DRINKING WATER
STATE REVOLVING FUND

State of West Virginia

Department of Health and Human Resources
Bureau for Public Health
Office of Environmental Health Services
Environmental Engineering Division

July 2021

TABLE OF CONTENTS

			Page
I.	INTRODUCTION		1
II.	PROJECTS		1
	A.	Project Funding Requirements	2
	B.	Project Priority List Process	2
	C.	Bypass Procedure	3
	D.	Emergency Projects	4
	E.	Loan Terms and Fees	4
	F.	Project Selection and Loan Activities	6
	G.	Additional Subsidization	6
	H.	Green Infrastructure (Green Project Reserve – GPR)	6
	I.	Davis Bacon Wage Rates	7
	J.	Asset Management Implementation Effect on Loan Rates	7
	K.	American Iron and Steel	7
	L.	Disadvantaged Business Enterprise	7
III.	FINANCIAL STATUS		7
	A.	Total Amount of Funds in the DWSRF (Construction & Set-Asides)	7
	B.	Uses of the New Funds (Construction & Set-Asides)	10
	C.	Types of Projects to be Funded	10
	D.	Project Benefits Reporting (PBR) and National Information Management Systems (NIMS)	10
IV.	GOALS OF THE DWTRF		11
	A.	Short Term Goals	11
	B.	Long Term Goals	11
V.	SET-ASIDE ACTIVITIES		12
	A.	Administration	12
	B.	State Program Management	13
	C.	Technical Assistance	13

D. Local Assistance and Other State Activities 14

VI. PUBLIC COMMENT PROCESS 14

TABLES

TABLE 1 Funds Awarded Prior to/During State Fiscal Year 2020 (Construction & Set-Asides) 8

TABLE 2 Funds Awarded During State Fiscal Year 2021 (Construction & Set-Asides) 8

TABLE 3 Funds Awarded During State Fiscal Year 2021 (Construction & Set-Asides) 9

TABLE 4 Funds Disbursed or Obligated Through June 2021 (Construction & Set-Asides) 9

TABLE 5 Uses of New/Requested Funds (Construction & Set-Asides) 10

ATTACHMENTS

ATTACHMENT 1 DWTRF Project Priority Ranking System 15

ATTACHMENT 2 Project Priority List/Comprehensive List 20

ATTACHMENT 3 Funding List Detailed Description 23

ATTACHMENT 4 Public Comment Process/Response 25

OTHER

I. INTRODUCTION

The Safe Drinking Water Act (SDWA) amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems in financing the cost of the infrastructure needed to achieve or maintain compliance with SDWA requirements and protect public health. This Intended Use Plan (IUP) details the intended use for the State Fiscal Year 2022 (FFY 2021) Capitalization Grant funds totaling $11,100,000 (this amount includes $99,000 from FY19 reallotment funds) and will require a 20% state match of $2,220,000. The available State Program Cash Match is $647,500. The West Virginia Infrastructure and Jobs Development Council (Infrastructure Council) committed the funds for the required 20% match at its May 2021 meeting.

From the FFY 2021 Capitalization Grant, $7,659,000 (along with the state match, projected earned interest, loan repayments and In-Kind reimbursements) shall be used to construct projects. These funds are the Drinking Water Treatment Revolving Fund (DWTRF). The 2% Technical Assistance is used to contract a Continuing Education Training program for water operator training and certification. The 4% Administration funding is used to manage the DWTRF program. The 10% Program Management funding is used for enhancing the Public Water Supply Supervision Program (PWSS). The 15% Local Assistance funding is used in implementing the required state Source Water Protection Program, assessing, and assisting in the technical, managerial, and financial capacity of small systems. West Virginia plans to apply for any additional stimulus funding that may be appropriated by Congress later in the year. Projects will be added to the IUP from the PPL in priority order, subject to readiness to proceed.

II. PROJECTS

A. Project Funding Requirements

Approval from the Infrastructure Council is required for any project to receive DWTRF assistance. The Infrastructure Council, with recommendations from its Water Technical Review Committee and the Funding Committee, must approve all projects. Both of the following requirements must be considered for funding of projects:

1) At least 15% of the funds in the DWTRF must go to systems serving less than 10,000 total persons. Federal code allows crediting prior year's excess above the 15% for the annual requirement. One hundred percent (100%) of this year's planned funding will go to systems with less than 10,000 population.

2) West Virginia legislation authorizes the DWTRF requirement for disadvantaged communities. *"The division of health shall, in accordance with the provisions of the safe drinking water act, establish a program for loan subsidies to disadvantaged communities. Thirty percent of the federal capitalization grants made to this state shall be dedicated to the funding of projects for disadvantaged communities"* (Authority §16-13C-3). This requirement is not a federal requirement. The AWIA allows up to 35% loan subsidy for

disadvantaged communities. At least 30% of the cumulative federal funds will be used for disadvantaged communities. The 30% requirement will be calculated on a cumulative basis of awarded grants. All planned funds will go to disadvantaged systems.

B. The Project Priority List (PPL) Process

The PPL process uses an application that the water system must complete to be considered for DWTRF funding. This application process has improved the DWTRF program by listing only those systems that are truly interested in using low interest loan funds. This eliminates the need to bypass many projects that are not interested in using the DWTRF low interest loan money.

Each water system submits a pre-application through the Infrastructure Council, also:

1) Has its project scored using DWTRF criteria;

2) May be contacted concerning its interest in DWTRF funding; and

3) If the water system is interested in DWTRF, they submit a form to be included on the next priority list that is put out for public comment.

Water systems that are the closest to going to bid, (e.g., the project design is complete and a Public Service Commission application, where applicable, has been submitted, etc.) are given top priority when issuing binding commitment letters, thus, some projects which have not received other funding or have not been designed will be bypassed in accordance with the IUP.

In order to fund more projects with DWTRF funds, the PPL may be issued for public comment several times a year so that projects that have been approved by the Infrastructure Council and have been scored and ranked can be given binding letters of commitment sooner. The PPL will include a summary of the health benefits for the project.

Water systems that have been on the prior PPL, but have not received a funding commitment will be added to the new PPL unless we have information that would indicate they no longer wish to obtain DWTRF funding.

Projects requesting DWTRF funding assistance are prioritized using the DWTRF Project Priority Ranking System (Attachment 1). Three categories (public health, regulatory compliance, and affordability) are used to determine project scoring. Projects that apply for DWTRF funding are ranked on a PPL and are listed in the Project Priority List/Comprehensive List (Attachment 2). The PPL includes the name of the public water system, description of the project, priority assigned, expected financial terms, size of community served, and whether or not the system is disadvantaged. The highest ranked projects on the PPL are contacted concerning their project status to determine if funding from the DWTRF is appropriate and the project is ready to proceed. The PPL ranking system allows for higher public health ranking for utilities that have multiple violations as reflected in the Enforcement Tracking Tool (ETT). The ranking system allows coordination of projects funded with consideration of the enforcement agency. It is the ultimate

OTHER

responsibility of the water system to inform the DWTRF staff of changes to its readiness to proceed status.

Projects expecting to receive assistance from the FFY 2021 Capitalization Grant Funds are on the Funding List Detailed Description (Attachment 3). Projects that rank lower on the PPL may still receive funding should one or more of the higher ranked projects be bypassed using the bypass procedure described below. Projects on the most recent PPL are also eligible to receive funding from previously awarded capitalization grants or repayments.

All projects on the PPL will be designated as equivalency projects unless specifically stated on the PPL as not being an equivalency project. Non-equivalence projects will only be done on an as needed basis.

C. Bypass Procedure

Prior to implementing the bypass procedure, water system projects listed on the PPL will be reviewed to determine their project status as compared to the ready to proceed project awaiting a funding commitment. Based on the review, DWTRF staff will determine whether to bypass the project and select another project for funding commitment consideration. The following provisions will be used to bypass a project on the PPL:

1) Even though the project is for a system with significant non-compliance of the SDWA, it is determined the proposed project will not ensure compliance.

2) The project is for a system that would not have operators properly certified to operate and maintain the system by the time the project is to receive funding.

3) The project changes significantly in scope and requires re-evaluation of the proposal using the DWTRF ranking system.

4) The project is unable to proceed in a timely manner.

5) Other project funding is not committed. Should the bypassed project be within the fundable range, it may be funded at a later date.

6) The project costs significantly exceed the anticipated loan amounts. The project scope could be reduced to within the available DWTRF loan amount provided the ranking does not change.

7) The system declines the assistance.

8) The project is not determined as technically and financially feasible by the Infrastructure Council.

9) The project is unable to meet the schedule developed and agreed upon by the project sponsor and the DWTRF staff.

OTHER

10) A lower ranked project attains a higher rating due to revised information, such as an environmental or public health emergency.
11) The water system is not considered as having the managerial, financial, and technical capacity, even after project completion, based upon a Capacity Development Assessment by the Office of Environmental Health Services (OEHS) staff.

12) If one or more Green Infrastructure Projects are required to be funded from the Capitalization Grant further down the list in grants that require Green Infrastructure Projects to be funded. For this specific IUP, this is not a grant requirement. OEHS does not have any requirements for Green Infrastructure Projects.

When OEHS bypasses a project, the project will remain on the PPL for consideration at a future time. If the project no longer needs or wants DWTRF funding, it is removed from future PPLs. OEHS will provide technical assistance (as needed) with bypassed projects to assist them in being eligible for the future funding. DWTRF will provide low interest design loans to increase the project pace, where needed.

In cases where a project is bypassed, the next project on the list (not being bypassed) will be funded within the funds available through the criteria outlined in this section. If a funded project comes in under cost, the remaining funds may be used to fund additional project work that can be associated with the project scope; to fund the next project on the PPL (if the cost does not exceed the available funds); or to fund other water system project needs as deemed appropriate by OEHS.

D. Emergency Projects

Projects to remediate an imminent significant hazard to a community's public health may be considered an "Emergency" project if approved by OEHS. An emergency project may not be required to be on the approved PPL if the evaluation by OEHS verifies the urgency of the project execution to avoid a major impact to the water system's customers. Emergency projects will be able to be assigned to any capitalization grant for available funding. All emergency projects must be reviewed and approved by the Infrastructure Council.

E. Loan Terms and Fees

Eligible public water systems may use the DWTRF assistance to fund the cost of infrastructure needed to achieve or maintain compliance with the SDWA and other drinking water regulations. OEHS proposes to use $9,879,000 ($7,659,000 of federal funds and $2,220,000 state matching funds) to provide loans to public water systems for infrastructure improvements. The DWTRF program interest rates will be below AAA Municipal Yield Market rates.

Interest Rate

a) The affordability standard for the annual water user rate is set at 1.25% of Median Household Income (MHI) for 3,400 gallon monthly usage as defined by the Infrastructure Council rules unless the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately. In this case, the magisterial district

census data may be used in place of the county census data. Projects previously reviewed by the Infrastructure Council will be 'grandfathered' for up to three years from the date of the approval by the Infrastructure Council. The DWTRF program will typically use the same data and criteria for median household income and typical residential usage rates as the Infrastructure Council to achieve consistency in affordability and financial evaluations by State funding agencies. If the utility can provide a reasonable justification for use of magisterial district median household incomes, the DWTRF program can use them instead of the county or municipal census data. The threshold of 1.25% may be lower than the rate the Infrastructure Council uses for its determination of disadvantaged rates. Water rates equal to or greater than this affordability standard will be considered disadvantaged. Water rates below this affordability standard will be considered non-disadvantaged.

Principal forgiveness funding assistance will typically be provided in combination with a DWTRF repayment loan for disadvantaged public water systems. Principal forgiveness alone may be provided to water systems for a design loan or for construction if special circumstances occur for the project. The disadvantaged loan interest rates will be 1.0% for systems with rates between 1.25% and 1.99% of MHI and 0.5% for systems with rates at or above 2% of MHI.

The non-disadvantaged water systems will be eligible for terms based upon the 25-Bond Revenue Index. At Binding Commitment Letter issuance, the DWSRF will use the last published rate less 5 basis points (.05) for a 20-year term. At no point will the terms exceed 2.50% interest rate, .25% annual admin fee, 20-year term.

If DWTRF funding replaces another agency's grant or loan funds on a previously approved Infrastructure Council project, additional subsidization can be provided to maintain the approved level of affordability.

Loan Terms

Terms are given up to 20 years for non-disadvantaged loans and up to 30 years for disadvantaged community water systems loans. A recent change in the federal Water Infrastructure Finance and Innovation Act (WIFIA) now allows the DWTRF program to extend its loan terms by an additional ten years provided the project equipment has a life span at least as long as the loan term but not to exceed 40 years.

Administrative Fees

The OEHS administrative fee for projects is 0.25% of the loan amount to be repaid and the fee is paid evenly over the life of the loan. This administrative fee may be adjusted to make the project affordable. Administrative fees for principal forgiveness loans will be waived.

Design Loans

The DWTRF provides design loans to eligible public water systems for projects on the PPL. The purpose of design loans is to make the projects more attractive for outside additional funding and to decrease the time between project design and construction. The loans will be offered at the same terms as those determined for the full project infrastructure improvements as approved at

OTHER

Infrastructure Council or principal forgiveness, if eligible and necessary. Design loan payback will begin within nine months following the design's scheduled completion.

Graduated Loan Repayment

The DWTRF loan program can provide graduated loan repayment schedules to make projects more affordable to water systems. In this case, the water system will start repayments following construction completion, but the initial payments will be reduced until one or more existing loans are paid in full. Then, the water system will make accelerated DWTRF payments within the loan period. This will allow a level debt service payment for water systems to make infrastructure projects more affordable. The repayment of loans will still be completed in the same time period of the project's eligibility.

F. Project Selection and Loan Activities

The PPL was developed from the projects on prior PPLs that did not receive funding commitments and new applications. Project representatives of prior listed projects were contacted to determine if they still desired DWTRF funding. Those projects which indicated they still desired to be considered for funding were kept on the list and any other project recently submitting an application to OEHS or applying for DWTRF funding through the Infrastructure Council was added to the list.

The PPL will be finalized after the public comment period. The Funding List Detailed Description (Attachment 3) describes the projects most likely to be funded from this Capitalization Grant.

G. Additional Subsidization

The Capitalization Grant requires that at least 20% (at least 6% must be used for disadvantaged communities per WIFIA) of assistance provided up to a maximum of 35% of the grant is in the form of additional subsidies (principal forgiveness) may be used for disadvantaged communities. OEHS has the authority to offer principal forgiveness loans in an amount up to100% of a loan made by the State's DWSRF program. The intent of this program is to provide principal forgiveness to those water systems that have significantly higher user rates versus those that may barely meet the disadvantaged criteria. The Funding List Detailed Description includes four projects that are eligible to receive $2,250,000 in subsidization for disadvantaged water systems. The 20% amount of the capitalization grant funds is $2,200,200 so OEHS has a plan to meet the minimum requirement for additional subsidization.

H. Green Infrastructure (Green Project Reserve – GPR)

The Capitalization Grant does not require any of the funds provided for projects to be used for water efficiency, energy efficiency, green infrastructure, or other environmentally innovative activities. OEHS does not have any requirements for green project reserve.

I. Davis Bacon Wage Rates (DB)

The Capitalization Grant requires all loan recipients to pay applicable DB wages for all construction contracts. All loan recipients must also follow all federal Department of Labor DB Wage Rate requirements.

J. Asset Management Implementation Effect on Loan Rates

The DWTRF program has required loan recipients to implement a BPH approved asset management plan (AMP) since 2009 to help ensure sustainability of their water systems by properly managing their assets. As many of these plans have been developed and approved by BPH, we are now assessing the required maintenance and use of the approved plan in subsequent loan applications. For those systems that have maintained and updated their AMP they will be eligible for a reduction of their eligible loan rate by 0.5% on their next project funding. Conversely, those systems who had an approved AMP, but have not maintained the AMP, will be assessed an additional 0.5% above their eligible loan rate on their next project funding. Loan recipients who have not maintained their AMP will be required to update their AMP as part of the funding process for a new loan.

K. American Iron and Steel

All projects funded by this IUP will follow all of the American Iron and Steel requirements as prescribed by EPA issued documents.

L. Disadvantaged Business Enterprise (DBE)

All projects funded by this IUP will follow all of the Disadvantaged Business Enterprise requirements as prescribed by EPA issued documents.

III. FINANCIAL STATUS

The DWTRF will be managed by OEHS with assistance, through a contract agreement, from the West Virginia Water Development Authority (WDA). The WDA maintains the financial records and ensures bond conditions and audit requirements are met. OEHS manages the DWSRF set-aside funds. The DWTRF program financial status is healthy with a principal and interest repayment stream from loans at $8,500,000 per year. The Administrative fee from loans has an annual income stream of $800,000 which would sustain the administrative staff in perpetuity.

A. Total Amount of Funds in the DWSRF (Construction & Set-Asides)

The amounts available for the DWSRF program are as shown in Tables 1, 2, and 3. Table 4 summarizes all incoming funds through June 2020 and shows the projected disbursed and obligated amounts through 2021.

OTHER

TABLE 1. FUNDS AWARDED PRIOR TO STATE FISCAL YEAR 2020 (Construction & Set-Asides)

U.S. Environmental Protection Agency (Total from 1998 through and including 2020)*	$235,378,782
WV State Match – Infrastructure Council (Total from 1998 through and including 2020)	$43,162,157
WVDHHR: 10% Set-Aside State Match (Total from 1998 through and including 2020)	$15,419,100
SUB-TOTAL	$293,960,039
Loan Repayments (Principal only 2858) as of 12/31/20	$82,584,840
Admin. Fee plus Fee Investment Interest as of 12/31/20	$8,543,926
Interest Earnings (WVSTO Reinvestment Income 2858 & 2856) WV DWTRF as of 12/31/20	$5,224,658
TOTAL	$390,313,463

* Grant amounts include the in-kind services for the following grants:

FS-99390003 - $10,000 for Northbridge Environmental Program Support (4%)
FS-99390006 - $134,176 for AWOP/PBT Contractor Support (10%)
2F-99390009 - $250,000 for TetraTech Support of ARRA Projects (4%)
FS-99390010-1 - $228,679 for TetraTech Support of Projects (4%)
FS-99390010-1 - $200,000 for Compliance/Enforcement Contractor Support (10%)
FS-99390011 - $224,458 for project administration & Compliance Support (4%)
FS-99390011 - $25,542 for Compliance & Enforcement support (10%)
FS-99390011 - $100,000 for AWOP/PBT support (15%)
FS-99390012 - $125,000 for Project Administration Contractor Support (4%)
FS-99390012 - $20,000 for AWOP/PBT Support (15%)
FS-99390013 - $175,000 for project administration supports (4%)
FS-99390014 - $400,000 for Source Water Protection (15%)
FS-99390014 - $200,000 for Capacity and Development (10%)
FS-99390015 - $300,000 for Source Water Protection (15%)
FS-99390015 - $191,300 for Capacity and Development (15%)
FS-99390017 - $74,924 for Source Water Protection (15%)
FS-99390018 - $0.00
FS-99390019 - $0.00
FS-99390020 - $0.00

TABLE 2. FUNDS AWARDED DURING STATE FISCAL YEAR 2021 (Construction & Set-Asides)

U.S. Environmental Protection Agency (FS-99390020) (Grant)	$11,011,000
WV State Match - Infrastructure Council (FS-993900020)	$2,202,200
WVDHHR: 10% Set-Aside State Match (FS-993900020) (Approp)	$647,500
TOTAL	$13,860,700

TABLE 3. FUNDS REQUESTED DURING STATE FISCAL YEAR 2022 (Construction & Set-Asides)

U.S. Environmental Protection Agency (FS-99390021) (Grant)	$11,100,000
WV State Match - Infrastructure Council (FS-993900021)	$2,220,000
WVDHHR: 10% Set-Aside State Match (FS-993900021) (Approp)	$647,500
TOTAL	$13,967,500

TABLE 4. SET-ASIDE FUNDS DISBURSED OR PROJECTED THROUGH STATE FISCAL YEAR 2020 & CONSTRUCTION LOANS & COMMITMENTS THROUGH JUNE 2020 (Construction & Set-Asides)

(Table 4 "Cumulative Grant Funds Received Thru 6/30/2019" includes the in-kind services for the capitalization grants)

Set-Aside Funds	Cumulative Grant Funds Received Thru 6/30/2020	Additional Funds From FS-99390020*	Minus In-Kind Services	Total Incoming Funds	Cumulative Funds Disbursed as of 12/31/20	Projected Disbursements From Jan '21 Thru June '22	Funds Remaining 6/30/2021
Administration (4%)	$8,088,256	$444,000	$1,013,137	$7,519,119	$6,518,497	$250,000	$750,622
Small Systems Technical Assistance (2%)	$4,247,931	$222,000	$0	$4,469,931	$3,842,870	$200,000	$427,061
Program Management Federal (10%)	$19,503,384	$1,110,000	$359,718	$20,253,666	$17,863,804	$500,000	$1,889,862
Program Management State Match (10%)	$15,974,132	$647,500	$0	$16,621,632	$15,043,550	$500,000	$1,078,082
Total Program Management	$35,477,516	$1,757,500	$359,718	$36,875,298	$32,907,354	$1,000,000	$2,967,944
Local Assistance (15%)	$26,879,780	$1,665,000	$1,286,300	$27,258,480	$23,865,825	$800,000	$2,592,655
Total Set-Aside Funds	$74,693,483	$4,088,500	$2,659,155	$76,122,828	$67,134,546	$2,250,000	$6,738,282
	Cumulative Construction Funds 6/30/2020	Construction Funds SFY2021 July 1, 2020 to Dec. 31, 2021	Projected Funds from January 2021 to June 2022	Projected Activity In SFY2022	Cumulative Construction Funds 6/30/2021		
Construction Assistance Funds From Cap Grant	$168,603,267	$8,059,240	$0	$7,659,000	$184,321,507		
20% State Match For Cap Grant	$40,959,957	$2,202,200	$0	$2,220,000	$45,382,157		
Loan Repayments (Principal Only)	$78,178,733	$4,406,107	$4,419,258	$8,838,516	$95,842,614		
Interest On Loans	$8,146,311	$397,615	$392,126	$860,000	$9,796,052		
Interest Earnings	$2,620,395	$40,280	$21,027	$42,054	$2,723,756		
Total Funds For Loans	$298,508,662	$15,105,442		$19,619,570	$338,066,085		
Closed Loans	$251,737,940	$7,740,000	$17,910,686	$40,453,740	$317,842,366		
Letters of Commitment	$0	$0	$0	$0	$0		
Planned Future Letters of Commitment		$0		$14,232,000	$14,232,000		
Total Committed/Planned Funds	$0	$0		$14,232,000	$14,232,000		
Funds Remaining To Be Committed					$5,991,719		
	Cumulative Administration Fees Thru 6/30/2020	Administration Fees SFY2020 July 1, 2020 to Dec. 31, 2020	Projected Fees from January 2021 to June 2021	Projected Fees In SFY 2022	Cumulative Administration Fees 6/30/2021		
Administrative Fees on DWTRF Assistance	$8,146,311	$397,615	$392,126	$860,000	$9,796,052		
Administrative Fees Withdrawals	$659,111	$63,638	$83,432	$140,000	$946,181		
Net Administrative Fees	$7,487,200	$333,978	$308,694	$720,000	$8,849,871		
Total Program Funds	$380,689,345	$19,527,919	$2,967,849	$96,462,398	$414,050,502		$21,579,873

OTHER

B. Uses of the New Funds (Construction & Set-Asides)

Below in Table 5 is a summary of the amounts to be used for each activity. Any funds not used for set-aside activities will be used for construction projects. Please note that the DWTRF interest earnings are utilized to supplement the construction funds, specifically for project overruns, as necessary. Planned disbursement of these funds will be included in the payment schedule included in the grant application.

TABLE 5. USES OF NEW/REQUESTED FUNDS (Construction & Set-Asides)

Sources and Uses of Funds							
Uses of Funds	Federal Funds	Infrastructure Council Grant Match	State Program Match	Admin Fee/Admin Interest	Interest Earnings	Loan Repayments	Total
Administration	$444,000	$0	$0	$0	$0	$0	$444,000
Technical Assistance	$222,000	$0	$0	$0	$0	$0	$222,000
State Program Management	$1,110,000	$0	$647,500	$0	$0	$0	$1,757,500
Local Assistance	$1,665,000	$0	$0	$0	$0	$0	$1,665,000
Construction	$7,659,000	$2,220,000	$0	$0	$0	$0	$9,879,000
Total	$11,100,000	$2,220,000	$647,500	$0	$0	$0	$13,967,500

Notes to Table 5:

- Administrative Fees, Interest Earnings, and Loan Repayments are included in the grant application.
- There are no plans to transfer funds between the DWTRF and the Clean Water State Revolving Fund.

C. Types of Projects Funded

OEHS is proposing to fund six projects as described in Attachment 3. These projects include distribution system upgrades and extensions to new customers. Projects solely for economic growth or projects solely for fire protection are not eligible for DWTRF assistance.

D. Project Benefits Reporting (PBR) and National Information Management System (NIMS)

OEHS will report appropriate information into the PBR and NIMS systems as required by EPA. This IUP will be administered as required by the Operating Agreement between OEHS and EPA.

IV. GOALS OF THE DWSRF

A. Short Term Goals

1) Increase source water protection for surface water by further developing a surface source water/early warning detection system: River Alert Information Network (RAIN) in the Monongahela River Basin and examine feasibility of duplicating that system into other drainage basins in West Virginia.

2) Support the Stream Gaging Network for the purpose of collecting steam flow data that is used to document variations in flow over time for various rivers in West Virginia. These data are used to develop more accurate flow models for future protection area generation and determining more accurate time of travel models for waterborne contaminants.

3) Fill vacant staff positions within the WV OEHS, Environmental Engineering Division (EED). There are currently multiple positions vacant throughout the division. These staffing vacancies within the program have resulted in the set aside funds for salaries not being drawn quickly which has resulted in increased ULOs and more than two open grants at a time. Staffing vacancies have been an ongoing problem for the entire BPH and the problem is being addressed by upper level management and the WV Division of Personnel.

B. Long Term Goals

1) Provide the necessary infrastructure replacement, upgrade, and service with the overall goal of upgrading water quality for existing public water customers and providing water to new customers whose water currently does not comply with the SDWA or is unreliable. The DWTRF has a utilization goal of meeting or exceeding the national average and the average of EPA's Region 3 states by achieving a 2021 fund utilization goal of 95%.

2) Develop the DWTRF to ensure the long term perpetuity of the fund where after the initial capitalization years, the loan repayments in the fund will be used to finance additional projects.

3) Close the DWTRF loans to recipients within twelve months of a letter of binding commitment.

4) Continue implementation of the Capacity Development Strategy including assisting existing public water supplies in acquiring and maintaining the technical, managerial, and financial capacity to comply with the federal SDWA. Provide assistance to ensure that all new community water supplies and new non-transient non-community supplies have the technical, managerial, and financial capacity to comply with current regulations and those regulations likely to be in effect, when the system initiates operations.

5) Continue development, enhancement, and improvement of the PWSS through improved methodology and consistency of the sanitary surveys. This includes completion of a full

complement of staffing in the district offices and implement an automated data collection system for laboratories to forward results to our agency.

6) Protect source water from future contamination through Source Water Assessment and Protection (SWAP) and Well Head Protection (WHP) programs.

7) Continue to implement an operator training continuing education program focusing on training course/instructor criteria and operator training requirements.

8) Continue to strive to minimize unliquidated obligations (ULOs) by expeditiously disbursing both set-aside and construction funds in a timely manner. The goal is to attain a half year or less balance for the 2%, 10% and 15% set-asides at the time a new grant is awarded. Set-aside amounts requested in this IUP are supportive of minimizing ULOs.

V. SET-ASIDE ACTIVITIES

In addition to the DWTRF construction fund, there are four "set-aside" or non-project accounts to be administered by OEHS. These separate accounts include Administration of the Loan Program, Technical Assistance, State Program Management, and Local Assistance. In addition to funding for staff expenses, there are also programs being undertaken to improve the health and safety of State water systems. These activities are described in more detail in the associated grant application work plan. The set-aside programs demonstrate compliance with the capacity development authority, capacity development strategy, and operator certification program provisions in order to avoid withholdings.

The different set-aside accounts are specified in the SDWA to enable the State to finance the cost of administering and managing the DWTRF program and supporting local public water systems. These accounts are described in more detail below.

The goals, objectives, methods, outputs, and outcomes for these set-asides are located in the grant work plan.

No In-Kind Service funds from this grant will be used.

A. Administration ($444,000)

The SDWA authorizes the State to use 4% of the Capitalization Grant for administration of the DWTRF program or the maximum based on three options listed below. Based on option #3, $444,000 is eligible from the grant for the administration set-aside.

Option #	Description	Calculation	Result
1	$400,000 Flat Rate	n/a	$400,000
2	1/5th of one percent of the current total net position of the fund	$168,148,727 X 0.002	$336,297
3	4 percent of grant	$11,011,000 X 0.04	$440,440

OTHER

The State plans to use this set-aside for administration of the program. Administrative tasks include but are not limited to:

1) Developing legislation regarding issues related to the DWSRF.
2) Preparing the Capitalization Grant agreement.
3) Developing memorandums of understanding between federal and State agencies.
4) Reviewing West Virginia Infrastructure Council applications.
5) Preparing the IUP.
6) Providing project review, priority ranking procedures, environmental reviews, and required DWTRF project information coordination (project scheduling, advertisements, loan closure).
7) Providing project inspections, administration of the funds.
8) Tracking and accounting of the funds.
9) Auditing of the funds.
10) Processing payment requests and managing loan repayments.
11) Assisting Compliance & Enforcement staff in providing monitoring.
12) Provide grants as available for planning and evaluation of proposed projects.

The DWTRF program will utilize the WDA, which already administers State-funded construction loans to public wastewater and water systems.

B. State Program Management ($1,110,000 – Federal; $647,500 - State Match Cash;

The SDWA authorizes the State to use up to 10% from the federal Capitalization Grant to support the Public Water Supply Supervision (PWSS), Data Information System Management, PWS operator certification and programs. This year no federal funds are requested from the reserve account. It will support the water systems needing to improve their facilities and security through source water grants. The State match is made through State appropriations.

C. Technical Assistance ($222,000)

The SDWA authorizes the State to use up to 2% of each capitalization grant to provide technical assistance to small water systems. The full amount of the 2% is being requested. Small water systems are defined as those that serve less than 10,000 persons. These set-aside funds will be used for technical, financial, and managerial continuing education training of water system operators to meet their certification and training requirements. A contractor, meeting the State requirements, will coordinate the technical assistance program.

D. Local Assistance and Other State Activities ($1,665,000)

The SDWA authorizes the State to use up to 15% of the federal capitalization grant for this set-aside, but no more than 10% may be used for any one activity. The full $1,665,000 is being requested for this set-aside. These set-aside funds will be used for the Capacity Development Program, the Wellhead Protection (WHP) Program and grants, to support the Interstate Commission on the Potomac River Basin (ICPRB), Data Information System Management, improving GIS capabilities, to support the River Alert Information Network (RAIN), an internet website for GIS support, and a stream gauge network for local waters. Working in conjunction with the Compliance and Enforcement Program, the Capacity Development Program and the EED District Office staff will provide support to non-compliant systems not needing infrastructure investment.

VI. PUBLIC COMMENT PROCESS

The public comment process for this IUP is described in attachment 4.

ATTACHMENT 1

DWTRF Project Priority Ranking System

System: _____ County: _____ Date_____

Project#:_____Project:_____

DWTRF Project Priority Ranking System

(1) _____ **PUBLIC HEALTH** (0 to 50 points - 50 points maximum)

Up to fifty points may be given to a project for public health. The public health categories are listed below. A project may apply to several categories. In such cases, the project will be given the highest rating.

(A) _____ **Projects to correct acute health hazards** - (50 points) Fifty points will be given to projects that propose to eliminate a problem that poses an acute, ongoing health hazard to the consumer. Violations should be included in the Enforcement Tracking Tool (ETT). Examples are listed below.

- Projects that address documented nitrate or nitrite violations.
- Projects that address documented exceedances of primary inorganic MCL's
- Projects that address a problem where a system has significant turbidity violations. The project must ensure compliance to receive DWTRF assistance.
- Projects that address a problem where a system has significant microbiological violations. The project must ensure compliance to receive DWTRF assistance.
- Projects that propose filtration for surface water source that currently do not have filtration.
- Projects that propose disinfection for a system that currently do not have disinfection.
- Projects that address documented or potential water outages for extended periods (1 week or more) due to contamination or system/design deficiencies.

(B) _____ **Correct chronic health hazards** - (40 points) Forty points will be given to projects that propose to eliminate a chronic health hazard to the consumer. Examples are listed below.

- Projects that address occasional turbidity violations for a system that has a moderate ETT score.
- Projects that address occasional microbiological violations for a system that has a moderate ETT score.
- Projects that address exceedances of the Lead and Copper Rule.
- Projects that address documented exceedances of primary organic MCL's.

OTHER

- Projects that address documented exceedances of radiological MCL's.
- Projects that address treatment technologies for the SWTR.
- Projects that address documented or potential water outages (1 to 6 days) due to contamination or system/design deficiencies.
- Projects that enhance source water protection to prevent widespread contamination throughout the distribution system via alternate water sources or additional storage.

(C). _____ **Correct periodic health hazards** - (30 points) Thirty points will be awarded to projects that propose to eliminate a documented health hazard which has occurred periodically. Examples are listed below.

- Projects that address low chlorine residuals.
- Projects that address periodic exceedances of a primary MCL.
- Projects that address periodic water outages to some customers for at least a day due to design or system deficiency.
- Projects to bring existing facilities to current design standards which affect water quality: treatment, chemical application, pumping facilities, finished storage and distribution systems.

(D) _____ **Correct potential health hazards** - (20 points) Twenty points will be given to projects that propose to eliminate potential health hazards. Examples are listed below.

- Projects for line extensions to areas with poor water quality or limited quantity.
- Projects to develop new source to augment existing sources where there is no other health hazard associated with the project. Dams and reservoirs are not eligible.
- Projects for installation / upgrade of waste disposal facilities.

(E) _____ **System Improvements** - (10 points) Ten points will be given to projects that propose general system improvements. Examples are listed below.

- Projects to replace / repair old, undersized, or malfunctioning equipment.
- Projects to replace leaking water line.
- Projects to improve aesthetic quality of the water such as iron, manganese, taste and odor.

(2) _____ **REGULATORY COMPLIANCE** (0 to 20 points, 20 points maximum)

(A)_____ Correction of chronic non-compliance - 20 points
Compliance with administrative orders, agreements, statutes, or regulatory requirements.

(B)_____ Compliance with periodic and potential non-compliance - 10 points
Compliance with sanitary survey recommendations, NPDES permits, new

regulations, or design standards.

(C)_____ Protection against non-compliance -5 points
Compliance with proposed regulations.

(D)_____ Line extensions with documented cases of fecal coliform - 3 points

(3) _____ **AFFORDABILITY** (0 to 30 points) (Based on post-project user rates)

Rates = 0% to 0.49% MHI (0 points)
Rates = 0.50% to 0.99% MHI (5 points)
Rates = 1.00% to 1.24% MHI (10 points)
Rates = 1.25% to 1.49% MHI(15 points)
Rates = 1.50% to 1.74% MHI (20 points)
Rates = 1.75% to 1.99% MHI (25 points)
Rates ≥ 2.0% MHI (30 points)

Note: MHI = median household income by county or municipality as published by the West Virginia Infrastructure and Jobs Development Council (IJDC) at time of approval for funding by IJDC. If the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately the magisterial district census data may be used in place of the county census data.
Rates are based on 3,400 gallons.

Public Health	
Compliance	
Affordability	
Total Points	

Tie Breaker:
If two or more systems have the same score, the following will be used as the tie- breaker.

1. Whichever system has the highest public health rating will be ranked highest.

2. In the event there is still a tie, then the system with the smaller population served will be ranked higher.

OTHER

Definitions

EPA -- Environmental Protection Agency
MCL -- Maximum Contaminant Level
MHI -- Median Household Income
ETT -- Enforcement Tracking Tool
SWTR -- Surface Water Treatment Rule

ATTACHMENT 2

Project Priority List/Comprehensive List

OTHER

WEST VIRGINIA 21DWTRA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

TAKEHOME	SYSTEM	COUNTY	PROJECT NAME	PROJECT DESCRIPTION	LIFE MEMBERS	1% SPECIAL 60%	3MO COMPLIANCE	3MO PROGRESS	AFFORD-ABILITY	SEASONAL-ZAGING	SYSTEM TYPE	NEW POPU-LATION	POINTS	HEALTH	COMPLIANCE	AFFORD-ABILITY	SYSTEM STRUCTURE SCORE	TOTAL COST	STATE SUBSIDIES
1	Town of Franklin	Pendleton	Pond Gap/Seven Springs/Sandy Creek	The proposed project consists of 1) downsized dirt river crossing, upgrades to the Sandy Creek Storage Tank, installation of the pump station, and upgrades to the Seven Springs Storage Tank. Active water treatment plant needs decommissioned, upgrade distribution system, repair and improve the Sandy Creek water treatment plant, and replace the pump station.	302/96/1042	95%,36	652,70	573,25	2,90	Yes	1,702	90	90	35	90	2,500,000	$1,500,000	$2,475,210	Project will be funded
2	Cheat Lake PSD	Monongalia	Star Route Improvements	This project includes water service improvements to the PSD's water treatment facilities, including improvements, upgrade pumps, upgrade distribution, and upgrade pressure tank, boosts or and upgrades to the SCADA and security systems.	302/97/1025	512,20	504,47	546,67	1,26	Yes	1,463	80	30	20	20	2,500,000	$2,500,000	$2,500,000	Project will be funded
3	Town of Hedgesville	Berkeley	Water Treatment Improvements	This project includes water treatment improvements to the Town of Hedgesville's water system.	302/97/1127	378,06	330,46	330,46	2,09	Yes	Projected Population	874	70	30	20	30	500,000	$1,473,470	Project will be funded from project reserve
4	Town of Cowen	Webster	Water System Upgrade Phase II	Phase 2 of a water system upgrade project for the Town of Cowen and the surrounding area.	302/98/1189	525,14	594,21	546,83	2,02	Yes	3,797	70	30	10	10	30	2,500,000	$4,000,000	Project design has been started and is not ready for construction
5	Tri-County Water Authority	Monongalia	Tri-County Water Improvements	The project includes upgrades and replacements to the Tri-County I distribution system and the construction of a new water treatment plant. The project will be funded through a water revenue bond issued by the Tri-County Water Authority. The project will be funded in two phases. The first phase will include the construction of the new water treatment plant and the second phase will include the replacement of the existing distribution system. The first phase is estimated to cost $2,500,000 and the second phase is estimated to cost $4,000,000.	302/99/1019	527,30	527,12	619,29	1,06	Yes	1,038	65	30	10	15	2,500,000	$4,000,000	$6,554,300	Project without funded
6	Mason County PSD	Mason	Water Line Replacement and Service Connection	Install 2,000 feet of 6" PVC water line and 20 service connections.	302/98/1793	540,98	544,14	629,12	1,65	Yes	3,023	60	30	10	20	1,500,000	$3,000,000	$3,102,100	Project will be funded from project reserve
7	Town of Paden City	Wetzel	Water Improvements	The Town will be making upgrades and repairs to the water treatment plant, repairing the pump station, and replacing the water meters to the system. The project is expected to be funded by USDA RD.	302/00/1101	555,60	567,50	567,50	1,72	Yes	2,792	60	30	10	20	500,000	$500,000	$2,345,500	Project design is finished.
8	Berkeley County PSD	Berkeley	Downtown Martinsburg Line Extension	The project is a joint venture between the City of Martinsburg and the Berkeley County PSD. The project will provide water service to the Martinsburg Center, Eastern Greenway, and other nearby and more densely populated areas. The project will be funded through revenue bonds issued by the Berkeley County PSD.	302/94/1083	594,14	537,34	604,36	2,16	Yes	1,414	35	20	5	30	800,000	$4,871,500	Project design has been 97% done.
9	Jackson County Public PSD	Jackson	Cedar Creek Line	The project includes water service to the Jackson County Jail, the Cedar Creek Elementary School, and some residential customers in Cedar Creek. The project will be funded through revenue bonds issued by the Jackson County PSD.	300/94/1084	594,15	537,34	574,42	2,43	Yes	1,644	35	20	5	30	700	$2,400,000	$4,414,300	Project is not ready for construction.
10	Twin Brooks PSD	Tyler	Sewer Extension Project	The two sewer systems in Sandy Creek and Pennsylvania Creek are failing and need to be replaced. Development consultant is Tetra Tech. Approximately 67 new customers.	301/99/1700	557,91	549,24	582,97	1,77	Yes	4,000	15	30	1	20	$2,000,000	$2,000,000	$2,499,000	Project will be funded from proceeds PPDS grant
11	Twin Brooks PSD	Tyler	Contract 19 - Sewer Extension	The project includes sewer service to approximately 275 new customers from Contract 19 in Sandy Creek. The project will be funded through revenue bonds issued by the Twin Brooks PSD. Approximately 75 new customers.	301/01/1760	553,91	549,24	628,21	1,72	Yes	4,048	40	30	7	20	$2,000,000	$2,000,000	$3,491,000	Project design has not started and is not ready for construction.
12	Greenbrier County PSD #2	Greenbrier	Contract 16 Sewer Extension	The project includes sewer service to approximately 275 new customers from Contract 16 in Sandy Creek. The project will be funded through revenue bonds issued by the Greenbrier County PSD. The project includes approximately 11,000 feet of 2 inch to 6 inch distribution line, 15 manhole, and 75 service connections.	302/00/1888	564,03	546,09	567,29	1,82	Yes	1,526	45	30	7	20	$2,000,000	$2,000,000	$3,293,000	Project and is ready for construction.
13	Belmont County PSD	Belmont	City of Bellaire - Phase 1 Distribution	This project will install water lines and replace the existing water tank. The project will be funded through a loan and grant from USDA RD. Approximately 75 new customers.	302/00/1229	522,87	527,48	576,63	2,09	Yes	1,079	15	30	0	15	$2,000,000	$2,000,000	$4,468,000	Project is not funded.

OTHER

ATTACHMENT 3

Funding List Detailed Description With
– Green Project Reserve
– Additional Subsidization

WEST VIRGINIA 12DWTRA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

RANKING	APPLICANT	COUNTY	PROJECT NAME	PROJECT DESCRIPTION	EPC NUMBER	YR RECEIVED MO	2010 CONSIST	2010 PROCEEDS	APPROX. ABILITY	DISADVAN-TAGES	DWTRF TERMS	RETE FORM-LATION	POINTS	HEALTH	COMPLIANCE	AFFORD-ABILITY	PRIME REPAYING REPAYERS	TOTAL COST	ESTIMATE SUBSIDIZAT
14	Lincoln PSD (TWVAWC)	Boone	Amy Branch Water Extension	Extension of public water to the Amy community in the Amy Branch area of Lincoln County. Water tap fees, meters, appurtenances, 2 new customers.	3412W/1328	5/2/10	54/34	5/2/14	1.79	Yes	7% 20 Years, Admin. 30 years Disadvantaged Population	1023	40	20	0	20	$2,145,000	$1,145,000	Project meets the funding
15	Tomahawk PSD	Hancock	Tomahawk Phase 1	This project proposes to install 2 new 8-inch GPM water storage tanks. The project will include 2 tanks, 2 booster pump stations, approximately 40,000 LF of 8-inch and smaller water lines and rehabilitation the Sylvania, Grove and Drive pressurization.	3411W/1404	5/4/17	5/11/19	7/01/17	1.35	Yes	7% 20 Years, Admin. 30 years	1707	40	20	2	15	$4,242,000	$4,242,000	Project meets the need for a safe and convenient
16	Kanawha Valley PSD	Fayette	Quinton Improvements	This project will replace 6270 feet of 2-inch PVC line with 6-inch PVC line, 2 new 6-inch valves and hydrant assemblies, 1 new 6-inch valve, 1 new 6-inch PRV, 1 new 6-inch meter, 1 new 6-inch blow off assemblies, 1 new 6-inch air release assemblies, 1 new 6-inch flushing assembly, 1 new 6-inch tee, 1 new 6-inch bend, 1 new 6-inch reducer, 1 new 6-inch cap, 1 new 6-inch coupling, 1 new 6-inch plug, 1 new 6-inch cross, 1 new 6-inch 45 degree bend, 1 new 6-inch 22.5 degree bend, 1 new 6-inch 11.25 degree bend, 1 new 6-inch 90 degree bend, 1 new 6-inch 90 degree bend with 2-inch tee, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch valve, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch valve and 2-inch blow off assembly, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve and 2-inch meter, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve and 2-inch meter and 2-inch meter box, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve and 2-inch meter and 2-inch meter box and 2-inch meter box, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve and 2-inch meter and 2-inch meter box and 2-inch meter box and 2-inch meter box, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve and 2-inch meter and 2-inch meter box and 2-inch meter box and 2-inch meter box and 2-inch meter box, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve and 2-inch meter and 2-inch meter box and 2-inch meter box and 2-inch meter box and 2-inch meter box and 2-inch meter box, 1 new 6-inch 90 degree bend with 2-inch tee and 2-inch air release assembly and 2-inch blow off assembly and 2-inch valve and 2-inch meter and 2-inch meter box

2021 Funding List Detailed Description

RANKING	SYSTEM	PROJECT DESCRIPTION	DWTRF TERMS	POPULATION	ESTIMATED DATE OF CONSTRUCTION	GREEN PROJECT DESIGNATION	GREEN PROJECT RESERVE	PRINCIPAL FORGIVENESS	TOTAL DWTRF ASSISTANCE FROM GRANT	TOTAL PROJECT COST
1	Town of Franklin	The proposed project consists of a bituminous waterline crossing, upgrades at the Hanover Storage Tank, replacement of the altitude valve, and upgrades to the Morton Storage Tank. At the water treatment plant work includes; upgrade secondary water source, replace backwash pump, upgrade backwash tank, upgrade plant instrumentation, upgrade plant building, and upgrade settlement basin, installation of two 40,000 gallon clear well tanks, new	1%, 0.25% Admin, 30 years, Principal Forgiveness	1702	May-22	N/A	$0	$500,000	$1,300,000	$3,472,318
2	Chestnut Ridge PSD	This project will make improvements to the PSD's water distribution system, including water line and valve replacement, upgrading booster stations, replacing water meters and upgrades to the SCADA and telemetry systems.	1%, 0.25% Admin, 30 years, Principal Forgiveness	2,643	May-22	N/A	$0	$0	$500,000	$4,200,000
5	Town of Worthington	The project will make upgrades to the Town's distribution system and will include an interconnection between Four States and Monongah. The project also includes a water line extension to the Hunter Hill area that will serve five (5) new customers.The project will consist of the installation of approximately 18,500 LF of 6" and 18,000 LF of 2" water line; 10,000 LF of ¾" service line replacement; 28 valves; two (2) BPU Stations; 12 fire hydrants; and	1%, 0.25% Admin, 30 years, Principal Forgiveness	1,099	January-22	N/A	$0	$500,000	$2,866,390	$3,366,390
7	Town of Pineville	The Town will be making upgrades and repairs at the water treatment plant, replacing portions of the distribution system, and replacing master meters in the system. The project is requesting a DWTRF design loan.	1%, 0.25% Admin, 30 years	2,792	Design Loan Only	N/A	$0	$0	$550,000	$8,343,282
13	Richwood, City of	This project will extend water service to approx. 152 residents of Hinkle Mountain and Little Laurel Creek. To do this, the Richwood WTP and distribution will need to repaired and/or refurbished. Project will consist of replacement of settling tubes, flocculators and filter media at the WTP. All storage tanks will be inspected including telemetry. Tanks will be painted and fenced. Installation of approx. 10 miles of waterline, one booster station, and one 100,000 gallon elevated storage tank.	0.5%, Admin. Waived, 30 yrs. Principal Forgiveness	3,070	January-22	N/A	$0	$1,000,000	$3,864,500	$1,137,000
14	Lashmeet PSD (WVAWC)	Extension of public water to the Mary Branch area of Mercer County, West Virginia. 4 miles. Approximately 42 new customers.	1%, 0.25% Admin, 30 years, Principal Forgiveness	103	March-22	N/A	$0	$250,000	$798,110	$2,146,050
Total							$0	$2,250,000	$9,879,000	$22,665,040

2021 Capitalization Grant Amount: $11,100,000

$0	$2,220,000	$9,879,000
No Green Project Reserve Required	20% Minimum Principal Forgiveness Required	Total Amount of Grant Construction Funds Available*

OTHER

ATTACHMENT 4

Public Comment Process/Response

JULY 1, 2021 – JUNE 30, 2022

***DRAFT* INTENDED USE PLAN**

PUBLIC COMMENT PROCESS

The public comment for this IUP will be during the period of May 7, 2021 through June 9, 2021. OEHS will post the IUP on the website and make it available at all district offices and the central office. The draft IUP will be sent to key stakeholders for comment. A public notice will be published in the West Virginia Register (State Register) on May 7, 2021 concerning the web posting and public comment period. A public meeting will be held on June 2, 2021 at 3pm in the OEHS central office to receive public comments.

OTHER

APR 28 2021

FILED

2021 APR 30 A 11: 58

OFFICE WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

In Re:

PERSONAL TOUCH HOME CARE OF W. VA., INC.
CON File No. 21-6-12046-Z

NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held, **July 6, 2021, at 10:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **July 15, 2021, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the provision of home health services in Marion County, West Virginia.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4776/Fax • www.hca.wv.gov

analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 12:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: April 27, 2021

Barbara Skeen

Barbara Skeen, Interim Executive Director

OTHER

WEST VIRGINIA
HEALTH CARE AUTHORITY

APR 28 2021

FILED
2021 APR 30 A 11:58
OFFICE WEST VIRGINIA
SECRETARY OF STATE

In Re: **PERSONAL TOUCH HOME CARE OF W. VA., INC.**
CON File # 21-6-12046-Z

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **July 15, 2021, at 9:00 a.m.**

2. Prehearing conference date: **July 6, 2021, at 10:00 a.m.**

3. Settlement conference (optional): **N/A**

4. All replacement pages to CON application to be filed by: **May 10, 2021**
   Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

5. Motions for discovery to be filed by: **May 24, 2021**

6. Discovery completed on or before: **June 21, 2021**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **June 30, 2021**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **June 30, 2021**

OTHER

Entered this 27th day of April, 2021.

B. Allen Campbell

B. Allen Campbell
Senior Assistant Attorney General
Counsel for the West Virginia Health Care Authority

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

FILED
2021 MAY -3 A 10: 14
OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

May 3, 2021

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **April 30, 2021**.

LETTER OF INTENT RECEIVED

April 30, 20201 – Webster Memorial Hospital, Elkins, Randolph County, CON File #21-4-12081-H, to become the licensed operator of Webster County Memorial Hospital and any related facilities and services; capital expenditure: $18,330,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

April 26, 2021 – Raleigh General Hospital, Beckley, Raleigh County, CON File #21-1-12068-H, for the development of cardiac surgery services; capital expenditure: $1,150,000.

April 26, 2021 – Stonewall Jackson Memorial Hospital Company, Weston, Lewis County, CON File #21-7-12069-H, for the relocation of the hospital and construction of a new 29 bed acute care hospital; capital expenditure: $55,950,000.

April 26, 2021 – Pleasant Valley Hospital, Inc., Point Pleasant, Mason County, CON File #21-2-12070-P, for the development of an ambulatory care center through the relocation of Pomeroy Therapy Center from 518 East Main Street, Pomeroy, Ohio, to 106 Gander Lane, Mason, West Virginia; capital expenditure: $50,000.

APPLICATIONS FOR EXEMPTION RECEIVED

April 26, 2021 – Mercer Nursing & Rehabilitation Center, LLC, Bluefield, Mercer County, CON File #21-1-12079-X, for the acquisition of twelve licensed nursing home beds from Golden Living Center – Riverside.

April 28, 2021 – United Hospital Center, Inc., Bridgeport, Harrison County, CON File #21-6-12080-X, for the construction of a medical office building to be leased for pediatric outpatient services.

HEARING NOTICE

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

April 27, 2021 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #21-6-12046-Z, for the provision of home health services is Marion County; capital expenditure: $45,000.

Prehearing Conference:	**July 6, 2021, at 10:00 a.m.**
Administrative Hearing:	**July 15, 2021, at 9:00 a.m.**

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

HEARING ORDER ISSUED

April 27, 2021 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #21-6-12046-Z, for the provision of home health services is Marion County; capital expenditure: $45,000.

CERTIFICATE OF NEED APPROVALS ISSUED

April 26, 2021 - Summersville Center LLC and Whitman Properties, LLC, Charleston, Kanawha County, CON File #21-4-12039-NH, for the development of a 90-bed nursing home in Nicholas County, West Virginia; capital expenditure: $24,680,000.

April 28, 2021 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #21-6-12045-H, for the conversion of its Level III neonatal intensive care unit (NICU) to a Level IV NICU; capital expenditure: $10,000.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed:

April 28, 2021 - United Physicians Care, Inc., Morgantown, Monongalia County, CON File #20-6-12006-P, for the development of an ambulatory health care facility in Harrison County through the acquisition of a physician practice; capital expenditure: $240,824.

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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

FILED
2021 MAY -3 A 10 14
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

May 3, 2021

NEWS ITEM

The Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

April 28, 2021 - Prestera Center for Mental Health Services, Inc., Huntington, Cabell County, CON File #21-2/3-12065-P, for the provision of primary care services at its Huntington and Charleston campuses; capital expenditure: $11,800.

April 28, 2021 – Raleigh General Hospital, Beckley, Raleigh County, CON File #21-1-12068-H, for the development of cardiac surgery services; capital expenditure: $1,150,000.

April 30, 2021 – Stonewall Jackson Memorial Hospital Company, Weston, Lewis County, CON File #21-7-12069-H, for the relocation of the hospital and construction of a new 29 bed acute care hospital; capital expenditure: $55,950,000.

April 30, 2021 – Pleasant Valley Hospital, Inc., Point Pleasant, Mason County, CON File #21-2-12070-P, for the development of an ambulatory care center through the relocation of Pomeroy Therapy Center from 518 East Main Street, Pomeroy, Ohio, to 106 Gander Lane, Mason, West Virginia; capital expenditure: $50,000.

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

The review cycle begins on **April 30, 2021**.

On or before **June 1, 2021**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **June 4, 2021**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **June 29, 2021**.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the Decisions should submit a written request to Barbara Skeen, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

5/3/21
Date

Barbara Skeen/td
Barbara Skeen, Director, Certificate of Need
Health Care Authority

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
Acting Tax Commissioner

OTHER

April 29,2021

FILED
2021 MAY -3 P 2: 29
OFFICE WEST VIRGINIA
SECRETARY OF STATE

The Honorable Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, West Virginia 25305-0770

Dear Secretary Warner:

The attachments to this letter are for filing in the State Register. The attachments are the 2013 West Virginia Tax Credit Disclosure List and explanatory notes, which W. Va. Code § 11-10-5s(b) requires be published in the State Register.

If you have any questions, please advise.

Sincerely,

Matthew R. Irby
Acting Tax Commissioner

c: Dave Hardy
Cabinet Secretary

Attachments

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
Acting Tax Commissioner

April 29, 2021

FILED
2021 MAY -3 P 2: 29
OFFICE WEST VIRGINIA
SECRETARY OF STATE

The Honorable Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, West Virginia 25305-0770

Dear Secretary Warner:

The attachments to this letter are for filing in the State Register. The attachments are the 2013 West Virginia Tax Credit Disclosure List and explanatory notes for the Neighborhood Investment Program. W. Va. Code § 11-13J-10 provides an exception to the confidentiality of Taxpayer information relating to this Program. This section requires the State Tax Commissioner to "publish in the state register the name of every taxpayer asserting this credit on a tax return, and the amount of any credit asserted on a tax return."

If you have any questions, please advise.

Sincerely,

Matthew R. Irby
Acting Tax Commissioner

c: Dave Hardy
Cabinet Secretary

Attachments

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

CHERYL L. JOHNSON
CLERK

GLORIA J. LETT
DEPUTY CLERK

ROBERT F. REEVES
DEPUTY CLERK

H-154 THE CAPITOL

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

OTHER

May 3, 2021

RECEIVED
MAY 05 2021
By_____

The Honorable James C. Justice, II
Governor, State of West Virginia
State Capitol, 1900 Kanawha Blvd E
Charleston, WV 25305

Dear Governor Justice:

Pursuant to the provisions of Section 2a (b) of Title 2 of the United States Code, I am hereby transmitting to you a certificate stating the number of Representatives to which your State is entitled in the United States House of Representatives in the 118th Congress and in each subsequent Congress until a new reapportionment takes effect.

Sincerely,

Cheryl L. Johnson

Certificate of Entitlement

HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
WASHINGTON, D.C.

I, Cheryl L. Johnson, Clerk of the House of Representatives of the United States, Hereby Certify, Pursuant to the Provisions of Title 2, United States Code, Section 2a (b), That the State of

WEST VIRGINIA

Shall be Entitled, in the One Hundred Eighteenth Congress and in Each Congress Thereafter Until a Subsequent Reapportionment Shall Take Effect Under Applicable Statute, to

TWO REPRESENTATIVES

in the House of Representatives of the Congress of the United States.

In Witness Whereof I Hereto Affix My Name and the Seal of the House of Representatives of the United States of America this Third Day of May, Anno Domini 2021, in the City of Washington, District of Columbia

CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES