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Administrative Law Division

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

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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
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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
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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 Filed 9/28/2022			
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 Filed 9/28/2022			
Acupuncture (32-09)	Continuing Education Requirements Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/11/2022 Filed 9/28/2022			
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			
Administration (148-03) Sunset Provision	State Owned Vehicles Legislative				10/25/2022				
Administration (148-06) Sunset Provision	Parking Legislative				10/15/2021	Authorized w/Certain Amendments & Approved 9/15/2022			
Agriculture (61-02)	WV Apiary Rule Legislative	6/2/2022	7/2/2022		7/18/2022	Modified & Approved 10/2/22 Filed 10/3/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-23D) Sunset Provision	Inspection of Nontraditional, Domesticated Animals Legislative				11/15/2021	Modified & Approved 9/11/2022 Filed 10/26/2022			
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			
Agriculture (61-37) Sunset Provision	Agritourism Legislative				12/15/2022				
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	Authorized as Modifed w/ certain Amendments 10/3/2022 Filed 12/20/2022			
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 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 Filed 9/16/2022			
Athletic Commission (177-01)	Administrative Rule of the WV State Athletic Commission Legislative	6/3/2022	7/5/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 10/20/2022			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Athletic Commission (177-02)	Regulation of Mixed Martial Arts Legislative	6/7/2022	7/8/2022		7/27/2022	Modified & Approved 9/11/2022 Filed 10/20/2022			
Auditor (155-03)	Standards for Voluntary Payroll Deductions Legislative	6/27/2022	7/27/2022		7/29/2022	Approved 9/11/2022			
Coal Mine Health and Safety (36-57)	Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	8/12/2022	9/14/2022					1/9/2023	3/1/2023
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 & Technicial College Education (135-12) Sunset Provision	Capital Project Management Legislative				6/13/2022				
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			
Community & Techncial College Education (135-55) Sunset Provision	Human Resources Administration Legislative				6/13/2022				
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			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Counselors and Licensed Marriage and Family Therapists Legislative	12/6/2021	1/14/2022	1/10/2022 Approved 1/13/2022	1/26/2022				
Crime Delinquency and Correction (149-03) Sunset Provision	Protocol for Law Enforcement Response to Domestic Violence Legislative				7/29/2022	Approved 9/28/2022			
Dentistry (5-15)	Dental Recovery Networks Legislative	6/16/2022	7/18/2022		7/22/2022	Modified & Approved 9/28/2022 Filed 10/4/2022			
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 Filed 11/1/2022			
Education (126-016)	Regulations for the Education of Stuedents with Exceptionalilties (2419) Legislative Exempt	12/14/2022	1/17/2023						
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 (60-10)	Purchasing Procedure Procedural	10/17/2022	11/22/2022						
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	Approved 9/28/2022			
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	Modified & Approved 9/28/2022 Filed 10/5/2022			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-05, repeal)	Certification of Home Inspectors Legislative	6/29/2022	7/29/2022		7/29/2022	Approved 9/28/2022			
Fire Commission (87-08)	Volunteer Firefighters' Training, Equipment, and Operating Standards Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/5/2022			
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	Modified & Approved 10/2/2022 Filed 10/4/2022			
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	6/27/2022	7/27/2022		7/27/2022	Modified & Approved 10/2/2022 Filed 10/4/2022			
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/27/2022	7/27/2022	7/27/2022 Approved 8/11/2022	7/27/2022	Modified & Approved 9/28/2022 Filed 10/4/2022			
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	Modified & Approved 9/28/2022 Filed 10/4/2022			
Health (64-73)	Basic Public Health Service Standards for Local Boards of Health Legislative	6/27/2022	7/27/2022		7/28/2022	Modified & Approved 9/28/2022 Filed 10/14/2022			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 9/28/2022 Filed 10/14/2022			
Health (64-110)	Medical Cannabis Program – Growers/Processors Legislative	6/22/2022	7/22/2022		7/22/2022	Approved 9/28/2022			
Health (64-112)	Medical Cannabis Program – Dispensaries Legislative	6/22/2022	7/22/2022		7/22/2022	Approved 9/28/2022			
Health and Human Resources (69-13) Sunset Provision	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State Legislative				6/22/2022	Modified & Approved 9/11/2022 Filed 10/26/2022			
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	Modified & Approved 9/28/2022 Filed 10/4/2022			
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022				
Health Care Authority (65-13) Sunset Provision	Financial Disclosure Rule Legislative				8/24/2022	Approved 9/28/2022			
Health Care Authority (65-34)	Uniform Bill Database Legislative	6/29/2022	7/29/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/4/2022			
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 (133-12) Sunset Provision	Capital Project Management Legislative				6/14/2022	Approved 6/12/2022			
Higher Education Policy Commission (133-32)	Tuition and Fee Policy Legislative	6/13/2022	7/13/2022		7/29/2022	Approved 9/11/2022			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-42) Sunset Provision	West Virginia Higher Education Grant Program Legislative				6/14/2022 Emergency 8/2/2022 Effective 8/2/2022	Approved 6/12/2022			
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			
Higher Education Policy Commission (133-55) Sunset Provision	Human Resources Administration Legislative				6/14/2022	Approved 6/12/2022			
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	Modified & Approved 10/2/2022 Filed 10/3/2022			
Highways (157-03, repeal)	Construction and Reconstruction of State Roads Legislative	6/10/2022	7/11/2022		7/21/2022	Approved 9/28/2022			
Human Services (78-01)	Child Care Centers Licensing Legislative	6/24/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022 Filed 10/14/2022			
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	Approved 9/28/2022			
Human Services (78-18)	Family Child Care Facility Licensing Legislative	6/23/2022	7/25/2022		7/27/2022	Approved 9/28/2022			
Human Services (78-19)	Family Child Care Home Registration Legislative	6/23/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022 Filed 10/14/2022			
Human Services (78-20)	Informal and Relative Family Child Care Home Legislative	6/23/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022 Filed 10/14/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-21)	Out of School Time Child Care Legislative	6/23/2022	7/25/2022		7/27/2022	Modified & Approved 10/3/2022 Filed 10/14/2022			
Human Services (78-25, repeal)	Goals for Foster Children Legislative	8/9/2022	9/8/2022		9/20/2022	Approved 9/28/2022			
Human Services (78-28)	Deemed Head Start Child Care Center Licenses Legislative	6/23/2022	7/22/2022		7/27/2022	Approved 9/28/2022			
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 Amendement 10/4/2022 Effective 10/14/2022	8/17/2022	Authorized as Modified w/certain Amendments 10/3/2022 Filed 10/4/2022			
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			
Labor (42-35) Sunset Provision	Registration of Service Persons and Service Agencies Legislative				11/30/2021	Modified & Approved 9/11/2022 Filed 9/15/2022			
Labor (42-36) Sunset Provision	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions Legislative				11/30/2021	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 (11-12) Sunset Provision	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative				11/21/2022				
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	Modified & Approved 9/28/2022 Filed 10/6/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-11) Sunset Provision	Hunting, Fishing, and Other Outfitters and Guides Legislative				11/30/2021	Authorized as Modified w/Certain Amendments & Approved 9/11/2022 Filed 9/29/2022			
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			
Natural Resources (58-64) Sunset Provision	Miscellaneous Permits and Licenses Legislative				11/30/2021	Authorized as Modified w/Certain Amendments & Approved 9/11/2022 Filed 9/29/2022			
Optometry (14-12)	Optometric Telehealth Practice Legislative	6/29/2022	7/29/2022	8/25/2022 Admendment 10/4/2022 Effective 11/15/2022	7/30/2022	Modified & Approved 9/16/2022 Filed 9/28/2022			
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/28/2022	7/28/2022	6/28/2022 Effective 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	Modified & Approved 9/28/2022 Filed 10/17/2022			
Pharmacy (15-02)	Rules for the Uniform Controlled Substances Act Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/17/2022			
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/17/2022			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/17/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-19)	Inspections Legislative	2/3/2022	3/7/2022	1/6/2022 Approved 1/7/2022 Amendment 10/17/2022 Effective 11/28/2022	4/4/2022	Modified & Approved 9/28/2022 Filed 10/17/2022			
Pharmacy (15-20)	Donated Drug Repository Program Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/28/2022 Filed 10/17/2022			
Psychologists (17-06) Sunset Provision	Code of Conduct Legislative				9/7/2022	Approved 9/28/2022			
Public Service Commission (150-05)	Rules for the Government of Sewer Utilities Legislative Exempt	11/3/2022	1/2/2023						
Public Service Commission (150-07)	Rules for the Government of Water Utlities Legislative Exempt	11/3/2022	1/2/2023						
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 Filed 11/10/2022			
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 Filed 11/10/2022			
Registered Professional Nurses (19-11)	Continuing Education and Competence Legislative	5/17/2022	6/15/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 11/10/2022			
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 Filed 11/10/2022			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 11/10/2022			
Registered Professional Nurses (19-16)	Telehealth Practice; Requirements; Definitions Legislative	5/16/2022	6/15/2022		7/26/2022	Approved 9/12/2022			
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 Filed 11/10/2022			
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 Filed 11/10/2022			
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 Filed 11/10/2022			
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				
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	Modified & Approved 9/28/2022 Filed 10/14/2022			
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	Modified & Approved 9/28/2022 Filed 10/17/2022			
Tax (110-13DD) Sunset Provision	Farm-To-Food Bank Tax Credit Legislative				3/25/2022	Approved 9/11/2022			
Tax (110-13X)	WV Film Industry Investment Act Legislative	6/3/2022	7/3/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 9/26/2022			
Tax (110-21B) Sunset Provision	Citizen Tax Credit for Property Taxes Paid Legislative				12/30/2022				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-22) Sunset Provision	Property Transfer Tax Legislative				3/25/2022	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 Filed 9/26/2022			
Tax (110-42) Sunset Provision	Personnel Rule for the Tax Division Legislative				3/25/2022	Approved 9/11/2022			
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Legislative				12/30/2022				
Tax Appeals (121-01)	Rules of Practice and Procedure Before the West Virginia Office of Tax Appeals Legislative	12/19/2022	1/23/2023						
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 (112-18)	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 Admendment 10/13/2022 Effective 11/24/2022 Amendment 1/4/2023 ERD by 2/15/2023	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 Amendment 9/30/2022 Effective 11/11/22	7/22/2022	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
Veterinary Medicine (26-02)	Disciplinary and Complaint Procedures of the West Virginia Board of Veterinary Medicine Procedural	10/24/2022	11/30/2022						
Waste Management, Div. of Water & Waste Mgmt. (33-10)	Recycling Assistance Grant Program Legislative	6/29/2022	7/29/2022		7/29/2022	Approved 9/28/2022			
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	Modified & Approved 9/28/2022 Filed 10/14/2022			

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

Legislative

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

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-57

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Proximity Detection Systems and Haulage Safety Generally

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

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

March 1, 2023

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

Yes

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
23-1C-2000	Insurance Commission	Peoples Mutual Fire Insurance Company of West Virginia, Inc.	1/4/2023
21-133-W	Medicine, West Virginia Board Of	Anup Sud, MD	1/9/2023
22-43-W	Medicine, West Virginia Board Of	Stephen Andrew Lasher, Jr., MD	1/9/2023

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2021-2111-KanED	Ronald Shaffer	Kanawha County Board Of Education	2/4/2021
2022-0210-DHHR	Love Oakley Sabatini	Department Of Health And Human Resources	12/10/2021
		Bureau for Public Health	12/10/2021
2022-0581-MonED	Joseph Miker	Monongalia County Board Of Education	11/1/2022
2023-0359-HarED	Dawn Riestenberg	Harrison County Board Of Education	11/10/2022
2022-0664-DHS	Kenneth Lee Rexrode	Department of Homeland Security	11/16/2022
		Huttonsville Correctional Center and Jail	11/16/2022
2023-0314-DHHR	Danny Groves	Department Of Health And Human Resources	11/17/2022
		William R. Sharpe, Jr. Hospital	11/17/2022
2022-0874-DHHR	Nathan Reid Kirk	Department Of Health And Human Resources	11/17/2022
		Bureau for Public Health	11/17/2022
		Division Of Personnel	11/17/2022
2023-0055-MISC	Mary Talbot	Grace Stemple	11/18/2022
		Barbour County Fiduciary Commissioner	11/18/2022
2023-0056-MISC	Mary Talbot	Erika Klie	11/18/2022
2023-0057-MISC	Mary Talbot	Connie Kaufman, County Clerk	11/18/2022
2023-0289-JefED	Daniel Shane Price	Jefferson County Board Of Education	11/21/2022
2023-0377-HanED	Amy Lynn Angle	Hancock County Board Of Education	12/1/2022
2022-0870-KanED	Cathy S. McGuire	Kanawha County Board Of Education	12/1/2022
2023-0378-HanED	Heather Marie Stewart	Hancock County Board Of Education	12/1/2022
2021-1858-CONS	Robin Weekly	Health And Human Resources	12/2/2022
		William R. Sharpe, Jr. Hospital	12/2/2022
2023-0131-DHHR	Damon Snead	Department Of Health And Human Resources	12/7/2022
		Mildred Mitchell-Bateman Hospital	12/7/2022

2021-1080-DHHR	**Beverly O'Dell**	Department Of Health And Human Resources	12/7/2022
		Bureau For Children And Families	12/7/2022
2022-0701-DOA	**Marcia L. Booker**	Public Employees Insurance Agency	12/8/2022
2023-0376-WooED	**Robin L. Cross**	Wood County Board Of Education	12/9/2022
2022-0688-CONS	**Scot R. Shapero**	Department Of Environmental Protection	12/9/2022
2023-0393-DOC	**Charles Robert Johnson**	Division Of Natural Resources	12/19/2022
2023-0135-DEP	**Sherri D. Weathersbee**	Department of Environmental Protection	12/19/2022
		Business and Technology Office	12/19/2022
2023-0316-DHS	**Derik Buskirk**	Department of Homeland Security	12/20/2022
		Parkersburg Correctional Center and Jail	12/20/2022
2023-0356-DHS	**Derik Buskirk**	Department of Homeland Security	12/20/2022
		Parkersburg Correctional Center and Jail	12/20/2022
2023-0114-DHS	**Derik Buskirk**	Department of Homeland Security	12/20/2022
		Parkersburg Correctional Center and Jail	12/20/2022
2023-0322-RalED	**Joshua Cole Vangilder**	Raleigh County Board Of Education	12/21/2022
2023-0392-DHS	**Ryan Wilson**	Department of Homeland Security	12/21/2022
		Mount Olive Correctional Complex and Jail	12/21/2022
2023-0331-CONS	**Mia Cathryn Gordan, et al.,**	Logan County Board Of Education	12/28/2022
		Department of Education	12/28/2022
2023-0456-DHHR	**Suelinn Ross**	Department Of Health And Human Resources	12/28/2022
		Bureau of Social Services	12/28/2022

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Other

west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Harold Ward, Cabinet Secretary
dep.wv.gov

2021 Hazardous Waste Emergency Response Fee Assessment
Introduction

The West Virginia Department of Environmental Protection is authorized by Article 19, Chapter 22 of the West Virginia Code to annually assess fees on all generators, as defined in 33 CSR 26. Generators, whose fees do not exceed $5.00 will not be sent an invoice. All monies collected from generators are deposited in a special fund designated the "Hazardous Waste Emergency Response Fund," which is utilized to; respond to hazardous waste emergencies, perform Non Time Critical (NTC) response activities, at and in regard to, hazardous waste/Hazardous substance sites, and match federal financial assistance for restoring hazardous waste sites.

In accordance with the law, fees vary annually to a level necessary to produce a fund of at least $1,000,000 at the beginning of each calendar year, with the maximum revenue per year limited to $500,000. If the balance of the fund in any year is in excess of $1,500,000, no fee is assessed until the balance at the end of any year is less than $1,000,000.

The Hazardous Waste Emergency Response Fund Procedural Rule Concerning Fee Assessment (State Rule 33 CSR 26) established fee assessment procedures and data upon which such assessments are based. Fee assessment categories, which have been established by the enabling act, include the following:

Assessment Category	Base Fee Rate
Hazardous waste treated or disposed off-site	100%
Hazardous waste treated or disposed on-site	90%
Hazardous waste treated off-site to be rendered non-hazardous	75%
Hazardous waste treated on-site to be rendered non-hazardous	25%

The following provides clarification as to how the rate per ton is determined:

$w =$ the amount of hazardous waste generated in West Virginia that was treated or disposed off-site (remaining hazardous)

$x =$ the amount of hazardous waste generated in West Virginia that was treated or disposed on-site (remaining hazardous)

$y =$ the amount of hazardous waste generated in West Virginia that was treated off-site to render it non-hazardous

$z =$ the amount of hazardous waste generated in West Virginia that was treated on-site to render it non-hazardous

$$\text{Rate} = \frac{\text{Revenues from total fees assessed (\$500,000)}}{w + x(0.90) + y(0.75) + z(0.25)}$$

Promoting a healthy environment.

west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Harold Ward, Cabinet Secretary
dep.wv.gov

2021 Hazardous Waste Emergency Response Fee Assessment
Base Rate Calculation and Fee Schedule

Based on information collected from Hazardous Waste Emergency Response Fund Fee Assessment Reports for waste generated during the 2021 calendar year, the 2021 base fee rate has been set at $20.26/ton.

This rate was calculated as follows:

$$\text{Rate} = \frac{\$500{,}000}{7379.11 + 34.85(0.90) + 14587.53(0.75) + 2677.35(0.25)}$$

The following Fee Schedule has been established:

Fee Assessment Category	Base Fee Rate ($/ton)	Total Generated (tons)
Hazardous waste treated or disposed off-site	$20.26	*7379.11*
Hazardous waste treated or disposed on-site	$18.23	*34.85*
Hazardous waste treated off-site to be rendered non-hazardous	$15.20	*14587.53*
Hazardous waste treated on-site to be rendered non-hazardous	$5.07	*2677.35*

Note: Due to rounding differences within different programs the fee schedule may be +/- .02

The West Virginia Department of Environmental Protection will provide a copy of this fee schedule to each generator within fifteen (15) days of publication in the State Register, and invoices will be included for each generator upon whom a fee is assessed. All payments are due within 168 days of publication in the State Register.

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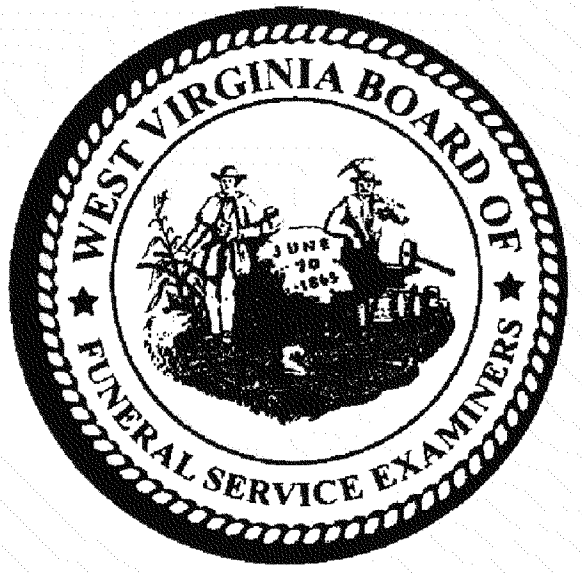
JANUARY 10, 2023 10:29 AM

WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS



ANNUAL REPORT
FY 2021 & FY 2022

Other

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WV SECRETARY OF STATE
JANUARY 12, 2023 03:13 PM

Date: January 12, 2023

NOTICE OF COMMENT PERIOD ON A PROPOSED AUTOMOBILE LIABILITY INSURANCE RATE INCREASE

Pursuant to West Virginia Code Section **§33-20-4(l)**, a comment period has been established during which any interested person may submit written comments on the following proposed automobile liability insurance rate increase.

Insurance Company: Hartford Casualty Insurance Company

Trumbull Insurance Company

Proposed Liability Rate Increase:

Hartford Casualty Insurance Company 15.2%

Trumbull Insurance Company 15.2%

Insureds Affected: 11,288

The comment period will end on February 13th, at 4:30 p.m.

Only written comments will be accepted, our mailing address is:

Rates & Forms Division
Re: Liability Increase
West Virginia Offices of the Insurance Commissioner
P. O. Box 50540
Charleston, WV 25305-0540

FILED
WV SECRETARY OF STATE
JANUARY 09, 2023 11:33 AM

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

Other

January 9, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **January 6, 2023.**

LETTERS OF INTENT RECEIVED

January 3, 2023 - Fayette Physician Network, Inc, d/b/a/ WVUHS Medical Group, Morgantown, Monongalia County, West Virginia, CON File #23-6-12598-P, for the development of an ambulatory care facility in Monongalia County, West Virginia, capital expenditure: $410,000.

January 6, 2023 - Grant Memorial Hospital, Petersburg, Grant County, West Virginia, CON File #23-8-12601-P, for the development of an ambulatory care facility in Hardy County, West Virginia, capital expenditure; $10,000.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

December 29, 2022 - Raleigh General Hospital, Beckley, Raleigh County, West Virginia, CON File #22-4-12592-P, for the development of an ambulatory health care facility in Fayette County, West Virginia; capital expenditure; $30,000.

December 29, 2022 - LTACH Morgantown, LLC dba Select Specialty Hospital-Morgantown, Morgantown, Monongalia County, CON File #22-6-12594-H,for the addition of nine long term acute care hospital (LTACH beds); capital expenditure; $900.000.

The review cycle for the above-referenced projects are as follows:

December 30, 2022 – Review cycle begins

January 30, 2023 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

February 3, 2023 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

February 28, 2023 – Decision on the project will be issued by the Authority.

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

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

- **Home Health**
- **End Stage Renal Disease**

Written comments may be submitted in care of Tiffany Dempsey, Secretary, Certificate of Need Division, at the address set forth below and must be received no later than **4:00 p.m. on January 17, 2023**. Copies of the proposed Standards set forth above have been filed with the Secretary of State. The Standards may be viewed at the Authority's website, www.hcawv.org, or copies may be obtained by contacting Tiffany Dempsey at (304) 558-7000 or tiffany.d.dempsey@wv.gov.

PROJECT DETERMINED NOT REVIEWABLE

December 9, 2022 - Lotus Recovery Center, LLC, Mount Nebo, Nicholas County, West Virginia, CON File #22-3-12588-X, for the relocation of the Licensed Behavioral Health Center from Mount Nebo, Nicholas County, West Virginia, to Malden, Kanawha County, West Virginia; no capital expenditure.

PROJECTS EXEMPT FROM REVIEW

December 13, 2022 - Valley Health Systems, Inc., Huntington, Cabell County, West Virginia, CON File #22-2-12590-X, for a new Valley Health site located in Cabell County, West Virginia.

December 13, 2022 - Anchor Project Sun Valley Inc., d/b/a Sun Valley Recovery Center, Lavalette, Wayne County, West Virginia, CON File #22-2-12589-X, for the development of a new residential substance use treatment program to be located in

Wayne County, West Virginia.

December 15, 2022 - Devaraj Behavioral Healthcare, Montgomery, Fayette County, West Virginia, CON File # 22-4-12591-X, for the addition of a satellite office to be located in Fayette County, West Virginia.

December 19, 2022 - Envision Medical Care, LLC, Ripley, Jackson County, West Virginia, CON File #22-5-12593-X, for transitioning their current OBMAT to a licensed behavioral health center in Jackson County, West Virginia.

December 21, 2022 - New Beginnings Recovery Clinic, LLC, New Martinsville, Wetzel County, West Virginia, CON File #22-10-12595-X, for transitioning their current OBMAT to a licensed behavioral health center in Wetzel County, West Virginia.

January 3, 2023 - Community Care of West Virginia, Inc., Buckhannon, Upshur County, West Virginia, CON File #23-78-12597-X, for the development of CareXpress Buckhannon, which will provide primary care services in Upshur County, West Virginia.

NOTICE OF SUBSTANTIAL COMPLIANCE AND DECISION ON SUBSTANTIAL CHANGE ISSUED

January 5, 2023 - Berkeley Medical Center, Martinsburg, Berkeley County, West VIrginia, CON File #22-9-12470-P, for relocating its outpatient rehabilitation services provided on its hospital campus to an off campus location in Martinsburg, Berkeley County, West Virginia; capital expenditure: $356,239.

The Authority determines that the change in capital expenditure does constitute a substantial change to the project as defined in W. Va. Code St. R. § 65-32-14.1(h). The Authority further determines that the increase in the capital expenditure is not subject to further review. The Authority further determines that the project has been implemented in compliance with the Decision issued in this matter.

Accordingly, it is ***ORDERED*** that the Certificate of Need in this matter by ***Berkeley Medical Center*** for the relocation of its outpatient rehabilitation services provided on its hospital campus to an off campus location in Martinsburg, West Virginia has been implemented in substantial compliance with the Decision issued in this matter and the file is now ***CLOSED.***

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

Other

SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA
ADMINISTRATIVE OFFICE

JOSEPH M. ARMSTRONG
ADMINISTRATIVE DIRECTOR
PHONE: 304-558-0145
FAX: 304-558-1212

BUILDING 1, ROOM E-100
1900 KANAWHA BOULEVARD, E.
CHARLESTON, WV 25305-0145
WWW.COURTSWV.GOV

January 6, 2023

Via Hand Delivery

The Honorable Craig P. Blair
Senate President
Lt. Governor
West Virginia State Senate
Room 229M, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Roger Hanshaw
Speaker of the House
West Virginia House of Delegates
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Mac Warner
Secretary of State
Room 157, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Lee Cassis
Senate Clerk
Room 211M, Bldg. 1
State Capitol Complex
Charleston, WV 25305

The Honorable Steve Harrison
Clerk of the House of Delegates
Room 212M, Bldg. 1
State Capitol Complex
Charleston, WV 25305

FILED
2023 JAN -6 P 2:43
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Gentlemen:

Pursuant to H.B. 2910 from the 2022 Regular Legislative Session, please find enclosed an attested copy of the January 5, 2022 Administrative Order regarding the recommended allocation of magistrates in West Virginia and the report from the National Center for State Courts' regarding magistrate workload in the state.

If you have questions, Keith Hoover, our Deputy Administrative Director & Counsel was primarily responsible for the Administrative Office's contributions to the study. He can be reached at Keith.Hoover@courtswv.gov or at (304) 340-2918.

Sincerely,

Joseph M. Armstrong
Administrative Director

Encl.

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: ALLOCATION OF MAGISTRATES

WHEREAS, Article 8, Section 10 of the Constitution of West Virginia provides that the Legislature shall determine the number of magistrates for each magistrate court;

WHEREAS, during the 2022 Regular Session, the Legislature passed H.B. 2910 ("the Bill"), which among other things, requested that the Supreme Court of Appeals conduct a caseload study for the purposes of determining how many magistrates are needed in each county; that the Supreme Court of Appeals enter an Administrative Order on or before January 5, 2023 containing the recommendations as to the number of magistrates that are needed in each of the state's fifty-five counties for the four-year terms of office to be filled by election in 2024; and that attested copies of the Administrative Order shall be provided to the President of the West Virginia Senate, the Clerk of the Senate, the Clerk and the Speaker of the West Virginia House of Delegates, and the West Virginia Secretary of State;

WHEREAS, the Bill provided that the Administrative Order shall allocate no more than 170 magistrates for the entire state;

WHEREAS, the Bill required that the Administrative Order shall not reduce the number of magistrates in any county below the amount at the time the Bill become effective;

WHEREAS, the Supreme Court of Appeals contracted with the National Center for State Courts to conduct the requested workload study; and

WHEREAS, the magistrate workload study is now complete and attached as Exhibit 1 to this Administrative Order.

THEREFORE, it is ORDERED that the following proposed allocation of magistrates be the Supreme Court's recommendation, subject to Legislature passing an alternative plan during the 2023 Regular Legislative Session:

- Barbour County shall remain at 2 magistrates
- Berkeley County shall be increased from 6 to 7 magistrates
- Boone County shall remain at 2 magistrates
- Braxton County shall remain at 2 magistrates
- Brooke County shall remain at 2 magistrates
- Cabell County shall remain at 7 magistrates
- Calhoun County shall remain at 2 magistrates
- Clay County shall remain at 2 magistrates
- Doddridge County shall remain at 2 magistrates
- Fayette County shall remain at 4 magistrates

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SECRETARY OF STATE

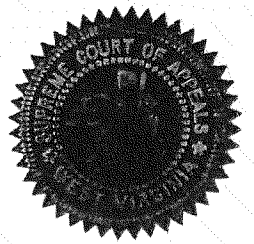
Other

- Gilmer County shall remain at 2 magistrates
- Grant County shall remain at 2 magistrates
- Greenbrier County shall remain at 3 magistrates
- Hampshire County shall remain at 2 magistrates
- Hancock County shall remain at 3 magistrates
- Hardy County shall remain at 2 magistrates
- Harrison County shall remain at 5 magistrates
- Jackson County shall remain at 2 magistrates
- Jefferson County shall be increased from 3 to 4 magistrates
- Kanawha County shall be increased from 10 to 13 magistrates
- Lewis County shall remain at 2 magistrates
- Lincoln County shall remain at 2 magistrates
- Logan County shall be increased from 3 to 4 magistrates
- Marion County shall remain at 4 magistrates
- Marshall County shall remain at 3 magistrates
- Mason County shall remain at 2 magistrates
- McDowell County shall remain at 3 magistrates
- Mercer County shall remain at 5 magistrates
- Mineral County shall remain at 2 magistrates
- Mingo County shall remain at 3 magistrates
- Monongalia County shall be increased from 4 to 6 magistrates
- Monroe County shall remain at 2 magistrates
- Morgan County shall remain at 2 magistrates
- Nicholas County shall remain at 3 magistrates
- Ohio County shall remain at 4 magistrates
- Pendleton County shall remain at 2 magistrates
- Pleasants County shall remain at 2 magistrates
- Pocahontas County shall remain at 2 magistrates
- Preston County shall remain at 3 magistrates
- Putnam County shall remain at 3 magistrates
- Raleigh County shall be increased from 5 to 6 magistrates
- Randolph County shall remain at 3 magistrates
- Ritchie County shall remain at 2 magistrates
- Roane County shall remain at 2 magistrates
- Summers County shall remain at 2 magistrates
- Taylor County shall remain at 2 magistrates
- Tucker County shall remain at 2 magistrates
- Tyler County shall remain at 2 magistrates
- Upshur County shall remain at 2 magistrates
- Wayne County shall remain at 3 magistrates
- Webster County shall remain at 2 magistrates
- Wetzel County shall remain at 2 magistrates
- Wirt County shall remain at 2 magistrates
- Wood County shall be increased from 4 to 6 magistrates

- Wyoming County shall remain at 3 magistrates
- The total number of magistrates in West Virginia shall be increased from 159 to 170.

It is FURTHER ORDERED that, in the event the Legislature does not pass an alternative plan, the allocation contained in this ORDER shall be the final number of magistrate court judges in each county for the 2024 election, and that this Administrative Order shall become the certification to the ballot commissioners of each county for the number magistrates to be elected in each county at the judicial elections to be held concurrently with the primary election in 2024.

ENTERED: January 5, 2023



Elizabeth D. Walker, Chief Justice

Edythe Nash Gaiser, Clerk of Court

Other