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

Agriculture

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Bureau for Public Health, Office of Medical Cannabis

Conservation Agency

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Human Services

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NO RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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
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TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 9/22/2022			
Agriculture (61-14A)	Noxious Weeds Rule 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 Filed 9/22/2022			
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	6/14/2022	7/14/2022		7/21/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-30)	Hemp Products Legislative	6/28/2022	7/28/2022		7/28/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-31)	Livestock Care Standards Legislative	6/2/2022	7/2/2022		7/18/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	4/18/2022	5/18/2022		5/18/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-38)	Farmers Markets Legislative	6/24/2022	7/24/2022		7/25/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
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				
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 Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/1/2022	7/5/2022		7/21/2022	Modified & Approved 9/11/2022 Filed 9/16/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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 Filed 9/20/2022			
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 Filed 9/20/2022			
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

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 9/19/2022			
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				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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		9/20/2022				
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 Filed 9/20/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	6/30/2022	7/30/2022		7/30/2022	Modified & Approved 9/11/2022 Filed 9/22/2022			
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			
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 Filed 9/16/2022			
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 Filed 9/16/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/22/2022 1:53:34 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative

TITLE-SERIES: 61-08B

RULE NAME: Schedule of Charges for Inspection Services: Fruit

CITE AUTHORITY: §19-2-5 §19-1-4(k)

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/22/2022 1:56:35 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative

TITLE-SERIES: 61-14A

RULE NAME: Noxious Weeds Rule

CITE AUTHORITY: §19-12D-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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/22/2022 2:07:34 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative TITLE-SERIES: 61-15

RULE NAME: Grad "A" Pasteurized Milk

CITE AUTHORITY: §19-11E-8(1)

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/22/2022 2:29:20 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative TITLE-SERIES: 61-30

RULE NAME: Hemp Products

CITE AUTHORITY: §19-12E-7

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/22/2022 3:10:43 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative TITLE-SERIES: 61-31

RULE NAME: Livestock Care Standards

CITE AUTHORITY: §19-1C-4(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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/22/2022 3:11:49 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative TITLE-SERIES: 61-36

RULE NAME: Farm to Food Bank Tax Credit

CITE AUTHORITY: §11-13DD-5(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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/22/2022 3:14:50 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative TITLE-SERIES: 61-38

RULE NAME: Farmers Markets

CITE AUTHORITY: §19-35-4

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/16/2022 1:44:37 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-40

RULE NAME: CONTROL OF OZONE SEASON NITROGEN OXIDES EMISSIONS

CITE AUTHORITY: W. Va. Code § 22-5-4.

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

Jason E Wandling -- 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
9/20/2022 12:33:46 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Conservation Agency

RULE TYPE: Legislative TITLE-SERIES: 63-01

RULE NAME: 63-01 Operation of West Virginia State Conservation Committee and Conservation Districts

CITE AUTHORITY: W.Va. 19-21A

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

Belinda G Withrow -- 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
9/20/2022 11:38:36 AM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Conservation Agency

RULE TYPE: Legislative TITLE-SERIES: 63-04

RULE NAME: 63-04 Conservation District Accounting and Auditing Standards

CITE AUTHORITY: W. Va. 19-21A-4(g)(10); 19-21A-4(g)(17); 19-21A-7(c); 19-21A-7(f)(3)

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

Belinda G Withrow -- 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.

FILED
2022 SEP 16 P 2:44
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

GENERAL DISTRIBUTION

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
410.03	01 October 2022	Keep-On-Person (KOP) Self-Medication Program

FILED
2022 SEP 21 A 9:21
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

GENERAL DISTRIBUTION

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
135.01	07 October 2022	Temporary Employees
410.00	07 October 2022	Healthcare Services
430.00	07 October 2022	Prison Rape Elimination Act (PREA) Compliance
451.01	07 October 2022	Presentence Diagnostic Process

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/19/2022 9:35:20 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Financial Institutions Division of

RULE TYPE: Legislative TITLE-SERIES: 106-23

RULE NAME: Rule Pertaining to Money Transmission Services

CITE AUTHORITY: W. Va. Code §§32A-2-7 and 31A-2-4

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

Anoop Bhasin -- 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
9/20/2022 1:03:03 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Human Services TITLE-SERIES: 78-25

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

RULE NAME: 78-25 Goals for Foster Children

PRIMARY CONTACT

NAME: Cammie Chapman

ADDRESS: One Davis Square
Suite 100 East
Charleston, WV 25301

EMAIL: cammie.l.chapman@wv.gov

PHONE NUMBER: 304-558-3648

CITE STATUTORY AUTHORITY: none

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

The statute authorizing this rule was repealed.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/9/2022

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/8/2022

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/20/2022 2:11:14 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-99

RULE NAME: PHARMACY AUDITING ENTITIES AND PHARMACY BENEFIT MANAGERS

CITE AUTHORITY: W. Va. Code §§33-51-8, 33-51-9, 33-51-10, 33-51-12 and 33-2-10

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

Anoop Bhasin -- 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
9/22/2022 3:41:07 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Landscape Architects

RULE TYPE: Legislative TITLE-SERIES: 9-01

RULE NAME: Registration of Landscape Architects

CITE AUTHORITY: W.VA. Code §§ 30-22-6

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

Kendra D Zamora -- 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
9/16/2022 2:06:31 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Motor Vehicles

RULE TYPE: Legislative TITLE-SERIES: 91-04

RULE NAME: EXAMINATION AND ISSUANCE OF DRIVER'S LICENSE

CITE AUTHORITY: 17A-2-9, 17B-2-7, 17B-2-15, 17E-1-18

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
Jennifer A Rutherford -- 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
9/16/2022 2:04:18 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Motor Vehicles

RULE TYPE: Legislative TITLE-SERIES: 91-05

RULE NAME: Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges

CITE AUTHORITY: 17A-2-9, 17B-2B-10, 17C5A-3a

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

STATE OF WEST VIRGINIA
BOARD OF RESPIRATORY CARE
106 DEE DRIVE, SUITE 1
CHARLESTON, WV 25311
304-558-1382 304-558-1383 (F)

FILED
2022 SEP 19 P 3:38
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

MEMORANDUM

DATE: SEPTEMBER 19, 2022

TO: Mac Warner
Secretary of State

FROM: Tracy S. Matthews
Board President

RE: WV Code 30-34

The West Virginia Board of Respiratory Care is hereby requesting to rescind the suspension of the following rules. These rules, as written, will be in full force and effect as of the date of this correspondence.

W. Va. 30CSR2 Establishment of Fees

W. Va. 30CSR3 Continuing Education Requirements

W. Va. 30CSR9 Student Temporary Permits

Tracy S. Matthews 9/19/22

Tracy S. Matthews, MA, LRTR, RRT
Board President

Orders Report

Docket Number	Agency	Respondent	Date Rendered

None Received This Week

9/23/2022 8:47:46 AM

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

FILED
2022 SEP 20 A 10:41
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AG OPINION

September 19, 2022

Honorable Rebecca L. Miller
Hampshire County Prosecuting Attorney
50 South High Street
Romney, WV 26757

Dear Ms. Miller:

You have asked for an Opinion of the Attorney General on whether Hampshire County may charge emergency ambulance service fees to residents of a public housing project operated by a public housing authority. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it depends solely on the factual assertions set forth in your correspondence with the Office of the Attorney General.

Your request explains that the Hampshire County Commission passed an Emergency Ambulance Service Fee Ordinance ("Ordinance") in April 2018. Generally, the Ordinance applies to all of Hampshire County at a rate of $100 per year per residential unit. But the Ordinance includes some exemptions. As relevant here, the Ordinance specifically exempts public housing agencies from the fee—instead, the fee applies to any "occupants" of public housing. The Ordinance explains that Hampshire County included these occupants because they are potential users of emergency ambulance services. Thus, the county intends to impose the emergency ambulance service fee on the residents of Valley View, a public housing project operated by the Romney Public Housing Authority.

Your request raises the following legal question:

Under West Virginia Code § 7-15-17, is an emergency ambulance service fee applicable to the residents of public housing units operated by a public housing authority?

We conclude that emergency ambulance service fees may apply to the residents of public housing units. As W. Va. Code § 7-15-17 contemplates, the Ordinance imposes a user fee. Its text appropriately encompasses people who live in a public housing project. Cases confirm the same. And nothing in the statutes defining the powers and privileges of public housing authorities says otherwise.

DISCUSSION

To begin, W. Va. Code § 7-15-2(e) provides that the Emergency Ambulance Service Act of 1975 "shall be liberally construed" to achieve its purpose of providing emergency ambulance services. West Virginia Code § 7-15-18 likewise says that "provisions of this article shall be construed to accomplish its purpose." "[I]n the absence of language in the statute showing a contrary intent on the part of the legislature," "the word 'shall' ... should be afforded a mandatory connotation." *Bd. of Educ. of Cnty. of Grant v. Townshend*, 187 W. Va. 249, 251, 418 S.E.2d 359, 361 (1992). So we start with an understanding that we must apply the broadest justifiable understanding of the statute that would advance its purpose to provide emergency ambulance services through the use of "public money." W. Va. Code § 7-15-2(d).

With this construction in mind, we "look to the relevant and controlling language" of the statute. *State ex rel. Dep't of Health and Hum. Res., Child Support Enf't Div. v. Baker*, 210 W. Va. 213, 216, 557 S.E.2d 267, 270 (2001).

West Virginia Code § 7-15-17 empowers a county commission to "impose upon and collect from the users of emergency ambulance service within the county a special service fee." (emphasis added). Thus, this fee is by its express terms a user fee. It is not a fee or tax on property itself, but rather on persons who use the emergency ambulance services. *See* 56 W. Va. Op. Att'y Gen. 308 (1976) ("[I]t is clear from the language of the Act itself that the Legislature did not intend the 'special emergency ambulance service fee' to be a general tax to be imposed upon property owners, but rather intended it to be a 'special service fee' to be imposed upon the users of an essential service.").

No language in the statute imposes restrictions on a county's ability to collect this fee based on income, housing type, or any other factor present here. The statute requires only that the county impose fees on "users" of emergency ambulance services. *Id.; see also Citizens for Fair Taxation v. Clay Cnty. Comm'n*, 192 W. Va. 408, 411, 452 S.E.2d 724, 728 (1994) (holding that a per-household flat fee appropriately tied "the burden of the fee to the usage of the service in a sufficiently reasonable way" and was not an ad valorem property tax).

Thus, the Ordinance follows the statute by imposing the emergency ambulance service fee on the "occupants" of public housing as "potential users of" such services. The Ordinance does not impose a fee on the housing authority itself. Because the residents' status as potential users of emergency ambulance services is certain, the statute's "plain meaning ... answers the interpretative question." *State ex rel. Roy Allen S. v. Stone*, 196 W. Va. 624, 630, 474 S.E.2d 554, 560 (1996) (citation omitted). The "clear and unambiguous" text of W. Va. Code § 7-15-17 empowers a county commission to collect a fee from users of emergency ambulance services,

AG OPINION

and the statute must "be given full force and effect." Syl. pt. 2, *State v. Epperly*, 135 W. Va. 877, 65 S.E.2d 488 (1951).

This outcome aligns with the Supreme Court of Appeals' view. The Supreme Court has explained that even residents who do not own the property remain "users of the emergency ambulance service" under W. Va. Code § 7-15-17. *Randy Waugh/Waugh's Mobile Home Park v. Morgan Cnty. Emergency Med. Servs. Bd., Inc.*, 236 W. Va. 468, 479, 781 S.E.2d 379, 390 (2015). And in Clay County Citizens for Fair Taxation, the Supreme Court upheld an emergency ambulance service fee that applied to "any bona fide owner or occupant of a living unit." 192 W. Va. at 409, 452 S.E.2d at 725 (emphasis added). There, the ordinance defined a living unit to include "taxpayers in any place of residence," including "residential homes, mobile homes, apartments, personal care facilities, nursing homes and correctional facilities." *Id.* The Court explained that the fee requirement must only be "reasonably related to [the] use of the service," and extending the fee to all residents met that requirement. *Id.* at 411, 452 S.E.2d at 727. As in that case, the Ordinance here is specifically collected from the users of the services and is thus reasonably related to the use of the service.

Finally, the State Housing Law's provisions on housing authorities do not change the outcome. West Virginia Code § 16-15-14(a) exempts the housing authority itself and the "property of an authority" from taxes and fees. But the "public corporate bodies" constituting the housing authorities, W. Va. Code § 16-15-2, are distinct from the residents that occupy the homes that the authorities may provide. *See also* W. Va. Code R. § 110-3-35 (explaining that "[t]he property, bonds, notes, debentures and other evidences of indebtedness of a housing authority" are exempt from taxation, but not exempting occupants or residents from taxation). We see nothing in W. Va. Code § 16-15-14(a)—or any other statute, for that matter—that suggests the Legislature intended to exempt the residents of the authorities from all taxation and fees. Indeed, as the examples cited in your letter reflect, that understanding would be a substantial break from present practice; residents currently pay similar service fees. Because we should not "arbitrarily read into a statute that which it does not say," we cannot assume that the residents of a housing authority are exempt from taxes and fees, including the emergency ambulance service fee. *State v. Butler*, 239 W. Va. 168, 178, 799 S.E.2d 718, 728 (2017).

Here again, precedents confirm our reading of the statute. The Court has explained that public housing projects do "not belong to the tenants therein" but are instead "held by the housing authority for a public purpose." *Chapman v. Huntington, W. Va. Hous. Auth.*, 121 W. Va. 319, ___, 3 S.E.2d 502, 516 (1939). So, these projects are "public property," and they "should be exempt from taxation." *Id.* It is this public property that is tax- and fee-exempt. *See id.* But, as we have already explained, the emergency ambulance service fee is not a fee or tax against the property itself. Cf. 56 W. Va. Op. Att'y Gen. at 308 ("There is nothing in this language to suggest that the Legislature intended such service fees to be imposed only on property owners."). So none of the considerations that justify the State's Housing Act tax-exemption provision would apply here.

In short, an emergency ambulance service fee can be applied to the residents of public housing units operated by a public housing authority.

Sincerely,

Patrick Morrisey
West Virginia Attorney General

Michael R. Williams
Senior Deputy Solicitor General

Caleb A. Seckman
Assistant Solicitor General

FILED
WV SECRETARY OF STATE
SEPTEMBER 16, 2022 10:56 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 16, 2022

SUBJECT: Categorical Exclusion Decision (CE)
Mason County Public Service District – J2Y35 Water System Improvements Project

A copy of the Mason 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):

Brent Clark, Mason County PSD
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
Jonathan Carpenter, Thrasher
Kathy Elliot, Region 2 P&DC
OEHS St. Albans District Office

CATEGORICAL EXCLUSION DECISION

OTHER

(September 16, 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:

Mason County Public Service District
Mason County, WV
WVIJDC Project #: **2021W-2005**
SRF Project #: **22DWTRFA024**
Water System Improvements Project

(Official Project Name and Number)

Mason County Public Service District
101 Camden Avenue
Point Pleasant, West Virginia 25550

(Project Applicant)

Mason County Public Service District
Mason County, WV

(Project Location, City, County, State)

$ 500,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 2,780,000

(Estimated Total Project Cost)

PROJECT SUMMARY FOR CATEGORICAL EXCLUSION

PROPOSED ACTION:

The Mason County Public Service District project consists of rehabilitating and improving portions of the degrading J2Y35 system. The project will replace the system's water storage tank in a new location, install approximately 13,500 linear feet of new PVC waterline, and install one new booster pump station that will connect the J2Y35 system into the District's Lakin system. This will allow the District to provide water to J2Y35 customers directly from its own WTP rather than purchasing water from Point Pleasant. The new water storage tank will be installed on a new concrete pad with a security chain-link fence and gravel access road. Additionally, minor tree clearing (<1-acre) will be required for installation of the tank pad and access road. The project will be constructed along a three mile stretch of Jericho Road and WV Route 2 in Mason County, West Virginia.

ENVIRONMENTAL BENEFITS:

Under the ownership of J-2-Y-35 Water Association (JWA), the J2Y35 system did not receive adequate maintenance due to a lack of monetary resources and qualified staff. Portions of the distribution system are in poor condition and need replacement. In particular, the existing water storage tank is showing signs of significant deterioration. As the condition of the tank worsens, it will likely begin to leak and will gradually become less fit for service. If the current tank were to fail significantly, the amount of water stored at the location could produce a landslide that would harm several residents near the site. Also, the existing development would not have access to fire service, including local churches, and elementary school, and other businesses in the area.

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(e) 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 replacement and improvement of existing water lines that will be upsized from 3-in to 8-in. A new booster station will be installed to connect the J2Y35 system to the District's Lakin system. The project also includes the installation of a new water storage tank that will be double the capacity of the existing tank. 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 is expected to have no adverse environmental impact.

ENERGY EFFICIENCY AND CLIMATE CHANGE EFFECTS

This project will not have a significant impact on water or electricity demand, neither reduction nor increase in demand. There should be a reduction of unaccounted water with the replacement of an existing deteriorating water storage tank. The project will also include the construction of a new booster station which will give a net increase of carbon dioxide emissions of approximately 8,350 pounds per year. This is due to the possible use of a generator assuming a week of power loss in the project area and preventative maintenance.

FLOODPLAIN MANAGEMENT ANALYSIS

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

- Construction and installation of a new 156,000 gallon steel bolted glass lined water storage tank.

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

- Installation of approximately 13,500 linear feet of new eight-inch PVC waterline on WV Route 2 (Ripley Road) and Country Route 16 (Jericho Road)

- Construction and installation of a new pump station to connect the J2Y35 system to the District's Lakin system

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.

OTHER

DOCUMENTATION:

1. Environmental Assessment for the J2Y35 Water System Improvements Mason County PSD as prepared by Brent Clark
2. Categorical Exclusion Checklist dated August 11, 2022 as prepared by Erik Allbright
3. Email on Mason County Floodplain Verification dated September 13, 2022 from Erik Allbright
4. USFWS Project Review Request dated August 6, 2022 as prepared by The Thrasher Group, Inc, United States Fish and Wildlife Service
5. Email on Mason County J2Y35 Climate Change Review dated August 4, 2022 from Erik Allbright
6. Mason County PSD- - 2021W-2005.Tech IDJC Application dated September 28,2021 as prepared by Christopher Arrington, P.E.

FILED
WV SECRETARY OF STATE
SEPTEMBER 21, 2022 11:53 AM

WEST VIRGINIA Department of Health & Human Resources
BUREAU FOR PUBLIC HEALTH
Office of Medical Cannabis

Aug 17, 2022

OTHER

TECHNICAL ADVISORY GUIDANCE
INFORMATION REQUIRES IMMEDIATE ATTENTION

#22080101

To: All Medical Cannabis Licensees in West Virginia

Issuing Agency: Bureau for Public Health/Office of Medical Cannabis

Effective Date: 08/17/2022

RE: Pesticides Approved for Use in West Virginia

The West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Medical Cannabis is issuing this technical advisory to provide updated guidance on pesticides approved for use in West Virginia.

The following pesticides are now approved for use in West Virginia:

- saria fumosorosea Apopka Strain 97
- Potassium bicarbonate
- Reynoutria sachalinensis extract
- Streptomyces ludicus WYEC 108
- Bacillus thuringiensis ssp israelensis
- Beauveria bassiana strain GHA
- Hydrogen peroxide to be used as a foliar treatment

350 Capitol Street, Rm 523 ♦ Charleston, WV 25301 ♦ 304.356.5090 ♦ fax 304.558.0035 ♦ omc.wv.gov
email ♦ medcanwv@wv.gov

FILED
WV SECRETARY OF STATE
SEPTEMBER 19, 2022 10:51 AM

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

September 19, 2022

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 16, 2022**.

LETTERS OF INTENT RECEIVED

September 12, 2022 - Akkary Center for Weight Management & Surgical Services PLLC, Morgantown, Monongalia County, CON File #22-6-12492-P, for the addition of general anesthesia services (Ambulatory Surgical Center status) at its existing facility, located at 1100 Fort Pierpont Drive, Morgantown, Monongalia County, West Virginia; capital expenditure: $25,000.00.

September 15, 2022 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #22-4-12493-A, for the acquisition of Greenbrier VMC, LLC a CHS affiliate which owns and operates Greenbrier Valley Medical Center in Ronceverte, Greenbrier County, West Virginia; capital expenditure: $86,235,000.00.

September 16, 2022 - Select Physical Therapy Holdings, Inc., Mechanicsburg, Pennsylvania, CON File #22-6/7-12494-A, for the acquisition of the controlling interest in Morgantown Physical Therapy Associates, Inc. dba Healthworks Rehab and Fitness from Monongalia Health System, Inc., Morgantown, Monongalia County, West Virginia; capital expenditure: $169,220.00.

CERTIFICATE OF NEED APPROVALS ISSUED

September 12, 2022 - Raleigh General Hospital, Brentwood, Tennessee, CON File #21-1-12253-H, for the provision of cardiac surgery services at its hospital in Beckley, Raleigh County; capital expenditure: $1,150,000.00.

September 14, 2022 - Mon Health Marion Neighborhood Hospital, Inc., White Hall, Marion County, CON File #22-6-12464-H, for the development of a 10 bed small format hospital to be located at 780 Haden Boulevard, Bridgeport, Harrison County, West Virginia; capital expenditure: $22,500,000.00.

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