

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVIII

Issue 42

October 22, 2021

A Weekly Publication

Administrative Law Division

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

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Health and Human Resources

- Bureau for Public Health
- Family Protection Services Bd.

Health Care Authority

Highways, Div. of

Public Works, WV Board of

Transportation, Dept. of

Water Resources, Div. of Water & Waste Mgmt.

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RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Emergency Management (170-06)	Purchasing Policy Procedural	§5A-3-3a	Written Comments Only November 17, 2021, 4:00 pm GE McCabe 2403 Fairlawn Drive Dunbar, WV 25064 ge.mccabe@wv.gov

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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

- 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
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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
Agriculture (61-01A)	Feeding of Untreated Garbage to Swine Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-05)	Commercial Feed Legislative	6/25/2021	7/24/2021	7/27/2021 Approved 8/9/2021	7/26/2021				
Agriculture (61-07, Repeal)	Enrichment of Flour and Bread Law Regulations Legislative	6/28/2021	7/28/2021		7/28/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Agriculture (61-08C, Repeal)	Fruits and Vegetables Certification of Potatoes for Seeding Purposes Legislative	6/28/2021	7/28/2021		7/28/2021	Approved 8/19/2021			
Agriculture (61-10)	Fresh Food Act Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/15/2021 Filed 10/5/2021			
Agriculture (61-11B)	Auctioneers Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-30)	Hemp Products Legislative	6/28/2021	7/28/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/15/2021 Filed 10/5/2021			
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Agriculture (61-33)	Rural Rehabilitation Program Legislative	6/24/2021	7/24/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2021	7/24/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-39)	Seed Certification Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 10/6/2021			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/2/2021	7/6/2021		7/16/2021	Modified & Approved 8/20/2021 Filed 8/26/2021			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/1/2021	7/1/2021		7/27/2021				
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021		9/13/2021				
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021				
Community & Technical College Ed (135-08)	WV Invests Grant Program Legislative	10/8/2021	11/9/2021						
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures, Hearing Procedures Procedural	7/12/2021	8/16/2021					10/7/2021	11/5/2021
Contractor Licensing Board (28-02)	Contractor Licensing Act Legislative	6/30/2021	7/30/2021		7/30/2021				
Contractor Licensing Board (28-04)	Written Contracts for Services Procedural	7/12/2021	8/16/2021					10/7/2021	11/5/2021

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-01)	Licensing Rule Legislative	6/30/2021	7/29/2021		7/29/2021				
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021				
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Crime, Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/28/2021	7/28/2021	6/28/2021 Effective 8/9/2021	7/29/2021	Modified & Approved 9/12/2021 Filed 9/23/2021			
Dentistry (5-01)	Rule for the WV Board of Dentistry Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-02)	Formation and Approval of Professional Limited Liability Companies Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-06)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-11)	Continuing Education Requirements Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-12)	Administration of Anesthesia by Dentists Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021			
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021			
Dentistry (5-16)	Teledentistry Legislative	6/17/2021	7/17/2021	6/17/2021 Amendment 7/26/2021 Effective 9/6/2021	7/26/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-003A)	WV Board of Education Rulemaking Process (Policy 1242) Legislative Exempt	10/14/2021	11/15/2021						
Education (126-022)	Driver Education Regulations (Policy 2422.2) Legislative Exempt	8/16/2021	9/15/2021					10/14/2021	11/15/2021
Education (126-044CC)	WV College and Career-Readiness Standards for Science (Policy 2520.3C) Legislative Exempt	6/9/2021	7/12/2021					8/16/2021	7/1/2022
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202) Legislative Exempt	8/16/2021	9/15/2021					10/14/2021	11/15/2021
Education (126-189)	Intercounty Student Transfer Appeal (Policy 7212) Legislative Exempt	8/16/2021	9/15/2021					10/14/2021	11/15/2021
Education (126-201)	Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM) (Policy 8100.1) Legislative Exempt	9/9/2021	10/12/2021						
Emergency Management (170-06)	Purchasing Policy Procedural	10/18/2021	11/17/2021						
Environmental Protection, Secretary's Office (60-10)	Purchasing Procedure Procedural	8/19/2021	9/20/2021						
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021		5/12/2021				
Family Protection Services Bd. (191-01)	Operation of the Family Protection Services Board Legislative	6/30/2021	7/30/2021		7/30/2021				
THE ABOVE RULE HAS BEEN WITHDRAWN 10/19/2021									
Family Protection Services Bd. (191-02)	Domestic Violence Program Licensure Standards Legislative	6/30/2021	7/30/2021		7/30/2021				
THE ABOVE RULE HAS BEEN WITHDRAWN 10/19/2021									

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021				
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021				
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 Effective 5/11/2021	6/23/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021	Approved 9/12/2021			
Fire Commission (87-12)	Junior Firefighters Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Approved 9/12/2021			
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/23/2021	7/26/2021		7/27/2021	Approved 9/12/2021			
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/25/2021	7/27/2021		7/28/2021	Approved 9/12/2021			
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/23/2021			
Health (64-10)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-12)	Hospital Licensure Legislative	6/22/2021	7/22/2021	5/20/2021 Effective 7/1/2021	7/23/2021				
Health (64-42)	Childhood Lead Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health (64-43)	Food Manufacturing Facilities Legislative	6/30/2021	7/30/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-47)	Sewage Treatment and Collection System Design Standards Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health (64-48)	Emergency Medical Services Legislative	7/29/2021	8/30/2021	7/1/2021 Approved 7/1/2021	9/10/2021				
Health (64-57)	Clinical Laboratory Practitioner Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-97)	Maternal Risk Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health & Human Resources (69-17)	Syringe Services Program Licensure Legislative	7/15/2021	8/16/2021	7/15/2021 Effective 8/26/2021 Amendment 8/27/2021 Effective 10/8/2021	8/27/2021				
Health Care Authority (65-32)	Certificate of Need Legislative	6/29/2021	7/29/2021		7/30/2021				
Higher Education Policy Comm. (133-59)	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, College-Level Examination Program, and Nursing Career Pathways Procedural	4/30/2021	6/1/2021					10/5/2021	11/5/2021
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	9/8/2021	10/8/2021					10/12/2021	11/12/2021
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 8/19/2021			
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/1/2021	7/1/2021		7/27/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-102)	Term and Universal Life Insurance Reserve Financing Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 9/12/2021			
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/1/2021	7/1/2021		7/9/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			
Labor (42-09)	Child Labor Rule Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021			
Lottery Comm. (179-01)	WV Lottery State Lottery Rules Legislative	5/28/2021	6/29/2021		7/7/2021	Modified & Approved 9/12/2021 Filed 9/27/2021			
Lottery Comm. (179-05)	WV Limited Video Lottery Rule Legislative	6/1/2021	7/1/2021		7/8/2021	Modified & Approved 9/12/2021 Filed 9/27/2021			
Massage Therapy Licensure Bd. (194-01)	General Provisions Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021			
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021			
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-05)	Bd. Of Medicine Rule for Dispersing of Prescription Drugs by Practitioners Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021			
Medicine (11-10)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-15)	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physicians Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	5/7/2021	6/7/2021	5/7/2021 Approved 6/7/2021 Amendment 8/24/2021 Effective 10/5/2021	6/11/2021	Modified & Approved 8/18/2021 Filed 8/24/2021			
Miners Health Safety and Training (56-11, repeal)	Rule Governing First-Aid Training of Shaft and Slope Employees Legislative	5/7/2021	6/7/2021		6/11/2021	Approved 8/18/2021			
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/25/2021	7/26/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			
Miner Training Education and Certification (48-02)	Safety Training Program for Prospective Underground Coal Miners Legislative Exempt	5/3/2021	6/17/2021					9/7/2021	1/5/2022
Miner Training Education and Certification (48-03)	Safety Training Programs for Prospective Surface Coal Miners Legislative Exempt	5/3/2021	6/17/2021					9/7/2021	1/5/2022
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/25/2021	7/26/2021	6/24/2021 Effective 8/5/2021	7/27/2021	Modified & Approved 8/19/2021 Filed 8/30/2021			
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/29/2021	7/29/2021		7/29/2021	Authorized with certain amendments 9/15/2021 Filed 9/22/2021			

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Motor Vehicles (91-09)	Collection of Tax on the Sale of a Vehicle Legislative	6/11/2021	7/12/2021		7/20/2021	Modified & Approved 8/19/2021 Filed 8/30/2021			
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-25)	Boating Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-26)	Special Boating Rules Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
Natural Resources (58-30)	Wildlife Education Facilities Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-38)	Public Shooting Ranges Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
Natural Resources (58-53)	General Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/30/2021	7/29/2021		7/30/2021				
Office of Technology (163-02)	Chief Information Officer Review Legislative	6/23/2021	7/23/2021		7/30/2021				
Office of Technology (163-03)	Cyber Reporting Legislative	6/15/2021	7/15/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021			
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021 Filed 9/29/2021			
Osteopathic Medicine (24-07)	Practitioner Requirements for Controlled Substances Licensure and Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021			
Osteopathic Medicine (24-10)	Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021		7/29/2021	Modified & Approved 8/18/2021 Filed 8/24/2021			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021			
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/21/2021	8/25/2021	6/23/2021 Effective 8/4/2021	9/28/2021				
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021			
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/14/2021	7/15/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/29/2021			
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						

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						
Racing Commission (178-01)	Thoroughbred Racing Legislative	5/28/2021	6/28/2021		7/28/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-03)	Renewal of Licensure or Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-05)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/29/2021	7/30/2021		7/30/2021				
Registered Professional Nurses (19-16)	Telehealth Practice Legislative	6/30/2021 7/30/2021	7/30/2021 8/29/2021	7/2/2021 Withdrawn 7/8/2021 7/29/2021 Effective 9/9/2021	8/31/2021				
School Building Authority (164-01)	Policy and Procedures Handbook Procedural	6/30/2021	8/2/2021					9/28/2021	10/28/2021
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	9/29/2021	11/1/2021						
Sec. of WV DHHR, and WV Insurance Commissioner (114A-01)	All-Payer Claims Database – Data Submission Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Sec. of WV DHHR, and WV Insurance Commissioner (114A-02, repeal)	All-Payer Claims Database – Privacy and Security Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021				
Secretary of State (153-30)	Use of Digital Signatures Legislative	6/24/2021	7/27/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021				
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021				
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	4/28/2021	6/4/2021	4/27/2021 Effective 6/8/2021	6/9/2021				
State Emergency Response Comm. (55-03)	Requests for Information Pursuant to the Community Right to Know Act Procedural	5/12/2021	6/11/2021						
State Police (81-03)	Career Progression Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/18/2021			
Tax (110-01J)	Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative	6/4/2021	7/7/2021	6/8/2021 Effective 7/20/2021	7/30/2021				
Tax (110-13KK)	WV Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/4/2021	7/7/2021		7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021			
Tax (110-15F)	Sales Tax Holiday Legislative	5/11/2021	6/11/2021	5/7/2021 Amendment 6/3/2021 Approved 6/7/2021	6/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative	6/2/2021	7/7/2021	6/2/2021 Effective 7/14/2021	7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021			
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021			
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021			
Tax (110-24)	Corporation Net Income Tax Legislative	6/2/2021	7/7/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Transportation (217-01)	Employment Procedures Legislative	6/30/2021	7/30/2021		7/30/2021				
Treasurer (112-02)	Substitute Checks-Exceptional Items Fund Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-10)	Reporting Debt Legislative	6/28/2021	7/29/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-12)	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-13)	Procedures for Providing Services to Political Subdivisions Legislative	6/25/2021	7/26/2021		7/29/2021	Approved 8/20/2021			
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 Management, Div. of Water & Waste Mgmt. (33-01B)	Requirements for the Management of Coal Combustion Residuals Legislative	6/25/2021	7/26/2021		7/30/2021				
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	6/4/2021	7/19/2021		7/30/2021				
Water Resources, Div. of Water & Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/23/2021	7/23/2021		7/30/2021				

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Water Resources, Div. of Water & Waste Mgmt. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	9/14/2021	10/15/2021	8/19/2021 Effective 9/30/2021	10/19/2021				

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
Administration 148-06	Parking 3/1/2023	10/14/2021	10/15/2021				
Auditor 155-08	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body 7/1/2022	5/13/2021					
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021	4/27/2021	Approved 9/14/2021			
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021	4/27/2021	Approved 9/14/2021			
Dangerous Wild Animal Board 74-01	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021	Approved 8/18/2021			
Health 64-103	Expedited Paratner Therapy 6/1/2022	5/10/2021	5/10/2021	Approved 9/12/2021			
Health and Human Resources 69-11	Medication-Assisted treatment – Opioid Treatment Programs 6/1/2022	5/10/2021	5/10/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-52	Annual Reauthorization of Degree-Granting Institutions 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021	Approved 8/19/2021			
Public Service Commission 150-37	Rules Governing the Occupancy of Customer-Provided Conduit 8/1/2022	5/6/2021	8/6/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021	Approved 8/18/2021			
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021	5/10/2021				
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					

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
Secretary of State 153-03	Voter Registration at the Division of Motor Vehicles 5/23/2022	5/10/2021	5/10/2021				
Secretary of State 153-05	Voter Registration List Maintenance by the Secretary of State 5/23/2022	5/10/2021	5/10/2021				
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	Approved 8/19/2021			
Treasurer 112-06	Selection of State Depositories for Disbursement Accounts through Competitive Bidding 6/1/2022	5/6/2021	5/6/2021	Approved 8/19/2021			
Treasurer 112-07	Selection of State Depositories for Receipt Accounts 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021			
Treasurer 112-08	Procedures for Processing Payments from the State Treasury 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021			

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/18/2021
ADMINISTRATIVE LAW DIVISION

LEGISLATIVE

GENERAL DISTRIBUTION

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
129.12	01 September 2021	Uniform and Grooming Standards
135.01	01 September 2021	Temporary Employees
151.07	01 September 2021	Time Sheets
700.00	01 September 2021	Parole Supervision Rules & Regulations

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/19/2021
ADMINISTRATIVE LAW DIVISION

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: October 19, 2021

TO: Secretary of State, Mac Warner

FROM: Bill J. Crouch, Cabinet Secretary BJC

RE: Withdrawal of Rule 191 CSR 1 and 191 CSR 2

On behalf of the Department of Health and Human Resources ("Department"), I hereby withdraw the subject rules from the current rule-making cycle:

1. Operation of the Family Protection Services Board, 191 CSR 1
2. Domestic Violence Program Licensure Standards, 191 CSR 2

The Department agreed to withdraw these rules on September 15, 2021, during the Legislative Rule-Making Review Committee interim meeting.

Should you have any questions or concerns, or need further assistance, please contact Michelle L. Bradley, Legislative Affairs Counsel, at 304.558.6052.

One Davis Square, Suite 100, East • Charleston, West Virginia 25301 • 304 558-0684 • 304-558-1130 (fax) • dhhr.wv.gov

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

10/19/2021 3:48:02 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: Water Resources Division Of Water And Waste Management TITLE-SERIES: 47-30B

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

RULE NAME: 47-30B Administrative Proceedings and Civil Penatly Assessment

PRIMARY CONTACT

NAME: CHARLES STUREY

ADDRESS: WV Department Of Environmental Protection
601 57th Street Charleston
CHARLESTON, WV 25304

EMAIL: charles.s.sturey@wv.gov

PHONE NUMBER: 304-926-0499 43712

CITE STATUTORY AUTHORITY: WVa code 22-11-22a(b) and (d)

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:

A decision issued by the U.S. District Court for the Southern District of West Virginia (Judge Chambers) on March 22, 2021, in a citizens suit action against Lexington Coal Company related to administrative enforcement actions taken by the West Virginia Department of Environmental Protection (WV DEP) against coal mining NPDES permit holders. Judge Chambers held that because West Virginias NPDES enforcement program does not match the enforcement regulations of the federal Environmental Protection Agency (EPA), federal citizen suits can proceed against permit holders. 47 CSR30B 5.4 that serves as the basis for the March 2021 decision finding the state program is not comparable to the federal enforcement regulations and that state enforcement actions cannot preclude citizen suits against permit holders in federal court: This Courtholds that West Virginias administrative enforcement provisions are not comparable to the CWA because Defendant has the authority to reject the Proposed Consent Order and avoid civil penalties at any point and for any reason. The potential for abuse and manipulation of this authority undermines the purpose of the CWA, which does not require alleged violators to consent to penalties.
To address the decision and restore the ability of state NPDES enforcement actions to shield permit holders from direct actions in federal court, the coal mining NPDES enforcement rule was revised to remove the language regarding termination of enforcement proceedings at any time for any reason at 47 CSR 30B 5.4 and deleted 47 CSR 30B 8.3

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

10/18/2021 3:24:33 PM

Office of West Virginia Secretary Of State

PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Emergency Management TITLE-SERIES: 170-06

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

RULE NAME: Purchasing Policy

CITE STATUTORY AUTHORITY: 5A-3-3a

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/17/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: GE McCabe

ADDRESS: 2403 Fairlawn Drive

Dunbar, WV 25064

EMAIL: ge.mccabe@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)

Orders Report

Docket Number	Agency	Respondent	Date Rendered

None Received This Week

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 28-21

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), 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 63-20 suspended W. Va. Code § 5-10-48(c) for the sole purpose of allowing certain individuals employed by WorkForce West Virginia to be eligible to continue in their positions without suspension of their retirement annuity; and

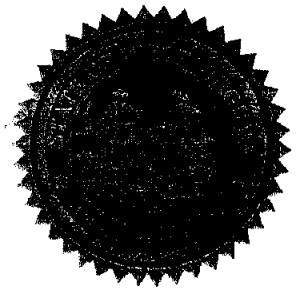
WHEREAS, there have been additional positions identified by the West Virginia Department of Health and Human Resources that would benefit from the same suspension of this statutory provision at this time, given workforce issues in a number of sectors, especially including healthcare and public health sectors, because enforcement of the provision is preventing the state from best coping with the emergency and assisting the citizens of West Virginia; 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** that, the following statutory regulation is to be suspended for the duration of the State of Emergency for the sole purpose of allowing certain individuals employed by the West Virginia Department of Health and Human Resources and local boards of health in this State, who are engaged in response to the COVID-19 pandemic as certified by the applicable agency head, to be eligible to continue in these positions without suspension of such individual's retirement annuity:

1. In the discretion of the West Virginia Consolidated Public Retirement Board who shall issue additional guidance, only with respect to temporary employees of the West Virginia Department of Health and Human Resources and local boards of health in this State, who are engaged in response to the COVID-19 pandemic as certified by the applicable agency head, the requirement that persons having retired from public employment who render post-retirement employment may not receive annual compensation in excess of $20,000 without suspending such person's retirement annuity (W. Va. Code § 5-10-48(c)).

[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 Nineteenth day of October, in the Year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-Ninth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/19/2021
ADMINISTRATIVE LAW DIVISION

OTHER

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

Bill J. Crouch
Cabinet Secretary

Ayne Amjad, MD, MPH
Commissioner & State Health Officer

MEMORANDUM

TO: Interested Parties

FROM: Stephanie Hickerson, P. E., Manager SDH
Drinking Water Treatment Revolving Fund

DATE: October 18, 2021

RE: Lashmeet PSD – Mary's Branch Line Ext. Project
Environmental Review – Finding of No Significant Impact (FONSI)
WVIJDC Project #: **2018W-1728**
SRF Project #: **19DWTRFA011**
Mercer County

Please find attached the Lashmeet Public Service District's Mary's Branch Water Line Extension Project's Finding of No Significant Impact (FONSI).

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

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

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

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

SDH

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

FINDINGS OF NO SIGNIFICANT IMPACT

October 18, 2021

TO: ALL INTERESTED PARTIES

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

Lashmeet PSD
PO Box 189
Lashmeet, WV 24733
WVIJDC Project #: **2018W-1728**
SRF Project #: 19DWTRFA011

Mary's Branch Waterline Extension Project

(Official Project Name and Number)

Lashmeet PSD
PO Box 189
Lashmeet, WV 24733

(Project Applicant)

Lashmeet PSD
Lashmeet, (Mercer County) WV

(Project Location, City, County, State)

$ 1,413,156

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 2,853,000

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the

Lashmeet PSD Waterline Extension Project

WV IJDC Project No.: **2018W-1728/** SRF Project No.: **19DWTRFA011**

OTHER

I. PROPOSED PROJECT:

The Mary's Branch Waterline Extension Project includes connecting to the Lashmeet PSD's water line, installed as part of the Giatto-Weyanoke Water Extension project, at the State Route 71 and State Route 10 intersection near the Town limits of Matoaka and extending it along the right-of-way of State Route 71 to the community of Mary's Branch. Included in this project will be approximately 13,360 lf of 8" water line, 2,234 lf of 6" water line, 5,810 lf of 2" water line and 11 fire hydrants along with all necessary valves and appurtenances.

II. PURPOSE AND NEED:

The proposed project will provide safe, dependable public water to approximately 42 potential new customers in the Mary's Branch area. Many of these residents have indicated a lack of water or poor water quality.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

With the do nothing alternative, the residents of the Mary's Branch community would continue to obtain drinking water from their private wells (and or transport water) and continue to experience erratic water supply and poor water quality. This would cause those residents to continue to utilize those sources, which is not acceptable since a readily available source of public water can be extended to those residents.

IV. EVALUATION OF ALTERNATIVES:

Do Nothing- With the do nothing alternative, the residents of the Mary's Branch community would continue to obtain drinking water from their private wells (and or transport water) and continue to experience erratic water supply and poor water quality. Adoption of this alternative would cause those residents to continue to utilize those sources, which is not acceptable since a readily available source of public water can be extended to those residents.

Separate System- This alternative involves providing a new source of water, new water storage and a new distribution main line system to provide public drinking water and fire protection to the service area. This option has the highest construction cost and life cycle cost and thus was not considered.

Extension off Existing System- This alternative involves extending water service from Lashmeet PSD to the Mary's Branch community. This project would connect the Lashmeet PSD's water line, at the State Route 71 and State Route 10 intersection near the Town limits of Matoaka and extending it along the right-of-way of State Route 71 to the community of Mary's Branch. This is the selected alternative due to the lower construction cost and life cycle cost.

V. DESCRIPTION OF EXISTING ENVIRONMENT:

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

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Arts, Culture and History, dated June 17, 2020 states: "A search of our records indicates that there are no previously documented archaeological resources located within the proposed project area. Available information suggests that a vast majority of the proposed ground disturbing activities will occur within previously disturbed areas and/or existing utility rights-of-way. Therefore, it is unlikely that significant intact deposits will be encountered during the proposed ground disturbing activities. In our opinion, the proposed water line extension project will have no effect on archaeological historic properties. No further consultation is necessary regarding archaeological resources. However, if intact cultural materials are encountered during construction, cease all activity within the area of discovery and contact this office immediately."

   A letter from the WV Division of Arts, Culture and History, dated June 17, 2020 states: "Submitted information indicates that this project consists of buried water lines. There are properties that may be over 50 years old; however, the nature of the project will not directly or indirectly effect the historical integrity of the property. There are stonewalls along the creek that may be historic; however, waterline crossings attached to the private bridges will avoid any effect on these retaining walls. It is our opinion that there are no architectural resources eligible for or included in the National Register of Historic Places that will be affected by the proposed project. No further consultation regarding architectural resources is necessary."

2. **National Historic Preservation Act of 1966** – No impact on historical sites, reference above.

3. **Clean Air Act, Pub. L. 84-159** – Letters from the WV DEP, Division of Air Quality, dated, May 26, 2020, mentions "Based upon current regulatory requirements, the project referenced above as outlined in your letter does not appear to require any pre-construction permits, authorizations, or air quality analyses by WVDAQ except to the extent that any of the three conditions" mentioned in the letter are met.

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding Lashmeet PSD Mary's Branch Water Ext. Project, dated May 29, 2020, states, "Two federally listed species could occur in the project area: the endangered Indiana bat (Myotis sodalis) and the threatened northern long-eared bat (Myotis septentrionalis) (NLEB)." The letter further states:

   "The Service does not anticipate that this project is likely to adversely affect the Indiana bat because your project: 1) will affect less than 17 acres of potential Indiana bat foraging or roosting habitat; 2) is not within any of the Indiana bat hibernacula or summer use buffers described above; 3) will not affect any potential caves or mines that

could be used as hibernacula for this species; and 4) effects to aquatic features used for foraging habitat will be insignificant."

"The NLEB may occur within the range of the proposed project and may be affected by the proposed construction and operation of this project. Any take of NLEB occurring in conjunction with these activities that complies with the conservation measures (as outlined in the 4(d) rule), as necessary, is exempted from section 9 prohibitions by the 4(d) rule and does not require site specific incidental take authorization. Note that the 4(d) rule does not exempt take that may occur as a result of adverse effects to hibernacula and that no conservation measures are required as part of the 4(d) rule unless the proposed project: 1) involves tree removal within 0.25 miles of known NLEB hibernacula; or 2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around known, occupied maternity tree during the pup season (June 1 to July 31). This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4(d) rule and no conservation measures are required.

5. **Protection of Wetlands** – A letter from the United States Army Corps of Engineers' (Corps) dated May 28, 2020, states: "Based on your description of the proposed work, and other information available, it appears the project may include the discharge of dredged and/or fill material into waters of the United States. Therefore, under Section 404, a DA authorization may be required. It is the responsibility of the applicant, or the applicant's consultant, to determine the presence and limits of potential waters of the United States, including wetlands, within the project area.

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

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated August 28, 2018 – states that "A segment of the Bluestone River in Summers County is the only river holding Wild and Scenic designation in the State."

   A permit from the WV Division of Natural Resources – dated April 1, 2021 – states that "The West Virginia Division of Natural Resources (WVDNR) hereby grants to you, from the date hereof, a License and Right of Entry to construct, replace, cover, repair, operate. maintain, use and remove a two-inch (2") pipeline at one (1) location and an eight inch (8") pipeline at two (2) separate locations (Mary Branch Waterline Extension Project) along Wide mouth Creek and Mary Branch. Rock District in Mercer County, West Virginia ..."

8. **Farmland Protection Policy** – An email from the Natural Resources Conservation Service dated May 25, 2020 states that "Based on the information provided, especially that indicated on the topo map, there appears to be only waterline in this project. If this is the case the federal agency can make the determination that no conversion of farmland will occur."

9. **Flood Plain Management** –As stated by Stacy Fowler, PE of Thomas & Litton: This line does not impact the flood plain in any permanent way, and the value of the proposed

OTHER

infrastructure is in no way affected by being within a floodplain, as it is underground infrastructure specifically designed to exist in this condition.

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council (approved September 7, 2018) and received a Bureau for Public Health construction permit (#20,750) on 8/17/2021.

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low-income populations. This project has no impact on environmental justice.

12. **Lead Paint Abatement** – There are no lead paint considerations for this project because it will involve only new water line installation.

VI. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. For this line extension project its assumed that there is no net change in the release of greenhouse gases due to the project. When providing water to new customers that have been acquiring their household's water through either a private well which runs on a pump or by hauling water using vehicles these private collection methods and the greenhouse gases released will cease. With the extension project, there may be an increase in the production capacity and plant operating time, but the increase in greenhouse gases will be offset by ending what the private water collection methods released. An energy efficiency evaluation was not conducted as part of the review. The project consists solely of water line installation with no electrical equipment.

VII. ENVIRONMENTAL CONSEQUENCES:

Primary adverse impacts will be limited to dust, noise, air pollution, and soil erosion during the construction phase of the project. These impacts should be short-term and minimized by work practices and engineering controls.

VIII. MITIGATING MEASURES:

Mitigation measures have been outlined for bat habitat and air quality disturbances during the project as noted above in Section V. Additionally, the contractor/s will be required to follow the plans and specifications for the project and abide by all permits and regulations.

IX. PUBLIC PARTICIPATION :

A public meeting took place for this project, on July 29, 2021 at 3:30PM. The PSD Meetings are held at the PSD office, are open to the public, and allow for public comment and discussion to occur if desired. The public notice, the agenda, and the sign in sheet are available for review on request. No one attended beyond the PSD board members or project consults. No one signed up to speak.

X. DOCUMENTATION:

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

Statutory Checklist

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

Project Sponsor: Lashmeet PSD **Phone:** (304)

Address: PO Box 189, Lashmeet, WV 24733

Public Water System: Lashmeet PSD **County:** Mercer

Project: Water System Improvements Project

Statutory or Regulatory Compliance	Affected By Project?		Compliance?		Mitigating Measures Required?		Mitigating Measures Complete?	References (must be included for each statute)
	Yes	No	Yes	No	Yes	No	Date or NA	
Archeological & Historic Preservation Act of 1974		X	X			X	NA	WV Div. Cult/Hist
National Historic Preservation Act of 1966		X	X			X	NA	WV Div. Cult/Hist
Clean Air Act, Pub. L. 84-159, as amended		X	X			X	During Construction Period	Contract Documents
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act	X			X	X		Do not disturb bat habitat during construction	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X		Engineer's Statement
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Polic:		X	X				NA	NRCS
Floodplain Management		X	X			X		Engineer's Statement
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH
Lead Paint Abatement on Water Tanks		X	X			X	NA	Engineer's Statement

Prepared By: Christopher Arrington, PE **Title:** Engineer

Signature: _____ **Date:** 10/18/2021 **Telephone:** 304-352-4993

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

OTHER

21 OCT 19 AM 11:33

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

October 18, 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:

October 15, 2021 - PSC Sperry Holdco, LLC, Menlo Park, California, CON File #21-3-12259-A, for the acquisition of SBHC Holdings, LLC, which will result in a change in control of Summit BHC West Virginia, LLC, the licensed operator of Highland Hospital, Highland Health Center, and Highland Residential, all located in Charleston, Kanawha County; capital expenditure: $162,000,000.

October 15, 2021 - Hospice of Huntington, Inc. d/b/a Tri-State LifeCare, Huntington, Cabell County, CON File #21-2-12269-P, for the development of a medical adult day care center to be located at 605 9th Street, Huntington, Cabell County; capital expenditure: $450,000.

October 15, 2021 - Oak Hill Clinic Corp. d/b/a Plateau Medical Group, Franklin, Tennessee, CON File #21-4-12270-P, for the operation of an existing ambulatory care center, owned and operated by Plateau Medical Group, located at 211 W. Maple Avenue, Suite A, Fayetteville, Fayette County, and the expansion of this existing location through the lease of additional adjacent office space at 131 W. Maple Avenue, Fayetteville; capital expenditure: $425,000.

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 **October 15, 2021**.

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

On or before **November 15, 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 **November 19, 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 **December 14, 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.

10/18/21
Date

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

OTHER

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

21 OCT 18 AM 11:44

October 18, 2021

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **October 15, 2021**.

LETTERS OF INTENT RECEIVED

October 12, 2021 - Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #21-4-12272-BH, for the provision of IDD Waiver services in Nicholas County; no capital expenditure.

October 12, 2021 - Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #21-6/7-12273-BH, for the provision of IDD Waiver services in Marion, Harrison, Lewis, Monongalia, Doddridge, Upshur and Randolph counties and the development of an office in Bridgeport, Harrison County; no capital expenditure.

LETTER OF INTENT WITHDRAWN

October 15, 2021 - Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #21-6/7-12273-BH, for the provision of IDD Waiver services in Marion, Harrison, Lewis, Monongalia, Doddridge, Upshur and Randolph counties and the development of an office in Bridgeport, Harrison County; no capital expenditure.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

October 12, 2021 - Hospice of Huntington, Inc. d/b/a Tri-State LifeCare, Huntington, Cabell County, CON File #21-2-12269-P, for the development of a medical adult day care center to be located at 605 9th Street, Huntington, Cabell County; capital expenditure: $450,000.

October 14, 2021 - Oak Hill Clinic Corp. d/b/a Plateau Medical Group, Franklin, Tennessee, CON File #21-4-12270-P, for the operation of an existing ambulatory care center, owned and operated by Plateau Medical Group, located at 211 W. Maple Avenue, Suite A, Fayetteville, Fayette County, and the expansion of this existing location through the lease of additional adjacent office space at 131 W. Maple Avenue, Fayetteville; capital expenditure: $425,000.

ORDER ISSUED

October 13, 2021 - Camden-On-Gauley Medical Center, Inc., Camden-On-Gauley, Webster County, CON File #21-4-12119-PV, a civil penalty of $1,000.00 is assessed for the provision of school-based health services at Cherry River Elementary School/Richwood Middle School in violation of Certificate of Need law.

PROJECT EXEMPT FROM REVIEW

October 14, 2021 - Community Health Systems, Inc., Beckley, Raleigh County, CON File #21-1-12275-X, for the development of the AccessHealth Glen Daniel Clinic to be located at 7031 Harper Road, Glen Daniel, Raleigh County. This clinic will replace the current AccessHealth Glen Daniel Clinic located at 7127 Harper Road, Glen Daniel, Raleigh County.

CERTIFICATE OF NEED APPROVAL ISSUED

October 13, 2021 - Pocahontas Memorial Hospital, Buckeye, Pocahontas County, CON File #21-4-12147-P, for the development of an ambulatory care center to be located in Hillsboro, Pocahontas County; capital expenditure: $40,000.

NOTICES OF SUBSTANTIAL COMPLIANCE

The following projects have been implemented in substantial compliance with the decisions issued in these matters and the case files are now closed:

October 13, 2021 - PathWell Health, Inc., Fairfield, CT, CON File #21-8/9-12106-A, for the acquisition of the equity interests of Caring Angels Home Health, LLC, a home health agency providing services in West Virginia and Virginia; capital expenditure: $1,355,768.

October 15, 2021 - Oak Hill Clinic Corp. d/b/a Plateau Medical Group, Franklin, Tennessee, CON File #20-1-11863-P, for the development of an ambulatory care center, including the offering of general surgery consultation services and post-surgical follow up, at 102 Brookshire Lane, Beckley, Raleigh County; capital expenditure: $2,000.

October 15, 2021 - Boone Memorial Hospital, Inc., Madison, Boone County, CON File #21-3-12059-P, for the development of an ambulatory care center at 21189 Coal River Road, Comfort, Boone County; capital expenditure: $59,224.94.

October 15, 2021 - Webster Equity Partners III-A, L.P., Waltham, MA, CON File #21-2/3/6/9-12128-A, for the acquisition of 86.57% of the ownership interests of BayMark Holdings, LLC, which, through subsidiaries, operates a licensed opioid treatment program in Morgantown, Monongalia County, and four licensed behavioral health centers located in Morgantown, Point Pleasant, Charleston and Martinsburg; capital expenditure: $2,280,000.

OTHER

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

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE
COMMISSIONER'S ORDERS

DATED

October 18, 2021

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/18/2021
ADMINISTRATIVE LAW DIVISION

WHEREAS, Chapter 17, Article 2A, Section 4, of the Official Code of West Virginia, 1931, as amended, authorizes the Commissioner of Highways to be in charge of the selection and the effective organization of all West Virginia Division of Highways personnel; and

WHEREAS, Chapter 17, Article 2A, Section 8, of the Official Code of West Virginia, 1931, as amended, authorizes the Commissioner of Highways to promulgate rules for the efficient administration of the State road program; and

WHEREAS, to provide for the proper and efficient transaction of business within the West Virginia Division of Highways, certain revisions to the present organizational structure are necessary and prudent;

NOW, THEREFORE, BE IT ORDERED that the Commissioner's Order, dated February 1, 2021, implementing the Organization Chart of the same date, pertaining to the organizational structure of the Division of Highways, be amended; and

BE IT FURTHER ORDERED that the attached West Virginia Division of Highways Organization Chart, dated February 1, 2021 supersedes all previous organization charts and is hereby established and will take effect October 18, 2021.

OTHER

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE
COMMISSIONER'S ORDERS
PAGE TWO

All provisions of this ORDER will become effective upon entry.

Entered this 18th day of October 2021.

Jimmy Wriston, P. E.
Secretary of Transportation/
Commissioner of Highways

Attachment

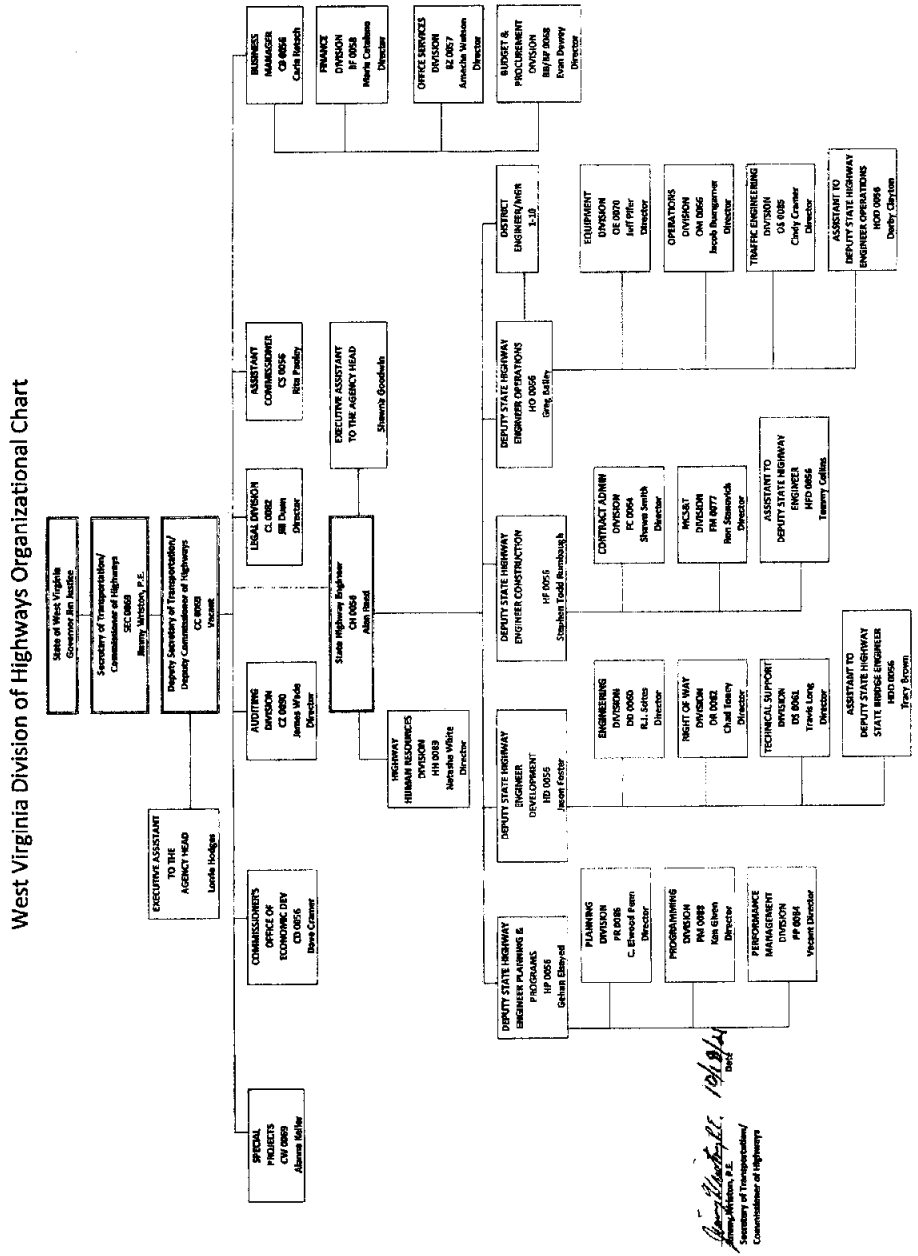
Distribution:

Administrative Staff
Division Directors
District Engineers/Managers
Office of the Governor
Department of Administration
West Virginia State Auditor
Secretary of State
Federal Highway Administration

STATE OF WEST VIRGINIA
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

Given under my hand and seal of the West Virginia Division of Highways, I do hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Commissioner of Highways, entered of record this 18th day of October 2021.

Division of Highways



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

Mac Warner
Secretary of State
State of West Virginia

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/8/2021
ADMINISTRATIVE LAW DIVISION

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

NOTICE OF PUBLIC HEARING

To: **Public Utility Companies**

From: **The Honorable Mac Warner, Secretary of State**

Date: **October 6, 2021**

Re: **WV Board of Public Works Public Hearing for Tentative Tax Assessments**

Pursuant to West Virginia Code §11-6-11, the WV Board of Public Works will hold a public hearing on Wednesday, November 10, 2021 at 10:00 a.m. in the Governor's Cabinet and Conference Room, Building 1 Suite 10 of the State Capitol Complex in Charleston, WV. The main purpose of the hearing is to provide an opportunity for public utility companies to comment concerning the Notices of Tentative Assessed Values for tax year 2022 that were distributed by the WV State Tax Department on September 15, 2021.

There will also be a teleconference line available. Those wishing to address the Board are asked to register prior to the hearing. To access the hearing teleconference line:

Dial-In Number: (304) 306-8300

Conference ID: 41386890

If you have any documents for distribution to the Board members, or to register as a speaker for the hearing please contact Maureen Lewis in the Secretary of State's office at (304) 558-6000. You may also email her at mlewis@wvsos.com. Thank you.

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
CHARLESTON, WEST VIRGINIA

OTHER

ABSTRACT FROM THE RECORDS OF THE
SECRETARY'S ORDERS

DATED

October 18, 2021

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
TIME DATE 10/18/2021
ADMINISTRATIVE LAW DIVISION

WHEREAS, Chapter 5F, Article 2, Section 2, of the Official Code of West Virginia, 1931, as amended, authorizes the Secretary of the Department of Transportation to employ persons, consolidate positions, assign duties and name persons to fill more than one position; and

WHEREAS, the aforementioned Section of the Code further authorizes the Secretary to reorganize internal functions or operations; and

WHEREAS, the aforementioned Section of the Code further authorizes the Secretary to delegate duties to or among employees; and

WHEREAS, the aforementioned Section requires the efficient, effective and economical operation of the Department of Transportation; and

WHEREAS, to promote maximum efficient and effectiveness in carrying out the duties and responsibilities for the full range of transportation services desired by the citizens of West Virginia, and her visitors, by the Department of Transportation, it is necessary and proper to organize the Office of the Secretary of the Department of Transportation and the Division of Highways in the most effective means possible;

NOW, THEREFORE, BE IT RESOLVED that all previous Secretary's Orders, Commissioner's Orders and Organization Charts pertaining to the organization structure of the Office of the Secretary and the Division of Highways be amended; and

BE IT FURTHER ORDERED that the organizational structure and personnel assignments and duties shown on the attached Department of Transportation Organization Chart dated April 9, 2021, are hereby established and will take effect immediately.

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE
SECRETARY'S ORDERS
PAGE TWO

All provisions of this ORDER will become effective upon entry.

Entered this 18th day of October 2021.

Jimmy Wriston, P. E.
Secretary of Transportation

Attachment

Distribution

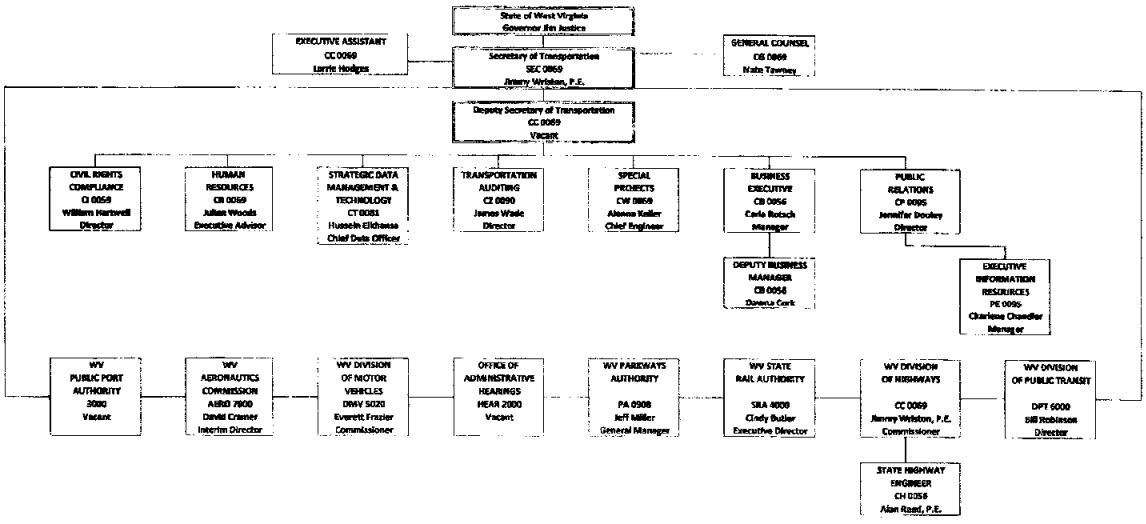
Administrative Staff
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Aeronautics Commission
State Rail Authority
Division of Public Transit
WV Parkways Authority
Office of Administrative Hearings
Office of the Governor
Department of Administration
West Virginia State Auditor
Secretary of State
Federal Highway Administration

STATE OF WEST VIRGINIA
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Given under my hand and seal of the Department of Transportation, I do hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Secretary of Transportation, entered of record this 18th day of October 2021.

Department of Transportation

West Virginia Department of Transportation
Organizational Chart



Jimmy Wriston, P.E.
Secretary of Transportation/
Commissioner of Highways

10/18/21
Date

OTHER