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Administrative Law Division

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RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only October 17, 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 October 17, 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
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
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TITLE	126	EDUCATION
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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		7/27/2022	Approved 9/15/2022			
Acupuncture (32-05)	Advertising by Licensed Acupuncturists Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/11/2022			
Acupuncture (32-06)	Standards of Practice of Acupuncture by Licensed Acupuncturists Legislative	6/30/2022	7/30/2022		7/30/2022	Modified & Approved 9/11/2022			
Acupuncture (32-09)	Continuing Education Requirements Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/11/2022			
Administration (148-01)	Purchasing Legislative	6/28/2022	7/28/2022	6/13/2022 Approved 6/13/2022	7/28/2022	Approved 9/11/2022			
Agriculture (61-02)	WV Apiary Law Legislative	6/2/2022	7/2/2022		7/18/2022				
Agriculture (61-08B)	Schedule of Charges for Inspection Services: Fruit Legislative	4/12/2022	5/11/2022		5/12/2022	Modified & Approved 9/11/2022			
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		6/14/2022	Modified & Approved 9/11/2022			
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	6/14/2022	7/14/2022		7/21/2022	Modified & Approved 9/11/2022			
Agriculture (61-30)	Hemp Products Legislative	6/28/2022	7/28/2022		7/28/2022	Modified & Approved 9/11/2022			
Agriculture (61-31)	Livestock Care Standards Legislative	6/2/2022	7/2/2022		7/18/2022	Modified & Approved 9/11/2022			
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	4/18/2022	5/18/2022		5/18/2022	Modified & Approved 9/11/2022			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2022	7/24/2022		7/25/2022	Modified & Approved 9/11/2022			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/1/2022	7/5/2022		7/21/2022	Approved 9/11/2022			
Air Quality (45-30)	Requirements for Operating Permits Legislative	6/1/2022	7/5/2022		7/21/2022				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/1/2022	7/5/2022		7/21/2022	Approved 9/11/2022			
Air Quallity (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/1/2022	7/5/2022		7/21/2022	Modified & Approved 9/11/2022			
Alcohol Beverage Control Comm. (175-06)	Bailment Policies and Procedures Legislative						SB312	7/1/2022	9/28/2022
Athletic Commission (177-01)	Regulation of Boxing Legislative	6/3/2022	7/5/2022		7/26/2022	Modified & Approved 9/11/2022			
Athletic Commission (177-02)	Regulation of Mixed Martial Arts Legislative	6/7/2022	7/8/2022		7/27/2022	Modified & Approved 9/11/2022			
Auditor (155-03)	Standards for Voluntary Payroll Deductions Legislative	6/27/2022	7/27/2022		7/29/2022	Approved 9/11/2022			
Auditor (155-10)	Rules for Electronic Filing of Forfeiture Data for Law Enforcement Agencies Procedural	6/27/2022	7/27/2022					8/29/2022	9/29/2022
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						
Coal Mine Health and Safety (36-57)	Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	8/12/2022	9/14/2022						
Community & Technical College Education (135-02)	Finance Legislative	6/10/2022	7/13/2022	6/10/2022 Effective 6/10/2022	7/22/2022	Approved 9/11/2022			
Community & Techncial College Education (135-27)	Workforce Development: Learn and Earn, Technical Program Development, and WV Advance Rapid Response Grants Legislative	6/10/2022	7/13/2022		7/21/2022	Approved 9/11/2022			
Community & Techncial College Education (135-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	6/13/2022	7/15/2022		7/21/2022	Approved 9/11/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Conservation Agency (63-01)	Operation of WV State Conservation Committee and Conservation Districts Legislative	5/2/2022	6/16/2022		7/12/2022	Modified & Approved 9/11/2022			
Conservation Agency (63-04)	Conservation District Accounting and Auditing Standards Legislative	5/2/2022	6/16/2022		7/12/2022	Modified & Approved 9/11/2022			
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				
Dentistry (5-09)	Application Procedures for Licensure or Certificate Procedural	7/22/2022	8/23/2022						
Dentistry (5-15)	Dental Recovery Networks Legislative	6/16/2022	7/18/2022		7/22/2022				
Economic Development, WV Dept. of (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/15/2022			
Education (126-016)	Regulations for the Education of Students with Exceptionalities (Policy 2419) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-035)	Instructional Resources (Policy 2445.40) Legislative Exempt	7/14/2022	8/15/2022					9/15/2022	10/17/2022
Education (126-172)	Handbook on Planning School Facilities (Policy 6200) Legislative Exempt	7/14/2022	8/15/2022					9/15/2022	10/17/2022
Emergency Management (170-07)	National Flood Insurance Program Legislative	6/29/2022	7/28/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Environmental Protection, Secretary's Office (60-11)	Rules for Reclamation of Solar and Wind Electricity Generating Facilities Legislative	6/27/2022	7/28/2022		7/29/2022				
Financial Institutions, Div. of (106-23)	Rule Pertaining to Money Transmission Services Legislative	6/3/2022	7/5/2022		7/27/2022	Modified & Approved 9/11/2022			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-03)	Hazardous Substance Emergency Response Training Programs Legislative	6/28/2022	7/28/2022		7/29/2022				
Fire Commission (87-05, repeal)	Certification of Home Inspectors Legislative	6/29/2022	7/29/2022		7/29/2022				
Fire Commission (87-08)	Volunteer Firefighters' Training, Equipment, and Operating Standards Legislative	6/28/2022	7/28/2022		7/29/2022				
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/28/2022	7/28/2022		7/29/2022				
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/28/2022	7/28/2022		7/29/2022				
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/28/2022	7/28/2022		7/29/2022				
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/29/2022	7/29/2022		7/29/2022				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/27/2022	7/27/2022	7/27/2022 Approved 8/11/2022	7/27/2022				
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	6/27/2022	7/27/2022		7/27/2022				
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/27/2022	7/27/2022	7/27/2022 Approved 8/11/2022	7/27/2022				
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 2nd Comment Period Withdrawn 9/1/2022				
Health (64-73)	Basic Public Health Service Standards for Local Boards of Health Legislative	6/27/2022	7/27/2022		7/28/2022				
Health (64-84)	Medical Examiner Requirements for Postmortem Inquiries Legislative	6/23/2022	7/25/2022	6/23/2022 Effective 8/4/2022	7/25/2022				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-110)	Medical Cannabis Program – Growers/Processors Legislative	6/22/2022	7/22/2022		7/22/2022				
Health (64-112)	Medical Cannabis Program – Dispensaries Legislative	6/22/2022	7/22/2022		7/22/2022				
Health and Human Resources (69-19)	Core Behavioral Health Crisis Services System Legislative	6/24/2022	7/26/2022	6/24/2022 Effective 8/5/2022	7/27/2022				
Health Care Authority (65-34)	Uniform Billing Database Legislative	6/29/2022	7/29/2022		7/29/2022				
Higher Education Policy Commission (133-02)	Higher Education Finance Policy Legislative	6/13/2022	7/13/2022	6/13/2022 Effective 6/13/2022	7/29/2022	Approved 9/11/2022			
Higher Education Policy Commission (133-32)	Tuition and Fee Policy Legislative	6/13/2022	7/13/2022		7/29/2022	Approved 9/11/2022			
Higher Education Policy Commission (133-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	6/13/2022	7/13/2022		7/29/2022	Approved 9/11/2022			
Highways (157-02)	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance Legislative	6/8/2022	7/8/2022		7/21/2022				
Highways (157-03, repeal)	Construction and Reconstruction of State Roads Legislative	6/10/2022	7/11/2022		7/21/2022				
Human Services (78-01)	Child Care Centers Licensing Legislative	6/24/2022	7/25/2022		7/27/2022				
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	6/22/2022	7/22/2022		7/27/2022				
Human Services (78-18)	Family Child Care Facility Licensing Legislative	6/23/2022	7/25/2022		7/27/2022				
Human Services (78-19)	Family Child Care Home Registration Legislative	6/23/2022	7/25/2022		7/27/2022				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-20)	Informal and Relative Family Child Care Home Legislative	6/23/2022	7/25/2022		7/27/2022				
Human Services (78-21)	Out of School Time Child Care Legislative	6/23/2022	7/25/2022		7/27/2022				
Human Services (78-25, repeal)	Goals for Foster Children Legislative	8/9/2022	9/8/2022						
Human Services (78-28)	Deemed Head Start Child Care Center Licenses Legislative	6/23/2022	7/22/2022		7/27/2022				
Insurance Comm. (114-11B)	Suitability in Annuity Transactions Legislative	6/2/2022	7/5/2022		7/19/2022	Approved 9/11/2022			
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/2/2022	7/5/2022		7/19/2022	Modified & Approved 9/11/2022			
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	7/7/2022	8/8/2022	7/1/2022 Approved 8/11/2022	8/17/2022				
Labor (42-19)	WV Board of Manufactured Housing Construction and Safety Legislative	6/23/2022	7/25/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Labor (42-32)	Supervision of Plumbing Work Legislative	6/29/2022	7/29/2022		7/29/2022	Approved 9/14/2022			
Labor (42-34)	Regulation of HVAC Work Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	6/30/2022	7/30/2022		7/30/2022	Modified & Approved 9/11/2022			
Lottery Comm. (179-09)	WV Lottery Sports Wagering Rule Legislative	6/2/2022	7/3/2022		7/21/2022	Approved 9/11/2022			
Medicine (11-01A)	Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders Legislative	6/24/2022	7/25/2022	6/24/2022 Effective 8/5/2022	7/27/2022	Approved 9/11/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/24/2022	7/25/2022	6/24/2022 Effective 8/5/2022	7/27/2022	Approved 9/11/2022			
Medicine (11-08)	Collaborative Pharmacy Practice Legislative	6/29/2022	7/29/2022	7/29/2022 Approved 8/11/2022	7/29/2022	Approved 9/11/2022			
Medicine (11-16)	Prohibiting Sexual Misconduct by Health Care Practitioners Legislative	6/24/2022	7/25/2022		7/28/2022	Approved 9/11/2022			
Mining and Reclamation (38-03)	Rules for Quarrying and Reclamation Legislative	4/6/2022	5/11/2022		5/26/2022				
Motor Vehicles (91-01)	Administrative Due Process Legislative	6/29/2022	7/29/2022		7/30/2022	Approved 9/11/2022			
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/28/2022	7/28/2022		7/30/2022	Modified & Approved 9/11/2022			
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Nonrenewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	6/29/2022	7/28/2022		7/30/2022	Modified & Approved 9/11/2022			
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/28/2022	7/27/2022		7/29/2022	Authorized w/Certain Amendments &Approved 9/11/2022			
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/28/2022	7/27/2022		7/29/2022	Approved 9/11/2022			
Optometry (14-12)	Optometric Telehealth Practice Legislative	6/29/2022	7/29/2022	8/25/2022 ERD by 10/6/2022	7/30/2022	Modified & Approved 9/16/2022			
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/28/2022	7/28/2022	6/28/2022 ERD by 8/9/2022	7/29/2022	Approved 9/11/2022			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/29/2022	7/29/2022		7/29/2022				
Pharmacy (15-02)	Rules for the Uniform Controlled Substances Act Legislative	6/28/2022	7/28/2022		7/29/2022				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/28/2022	7/28/2022		7/29/2022				
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/28/2022	7/28/2022		7/29/2022				
Pharmacy (15-19)	Inspections Legislative	2/3/2022	3/7/2022	1/6/2022 Approved 1/7/2022	4/4/2022				
Pharmacy (15-20)	Donated Drug Repository Program Legislative	6/28/2022	7/28/2022		7/29/2022				
Public Service Commission (150-38)	Rule for the Government of Pole Attachments Legislative Exempt	6/16/2022	8/1/2022						
Public Service Commission (150-40)	Trench Sharing Rule Legislative Exempt	6/16/2022	8/1/2022						
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	5/18/2022	6/16/2022	8/5/2022 Approved 8/11/2022	7/27/2022	Approved 9/11/2022			
Registered Professional Nurses (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	5/16/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-08)	Limited Prescriptive Authority in Nurses in Advanced Practice Legislative	5/16/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-11)	Continuing Education and Competence Legislative	5/17/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-12)	Fees for Services Rendered by the Board Legislative	5/17/2022	6/16/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-14)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	5/16/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022			
Registered Professional Nurses (19-16)	Telehealth Practice; Requirements; Definitions Legislative	5/16/2022	6/15/2022		7/26/2022	Approved 9/12/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	9/15/2022	10/17/2022						
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	9/15/2022	10/17/2022						
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	6/30/2022	7/31/2022		8/1/2022	Modified & Approved 9/11/2022			
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/27/2022	7/28/2022		7/29/2022	Modified & Approved 9/11/2022			
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Secretary of State (153-54)	Administrative Procedures for the Nonpublic Funding for Election Administration Fund Legislative	6/30/2022	7/31/2022	6/2/2022 Effective 7/14/2022	8/1/2022	Modified & Approved 9/11/2022			
Sec. of WV DHHR and WV Insurance Commissioner (114A-03)	All-Payer Claims Database – Submission Manual Legislative	6/28/2022	7/28/2022		7/29/2022				
Senior Services (76-04)	WV State Plan for Aging Programs Interpretive	3/14/2022	4/13/2022					4/14/2022	10/1/2022
State Police (81-10)	WV State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline Legislative	6/29/2022	7/28/2022		7/29/2022				
Tax (110-01J)	Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative	6/13/2022	7/13/2022	6/13/2022 Approved 7/1/2022	7/29/2022				
Tax (110-13X)	WV Film Industry Investment Act Legislative	6/3/2022	7/3/2022		7/26/2022	Modified & Approved 9/11/2022			
Tax (110-28)	Municipal Sales and Use Tax Administration Legislative	6/3/2022	7/3/2022		7/26/2022	Modified & Approved 9/11/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/27/2022	7/27/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Treasurer (112-15)	WV College & Jumpstart Savings Programs Bd. Of Trustees Bylaws Procedural	7/12/2022	8/11/2022					8/26/2022	9/26/2022
Treasurer (112-18)	Hope Scholarship Program Legislative	2/9/2022	3/11/2022	2/9/2022 Effective 3/23/2022 Admendment 4/22/2022 Effective 6/3/2022	4/21/2022				
Treasurer (112-20)	Jumpstart Savings Program Legislative	5/19/2022	6/20/2022	5/20/2022 Effective 7/1/2022 Amendment 8/4/2022 Approved 8/11/2022	7/22/2022	Modified & Approved 9/11/2022 Filed 9/15/2022			
Waste Management, Div. of Water & Waste Mgmt. (33-10)	Recycling Assistance Grant Program Legislative	6/29/2022	7/29/2022		7/29/2022				
Waste Management, Div. of Water & Waste Mgmt. (33-13)	Reclamation of Abandoned and Dilapidated Properties Grant Program Legislative	6/28/2022	7/28/2022		7/29/2022				

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 8/1/2023	10/14/2021	10/15/2021	Authorized w/Certain Amendments & Approved 9/15/2022			
Agriculture 61-23D	Inspection of Nontraditional, Domesticated Animals 8/1/2023	11/15/2021	11/15/2021	Modified & Approved 9/11/2022			
Community & Technical College Education 135-12	Capital Project Management 6/8/2023	6/13/2022	6/13/2022				
Community & Technical College Education 135-55	Human Resources Administration 7/9/2023	6/13/2022	6/13/2022				
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence 6/30/2023	6/28/2022	7/29/2022				
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	6/22/2022	Modified & Approved 9/11/2022			
Health Care Authority 65-13	Financial Disclosure Rule 8/1/2023	8/19/2022	8/24/2022				
Higher Education Policy Commission 133-12	Capital Project Management 6/4/2023		6/14/2022	Approved 6/12/2022			
Higher Education Policy Commission 133-42	West Virginia Higher Education Grant Program 8/5/2022		6/14/2022 Emergency 8/2/2022 Effective 8/2/2022	Approved 6/12/2022			
Higher Education Policy Commission 133-55	Human Resources Administration 6/4/2023		6/14/2022	Approved 6/12/2022			
Highways 157-02	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance 4/6/2023	12/17/2021	7/21/2022				
Labor 42-35	Registration of Service Persons and Service Agencies 3/30/2023	11/30/2021	11/30/2021	Modified & Approved 9/11/2022 Filed 9/15/2022			

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
Labor 42-36	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions 3/30/2023	11/29/2021	11/30/2021	Modified & Approved 9/11/2022 Filed 9/15/2022			
Natural Resources 58-11	Hunting, Fishing, and Other Outfitters and Guides 5/7/2023	11/30/2021	11/30/2021	Authorized as Modified w/Certain Amendments & Approved 9/11/2022			
Natural Resources 58-64	Miscellaneous Permits and Licenses 5/7/2023	11/30/2021	11/30/2021	Authorized as Modified w/Certain Amendments & Approved 9/11/2022			
Psychologists 17-06	Code of Conduct 7/1/2023	2/3/2022	9/7/2022				
Tax 110-13DD	Farm-To-Food Bank Tax Credit 8/1/2023	3/23/2022	3/25/2022	Approved 9/11/2022			
Tax 110-22	Property Transfer Tax 8/1/2023	3/23/2022	3/25/2022	Approved 9/11/2022			
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	Approved 9/11/2022			

FILED

2022 SEP -9 A 11: 39

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

GENERAL DISTRIBUTION

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
424.01	01 October 2022	Medical Co-Payments & Health Services Requests

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/15/2022 10:59 AM
Office of West Virginia
Secretary Of State

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

AGENCY: Education TITLE-SERIES: 126-035

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

RULE NAME: Instructional Resources (2445.40)

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:

October 17, 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

eFILED
9/15/2022 9:25 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Education TITLE-SERIES: 126-172

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

RULE NAME: Handbook on Planning School Facilities (6200)

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:

October 17, 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 BOARD OF EDUCATION
Capitol Building 6, Suite 600
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
Telephone: 304.558.3660

FILED
2022 SEP 15 P 12: 17
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

September 15, 2022

The Honorable Mac Warner
Secretary of State
State of West Virginia
Capitol Building 1, Suite 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Secretary Warner:

The West Virginia Board of Education, at its September 14, 2022, meeting, repealed effective October 17, 2022, 126CSR173, Policy 6201, Floor Covering in Public Schools, filed July 14, 2000, and effective August 14, 2000

Relevant portions of Policy 6201 have been incorporated into 126CSR172, Policy 6200, Handbook on Planning School Facilities, filed September 14, 2022, and effective October 17, 2022.

Thank you for your attention to this matter.

Sincerely,

Michele L. Blatt

Michele L. Blatt
Deputy Superintendent of Academic
Achievement and Support
West Virginia Department of Education

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/15/2022 12:10:10 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Emergency Management

RULE TYPE: Legislative TITLE-SERIES: 170-07

RULE NAME: National Flood Insurance Program

CITE AUTHORITY: W. Va. Code 15-5-20b(c)

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Brandolyn N Felton-Ernest -- 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
9/15/2022 3:44:12 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Labor

RULE TYPE: Legislative TITLE-SERIES: 42-19

RULE NAME: Board of Manufactured Housing Construction and Safety Rule

CITE AUTHORITY: W. Va. Code §21-9-4

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Mitchell E Woodrum -- 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
9/15/2022 2:45:18 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Labor

RULE TYPE: Legislative TITLE-SERIES: 42-34

RULE NAME: Regulation of HVAC Work

CITE AUTHORITY: W. Va. Code §21-16-5 and §21-17-12

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Mitchell E Woodrum -- 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

ADMINISTRATIVE LAW DIVISION

eFILED
9/15/2022 12:08:08 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Labor

RULE TYPE: Legislative TITLE-SERIES: 42-35

RULE NAME: Registration of Service Persons and Service Agencies

CITE AUTHORITY: W. Va. Code §§47-1-3(c) and 47-1-8(b)

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Mitchell E Woodrum -- 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
9/15/2022 12:06:08 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Labor

RULE TYPE: Legislative TITLE-SERIES: 42-36

RULE NAME: Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions

CITE AUTHORITY: W. Va. Code §§47-1-3(c) and 47-1-21(d)

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Mitchell E Woodrum -- 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

ADMINISTRATIVE LAW DIVISION

eFILED
9/13/2022 2:26 PM

Office of West Virginia
Secretary Of State

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Public Service Commission TITLE-SERIES: 150-05

RULE TYPE: LegislativeExe
mpt

RULE NAME: Rules for the Government of Sewer Utilities

CITE STATUTORY AUTHORITY: 24-1-1, 24-1-7, 24-2-1, 24-2-2, and 24-2H-1

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

1)Rule 3.14. Corrected a typographical error by changing the reference to Sewer Rule 7.5 to Sewer Rule 7.4.;
2)Rule 6 corrected a typographical error in the rule number changing § 150 5 64 to § 150-5-6;
3)Rule 6.1.6.c. changed Section 1 to Section 6.1.6.a.;
4)Rule 6.4.3.a. added a period after 6.4.3.a;
5)Rule 6.5.1. and 7.4.8.g. changed he to the customer;
6)Rule 6.8.2.i.1. changed capital A in Amount to lower case;
7)Rule 6.8.4.a. added a period after 6.8.4.a;
8)Rule 6.9.1. changed he to that applicant;
9)Rule 6.11.3.c. added commas and and in a series;
10)Rule 7.3.8. added (2) after two;
11)Rule 7.4.8.g. changed he to the customer;
12)Rule 7.4.9.a. added a period after 7.4.9.a;
13)Rue 9.1.1.b. added (10);
14)Rule 10.7.4. - added a line between request: and (a);
15)Form 8 removed the name of a previous Executive Secretary and replaced it with Executive Secretary;
16)Rules 4.7.3., 6.4.3.a. and 7.4.8.g. removed underlining that should have been removed before filing; and
17)Corrected spacing errors throughout.

FILING DATE: 09/13/2022 EFFECTIVE DATE: 09/14/2021

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

Yes

Jane Neal – 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
9/13/2022 2:31 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF TECHNICAL AMENDMENT

AGENCY: Public Service Commission TITLE-SERIES: 150-07

RULE TYPE: LegislativeExe
mpt

RULE NAME: Rules for the Government of Water Utilities

CITE STATUTORY AUTHORITY: 24-1-1, 24-1-7, 24-2-1, 24-2-2, and 24-2H-1

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

(1)Rules 4.2.1. and 4.7.3. deleted underscore and commas;
(2)Rule 4.5.2. added the between observe and system of accounts;
(3)Rule 6.1.6.b. deleted s at the end of connection;
(4)Rule 7.5.7.c. changed subdivision to Water Rule to make it consistent with other language in these rules;
(5)Rule 7.6.1. added the remedial actions it proposes to take after the utility will state. The version of the final rules filed on July 16, 2021 showing edits included this language, but the clean version of the rules mistakenly deleted the language;
(6)Form 8 removed the name of a previous Executive Secretary and replaced it with Executive Secretary;
(7)Rules 3.14., 3.16., 6.1.7.f. and i., 6.3.5., 6.4.1., 7.2.8., 7.3.1., 7.3.2., 7.4.1., 7.5.7.a.2., 7.5.8.h., 7.5.8.j.3., 7.8.1., 8.1.1, 8.3.4., 8.6.1., 8.6.2, 8.6.3, and Water Form Nos. 5, 6, 8, and 9 remove strikethrough and underline;
(8)Rules 6.1.7.i., 6.8.1.i.2., 7.3.4., 7.3.8., 7.5.5.c., 8.4.3., and 8.6.3. - correcting spacing or punctuation errors; and
(9)Form Nos. 1 through 10 - Added header 150CSR7 to page one of Form No. 1 and added page numbers for all forms.

FILING DATE: 09/13/2022 EFFECTIVE DATE: 09/14/2021

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

Yes
Jane Neal -- 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
9/15/2022 9:26:39 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 (WVSSAC Series 2)

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: 10/17/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

2875 Staunton Tumpike, 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
9/15/2022 9:28:43 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 (WVSSAC Series 3)

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: 10/17/2022 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
9/15/2022 11:27:48 AM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Treasurer

RULE TYPE: Legislative TITLE-SERIES: 112-05

RULE NAME: Enforcement of the Uniform Unclaimed Property Act

CITE AUTHORITY: §36-8-28

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

James G Fuerhoff -- 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
9/15/2022 3:46:18 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Treasurer

RULE TYPE: Legislative TITLE-SERIES: 112-20

RULE NAME: Jumpstart Savings Program

CITE AUTHORITY: §18 30A 6; §18 30A 16

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

James G Fuerhoff -- 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 Oversight Commission on Education Accountability
WEST VIRGINIA LEGISLATURE
State Capitol Building
Charleston, WV 25305

Senate Education Committee
Phone (304) 357-7805
Room M-417

House Education Committee
Phone (304) 340-3265
Room M-434

FILED
2022 SEP 13 P 2:36
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LOCEA

NOTICE OF ACTION TAKEN BY LEGISLATIVE OVERSIGHT

COMMISSION ON EDUCATION ACCOUNTABILITY

September 11, 2022

TO: The Hon. Mac Warner, Secretary of State, State Register

TO: Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, West Virginia 25301

FROM: Legislative Oversight Commission on Education Accountability

PROPOSED RULE: WVCCTCE, 135 CSR 2, Performance-Based Funding Formula

1. The Legislative Oversight Commission on Education Accountability recommends that the West Virginia Legislature:
   A. Authorize the agency to promulgate the legislative rule
      a. as originally filed ___X___
      b. as modified by the agency _____
      c. as amended by LOCEA _____
   B. Authorize the agency to repeal the legislative rule. _____

2. The Legislative Oversight Commission on Education Accountability recommends that
   A. the rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   B. the emergency rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   C. the emergency rule be refiled as recommended to be amended by LOCEA. _____

Pursuant to Code §29A-3A-12, this notice had been filed in the State Register and with the agency proposing the rule.

Legislative Oversight Commission on Education Accountability
WEST VIRGINIA LEGISLATURE
State Capitol Building
Charleston, WV 25305

Senate Education Committee
Phone (304) 357-7805
Room M-417

House Education Committee
Phone (304) 340-3265
Room M-434

FILED
2022 SEP 13 P 2:37
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF ACTION TAKEN BY LEGISLATIVE OVERSIGHT

COMMISSION ON EDUCATION ACCOUNTABILITY

September 11, 2022

TO: The Hon. Mac Warner, Secretary of State, State Register

TO: Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, West Virginia 25301

FROM: Legislative Oversight Commission on Education Accountability

PROPOSED RULE: WVCCTCE, 135 CSR 27, Workforce Development Initiative Grant Programs: Learn and Earn, Technical Program Development, and WV Advance Rapid Response Grants

1. The Legislative Oversight Commission on Education Accountability recommends that the West Virginia Legislature:
   A. Authorize the agency to promulgate the legislative rule
      a. as originally filed ___X___
      b. as modified by the agency _____
      c. as amended by LOCEA _____
   B. Authorize the agency to repeal the legislative rule. _____

2. The Legislative Oversight Commission on Education Accountability recommends that
   A. the rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   B. the emergency rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   C. the emergency rule be refiled as recommended to be amended by LOCEA. _____

Pursuant to Code §29A-3A-12, this notice had been filed in the State Register and with the agency proposing the rule.

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COMMISSION ON EDUCATION ACCOUNTABILITY

September 11, 2022

TO: The Hon. Mac Warner, Secretary of State, State Register

TO: Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, West Virginia 25301

FROM: Legislative Oversight Commission on Education Accountability

PROPOSED RULE: WVCCTCE, 135 CSR 52, Annual Reauthorization of Degree-Granting Institutions

1. The Legislative Oversight Commission on Education Accountability recommends that the West Virginia Legislature:
   A. Authorize the agency to promulgate the legislative rule
      a. as originally filed ___X___
      b. as modified by the agency _____
      c. as amended by LOCEA _____
   B. Authorize the agency to repeal the legislative rule. _____

2. The Legislative Oversight Commission on Education Accountability recommends that
   A. the rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   B. the emergency rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   C. the emergency rule be refiled as recommended to be amended by LOCEA. _____

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NOTICE OF ACTION TAKEN BY LEGISLATIVE OVERSIGHT

COMMISSION ON EDUCATION ACCOUNTABILITY

September 11, 2022

TO: The Hon. Mac Warner, Secretary of State, State Register

TO: Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, West Virginia 25301

FROM: Legislative Oversight Commission on Education Accountability

PROPOSED RULE: WVHEPC, 133 CSR 2, Higher Education Finance Policy

1. The Legislative Oversight Commission on Education Accountability recommends that the West Virginia Legislature:
   A. Authorize the agency to promulgate the legislative rule
      a. as originally filed ___X___
      b. as modified by the agency _____
      c. as amended by LOCEA _____
   B. Authorize the agency to repeal the legislative rule. _____

2. The Legislative Oversight Commission on Education Accountability recommends that
   A. the rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   B. the emergency rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   C. the emergency rule be refiled as recommended to be amended by LOCEA. _____

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2022 SEP 13 P 2:36

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Legislative Oversight Commission on Education Accountability

WEST VIRGINIA LEGISLATURE
State Capitol Building
Charleston, WV 25305

Senate Education Committee
Phone (304) 357-7805
Room M-417

House Education Committee
Phone (304) 340-3265
Room M-434

NOTICE OF ACTION TAKEN BY LEGISLATIVE OVERSIGHT

COMMISSION ON EDUCATION ACCOUNTABILITY

September 11, 2022

TO: The Hon. Mac Warner, Secretary of State, State Register

TO: Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, West Virginia 25301

FROM: Legislative Oversight Commission on Education Accountability

PROPOSED RULE: WVHEPC, 133 CSR 32, Tuition and Fee Policy

1. The Legislative Oversight Commission on Education Accountability recommends that the West Virginia Legislature:
   A. Authorize the agency to promulgate the legislative rule
      a. as originally filed ___X___
      b. as modified by the agency _____
      c. as amended by LOCEA _____
   B. Authorize the agency to repeal the legislative rule. _____

2. The Legislative Oversight Commission on Education Accountability recommends that
   A. the rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   B. the emergency rule be withdrawn; a statement of reasons for such recommendation is attached. _____
   C. the emergency rule be refiled as recommended to be amended by LOCEA. _____

Pursuant to Code §29A-3A-12, this notice had been filed in the State Register and with the agency proposing the rule.

FILED

2022 SEP 13 P 2:36

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Legislative Oversight Commission on Education Accountability

WEST VIRGINIA LEGISLATURE
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NOTICE OF ACTION TAKEN BY LEGISLATIVE OVERSIGHT

COMMISSION ON EDUCATION ACCOUNTABILITY

September 11, 2022

TO: The Hon. Mac Warner, Secretary of State, State Register

TO: Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, West Virginia 25301

FROM: Legislative Oversight Commission on Education Accountability

PROPOSED RULE: WVHEPC, 133 CSR 52, Annual Reauthorization of Degree-Granting Institutions

1. The Legislative Oversight Commission on Education Accountability recommends that the West Virginia Legislature:
   A. Authorize the agency to promulgate the legislative rule
      a. as originally filed ___X___
      b. as modified by the agency _____
      c. as amended by LOCEA _____
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Pursuant to Code §29A-3A-12, this notice had been filed in the State Register and with the agency proposing the rule.

FILED

2022 SEP 15 P 4: 25

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LRMRC

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Kristi Justice
Accountancy, Board of
405 Capitol Street
Suite 908
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Board Rules and Rules of Professional Conduct, 1-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: x
   - (B) as modified by the agency: ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

FILED

2022 SEP 15 P 4: 33

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Lynda Lyter
Acupuncture, WV Board of
179 Summers Street
Suite 711
Charleston, WV

From: Legislative Rule-Making Review Committee

Proposed Rule: Advertising by Licensed Acupuncturists, 32-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: ____
   - (B) as modified by the agency: x
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
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2022 SEP 15 P 4:33

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Lynda Lyter
Acupuncture, WV Board of
179 Summers Street
Suite 711
Charleston, WV

From: Legislative Rule-Making Review Committee

Proposed Rule: Standards of Practice of Acupuncture by Licensed Acupuncturists, 32-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

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2022 SEP 15 P 4:33

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Lynda Lyter
Acupuncture, WV Board of
179 Summers Street
Suite 711
Charleston, WV

From: Legislative Rule-Making Review Committee

Proposed Rule: Continuing Education Requirements, 32-09

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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FILED

2022 SEP 16 A 8:32

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Samantha Knapp
Administration, WV Department of
2019 Washington St. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Purchasing, 148-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: X
   - (B) as modified by the agency: ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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2022 SEP 16 A 8:32

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 15, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Misty Peal
Administration, WV Department of
1900 Kanawha Boulevard E
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Parking, 148-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: ____
   - (B) as modified by the agency: ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. X
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Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

Legislative Rule Making Review Committee

Childs 7949

CSR # 148 CSR 06 Date: 9/15/22

Chairman Foster of the Legislative Rule Making Review Committee moved to amend the rule on page 2, section 5, by striking out the text of section 5.1 in its entirety and and inserting in lieu thereof the following text: "5.1. Parking may be provided, at the discretion of the Secretary, to state spending units. The spending unit shall provide for parking in accordance with the parking allocation policies of the spending unit, subject to this rule. The fee to park, to be paid by the spending unit, shall be $20 per month per employee using a designated parking space. Payment by the spending unit shall be made in accordance with the policies of the Secretary. The Secretary may charge a reasonable fee to replace a parking tag or access card issued to a public officer or employee which shall be paid by the public officer or employee."

Adopted

Rejected

FILED

2022 SEP 15 P 1:37

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Schedule for Charges for Inspection Services: Fruit, 61-08B

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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2022 SEP 15 P 1:38

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Rules Dealing With Noxious Weeds, 61-14A

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Grade A Pasteurized Milk, 61-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

FILED
2022 SEP 15 P 1:38
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Inspection of Nontraditional Domesticated Animals, 61-23D

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

FILED
2022 SEP 15 P 1:38
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Hemp Products, 61-30

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Livestock Care Standards, 61-31

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
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2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Farm-To-Food Bank Tax Credit, 61-36

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Greenlief
Agriculture, WV Department of
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Farmers Market, 61-38

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins
DEP - Air Quality
WV Department if Environmental Protection, DAQ
601 57th Street, SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Standards of Performance for New Stationery Sources, 45-16

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency _____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins
DEP - Air Quality
WV Department if Environmental Protection, DAQ
601 57th Street, SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Emission Standards for Hazardous Air Pollutants, 45-34

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed — X
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sandra Adkins
DEP - Air Quality
WV Department if Environmental Protection, DAQ
601 57th Street, SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Ozone Season Nitrogen Oxides Emissions, 45-40

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Lauren D. Mahaney
Athletic Commission, WV State
State Capitol Complex, Building 1
Room W435
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulation of Boxing, 177-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Lauren D. Mahaney
Athletic Commission, WV State
State Capitol Complex, Building 1
Room W435
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulation of Mixed Martial Arts, 177-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Vincent Smith
Auditor, Office of the State
1900 Kanawha Boulevard
Building 1, Suite W-100
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Standards for Voluntary Payroll Deductions, 155-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Belinda G. Withrow
Conservation Agency, WV
1900 Kanawha Blvd. E.
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Operation of West Virginia State Conservation Committee and Conservation Districts, 63-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Belinda G. Withrow
Conservation Agency, WV
1900 Kanawha Blvd. E.
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Conservation District Accounting and Auditing Standards, 63-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 15, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: James Bailey
Development Office, WV

From: Legislative Rule-Making Review Committee

Proposed Rule: Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program, 145-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Emergency Management
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: National Flood Insurance Program, 170-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Kathy Lawson
Division of Financial Institutions
900 Pennsylvania Avenue
Suite 306
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule Pertaining to Money Transmission Services, 106-23

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

FILED
2022 SEP 15 A 9:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Roberston
Health and Human Resources, WV Department of
One Davis Square
Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities Within the State, 69-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

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2022 SEP 15 A 11:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Erin K. Hunter
Insurance Commission, WV
900 Pennsylvania Ave.
9th Floor
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Suitability in Annuity Transactions, 114-11B

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Michael Malone
Insurance Commission, WV
900 Pennslyvania Ave.
8th Floor
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Pharmacy Auditing Enitties and Pharmacy Beneift Managers, 114-99

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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2022 SEP 15 A 10: 57

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brooke M. Farber
Labor, WV Division of
1900 Kanawha Boulevard East
Capitol Complex, Building 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Board of Manufactured Housing Construction and Safety Rule, 42-19

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 14, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brooke M. Farber
Labor, WV Division of
1900 Kanawha Boulevard East
Capitol Complex, Building 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Supervision of Plumbing Work, 42-32

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — x
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2022 SEP 15 A 10:58

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brooke M. Farber
Labor, WV Division of
1900 Kanawha Boulevard East
Capitol Complex, Building 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulation of HVAC Work, 42-34

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brooke M. Farber
Labor, WV Division of
1900 Kanawha Boulevard East
Capitol Complex, Building 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration of Service Persons and Service Agencies, 42-35

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

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2022 SEP 15 A 10: 58

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Brooke M. Farber
Labor, WV Division of
1900 Kanawha Boulevard East
Capitol Complex, Building 3, Room 200
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions, 42-36

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

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Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Kendra Zamora
Landscape Architects, Board of
179 Summers Street
Suite 319
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration of Landscape Architects, 9-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: W. Brian Nickerson
Lottery Commission, WV
900 Pennsylvania Ave
Charleston, WV

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Lottery Sports Wagering Rule, 179-09

The Legislative Rule-Making Review.Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency _____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

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SECRETARY OF STATE

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders, 11-01A

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
   - (B) as modified by the agency _____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

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SECRETARY OF STATE

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11-01B

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
   - (B) as modified by the agency _____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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Legislative Rule-Making Review Committee

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Collaborative Pharmacy Practice, 11-08

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Legislative Rule-Making Review Committee

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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Spangler
Medicine, WV Board of
101 Dee Drive, Suite 103
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Prohibiting Sexual Misconduct by Health Care Practitioners, 11-16

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Adam Holley
Motor Vehicles, WV Division of
5707 MacCorkle Avenue, SE
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Administrative Due Process, 91-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: X
   - (B) as modified by the agency: ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair
Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Adam Holley
Motor Vehicles, WV Division of
5707 MacCorkle Avenue, SE
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Examination and Issuance of Driver's License, 91-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: ____
   - (B) as modified by the agency: X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Adam Holley
Motor Vehicles, WV Division of
5707 MacCorkle Avenue, SE
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals ad Reinstatement of Driving Privilege's, 91-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

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2022 SEP 15 P 4:15

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene
Natural Resources, WV Division of
324 4th Avenue
Room 328

From: Legislative Rule-Making Review Committee

Proposed Rule: Hunting, Fishing, and Other Outfitters and Guides, 58-11

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

Legislative Rule Making Review Committee

Childs 7949

CSR # 58 CSR 11 Date: 9/15/22

Delegate Steele on the Legislative Rule Making Review Committee moved to amend the rule on page 4, section 7, by striking out the text of sections 7.1, 7.2, 7.3, and 7.4 in their entirety and inserting in lieu thereof the following text: "7.1. The Division may refer violations of the provisions of this rule to the appropriate law enforcement or prosecutor's office for criminal prosecution."

Adopted

Rejected

FILED

2022 SEP 15 P 4: 15

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene
Natural Resources, WV Division of
324 4th Avenue
Room 328

From: Legislative Rule-Making Review Committee

Proposed Rule: Commercial Whitewater Outfitters, 58-12

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. X
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Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

Legislative Rule Making Review Committee

Childs 7949

CSR # 58 CSR 12 Date: 9/15/22

Delegate Steele on the Legislative Rule Making Review Committee moved to amend the rule on page 18, section 15, by striking out the text of section 15.1, in its entirety and inserting in lieu thereof the following text: "15.1. The Division may refer violations of the provisions of this rule to the appropriate law enforcement or prosecutor's office for criminal prosecution."

Adopted

Rejected

FILED

2022 SEP 15 P 4:15

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene
Natural Resources, WV Division of
324 4th Avenue
Room 328

From: Legislative Rule-Making Review Committee

Proposed Rule: Special Motorboating Regulations, 58-27

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments, amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene
Natural Resources, WV Division of
324 4th Avenue
Room 328

From: Legislative Rule-Making Review Committee

Proposed Rule: Micellaneous Permits and Licenses, 58-64

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Legislative Rule Making Review Committee

Childs 7949

CSR # 58 CSR 64 Date: 9/15/22

Delegate Steele on the Legislative Rule Making Review Committee moved to amend the rule on page 19, section 8, by striking out the text of sections 8.1 and 8.2 in their entirety and inserting in lieu thereof the following text: "8.1. The Division may refer violations of the provisions of this rule to the appropriate law enforcement or prosecutor's office for criminal prosecution."

Adopted

Rejected

FILED

2022 SEP 16 A 8:39

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: WV Board of Optometry
Optometry, WV Board of
179 Summers Street
Suite 231
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Optometric Telehealth Practice, 14-12

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Chase Holcomb
Osteopathic Medicine, WV Board of
405 Capitol Street, Suite 402
Charleston, WV

From: Legislative Rule-Making Review Committee

Proposed Rule: Osteopathic Physician Assistants, 24-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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2022 SEP 15 P 3:54

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Michael Payne
Registered Professional Nurses, WV Board of Examiners for
5001 MacCorkle Ave SW
South Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
   - (B) as modified by the agency — ____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. — ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sue Painter
Registered Professional Nurses, WV Board of Examiners for
5001 MacCorkle Ave SW
South Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Advanced Practice Registered Nurse Licensure Requirements, 19-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — ____
   - (B) as modified by the agency — X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. — ____
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Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

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2022 SEP 15 P 3:54

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sue Painter
Registered Professional Nurses, WV Board of Examiners for
5001 MacCorkle Ave SW
South charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Limited Presecriptive Authority for Nurses in Advanced Practice, 19-08

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
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To: Sue Painter
Registered Professional Nurses, WV Board of Examiners for
5001 MacCorkle Ave SW
South Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Continuing Education and Competence, 19-11

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed _____
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To: Sue Painter
Registered Professional Nurses, WV Board of Examiners for
5001 MacCorkle Ave SW
South Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees for Services Rendered by the Board, 19-12

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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September 11, 2022

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To: Mac Warner, Secretary of State, State Register

To: Sue Painter
Registered Professional Nurses, WV Board of Examiners for
5001 MacCorkle Ave SW
South Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring, 19-14

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 12, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Sue Painter
Registered Professional Nurses, WV Board of Examiners for
5001 MacCorkle Ave SW
South Charleston, WV 25309

From: Legislative Rule-Making Review Committee

Proposed Rule: Telehealth Practice; Requirements; Defintions., 19-16

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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2022 SEP 15 P 12: 54
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SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Donald Kersey
Secretary of State
State Capitol Complex, Building 1
Suite 157K
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Early Voting In-Person Satellite Precincts, 153-13

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: ____
   - (B) as modified by the agency: X
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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Donald Kersey
Secretary of State
State Capitol Complex, Building 1
Suite 157K
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Combined Voter Registration and Driver Licensing Fund, 153-25

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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September 11, 2022

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To: Mac Warner, Secretary of State, State Register

To: Donald Kersey
Secretary of State
State Capitol Complex, Building 1
Suite 157K
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Administrative Procedures for the Nonpublic Funding for Election Administration Fund, 153-54

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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2022 SEP 15 A 11: 34

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax Department, WV State
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Farm-To-Food Bank Tax Credit, 110-13DD

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax Department, WV State
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Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Film Industry Investment Act, 110-13X

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Adair Sankoff, Director

September 11, 2022

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To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax Department, WV State
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Property Transfer Tax, 110-22

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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September 11, 2022

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To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax Department, WV State
PO Box 1005
Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Municipal Sales and Use Tax Administration, 110-28

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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To: Mac Warner, Secretary of State, State Register

To: Mark Morton
Tax Department, WV State
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Charleston, WV 25324

From: Legislative Rule-Making Review Committee

Proposed Rule: Personnel Rule for the Tax Division, 110-42

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed — X
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2022 SEP 15 A 11: 14
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SECRETARY OF STATE

September 11, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: James G Fuerhoff
Treasurer's Office, WV State
1900 Kanawha Boulevard East Room 145
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Enforcement of the Uniform Unclaimed Property Act, 112-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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To: Mac Warner, Secretary of State, State Register

To: James G Fuerhoff
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1900 Kanawha Boulevard East Room 145
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From: Legislative Rule-Making Review Committee

Proposed Rule: Jumpstart Savings Program, 112-20

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
14-PV-2022	Medical Imaging And Radiation Therapy Technology Board Of Examiners	Taylor J. Low	9/9/2022
2021-10	Osteopathic Medicine, WV Board of	Samuel Finck, D.O.	9/12/2022
N/A	Registered Nurses, WV Board of	Pauline Bishop	8/22/2022
N/A	Registered Nurses, WV Board of	Tawnya Halstead	8/9/2022

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2020-0886-CONS-2	Linda Jenkins	Department Of Health And Human Resources	7/20/2022
		Mildred Mitchell-Bateman Hospital	7/20/2022
2022-0679-DHS	Lawrence Edward Christian, II	Department of Homeland Security	8/3/2022
		Emergency Management Division	8/3/2022
2021-2542-CONS	Joshua James	Division of Highways	8/3/2022
2021-2085-MAPS	Lisa Adams McGraw	Division of Corrections and Rehabilitation	8/3/2022
		Division Of Juvenile Services	8/3/2022
		Sam Perdue Juvenile Center	8/3/2022
		Division Of Personnel	8/3/2022
2022-0608-DHHR	Renee Endicott	Department Of Health And Human Resources	8/4/2022
2023-0037-DHHR	James K. Lewis	Department Of Health And Human Resources	8/5/2022
		William R. Sharpe, Jr. Hospital	8/5/2022
2022-0945-LogED	Justin Dewayne Miller	Logan County Board Of Education	8/8/2022
2022-0669-DOC	Melissa L. Jones	Workforce West Virginia	8/9/2022
2022-0915-CONS	Jason Blevins	Division of Highways	8/10/2022
2023-0103-CONS	Richard McCord, et al.	Monongalia County Health Department	8/10/2022
2020-0686-DOT	Cheryl L. Payne	West Virginia Division of Motor Vehicles	8/10/2022
2022-0804-MISC	Beverly Ann Cantrell	Tucker County Commission	8/12/2022
2022-0793-MISC	Beverly Ann Cantrell	Tucker County Commission	8/15/2022
2021-2043-MAPS-2	Emily Elaine Melrose	Division of Corrections and Rehabilitation	8/15/2022
		Bureau of Juvenile Services	8/15/2022
		Lorrie Yeager Jr. Juvenile Center	8/15/2022
		Division Of Personnel	8/15/2022
2022-0765-BerED	Sherri Johnson	Berkeley County Board Of Education	8/16/2022

2021-2342-MAPS	Lisa Paxton	Department of Homeland Security	8/16/2022
		Division of Emergency Management	8/16/2022
		Division Of Personnel	8/16/2022
2022-0215-DOC	Harold E. Richmond	Division Of Natural Resources	8/17/2022
		Division of Personnel	8/17/2022
2021-2431-KanBD	Chelena McCoy	Kanawha County Board Of Education	8/22/2022
2023-0120-OSTEO	Anne E. McMillion	West Virginia School of Osteopathic Medicine	8/23/2022
2016-0225-CONS	Glen Blon, et al.	West Virginia University	8/29/2022
2020-0747-WVSU	Douglas A. Minnerly, Jr.	West Virginia State University	8/29/2022
2022-0629-WVSU	Austin Seybert	West Virginia State University	8/29/2022
2022-0452-MU	Omar F. Attarabeen	Marshall University	8/30/2022
2023-0085-CONS	Sheila A. Bailey, et al.	McDowell County Board of Education	8/31/2022
2023-0129-Brax	Mary Wheeler	Braxton County Board Of Education	8/31/2022
2021-1474-CONS	Michael Brown, et al.	Division of Corrections and Rehabilitation	8/31/2022
		Parole Services	8/31/2022
		Division Of Personnel	8/31/2022

FILED
WV SECRETARY OF STATE
SEPTEMBER 13, 2022 11:43 AM

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

OTHER

MEMORANDUM

TO: Interested Parties

FROM: Logan Davis LRD
Drinking Water Treatment Revolving Fund

DATE: September 13, 2022

SUBJECT: Categorical Exclusion Decision (CE)
Lincoln County Public Service District – Water System Improvements Project

A copy of the Lincoln County Public Service District Water System Improvements Project Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements **will not** be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Christopher Thomas, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail christopher.w.thomas@wv.gov.

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

Distribution List (via email):

Jonathan Escue, Lincoln PSD
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army
State Register Publication
Ryan Boustany, Thrasher
Kathy Elliot, Region 2 P&DC
OEHS St. Albans District Office

OTHER

CATEGORICAL EXCLUSION DECISION

(September 13, 2022)

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

Lincoln County Public Service District
Lincoln County, WV
WVIJDC Project #: **2019W-1806**
SRF Project #: **21DWTRFA005**
Water System Improvements Project

(Official Project Name and Number)

Lincoln County Public Service District
Post Office Box 38
Alum Creek, West Virginia 25003

(Project Applicant)

Lincoln County Public Service District
Lincoln County, WV

(Project Location, City, County, State)

$ 250,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 1,000,000

(Estimated Total Project Cost)

PROJECT SUMMARY FOR CATEGORICAL EXCLUSION

PROPOSED ACTION:

The Lincoln Public Service District project consists of installing a new water storage tank with a capacity of 300,000 gallons, near the current existing 105,000 gallon water storage tank. Minor timbering activities will be required at the new tank location, however, only the minimal amount of trees necessary to install the tank will be cleared (<0.5 acres). The new tank will be installed on a new concrete pad with a security chain-link fence and gravel access road.

ENVIRONMENTAL BENEFITS:

The current existing 105,000 gallon water storage tank was built in the 1960's and is experiencing leaks in the tank, but will remain in service. The unaccounted for water loss is high, averaging sound 60% loss and the plant is currently operating at 16 hours per day. The addition of a higher capacity tank will help reduce the water loss and the plant's operation time.

CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
2. Other actions specifically allowed in program specific subparts of this regulation. Criteria which would prevent the use of a categorical exclusion are found in 40 CFR §6.107(c) summarized as follows:

3. The action may have a significant effect on the quality of the human environment, or 4. The action may affect cultural resource areas, endangered or threatened species, environ mentally important natural resource, or other identified resource areas of concern; or 5. The action is not cost-effective or may cause public controversy.

ANALYSIS:

The proposed project meets the criteria for categorical exclusion. It involves the installation of a new 300,000 gallon water tank, adjacent to the existing water storage tank on site. The new tank will be installed on a new concrete pad with a security chain-link fence and gravel access road; our review indicates that the structures will be located on previously disturbed soil within residential areas. All work will have no adverse environmental impact.

ENERGY EFFICIENCY AND CLIMATE CHANGE EFFECTS

This upgrade project should reduce the unaccounted water amount once the project is completed by the addition of a larger, new water tank adjacent to the previous tank on site. There is no net change in greenhouse gasses anticipated for this project or negative impact on surrounding environmental resources. No electrical components are included with this project.

FLOODPLAIN MANAGEMENT ANALYSIS

All above-grade infrastructure improvements included with Lincoln PSD water system improvements project are located at an elevation above the 100-year flood plus 3 feet (907' plus 3'). These above-grade improvements include:

- Construction and installation of a new 300,000- gallon glass lined bolted steel water storage tank.

- Construction of concrete pad for new storage tank, security fence compound, and new gravel access road.

REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following:

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
3. Federal, state or local laws may be violated.

DOCUMENTATION:

1. Lincoln PSD 2019W-1806 Technical Review dated May 29, 2019 as prepared by William Herold, PE.
2. Contract Documents and Detailed Specifications for the Lincoln County PSD for Alum Creek Water Storage Tank Project dated August 2022 as prepared by The Thrasher Group, Inc.
3. Categorical Exclusion Checklist dated February 14, 2022 as prepared by Ryan S. Boustany
4. USFWS Project Review Request dated October 27, 2021 as prepared by The Thrasher Group, Inc, United States Fish and Wildlife Service
5. Email on floodplain dated August 2, 2022 from Ryan S. Boustany

OTHER

FILED
WV SECRETARY OF STATE
SEPTEMBER 15, 2022 02:00 PM

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

September 12, 2022

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 9, 2022**.

LETTER OF INTENT RECEIVED

September 9, 2022 - Fayette Physician Network, Inc. d/b/a WVUHS Medical Group, Morgantown, Monongalia County, CON File #22-11-12490-P, for the development of an ambulatory health care facility in Hancock County through the acquisition of a physician practice; capital expenditure: $622,000.

NOTICE OF PUBLIC COMMENT PERIOD

CON Standards Public Comment

The West Virginia Health Care Authority has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- **Addition of Acute Care Beds**
- **Operating Rooms**
- **Renovation-Replacement of Acute Care Facilities & Services**

Written comments may be submitted to Tiffany Dempsey, Secretary, Health Care Authority, 100 Dee Drive, Charleston, WV 25311 or via email at Tiffany.D.Demspey@wv.gov. Comments must be received no later than 4:00 p.m. on **September 14, 2022**. Copies of the proposed Standards set forth above have been filed with the Secretary of State. The Standards are available for viewing on the Authority's website, www.hca.wv.gov, under "News and Announcements". Copies may also be obtained by contacting the Authority at (304) 558-7000

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Interim Director, Certificate of Need Division.

E mail to legals@hdmediallc.com

OTHER

NOTICE OF PUBLIC COMMENT PERIOD The Putnam County Board of Health is accepting comments on proposed revisions to the Putnam County Health Department's Fees for Permits. The Board of Health has agreed to match its current fee schedules with the state allowable rates based upon the passing of an amendment to the existing legislative rule Title 64, Series 30, 64CSR30, Fees for Permits. This was passed by the WV State Legislature on March 05, 2020, filed 4-15-2020.

Written comments may be sent to: Putnam County Board of Health, PO Box 892, Winfield WV or by e-mail to putnamlhd@wv.gov. For additional information on the proposed revisions, you may visit the Putnam County Health Department's web site at www.pchdwv.org. All comments must be postmarked or received through e-mail by October 17, 2022 in order to be considered by the Board of Health

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE