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Administrative Law Division

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

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Natural Resources

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Secretary of State

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RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	§30-9-5	Written Comments Only July 1, 2022, 5:00 pm Kristi Justice 405 Capitol Street, Suite 908 Charleston, WV 25301 Kristi.a.justice@wv.gov
Education (126-026)	Participation in Extracurricular Activities (Policy 2436.10) Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 13, 2022, 4:00 pm Charlene Coburn, Accountability Officer WVDE Office of Support an Accountability Capitol Building 6, Room 700 1900 Kanawha Blvd. E Charleston, WV 25305 ccoburn@k12.wv.us
Health (64-26)	Procedures Pertaining to the Dangerous Assessment Advisory Board Legislative	§27-6A-2(h)	Written Comments Only June 10, 2022, 5:00 pm April L. Robertson One Davis Square, Suite 100 East Charleston, WV 25301 april.l.robertson@wv.gov
Secondary School Activities Commission (127-01)	Constitution Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 13, 2022, 4:00 pm Bernie Dolan, Executive Director WV Secondary School Activities Commission 2875 Staunton Turnpike Parkersburg, WV 26104 Bernie.dolan@wvssac.org
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 13, 2022, 4:00 pm Bernie Dolan, Executive Director WV Secondary School Activities Commission 2875 Staunton Turnpike Parkersburg, WV 26104 Bernie.dolan@wvssac.org

Secondary School Activities Commission (127-03)	Provisions Governing Contests Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 13, 2022, 4:00 pm Bernie Dolan, Executive Director WV Secondary School Activities Commission 2875 Staunton Turnpike Parkersburg, WV 26104 Bernie.dolan@wvssac.org
Secondary School Activities Commission (127-05)	Band and Other Activities Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only June 13, 2022, 4:00 pm Bernie Dolan, Executive Director WV Secondary School Activities Commission 2875 Staunton Turnpike Parkersburg, WV 26104 Bernie.dolan@wvssac.org

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
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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.
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TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
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TITLE	143	PERSONNEL
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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
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/12/2022	7/1/2022						
Agriculture (61-08B)	Schedule of Charges for Inspection Services: Fruit Legislative	4/12/2022	5/11/2022		5/12/2022				
Agriculture (61-14A)	Rules Dealing with Noxious Weeds Legislative	3/30/2022 Hearing Notice 5/5/2022	4/29/2022 Hearing Date 6/9/2022						
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	4/18/2022	5/18/2022						
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/1/2021	7/1/2021		7/27/2021	Modified & Approved 12/8/2021 Filed 12/20/2021	Bundled SB312		
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/20/2021	Bundled SB312		
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021		9/13/2021	Modified & Approved 12/9/2021 Filed 1/3/2022	Bundled SB334	5/4/2022	8/1/2022
Chiropractic Examiners (4-06)	Fees Pertaining to the Practice of Chiropractic Legislative							4/6/2022	7/1/2022
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021	Modified & Approved 12/9/2021 Filed 12/15/2021	Bundled SB334	4/1/2022	6/30/2022
Coal Mine Health and Safety (36-23)	Surface Construction Operations Within the Coal Mining Industry of the State of WV Legislative Exempt	2/17/2022	4/4/2022						
Community & Technical College Ed (135-08)	WV Invests Grant Program Legislative	10/8/2021	11/9/2021		11/10/2021	Approved 12/5/2021	HB4291	4/5/2022	6/5/2022
Conservation Agency (63-01)	Operation of WV State Conservation Committee and Conservation Districts Legislative	5/2/2022	6/16/2022						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Conservation Agency (63-04)	Conservation District Accounting and Auditing Standards Legislative	5/2/2022	6/16/2022						
Counseling (27-01)	Licensing Rule Legislative	6/30/2021	7/29/2021		7/29/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Counselors and Licensed Marriage and Family Therapists Legislative	12/6/2021	1/14/2022	1/10/2022 Approved 1/13/2022	1/26/2022				
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	Bundled HB4141	5/5/2022	8/1/2022
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	Bundled SB334	5/3/2022	7/1/2022
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	Bundled SB334	5/2/2022	7/1/2022
Dentistry (5-03)	Fees Established by The Board Legislative							5/9/2022	8/7/2022
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	Bundled SB334	5/2/2022	7/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Bundled SB334	5/2/2022	7/1/2022
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	Bundled SB334	5/2/2022	7/1/2022
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	Bundled SB334	5/3/2022	7/1/2022
Dentistry (5-16)	Teledentistry Legislative	6/17/2021	7/17/2021	6/17/2021 Amendment 7/26/2021 Effective 9/6/2021 Amendment 12/13/2021 Effective 1/24/2022	7/26/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334	5/3/2022	7/1/2022
Economic Development Auth. (117-02)	Meetings and Meeting Notices Procedural	2/24/2022	3/28/2022					4/28/2022	6/1/2022
Education (126-004)	Rules of Procedure for Administrative Hearings and Appeals (Policy 1340) Legislative Exempt	3/9/2022	4/11/2022					5/12/2022	6/13/2022
Education (126-014)	WV Measure of Academic Progress (Policy 2340) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-015)	Reg. and English Language Proficiency Standards for English Learners and Alternate English Language Proficiency Standards for English Learners and Significant Cognitive Disabilities (Policy 2417) Legislative Exempt	2/10/2022	3/11/2022					4/14/2022	5/16/2022
Education (126-016)	Regulations for the Education of Students with Exceptionalities (Policy 2419) Legislative Exempt	4/14/2022	5/16/2022						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-026)	Participation in Extracurricular Activities (Policy 2436.10) Legislative Exempt	5/12/2022	6/13/2022						
Education (126-042)	Assuring Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
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 (126-044M)	WV College- and Career-Readiness Programs of Study/Standards for Career Technical Ed. (Policy 2520.13) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
Education (126-067)	Comprehensive School Counseling Model (Policy 2315) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-094)	Procedures for the Collection, Maintenance, and Disclosure of Student Data (Policy 4350) Legislative Exempt	3/9/2022	4/11/2022					5/12/2022	6/13/2022
Education (126-149)	Professional Learning for WV Educators (Policy 5500) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-185)	Intercounty Transfer Arrangements (Policy 7200) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
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	Modified & Approved 12/8/2021 Filed 12/16/2021	Bundled HB4114	3/31/2022	5/15/2022
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 1/7/2022	Bundled HB4141	5/5/2022	8/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/13/2021 Filed 1/7/2022	Bundled HB4141	5/5/2022	8/1/2022
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	Bundled HB4141	5/5/2022	8/1/2022
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021	Approved 9/12/2021	Bundled HB4141	5/5/2022	8/1/2022
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	Bundled HB4141	5/5/2022	8/1/2022
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	Bundled HB4141	5/5/2022	8/1/2022
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	Bundled HB4141	5/5/2022	8/1/2022
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	Bundled HB4141	5/5/2022	5/31/2022
Health (64-26)	Procedures Pertaining to the Dangerousness Assessment Advisory Board Legislative	2/4/2022 5/11/2022	3/7/2022 6/10/2022	2/4/2022 Approved 2/4/2022	3/8/2022				
Health (64-43)	Food Manufacturing Facilities Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/14/2021	Bundled HB4126	4/4/2022	5/31/2022
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	Bundled SB312		
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/1/2021	7/1/2021		7/27/2021	Approved 12/8/2021	Bundled SB312		
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	Bundled SB312		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Bundled SB312		
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	Bundled SB312	4/14/2022	7/1/2022
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	Bundled SB312	4/14/2022	7/1/2022
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	Bundled SB334	5/9/2022	6/1/2022
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 Filed 10/25/2021 2nd Filed 11/2/2021	Bundled SB334	5/9/2022	6/1/2022
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 Filed 10/25/2021	Bundled SB334	5/9/2022	6/1/2022
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021	Bundled SB334	5/9/2022	6/1/2022
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 Filed 10/25/2021	Bundled SB334	5/9/2022	6/1/2022
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 Filed 10/25/2021	Bundled SB334	5/9/2022	6/1/2022
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 Filed 10/25/2021	Bundled SB334	5/9/2022	7/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/16/2021	Bundled SB334	5/9/2022	6/1/2022
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	Bundled HB4242	4/5/2022	7/1/2022
Mining and Reclamation (38-03)	Rules for Quarrying and Reclamation Legislative	4/6/2022	5/11/2022						
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	Bundled HB4242	5/9/2022	5/9/2022
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021	Bundled HB4242	5/9/2022	5/9/2022
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	Bundled HB4242	5/9/2022	5/9/2022
Natural Resources (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021	Bundled HB4242	5/9/2022	5/9/2022
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/29/2021	Bundled HB4242	5/9/2022	5/9/2022
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	Bundled HB4242	5/9/2022	5/9/2022
Parole Board (92-01)	Procedural Rules of the WV Parole Board Eligibility, Decisions and Discharge Procedural	3/16/2022	4/15/2022						
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021	1/4/2022 Approved 1/7/2022 Withdrawn 2/1/2022	7/29/2021	Modified & Approved 8/18/2021 Filed 8/24/2021	Bundled HB4114	3/24/2022	7/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-19)	Inspections Legislative	2/3/2022	3/7/2022	1/6/2022 Approved 1/7/2022	4/4/2022				
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative						Bundled SB334	5/5/2022	8/1/2022
Racing Commission (178-01)	Thoroughbred Racing Legislative	5/28/2021	6/28/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/8/2021	Bundled SB312		
Secondary School Activities Comm. (127-01)	Constitution Legislative Exempt	5/12/2022	6/13/2022						
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/12/2022	6/13/2022						
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	5/12/2022	6/13/2022						
Secondary School Activities Comm. (127-05)	Band and Other Activities Legislative Exempt	5/12/2022	6/13/2022						
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334	5/11/2022	5/11/2022
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334	5/11/2022	5/11/2022
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	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334	5/11/2022	5/11/2022
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 12/8/2021	Bundled SB334	5/11/2022	5/11/2022
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Senior Services (76-04)	WV State Plan for Aging Programs Interpretive	3/14/2022	4/13/2022					4/14/2022	10/1/2022
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	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled SB334	4/28/2022	7/1/2022
Social Work Examiners (25-03)	Fee Schedule Legislative						Bundled SB334	4/28/2022	7/1/2022
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled SB334	4/28/2022	7/1/2022
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	Recommend Rejection 1/9/2022			
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	Bundled SB312		
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	Bundled SB312		
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	Bundled SB312		
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	Bundled SB312		
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021	Bundled SB312		
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	2/7/2022	3/9/2022					5/2/2022	6/2/2022
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	Bundled SB312		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-15)	WV College & Jumpstart Savings Programs Bd of Trustees Bylaws Procedural	4/4/2022	5/4/2022						
Treasurer (112-18)	Hope Scholarship Program Legislative	2/9/2022	3/11/2022	2/9/2022 Effective 3/23/2022 Admendment 4/22/2022 ERD by 6/3/2022	4/21/2022				
Treasurer (112-19)	WV Hope Scholarship Board Procedures and Bylaws Procedural	2/10/2022	3/14/2022					4/20/2022	5/20/2022
Workers Compensation Bd. Of Review (102-01)	Rules of Practice and Procedure and Litigation of Protests Procedural	2/23/2022	3/25/2022					4/4/2022	7/1/2022

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				
Agriculture 61-23D	Inspection of Nontraditional, Domesticated Animals 8/1/2023	11/15/2021	11/15/2021				
Athletic Commission 177-02	Regulation of Mixed Martial Arts 6/1/2023	1/27/2022	1/27/2022				
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	1/3/2022	Modified & Approved 1/9/2022 Filed 1/10/2022	Bundled SB334	5/4/2022	7/1/2022
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	HB4291	4/5/2022	6/5/2022
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	HB4291	4/5/2022	6/5/2022
Health and Human Resources 69-13	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State 3/22/2023	12/3/2021					
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021		4/8/2022	6/5/2022
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		4/8/2022	6/5/2022
Highways 157-02	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance 4/6/2023	12/17/2021					
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022 Technical Amendment Filed 8/1/2022	3/31/2021	3/31/2021	Approved 8/19/2021	Bundled SB312		
Labor 42-35	Registration of Service Persons and Service Agencies 3/30/2023	11/30/2021	11/30/2021				
Labor 42-36	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions 3/30/2023	11/29/2021	11/30/2021				

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
Natural Resources 58-11	Hunting, Fishing, and Other Outfitters and Guides 5/7/2023	11/30/2021	11/30/2021				
Natural Resources 58-64	Miscellaneous Permits and Licenses 5/7/2023	11/30/2021	11/30/2021				
Psychologists 17-06	Code of Ethics 7/1/2023	2/3/2022					
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	Bundled SB334		
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021	Approved 8/18/2021	Bundled SB312		
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
Tax 110-13DD	Farm-To-Food Bank Tax Credit 8/1/2023	3/23/2022	3/25/2022				
Tax 110-22	Property Transfer Tax 8/1/2023	3/23/2022	3/25/2022				
Tax 110-28	Municipal Sales and Service and Use Tax Administration 8/1/2023	3/23/2022	3/25/2022				
Tax 110-42	Personnel Rule for the Tax Division 8/1/2023	3/10/2022	3/25/2022				

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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5/12/2022 4:27:56 PM
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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Accountancy TITLE-SERIES: 1-01

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

RULE NAME: Board Rules and Rules of Professional Conduct

CITE STATUTORY AUTHORITY: WV Code 30-9-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/01/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Kristi Justice

ADDRESS: 405 Capitol Street, Suite 908

Charleston, WV 25301

EMAIL: kristi.a.justice@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
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5/12/2022 2:33:09 PM
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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Agriculture TITLE-SERIES: 61-08B

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

RULE NAME: 61-08B Schedule of Charges for Inspection Services: Fruit

PRIMARY CONTACT

NAME: Jennifer Greenlief

ADDRESS: West Virginia Department Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

EMAIL: jgreenlief@wvda.us

PHONE NUMBER: 304-558-3200

CITE STATUTORY AUTHORITY: §19-2-5, §19-1-4(k)

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 Commissioner may conduct cooperative work with the USDA in inspecting and determining the grade and condition of farm produce at collecting centers and shipping points. The Commissioner shall also establish and publish a schedule of charges for such inspection and grading service; and it shall be his duty and he shall have authority to collect such charges for such inspection and grading services.

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: 4/12/2022

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 5/11/2022

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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5/12/2022 3:47 PM
Office of West Virginia
Secretary Of State

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Agriculture TITLE-SERIES: 61-23D

RULE TYPE: Legislative

RULE NAME: Inspection of Nontraditional Domesticated Animals

CITE STATUTORY AUTHORITY: §19-29-1 §19-29-4

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

Extending the sunset date so that it does not expire. This change is in 1.5.

FILING DATE: 05/12/2022 EFFECTIVE DATE: 04/22/2018

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

Yes
Norman Bailey -- 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.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
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5/9/2022 1:15:07 PM
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Dentistry WV Board of TITLE-SERIES: 5-03

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

RULE NAME: Fees Established by The Board

CITE STATUTORY AUTHORITY: §§30-1-6; 30-4-6

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

Authorization is cited in (house or senate bill number) SB334

Section §64-9-7(c) Passed On 3/12/2022 12:00:00 AM

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

August 7, 2022

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

August 01, 2027

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

Yes
Susan Combs -- 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

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5/12/2022 10:28 AM
Office of West Virginia
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LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Education TITLE-SERIES: 126-004

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

RULE NAME: Rules of Procedure for Administrative Hearings and Appeals (1340)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

June 13, 2022

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

Yes

Michele L Blatt -- 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

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5/12/2022 10:38:53 AM
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Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-026

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

RULE NAME: Participation in Extracurricular Activities (2436.10)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/13/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Charlene Coburn, Accountability Officer

ADDRESS: WVDE Office of Support and Accountability, Capitol Building 6, Suite 700

1900 Kanawha Blvd. E., Charleston, West Virginia 25305

EMAIL: ccoburn@k12.wv.us

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

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5/12/2022 10:37 AM
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Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Education TITLE-SERIES: 126-094

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

RULE NAME: Procedures for the Collection, Maintenance, and Disclosure of Student Data (4350)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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

June 13, 2022

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

Yes

Michele L Blatt -- 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

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5/11/2022 10:25:22 AM
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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health TITLE-SERIES: 64-26

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

RULE NAME: Procedures Pertaining to the Dangerousness Assessment Advisory Board

CITE STATUTORY AUTHORITY: 27-6A-2(h)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/10/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

ADDRESS: One Davis Square, Suite 100 East

Charleston, WV 25301

EMAIL: april.l.robertson@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

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5/9/2022 1:58:36 PM

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LEGISLATIVE

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

AGENCY: Medicine TITLE-SERIES: 11-01A

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

RULE NAME: Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders

CITE STATUTORY AUTHORITY: W. Va. Code § 30-3-7(a)(1); § 30-1D-1(d); and § 30-1-26(b).

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

June 1, 2022

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

August 01, 2027

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

Yes

Mark A Spangler -- 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

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5/9/2022 2:06:00 PM

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Secretary Of State

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

AGENCY: Medicine TITLE-SERIES: 11-01B

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

RULE NAME: Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-7(a), §30-3E-3(a)(1)-(9), and W. Va. Code §30-1D-1(d).

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

June 1, 2022

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

August 01, 2027

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

Yes

Mark A Spangler -- 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

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5/9/2022 1:35:30 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: Medicine TITLE-SERIES: 11-05

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

RULE NAME: Dispensing of Prescription Drugs by Practitioners

CITE STATUTORY AUTHORITY: W. Va. Code §§ 30-3-7(a)(1), 30-3E-2(3) and 60A-3-301.

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

June 1, 2022

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

August 01, 2027

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

Yes

Mark A Spangler -- 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
5/9/2022 11:28:01 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: Medicine TITLE-SERIES: 11-06

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

RULE NAME: Continuing Education for Physicians and Podiatric Physicians

CITE STATUTORY AUTHORITY: W. Va. Code §30-3-7.

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

June 1, 2022

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

August 01, 2027

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

Yes

Mark A Spangler -- 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

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5/9/2022 1:21:00 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: Medicine TITLE-SERIES: 11-10

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

RULE NAME: Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database

CITE STATUTORY AUTHORITY: W.Va. Code § 60A-9-5a(c)

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

June 1, 2022

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

August 01, 2027

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

Yes

Mark A Spangler – 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
5/9/2022 11:46:54 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: Medicine TITLE-SERIES: 11-11

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

RULE NAME: Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities

CITE STATUTORY AUTHORITY: W. Va. Code §30-3-11b(d).

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

June 1, 2022

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

August 01, 2027

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

Yes

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WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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5/9/2022 11:57:31 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: Medicine TITLE-SERIES: 11-14

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

RULE NAME: Registration to Practice During Declared State of Emergency

CITE STATUTORY AUTHORITY: W. Va. Code §§ 30-3-7(a)(1) and 30-3E-3(a).

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

July 1, 2022

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

August 01, 2027

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

Yes

Mark A Spangler -- 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
5/9/2022 1:26:23 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: Medicine TITLE-SERIES: 11-15

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

RULE NAME: Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians

CITE STATUTORY AUTHORITY: W. Va. Code § 30-1-26(b).

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

Authorization is cited in (house or senate bill number) Senate Bill 334

Section §64-9-13 Passed On 3/12/2022 12:00:00 AM

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

June 1, 2022

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

August 01, 2027

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Yes

Mark A Spangler -- 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
5/9/2022 2:25:53 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: Natural Resources TITLE-SERIES: 58-23

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

RULE NAME: Revocation of Hunting and Fishing

CITE STATUTORY AUTHORITY: §20-1-7(31) and §20-2-38

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

Authorization is cited in (house or senate bill number) HB 4242

Section §64-10-3(a) Passed On 3/8/2022 12:00:00 AM

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

May 9, 2022

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

August 01, 2027

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

Yes

James Bailey -- 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
5/9/2022 2:30:19 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: Natural Resources TITLE-SERIES: 58-27

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

RULE NAME: SPECIAL MOTORBOATING REGULATIONS

CITE STATUTORY AUTHORITY: §20-7-22 and §20-7-23

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

Authorization is cited in (house or senate bill number) HB 4242

Section §64-10-3(b) Passed On 3/8/2022 12:00:00 AM

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

May 9, 2022

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

August 01, 2027

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

Yes

James Bailey -- 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
5/9/2022 2:35:06 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: Natural Resources TITLE-SERIES: 58-38

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

RULE NAME: PUBLIC

CITE STATUTORY AUTHORITY: §20-1-7(31) and 20-3-2

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

Authorization is cited in (house or senate bill number) HB 4242

Section §64-10-3(c) Passed On 3/8/2022 12:00:00 AM

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

May 9, 2022

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

August 01, 2027

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

Yes

James Bailey -- 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
5/9/2022 2:39:15 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: Natural Resources TITLE-SERIES: 58-49

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

RULE NAME: GENERAL HUNTING

CITE STATUTORY AUTHORITY: §20-1-7(31)

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

Authorization is cited in (house or senate bill number) HB 4242

Section §64-10-3(d) Passed On 3/8/2022 12:00:00 AM

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

May 9, 2022

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

August 01, 2027

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

Yes

James Bailey -- 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
5/9/2022 2:43:18 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: Natural Resources TITLE-SERIES: 58-63

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

RULE NAME: Commercial Sale of Wildlife

CITE STATUTORY AUTHORITY: §20-2-11, §20-1-7(31), and §20-2-13

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

Authorization is cited in (house or senate bill number) HB 4242

Section §64-10-3(e) Passed On 3/8/2022 12:00:00 AM

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

May 9, 2022

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

August 01, 2027

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

Yes

James Bailey – 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
5/9/2022 2:46:03 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: Natural Resources TITLE-SERIES: 58-67

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

RULE NAME: LIFETIME

CITE STATUTORY AUTHORITY: §20-2b-7

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

Authorization is cited in (house or senate bill number) HB 4242

Section §64-10-3(f) Passed On 3/8/2022 12:00:00 AM

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

May 9, 2022

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

August 01, 2027

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

Yes

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
5/12/2022 10:41:26 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-01

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

RULE NAME: Constitution

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/13/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

2875 Staunton Turnpike, Parkersburg, West Virginia 26104

EMAIL: bernie.dolan@wvssac.org

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
5/12/2022 11:27:53 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-02

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

RULE NAME: Athletics, Provisions Governing Eligibility

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/13/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

2875 Staunton Turnpike, Parkersburg, West Virginia 26104

EMAIL: bernie.dolan@wvssac.org

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
5/12/2022 11:31:31 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-03

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

RULE NAME: Provisions Governing Contests

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/13/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

2875 Staunton Turnpike, Parkersburg, West Virginia 26104

EMAIL: bernie.dolan@wvssac.org

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
5/12/2022 11:33:18 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-05

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

RULE NAME: Band and Other Activities

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/13/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

2875 Staunton Turnpike, Parkersburg, West Virginia 26104

EMAIL: bernie.dolan@wvssac.org

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
5/11/2022 2:07:39 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: Secretary Of State TITLE-SERIES: 153-25

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

RULE NAME: COMBINED VOTER REGISTRATION AND DRIVER LICENSING FUND

CITE STATUTORY AUTHORITY: W. Va. Code §§3-1A-6 and 3-2-12

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

Authorization is cited in (house or senate bill number) SB 334

Section 64-9-20(c) Passed On 3/12/2022 12:00:00 AM

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

May 11, 2022

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

August 01, 2027

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

Yes

Donald Kersey -- 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
5/11/2022 2:10:28 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: Secretary Of State TITLE-SERIES: 153-43

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

RULE NAME: REGULATION OF POLITICAL PARTY HEADQUARTERS FINANCES

CITE STATUTORY AUTHORITY: W. Va. Code § 3-8-2c

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

Authorization is cited in (house or senate bill number) SB 334

Section W. Va. Code §64-9-20(e) Passed On 3/12/2022 12:00:00 AM

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

May 11, 2022

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

August 01, 2027

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Yes

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WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
5/11/2022 2:03:04 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: Secretary Of State TITLE-SERIES: 153-45

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

RULE NAME: STANDARDS AND GUIDELINES FOR ELECTRONIC NOTARIZATION, REMOTE ONLINE NOTARIZATION, AND REMOTE INK NOTARIZATION

CITE STATUTORY AUTHORITY: W. Va. Code §§ 39-4-25, 39-4-37(h) and 39-4-38(g).

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

Authorization is cited in (house or senate bill number) SB 334

Section W. Va. Code §64-9-20(f) Passed On 3/12/2022 12:00:00 AM

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

May 11, 2022

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

August 01, 2027

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

Yes

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WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
5/11/2022 1:45:31 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: Secretary Of State TITLE-SERIES: 153-48

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

RULE NAME: REAL PROPERTY ELECTRONIC RECORDING STANDARDS AND REGULATIONS

CITE STATUTORY AUTHORITY: W. Va. Code § 39A-4-4

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

Authorization is cited in (house or senate bill number) SB 334

Section 64-9-20(g) Passed On 3/12/2022 12:00:00 AM

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

May 11, 2022

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

August 01, 2027

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

Yes

Donald Kersey -- 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.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
21-MC-THP-02000	Insurance Commission	State Farm Mutual Automobile Insurance Company	5/9/2022
21-70-W	Medicine, West Virginia Board Of	Alvaro Rafael Gutierrez, MD	5/3/2022
21-38-B	Medicine, West Virginia Board Of	Devin Mark Ciliberti, MD	5/6/2022

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2022-11	A State Agency asks whether posting a list of restaurants suggested by employees on its employee wellness website is permissible or a prohibited endorsement.
2022-12	A former Deputy Secretary of a state department asks whether he is subject to any post-employment restrictions in the Ethics Act, including the revolving door provisions.
2022-13	A State Board's Executive Director asks whether she and the Board's members must report on their Financial Disclosure Statements that a foundation is the source of a gift when the foundation reimburses their attendance and travel expenses to attend a conference hosted by the foundation.

WEST VIRGINIA ETHICS COMMISSION'S COMMITTEE ON OPEN GOVERNMENTAL MEETINGS OPINIONS	
NO.	**OPINION SOUGHT**
2022-02	The West Virginia Tobacco Use Prevention and Cessation Task Force asks whether it is subject to the Open Governmental Proceedings Act and, if so, what the requirements are for posting its meetings.

State of West Virginia
Office of the Attorney General
1900 Kanawha Blvd E
Building 1, Room 26-E
Charleston, WV 25305-0220

FILED
2022 MAY 12 A 10: 09
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AG OPINION

Patrick Morrisey
Attorney General

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

May 9, 2022

The Honorable Dave Hardy
Cabinet Secretary
West Virginia Municipal Home Rule Board
1900 Kanawha Blvd. E.
Charleston, WV 25305

Dear Secretary Hardy:

You have asked for an Opinion of the Attorney General concerning certain ordinances enacted by municipalities participating in the Municipal Home Rule Program. This Opinion is being issued under West Virginia Code § 5-3-1, which provides that the Attorney General "shall give written opinions and advice upon questions of law ... whenever required to do so, in writing, by ... any ... state officer [or] board." To the extent this Opinion relies on facts, it is based solely on the factual assertions in your correspondence with the Office of the Attorney General.

In 2007, the West Virginia Legislature created the Municipal Home Rule Pilot Program to help municipalities better "carry out their duties and responsibilities in a cost-effective, efficient, and timely manner." W. Va. Code § 8-1-5a(a). Three years ago the Legislature "made the pilot program a permanent program" and opened it up for "all West Virginia municipalities" to apply for admission. *Municipal Home Rule Program Guidelines*, West Virginia Department of Revenue, https://revenue.wv.gov/HomeRule/Documents/HomeRule.Guidelines.pdf.

Municipalities apply to the Program by submitting a plan to the West Virginia Home Rule Board—the Program's administering body. W. Va. Code § 8-1-5a(f). The Board reviews the plan, provides feedback, and ultimately decides whether to approve the plan and admit the municipality into the Program. *Id.* § 8-1-5a(e)(1)-(2). The Board has other duties, too: It reviews proposed amendments to existing plans, consults with agencies affected by new or amended plans, and "[p]erform[s] any other powers or duties necessary to effectuate the provisions" of the Program. *Id.* § 8-1-5a(e)(3)-(5).

A participating municipality "may not pass an ordinance, act, resolution, rule, or regulation, under the provisions of [the statute], that is contrary to" that municipality's written plan, the Program's authorizing statute, or certain other state and federal laws, regulations, and standards. W. Va. Code § 8-1-5a(i). Among those laws are "Chapters 60A [the Uniform Controlled Substance Act], 61 [Crimes and Their Punishment], 62 [Criminal Procedure] ... or any other provisions of [the West Virginia Code] governing state crimes and punishment." *Id.* § 8-1-5a(i)(11).

Your letter asks whether municipal ordinances imposing court fees violate this Section 8-1-5a(i)(11) prohibition. As examples, you cite five recent ordinances imposing a "Technology and Court Maintenance" fee or a "Municipal Court Administration" fee for which various municipalities requested and (for four of the five) received Board authorization:

Date Authorized	Municipality	Fee Type	Fee Amount	Date Implemented
08/2014	Morgantown	Technology and Court Maintenance	$3 - $5	04/2015
04/2016	Shepherdstown	Technology and Court Maintenance	$3 - $5	11/2016
07/2017	Elkins	Technology and Court Maintenance	$1	09/2017
01/2020	Nutter Fort	Technology and Court Maintenance	$30 - $65	N/A
N/A	Elkins	Technology and Court Maintenance	$10 (up from $1)	N/A
		Municipal Court Administrative Fee	$65	N/A

Your letter raises the following legal questions:

Do court-fee ordinances run "contrary to" statutory provisions "governing state crimes and punishment" under West Virginia Code § 8-1-5a(i)(11)? And if so, does the Board have a statutory duty to notify a municipality that the Board now considers an ordinance it previously approved to be in violation of Section 8-1-5a(i)(11)?

We conclude that while certain court-fee ordinances might violate Section 8-5-1a(i)(11), none of the example ordinances you describe appear to fall into that category. That said, if the Board were to determine that a court-fee ordinance it previously authorized violates Section 8-5-1a(i)(11), the Board might have a responsibility to notify the enacting municipality as part of its "other powers or duties necessary to effectuate the provisions of this section." *Id.* § 8-5-1a(e)(5).

Discussion

The example ordinances you describe impose anywhere from $1 to $65 in fees that cover "technology," "court maintenance," or "administrative" costs incurred by participating municipalities. There is nothing in your description of these ordinances that suggests they run "contrary" to any "provisions of [the West Virginia Code] governing state crimes and punishment." W. Va. Code § 8-1-5a(i)(11).

"Contrary" means "in conflict with." *MERRIAM-WEBSTER*, https://www.merriam-webster.com/dictionary/contrary (last visited May 6, 2022). This is "[t]he simplest … definition" of the term. *Williams v. Taylor*, 529 U.S. 362, 388 (2000) (quoting Webster's Ninth New Collegiate Dictionary 285 (1983)). The phrase "contrary to" is also "commonly understood to mean 'diametrically different,' 'opposite in character or nature,' or 'mutually opposed.'" *Id.* at 405 (quoting Webster's Third New International Dictionary 495 (1976)). This "plain meaning" of the language in Section 8-1-5a(i)(11) controls; it "is to be accepted and applied without resort to interpretation." *State v. Ward*, 245 W. Va. 157, 858 S.E.2d 207, 211 (2021) (quoting syl. pt. 2, *Crockett v. Andrews*, 153 W. Va. 714, 172 S.E.2d 384 (1970)).

What's more, the string of amendments to (what is now) Section 8-1-5a(i)(11) underscores that the Legislature's choice to use "contrary to" was intentional. When "a subsequent statute dealing with the same subject [] uses different language concerning that subject," courts "presume[]" the Legislature intended to make that "change in the law." *State v. General Daniel Morgan Post No. 548, Veterans of Foreign Wars*, 144 W. Va. 137, 144, 107 S.E.2d 353, 358 (1959). The statute's history shows that is what happened here:

- In 2007, the Legislature wrote an affirmative grant of authority to pass ordinances "not contrary to" certain provisions of the Code. W. Va. Code § 8-1-5a(c), (j)(1), S.B. 747, 78th Leg., Reg. Sess. (W. Va. 2007), effective July 1, 2007.

- In 2013, however, the Legislature exchanged this language for a broader ban on certain municipal acts "pertaining to" those and other provisions. W. Va. Code § 8-1-5a(k)(3), S.B. 435, 81st Leg., Reg. Sess. (W. Va. 2013), effective July 1, 2013 (municipalities … do not have the authority to pass an ordinance, act, resolution, rule or regulation … *pertaining to* … [c]hapters [60A, 61, and 62] of [the West Virginia Code] or state crimes and punishment" (emphasis added)).

- Then, in 2015, the Legislature reverted to granting municipalities "authority to" pass acts "*not contrary to* … [c]hapters [60A, 61, and 62] of [the West Virginia Code] or state crimes and punishment." W. Va. Code § 8-1-5a(i)(11), S.B. 323, 82nd Leg., Reg. Sess. (W. Va. 2015), effective June 12, 2015 (emphasis added).

- Finally, the current version of the statute uses the same "contrary to" phrasing: "The municipalities … may not pass an ordinance, act, resolution, rule, or regulation … that is *contrary to* … Chapters 60A, 61, and 62 of this code or any other provisions of this code governing state crimes and punishment." W. Va. Code § 8-1-5a(i)(11), S.B. 4, 84th Leg., Reg. Sess. (W. Va. 2019), effective June 7, 2019 (emphasis added).

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While "contrary" means "in conflict with," "pertain" has a broader meaning: "To relate directly to; to concern or have to do with." *Pertain*, Black's Law Dictionary (11th ed. 2019); *see also pertain*, *MERRIAM-WEBSTER*, https://www.merriam-webster.com/dictionary/pertain (last visited May 6, 2022) ("to have reference"). The Legislature's decision to amend the statute to read "pertaining to" in 2013, followed by its return to "contrary to" in 2015 and 2019, confirms that this "change in the law"—specifically, restoring a narrower limit on municipal authority—"was intended." *General Daniel Morgan*, 144 W. Va. at 144.

It is against this backdrop that we consider your example ordinances. Based on the information you provided, the ordinances do not appear to be inconsistent with state criminal law and, indeed, are fully *consistent* with the Program's broader purposes.

First, the ordinances you describe do not undermine or contradict laws "governing state crimes and punishment." W. Va. Code § 8-1-5a(i)(11). On their face, the cited "technology," "court maintenance," and "administrative" fees are about reimbursing or otherwise covering the costs of operating the judicial system, not about specific punishments for any crimes. On this logic, it is not clear whether they would "pertain[] to" the operative statutes were the 2013 version of the Code still in force. In any event, it is even more the case that a reviewing court would almost certainly find that they do not run "contrary to" those provisions. Though these fees may apply generally in criminal contexts, they lack a clear connection to the specific "crimes and punishment" those provisions govern. And because these general fees are tied to court operation costs, they do not appear to impose criminal penalties—much less ones that purport to supplant, supplement, or frustrate the aims of any punitive fines those provisions set forth. *See, e.g.*, Jeff Yungman, *The Criminalization of Poverty*, American Bar Association 34, 39 (Jan./Feb. 2019) ("While fines are primarily punitive, fees and court costs are designed to reimburse the government."). With no barrier to imposing the municipal fees *and* any state-law criminal fine, it is difficult to see how the ordinances are "in conflict with," "diametrically different," the "opposite in character or nature," or "mutually opposed" to the relevant criminal laws. *Williams*, 529 U.S. at 388, 405. Declining to interpret the example ordinances as "contrary to" certain "provisions … governing state crimes and punishment" therefore honors the statute's plain language and the Legislature's decision in 2015 to broaden municipalities' scope of authority under the Program.

Second, the example ordinances appear to honor the Legislature's express intent that the Program will allow municipalities to better address "challenges [associated with] delivering services" and "carry[ing] out their duties and responsibilities in a cost-effective, efficient, and timely manner." W. Va. Code § 8-1-5a(4)-(5). Municipalities by their very nature seek to improve public services as "demanded by their constituents." *Id.* § 8-1-5a(4). Municipal courts do this by improving the quality and efficiency of their court and case-docket operations, among other things. To that end, "technology," "court maintenance," and "administrative" costs are part of doing business. From the information you provided there is no reason to doubt that the example fees are, in fact, being used to cover those costs. Instead of standing in opposition to state criminal laws, they thus appear to advance the Program's goals.

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We do note, however, that this Opinion analyzes only whether the Board-authorized municipal court-fee ordinances you describe are contrary to Section 8-1-5a(i)(11). It is beyond the scope of your request whether these or any other potential court-fee ordinances run "contrary to" any of the other categories listed in Section 8-1-5a(i), including "[t]he Constitution of the United States or the Constitution of the State of West Virginia." W. Va. Code § 8-1-5a(i)(9). Though unlikely to be a concern on these facts, this Opinion does not analyze potential Excessive Fine Clause implications, for instance. The Opinion also does not conclude that municipal court fees could never be "contrary to" state criminal laws. For example, particularly large fees or fees imposed under circumstances that suggest they are intended to increase criminal penalties rather than pay for the municipal court system could be seen to undermine the Legislature's decisions concerning criminal penalties.

Finally, in the event the Board encounters a court-fee ordinance it authorized in the past but now determines to violate Section 8-1-5a(i)(11), the Board may have a duty to inform the municipality of its updated position. The Board has a mandatory duty—"shall"—to "[p]erform any other powers or duties necessary to effectuate the provisions of this section." W. Va. Code § 8-1-5a(e)(5). It is difficult to advise what type of hypothetical, previously approved fee might be egregious enough to make correction "necessary" as the statute describes, but if the Board determines an ordinance it previously approved falls into that category, then notifying the municipality would fall within the statutory catchall of "other powers or duties." *Id.*

In short, we conclude that although a municipal court-fee ordinance could, in theory, run "contrary to … provisions of [the West Virginia Code] governing state crimes and punishment," W. Va. Code § 8-1-5a(i)(11), none of the examples you describe appear to do so. If, however, the Board determines that a court-fee ordinance it previously authorized in fact violates Section 8-5-1a(i)(11), the Board must assess whether informing the municipality of that determination is "necessary to effectuate the provisions" of the Program. *Id.* § 8-5-1a(e)(5).

Sincerely,

Patrick Morrisey
Attorney General

Lindsay See
Solicitor General

No "Other" Documents Received
This Week