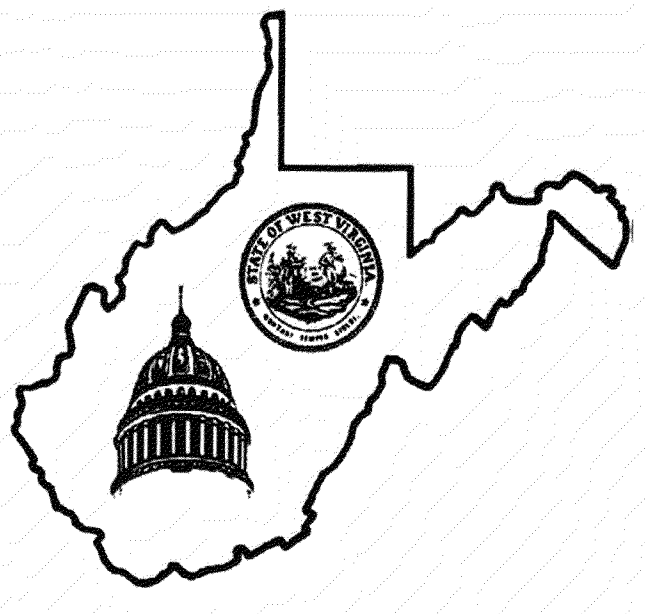

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Administrative Law Division

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RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Election Commission (146-03)	Regulation of Campaign Finance Legislative	§§3-1A-5, 3-8-2, 3-8-7, 3-8-8, 3-8-9, 29A-3-1 et seq.	Written Comments Only: August 28, 2023, 3:00pm Donald Kersey Secretary of State's Office State Capitol Bldg. 1, Ste. 157-K Charleston, WV 25305 dkersey@wvsos.gov

NO EMERGENCY RULES FILED THIS WEEK

AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE

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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
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TITLE	19	REGISTERED NURSES
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TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	53	PUBLIC ENERGY AUTHORITY
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
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TITLE	64	HEALTH
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TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
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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
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TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
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TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
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TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	220	MULTIMODAL TRANSPORTATION FACILITIES

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	5/10/2023	6/30/2023		7/24/2023				
Acupuncture (32-03)	Application for Licensure to Practice Acupunture Legislative	6/28/2023	7/28/2023						
Administration (148-03) Sunset Provision	State Owned Vehicles Legislative				10/25/2022				
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	6/28/2023	7/28/2023						
Agriculture (61-12A)	Certified Pesticide Applicator Rules Legislative	6/28/2023	7/28/2023						
Agriculture (61-12B)	Licensing of Pesticide Business Legislative	6/28/2023	7/28/2023						
Agriculture (61-23B)	WV Shellfish Legislative	6/28/2023	7/28/2023						
Agriculture (61-30)	Hemp Products Legislative	6/28/2023	7/28/2023	6/28/2023 ERD by 8/9/2023					
Agriculture (61-37) Sunset Provision	Agritourism Legislative				12/15/2022				
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Operations Legislative	5/31/2023	7/6/2023						
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	5/31/2023	7/6/2023						
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	5/31/2023	7/6/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	5/31/2023	7/6/2023						
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	5/31/2023	7/6/2023						
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	5/31/2023	7/6/2023						
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/31/2023	7/6/2023						
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	5/31/2023	7/6/2023						
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/31/2023	7/6/2023						
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	5/31/2023	7/6/2023						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/31/2023	7/6/2023						
Air Quality (45-44, repeal)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	5/31/2023	7/6/2023						
Auditor (155-11)	Rules for Electronic Filing of Legal Notices for State Agencies Procedural	6/14/2023	7/14/2023					7/26/2023	9/1/2023
Barbers and Cosmetologists (3-01)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists Legislative	4/12/2023	5/31/2023		6/14/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Barbers and Cosmetologists (3-15)	Application For Waiver Of Initial Licensing Fees For Certain Individuals Legislative	4/7/2023	5/15/2023		6/14/2023				
Barbers and Cosmetologists (3-16)	Cosmetology Apprenticeship Legislative	4/10/2023	5/31/2023		6/14/2023				
Coal Mine Health and Safety (36-44)	Rule Governing Mine Rescue Requirements Legislative Exempt	6/28/2023	7/28/2023						
Coal Mine Health and Safety (36-59)	Supervision of Underground Apprentices in Areas Other Than the Working Section Legislative Exempt	6/28/2023	7/28/2023						
Community and Technical College Education (135-06)	Performance Indicators Legislative	6/21/2023	7/24/2023		7/26/2023				
Community and Technical College Education (135-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Legislative	6/21/2023	7/24/2023	6/21/2023 Approved 6/30/2023	7/26/2023				
Community and Technical College Education (135-20)	Initial Authorization of Degree-Granting Institutions Legislative	6/21/2023	7/24/2023		7/26/2023				
Community and Technical College Education (135-32)	Tuition and Fees Legislative	6/21/2023	7/24/2023		7/26/2023				
Community and Technical College Education (135-49, repeal)	Accountability System Legislative	6/21/2023	7/24/2023		7/26/2023				
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures; Hearing Procedures Procedural	6/1/2023	7/3/2023					7/10/2023	8/10/2023
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Legislative	6/23/2023	7/24/2023		7/26/2023				
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/26/2023	7/26/2023		7/27/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime Delinquency and Correction (149-10)	Sexual Assault Forensic Examinations Legislative	6/28/2023	7/28/2023						
Dentistry (5-10)	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative	4/19/2023	5/22/2023		7/25/2023				
Dietitians (31-01)	Licensure And Renewal Requirements Legislative	3/14/2023	4/14/2023		4/25/2023				
Dietitians (31-05)	Continuing Professional Education Requirements Legislative	3/14/2023	4/14/2023		4/25/2023				
Dietitians (31-07)	Telehealth Practice; Requirements; Definitions Legislative	6/21/2023	7/21/2023						
Economic Development, WV Dept. of (145-19)	Rule Governing the Operations of Motorsports Complexes and Events Legislative	6/28/2023	7/28/2023						
Education (126-044BB)	West Virginia College-and Career-Readiness Standards for Mathematics (Policy 2520.2B) Legislative Exempt	4/13/2023	5/15/2023					7/12/2023	7/1/2024
Education (126-142)	Performance Evaluation of Professional Personnel and Athletic Coaches (Policy 5310) Legislative Exempt	7/12/2023	8/14/2023						
Education (126-161)	Regulations for Alternative Certification Programs for the Education of Teachers (Policy 5901) Legislative Exempt	5/11/2023	6/12/2023					7/12/2023	8/14/2023
Education (126-176)	School Closings or Consolidations (Policy 6204) Legislative Exempt	5/11/2023	6/12/2023					7/12/2023	8/14/2023
Election Commission (146-01)	Corporate and Membership Organization Political Activity Legislative	6/28/2023	7/28/2023						
Election Commission (146-03)	Regulation of Campaign Finance Legislative	7/27/2023	8/28/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Election Commission (146-07)	Application and Approval Process for Secretary of State Expenditures from the County Assistance Voting Equipment Fund Legislative	6/27/2023	7/27/2023						
Emergency Management (170-02)	Industrial Accident Rapid Response Rule Legislative	6/26/2023	7/26/2023		7/27/2023				
Environmental Protection Secretarys's Office (60-12)	Administration of Drinking Water Treatment Revolving Fund and Safe Drinking Water Set-Asides Legislative	6/28/2023	7/28/2023	6/29/2023 ERD by 8/10/2023					
Ethics Commission (158-12)	Lobbying Legislative	5/16/2023	6/16/2023		7/7/2023				
Family Protection Services Board (191-02)	Domestic Violence Program Licensure Standards Legislative	5/30/2023	6/29/2023		7/13/2023				
Fire Commission (87-01)	Fire Code Legislative	6/16/2023	7/17/2023						
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/23/2023	7/24/2023		7/26/2023				
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/23/2023	7/24/2023		7/26/2023				
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/23/2023	7/24/2023		7/26/2023				
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/23/2023	7/24/2023		7/27/2023				
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/23/2023	7/24/2023		7/27/2023				
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Bldg Code Officials, Bldg Code Inspectors and Plans Examiners Legislative	6/23/2023	7/24/2023		7/27/2023				
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/23/2023	7/24/2023		7/27/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Forestry (22-02)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing Legislative	6/26/2023	7/27/2023		7/27/2023				
Forestry (22-03)	Sediment Control During Timber-Harvesting Operations-Logger Certification Legislative	6/26/2023	7/27/2023		7/27/2023				
Health (64-04)	Public Water Systems Operators Legislative	5/17/2023	6/16/2023		7/13/2023				
Health (64-05)	Wastewater Systems and Operators Legislative	5/17/2023	6/16/2023		7/13/2023				
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/5/2023	7/5/2023		7/13/2023				
Health (64-12)	Hospital Licensure Legislative	6/5/2023	7/5/2023		7/13/2023				
Health (64-14) Sunset Provision	Assisted Living Facilities Legislative				2/16/2023				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	5/17/2023	6/16/2023		7/13/2023				
Health (64-30)	Fees for Permits Legislative	5/17/2023	6/16/2023		7/21/2023				
Health (64-51)	Fees for Services Legislative	5/17/2023	6/16/2023		7/21/2023				
Health (64-84)	Medical Examiner Requirements for Postmortem Inquires Legislative	5/17/2023	6/16/2023		7/13/2023				
Health (64-91) Sunset Provision	Newborn Screening System Legislative				2/16/2023				
Health (64-116)	Distribution of Funds from Emergency Medical Services Salary Enhancement Fund Legislative	5/17/2023	6/16/2023	5/18/2023 Approved 5/18/2023	7/18/2023				
Health (64-123, formerly 69-10)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	6/9/2023	7/10/2023		7/19/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023				
Health and Human Resources (69-12) Sunset Provision	Medication Assisted Treatment-Office-Based Medication-Assisted Treatment Legislative				2/16/2023				
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022				
Health Care Authority (65-32)	Certificate of Need Legislative	5/17/2023	6/16/2023		7/21/2023				
Higher Education Policy Commission (133-05)	Empolying and Evaluating Presidents Legislative	6/21/2023	7/21/2023		7/25/2023				
Higher Education Policy Commission (133-06)	Higher Education Adult-Part Time Student (HEAPS) Grant Program Legislative	6/21/2023	7/21/2023		7/24/2023				
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/21/2023	7/21/2023		7/26/2023				
Higher Education Policy Commission (133-19)	Guidelines for College Courses for High School Students Legislative	6/21/2023	7/21/2023	6/21/2023 Approved 6/27/2023					
Higher Education Policy Commission (133-28)	WV Engineering, Science and Technology Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023				
Higher Education Policy Commission (133-42)	WV Higher Education Grant Program Legislative	6/21/2023	7/21/2023		7/24/2023				
Higher Education Policy Commission (133-58)	Nursing Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023				
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	6/21/2023	7/21/2023					7/26/2023	8/26/2023

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/22/2023	7/24/2023						
Highways (157-05)	Traffic and Safety Rules Legislative	6/15/2023	7/17/2023		7/26/2023				
Human Services (67-01, formerly 69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/6/2023	7/6/2023		7/18/2023				
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	5/30/2023	6/29/2023		7/13/2023				
Insurance Comm. (114-27) Sunset Provision	Aids Regulations Legislative				3/29/2023				
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/2/2023	7/5/2023		7/12/2023				
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/2/2023	7/5/2023		7/11/2023				
Labor (42-08)	Minimum Wage, Maximum Hours, and Overtime Compensation Legislative	5/4/2023	6/5/2023		6/6/2023				
Labor (42-21A)	Licensing of Elevator Mechanics, Accessibility Technicians, and Limited Technicians and Registration of Elevator Mechanic Apprentices Legislative	6/23/2023	7/26/2023		7/27/2023				
Massage Therapy Licensure Bd. (194-01)	General Provision Legislative	6/27/2023	7/27/2023						
Massage Therapy Licensure Bd. (194-04)	Schedule of Fees Legislative	6/28/2023	7/28/2023	6/27/2023 ERD by 8/8/2023					
Massage Therapy Licensure Bd. (194-07)	Establishment Licensure Legislative	6/28/2023	7/28/2023	6/27/2023 ERD by 8/8/2023					
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-01)	West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/21/2023	7/22/2023		7/24/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/21/2023	7/21/2023		7/27/2023				
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/21/2023	7/21/2023		7/27/2023				
Medicine (11-12) Sunset Provision	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative				11/21/2022				
Miners Health Safety and Training (56-01)	Procedure and Practice Before the Office of Miners' Health, Safety and Training Procedural	6/21/2023	7/21/2023					7/27/2023	8/31/2023
Miners Health Safety and Training (56-02)	Rule Governing Safety Provisions for Clearing Crews Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-04)	Rule Governing Protective Clothing and Equipment Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-10)	Rule Governing Reporting Requirements for Independent Contractors Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-12)	Rule Governing Assessing Health and Safety Violation Penalties Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-13)	Drug Testing of Mine Inspectors and Mine Safety Inspectors Interpretive	6/21/2023	7/21/2023					7/27/2023	8/31/2023
Miners Health Safety and Training (56-14)	Rule Pertaining to the Office of Miners' Health, Safety and Training Application Process for the WV Innovative Mine Safety Technology Tax Credit Act Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-17)	Rule Governing Organization and Implementation Procedures for Control of Coal Dust, Rock Dust Standards Procedural	6/21/2023	7/21/2023					7/27/2023	8/31/2023

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-18)	Rule for Governing the Program for the Sharing of Information Between Employers Legislative	6/21/2023	7/21/2023		7/27/2023				
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/21/2023	7/21/2023		7/27/2023				
Miner Training Education and Certification (56-23) Sunset Provision	Operating Diesel Equipment in Underground Mines in WV Legislative				7/27/2023				
Motor Vehicles (91-03)	Motor Vehicle Titling and Registration Legislative	6/23/2023	7/23/2023	6/27/2023 ERD by 8/8/2023	7/26/2023				
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/23/2023	7/23/2023		7/26/2023				
Motor Vehicles (91-10)	Handicapped Parking Permits Legislative	6/6/2023	7/7/2023		7/13/2023				
Multimodal Transportation Facilities (220-01)	Valuation of Used Rolling Stock and Equipment Legislative	6/28/2023	7/28/2023						
Natural Resources (58-11)	Hunting, Fishing, and Other Outfitters and Guides Legislative	6/26/2023	7/27/2023		7/27/2023				
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2023	7/27/2023		7/27/2023				
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/26/2023	7/27/2023		7/27/2023				
Natural Resources (58-36) Sunset Provision	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATV's and ORVs Legislative			7/20/2023					
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/26/2023	7/26/2023	6/26/2023 ERD by 8/7/2023	7/27/2023				
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	5/8/2023	6/8/2023		6/9/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Optometry (14-01)	Rules of the WV Board of Optometry Legislative	6/28/2023	7/27/2023						
Optometry (14-06)	Interview Evaluation Legislative	6/28/2023	7/28/2023						
Optometry (14-10)	Continuing Education Legislative	6/27/2023	7/27/2023						
Optometry (14-11)	Injectable Pharmaceuticals by Injection Certificate Legislative	6/28/2023	7/28/2023						
Optometry (14-13)	Opthalmic Laser Utilization Certificate Legislative	6/28/2023	7/28/2023						
Optometry (14-14)	Eyelid Procedures Legislative	6/28/2023	7/27/2023						
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/26/2023	7/27/2023						
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/26/2023	7/27/2023						
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/28/2023	7/28/2023						
Pharmacy (15-03)	Continuing Education for Licensure for Pharmacists Legislative	6/27/2023	7/27/2023						
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/27/2023	7/27/2023						
Pharmacy (15-12)	Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023					
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/29/2023	7/28/2023	6/27/2023 Approved 6/29/2023					
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023					
Pharmacy (15-17) Sunset Provision	The Subsitution of Biological Pharmaceuticals Legislative				7/20/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/7/2023	7/7/2023						
Psychologists (17-04)	Disciplinary and Complaint Procedures for Psychologists Legislative	6/15/2023	7/17/2023		7/25/2023				
Psychologists (17-05)	Contested Case Hearing Procedure Legislative	6/15/2023	7/17/2023		7/25/2023				
Public Energy Authority (53-05)	Rule to Petition the Public Energy Authority for Approval of Decommissioning or Deconstruction Activities Related to Any Coal, Oil, or Natural Gas Fueled Power Plant Legislative	6/23/2023	7/23/2023	6/14/2023 Approved 6/27/2023					
Public Service Commission (150-25)	Rules Governing Emergency Telephone Service Legislative Exempt	4/10/2023	6/9/2023					7/12/2023	9/11/2023
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/5/2023	7/6/2023		7/26/2023				
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	6/12/2023	7/14/2023						
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/12/2023	7/14/2023						
Real Estate Commission (174-03)	Real Estate Courses, Course Providers and Instructors Legislative	6/13/2023	7/14/2023						
Registered Nurses, WV Board of (19-01)	Policies, Standards and Criteria for the Evaluation, Approval and National Nursing Accreditation of Prelicensure Nursing Education Programs Legislative	6/14/2023	7/14/2023	5/31/2023 Approved 6/27/2023					
Registered Nurses, WV Board of (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/14/2023	7/14/2023		7/26/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Registered Nurses, WV Board of (19-05)	Contested Case Hearing Procedure Procedural	6/14/2023	7/14/2023						
Registered Nurses, WV Board of (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	6/14/2023	7/14/2023		7/26/2023				
Registered Nurses, WV Board of (19-12)	Fees for Services Rendered by the Board Legislative	6/14/2023	7/14/2023	5/31/2023 Approved 6/27/2023	7/26/2023				
Respiratory Care (30-09)	Student Temporary Permit - Amended Legislative	4/28/2023	6/1/2023		6/8/2023				
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series 1) Legislative Exempt	5/11/2023	6/12/2023					7/12/2023	9/11/2023
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt	5/11/2023	6/12/2023					7/12/2023	9/11/2023
Secondary School Activities Commission (127-03)	Provisions Governing Contests (WVSSAC Series 3) Legislative Exempt	5/11/2023	6/12/2023					7/12/2023	9/11/2023
Secondary School Activities Commission (127-04)	Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt	5/11/2023	6/12/2023					7/12/2023	9/11/2023
Secretary of State (153-14)	Guidelines fo the Use of Nicknames and Other Designations on the Ballot Legislative	6/28/2023	7/28/2023						
Secretary of State (153-25, repeal)	Combined Voter Registration and Driver Licensinig Fund Legislative	6/282023	7/28/2023						
Secretary of State (153-55)	Minimum Standards for Election Administration, Infrastructure, and Security Legislative	6/27/20223	7/27/2023						
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	6/16/2023	7/16/2023						

THE ABOVE RULE HAS BEEN WITHDRAWN 7/25/2023

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech Language Pathology and Audiology (29-02)	Rule Governing Speech-Language Pathology, Audiology and Hearing Aid Dealers Assistants Legislative	6/16/2023	7/16/2023						
THE ABOVE RULE HAS BEEN WITHDRAWN 7/25/2023									
Speech Language Pathology and Audiology (29-03)	Contested Case Hearing Procedure Procedural	6/16/2023	7/16/2023						
THE ABOVE RULE HAS BEEN WITHDRAWN 7/25/2023									
Speech Language Pathology and Audiology (29-04)	Disciplinary and Complaint Procedures for Speech-Language Pathology, Audiology and Hearing Aid Dealers Procedural	6/16/2023	7/16/2023						
THE ABOVE RULE HAS BEEN WITHDRAWN 7/25/2023									
Speech Language Pathology and Audiology (29-05)	WV Bd. Of Examiners for Speech-Lanuage Pathology, Audiology, or Hearing Aid Dealers Code of Ethics Legislative	6/16/2023	7/16/2023						
THE ABOVE RULE HAS BEEN WITHDRAWN 7/25/2023									
State Police (81-08)	WV State Police Member Grievance Procedure Legislative	6/23/2023	7/23/2023		7/27/2023				
State Police (81-19)	Motor Vehicle Inspection Legislative	6/23/2023	7/23/2023		7/27/2023				
Tax (110-15K) Sunset Provision	Aircraft Operated Under A Fractional Ownership Program Legislative				3/28/2023				
Tax (110-21B) Sunset Provision	Citizen Tax Credit for Property Taxes Paid Legislative				12/30/2022				
Tax (110-21G)	Income Tax Paid at the Entity Level by Electing Pass-Through Entities Legislative	6/8/2023	7/10/2023						
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/8/2023	7/10/2023		7/25/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Legislative				12/30/2022				
Tax (110-99)	Privilege Tax on Sales of Hemp-Derived Cannabinoid and Kratom Products Legislative	6/8/2023	7/10/2023		7/25/2023				
Tax Appeals (121-01)	Rules of Practice and Procedure Before the West Virginia Office of Tax Appeals Procedural	12/19/2022	1/23/2023					6/21/2023	7/21/2023
Treasurer (112-05)	Enforcement of the Unifrom Unclaimed Property Act Legislative	6/27/2023	7/27/2023						
Treasurer (112-20)	Jumpstart Savings Program Legislative	6/9/2023	7/10/2023		7/13/2023				
Waste Mgmt. Division of Water and Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/12/2023	7/18/2023		7/24/2023				
Water Resources Division of Water and Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/12/2023	7/18/2023						

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7/24/2023 10:37:52 AM

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LEGISLATIVE

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

AGENCY: Accountancy TITLE-SERIES: 1-01

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

RULE NAME: 1-01 Board Rules and Rules of Professional Conduct

PRIMARY CONTACT

NAME: Kristi Justice

ADDRESS: 405 Capitol Street
Suite 908
Charleston, WestVirginia 25301-1744

EMAIL: kristi.a.justice@wv.gov

PHONE NUMBER: 304-558-3557

CITE STATUTORY AUTHORITY: WV Code 30-9-5

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/10/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/30/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-06

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

RULE NAME: 135-06 Performance Indicators

PRIMARY CONTACT

NAME: Angela S Kerns

ADDRESS: 1018 Kanawha Blvd East
Suite 700
Charleston, WV 25301

EMAIL: kerns@wvctcs.edu

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: §18B-1-6, §18B-1A-2

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-19

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

RULE NAME: 135-19 Guidelines for the Offering of Early Enrollment Courses for High School Students

PRIMARY CONTACT

NAME: Angela S Kerns

ADDRESS: 1018 Kanawha Blvd East
Suite 700
Charleston, WV 25301

EMAIL: kerns@wvctcs.edu

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: §18B-1-1A, §18B-1B-6

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-20

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

RULE NAME: 135-20 Initial Authorization of Degree-Granting Institutions

PRIMARY CONTACT

NAME: Angela S Kerns

ADDRESS: 1018 Kanawha Blvd East
Suite 700
Charleston, WV 25301

EMAIL: kerns@wvctcs.edu

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: 18B-4-7

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-32

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

RULE NAME: 135-32 Tuition and Fees

PRIMARY CONTACT

NAME: Angela S Kerns

ADDRESS: 1018 Kanawha Blvd East
Suite 700
Charleston, WV 25301

EMAIL: kems@wvctcs.edu

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: 18B-1D 3(a)(2)(B)

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-49

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

RULE NAME: 135-49 Accountability System

PRIMARY CONTACT

NAME: Angela S Kerns

ADDRESS: 1018 Kanawha Blvd East
Suite 700
Charleston, WV 25301

EMAIL: kems@wvctcs.edu

PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: §18B-1-6, §18B-1D-1

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

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

AGENCY: Crime Delinquency And Correction TITLE-SERIES: 149-02

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

RULE NAME: 149-02 Law Enforcement Training and Certification Standards

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W. Va. Code 30-29-3

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:

Regarding the duties of the Law-Enforcement Training and Certification subcommittee, the subcommittee shall develop and promulgate rules for state, county, and municipal law-enforcement officers, law-enforcement agencies, and communications and emergency operations centers that dispatch law-enforcement officers with regard to identification, investigation, reporting, and prosecution of suspected child abuse and neglect: provided, that such rules and procedures must be consistent with the priority criteria prescribed by generally applicable department procedures.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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7/27/2023 2:53:05 PM

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

AGENCY: Crime Delinquency And Correction TITLE-SERIES: 149-03

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

RULE NAME: 149-03 Protocol for Law Enforcement Response to Domestic Violence

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W. Va. Code 48-27-1102

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:

Per W.Va. Code 48-27-1102, the Governor's committee on crime, delinquency and correction shall develop and promulgate rules for state, county and municipal law-enforcement officers, law-enforcement agencies and communications and emergency operations centers which dispatch law-enforcement officers with regard to domestic violence.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/25/2023 9:42:58 AM

Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Dentistry WV Board of

TITLE-SERIES: 5-10

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: 5-10 Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database

PRIMARY CONTACT

NAME: WV Board of Dentistry

ADDRESS: PO Box 1447

Crab Orchard, WV 25827

EMAIL: wvbde@suddenlinkmail.com

PHONE NUMBER: 304-252-8266

CITE STATUTORY AUTHORITY: §60A-9-5a(c)

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:

This rule sets for the requirements for dental licensees of the Board of Dentistry regarding accessing the WV Controlled Substance Monitoring Program database.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/19/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/27/2023 2:47:41 PM

Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Election Commission

TITLE-SERIES: 146-03

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Regulation of Campaign Finance

CITE STATUTORY AUTHORITY: W. Va. Code §§ 3-1A-5, 3-8-2, 3-8-7, 3-8-8, 3-8-9 and 29A-3-1 et seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/28/2023 3:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Donald Kersey

ADDRESS: Secretary of State's Office, State Capitol, Bldg. 1, Ste. 157-K

EMAIL: dkersey@wvsos.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE

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7/27/2023 5:01:45 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Emergency Management TITLE-SERIES: 170-02

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

RULE NAME: 170-02 Industrial Accident Rapid Response Rule

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W. Va. Code 15-5B-3a

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:

Per W.Va. Code 15-5B-3a, the Director of the Division of Emergency Management within the Department of Homeland Security, working in cooperation with the Department of Environmental Protection, the State Fire Marshal and the state Emergency Response Commission, shall promulgate legislative rules identifying a list of industrial facilities that are subject to the requirements of the code section. The Division of Emergency Management is authorized to promulgate rules to implement provisions of the code section.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/26/2023 4:11:02 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: Fire Commission TITLE-SERIES: 87-06

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

RULE NAME: 87-06 Certification and Evaluation of Local Fire Departments

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W.Va. Code 15A-11-3, 15A-11-5 and 29A-3-1 et seq.

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:

Pursuant to the provisions of W.Va. Code 29A-3-1 et seq., the State Fire Commission shall propose and promulgate comprehensive rules for the safeguarding of life and property from the hazards of fire and explosion to be known as the State Fire Code. Rules embodied in the State Fire Code shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection and have the force and effect of law in the several counties, municipalities, and political subdivisions. Further, the State Fire Commission shall propose rules for legislative approval to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a State Building Code. The rules shall be in accordance with standard safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and have force and effect in those counties and municipalities adopting the State Building Code.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

WEST VIRGINIA SECRETARY OF STATE

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ADMINISTRATIVE LAW DIVISION

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7/26/2023 4:24:38 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Fire Commission TITLE-SERIES: 87-13

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

RULE NAME: 87-13 Certification of Fire Chiefs

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W.Va. Code 15A-11-8

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:

Per W.Va. Code 15A-11-8, regarding the powers, duties and authority of the State Fire Commission, the State Fire Commission shall certify the chief, or acting chief, of every department. The Fire Commission shall propose emergency legislative rules for promulgation to implement the program established.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/26/2023 4:48:20 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: Fire Marshal TITLE-SERIES: 103-01

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

RULE NAME: 103-01 Certification of Electrical Inspectors

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W. Va. Code 29-3C-4

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:

Per W.Va. Code 29-3C-4, the State Fire Marshal shall propose rules for legislative approval to establish a program for the certification of electrical inspectors.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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7/27/2023 10:39:23 AM

Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Fire Marshal TITLE-SERIES: 103-03

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

RULE NAME: 103-03 Supervision of Fire Protection Work

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W.Va. Code 29-3D-4

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:

Per W.Va. Code 29-3D-4, the State Fire Marshal shall propose rules for legislative approval for the implementation and enforcement of the provisions of the article regarding supervisio of fire protection work.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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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: Fire Marshal TITLE-SERIES: 103-05

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

RULE NAME: 103-05 Electrician Licensing Rules

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W. Va. Code 29-3B-5

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:

Per W.Va. Code 29-3B-5, the State Fire Marshal shall propose rules for legislative approval to implement the provisions of the article.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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7/27/2023 11:28:18 AM

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LEGISLATIVE

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

AGENCY: Fire Marshal TITLE-SERIES: 103-06

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

RULE NAME: 103-06 Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W. Va. Code 15A-10-2 and 15A-10-5

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:

Per W.Va. Code 15A-10-2, the State Fire Marshal shall propose rules for legislative approval for the implementation and enforcement of the code regarding standards and procedures for recognizing training hours acquired through career technical education and apprenticeship programs and employer-sponsored training programs and applying those hours to requirements for testing and/or certification and/or licensure.
Per W.Va. Code 15A-10-5, the State Fire Marshal may propose rules for legislative approval establishing state standards and fee schedules for the licensing, registration, certification, regulation and continuing education of persons which will conduct inspections relating to the State Building Code, which include, but are not limited to, building code officials, inspectors, plans examiners and home inspectors.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

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

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

AGENCY: Fire Marshal TITLE-SERIES: 103-07

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

RULE NAME: 103-07 Certification of Home Inspectors

PRIMARY CONTACT

NAME: Brandolyn N Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 400
Charleston, WV 25305

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-558-2930

CITE STATUTORY AUTHORITY: W. Va. Code 15A-10-5(a), (b), (c)

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 State Fire Marshal may propose rules for legislative approval establishing state standards and fee schedules for the licensing, registration, certification, regulation and continuing education of persons which will conduct inspections relating to the State Building Code, which include, but are not limited to, building code officials, inspectors, plans examiners and home inspectors. The State Fire Marshal shall propose rules for legislative approval requiring applicants for home inspector licensing, registration, or certification to submit to a state and national criminal history record check and may deny licensing, registration, or certification based upon results of the criminal history record check. The State Fire Marshal may establish advisory boards as it considers appropriate to encourage representative participation in subsequent rulemaking from groups or individuals with an interest in any aspect of the rules promulgated by the State Fire Marshal.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/27/2023 3:09:46 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Forestry TITLE-SERIES: 22-02

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

RULE NAME: 22-02 Sediment Control During Commercial Timber-Harvesting Operations-Licensing

PRIMARY CONTACT

NAME: Graham Platz

ADDRESS: 1900 Kanawha Blvd E
Building 3 Suite 800
Charleston, WV 25305

EMAIL: graham.b.platz@wv.gov

PHONE NUMBER: 304-352-3963

CITE STATUTORY AUTHORITY: 19-1B-4

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/27/2023 3:17:06 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: Forestry TITLE-SERIES: 22-03

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

RULE NAME: 22-03 Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification

PRIMARY CONTACT

NAME: Graham Platz

ADDRESS: 1900 Kanawha Blvd E
Building 3 Suite 800
Charleston, WV 25305

EMAIL: graham.b.platz@wv.gov

PHONE NUMBER: 304-352-3963

CITE STATUTORY AUTHORITY: 19-1B-7

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/21/2023 12:03:34 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Health TITLE-SERIES: 64-30

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

RULE NAME: Fees for Permits

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-1-4

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/21/2023 12:45:41 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: Health TITLE-SERIES: 64-51

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

RULE NAME: Fees for Services

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-1-4

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

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ADMINISTRATIVE LAW DIVISION

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7/21/2023 1:16:01 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Health Care Authority TITLE-SERIES: 65-32

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

RULE NAME: Certificate of Need

PRIMARY CONTACT

NAME: April L Robertson

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

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-2D-4(a) and 16-29B-8(a)(1)

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/17/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/16/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/25/2023 2:10:34 PM
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Secretary Of State

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-05

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

RULE NAME: 133-05 Employing and Evaluating Presidents

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Blvd East Suite 700
Charleston, WestVirginia 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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:

N/A

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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7/24/2023 11:04:57 AM

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LEGISLATIVE

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-06

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

RULE NAME: 133-06 Higher Education Adult Part-Time Student (HEAPS) Grant Program

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Boulevard East

Charleston, WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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:

N/A

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-07

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

RULE NAME: 133-07 West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Boulevard East

Charleston, WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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:

N/A

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-28

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

RULE NAME: 133-28 West Virginia Engineering, Science and Technology Scholarship Program

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Boulevard East

Charleston, WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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:

N/A

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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MAC WARNER

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-42

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

RULE NAME: 133-42 West Virginia Higher Education Grant Program

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Boulevard East

Charleston, WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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:

N/A

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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MAC WARNER

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LEGISLATIVE

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

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-58

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

RULE NAME: 133-58 Nursing Scholarship Program

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: 1018 Kanawha Boulevard East

Charleston, WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

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:

N/A

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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MAC WARNER

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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: Highways TITLE-SERIES: 157-05

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

RULE NAME: 157-05 Traffic and Safety Rules

PRIMARY CONTACT

NAME: Rita Pauley

ADDRESS: Capital Complex Building 5 Room 110
1900 Kanawha Blvd
Charleston, WestVirginia 25071

EMAIL: rita.a.pauley@wv.gov

PHONE NUMBER: 130-454-6738

CITE STATUTORY AUTHORITY: WV Code §17-2A-8 and 12

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

The Commissioner of Highways is responsible for constructing and maintaining the roads in this state. This includes permits for oversized or overweight vehicles, traffic control and signage.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/15/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

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LEGISLATIVE

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

AGENCY: Labor TITLE-SERIES: 42-21A

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

RULE NAME: 42-21A Licensing of Elevator Mechanics and Technicians and Registration of Apprentices

PRIMARY CONTACT

NAME: Brooke M Farber

ADDRESS: 1900 Kanawha Boulevard East Capitol Complex
Building 3 Room 200
Charleston, WV 25305

EMAIL: brooke.m.farber@wv.gov

PHONE NUMBER: 304-558-7890

CITE STATUTORY AUTHORITY: W. Va. Code §21-3C-11 and W. Va. Code §21-17-12

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:

W. Va. Code §21-3C-11 give the Commissioner of Labor broad authority to promulgate rules to implement and carry out provisions of the Elevator Safety Act (the Elevator Act).

W. Va. Code §21-17-12 gives agencies that regulate applicable occupations authority to promulgate rules to carry out provisions of the Review and Credential Acknowledgement Procedures Act (the RECAP Act).

Consistent with this broad authority, the proposed rule defines terms used in the Elevator Act, the RECAP Act, or the rule; adopts American Society of Mechanical Engineers standards; sets forth licensure requirements for elevator mechanics, accessibility technicians, limited technicians, and elevator apprentices; sets forth continuing education requirements for elevator mechanics; sets forth types of work not permitted by limited technicians; sets forth procedures for emergency requests for elevator mechanic or accessibility technicians licenses and requests for temporary elevator mechanic licenses; identifies license application and license renewal procedures and associated fees, including provisions on procedures for applicants seeking licensure pursuant to the RECAP Act; and identifies administrative hearing and appeal procedures and cease and desist order procedures.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2023

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

AGENCY: Medical Imaging And Radiation Therapy Technology Board Of Examiners TITLE-SERIES: 18-01

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

RULE NAME: 18-01 WV Medical Imaging and Radiation Therapy Technology Board of Examiners

PRIMARY CONTACT

NAME: Jamie S Browning

ADDRESS: 1124 Smith St
Unit B300
Charleston, WV 25301

EMAIL: jamie.s.browning@wv.gov

PHONE NUMBER: 304-558-4012

CITE STATUTORY AUTHORITY: 30-23

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:

Adding telehealth rules

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

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

AGENCY: Medicine TITLE-SERIES: 11-01B

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

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

PRIMARY CONTACT

NAME: Mark A Spangler Executive Director

ADDRESS: West Virginia Board Of Medicine
101 Dee Drive Suite 103
Charleston, WestVirginia 25311

EMAIL: mark.a.spangler@wv.gov

PHONE NUMBER: 304-558-2921

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

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

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

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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ADMINISTRATIVE LAW DIVISION

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

AGENCY: Medicine TITLE-SERIES: 11-06

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

RULE NAME: 11-06 Continuing Education for Physicians and Podiatric Physicians

PRIMARY CONTACT

NAME: Mark A Spangler Executive Director

ADDRESS: West Virginia Board Of Medicine
101 Dee Drive Suite 103
Charleston, WestVirginia 25311

EMAIL: mark.a.spangler@wv.gov

PHONE NUMBER: 304-558-2921

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

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:

W. Va. Code §§ 30-1-7a and 30-3-7

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

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

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COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-02

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

RULE NAME: 56-02 Safety Provisions for Clearing Crews

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-6 and 22A-1-38

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:

Pursuant to W. Va. Code 22A-1-6, the Director has authority to promulgate legislative rules for the purpose of implementing safety inspections and enforcement. W. Va. Code 22A-1-38 authorizes the Director to promulgate legislative rules protecting the safety of those employed in and around surface mines.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-04

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

RULE NAME: 56-04 Rule Governing Protective Clothing and Equipment

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 22A-2-55(j)

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:

W. Va. Code 22A-2-55(j) states that the Director shall promulgate legislative rules to implement and enforce Section 55 pertaining to protective equipment and clothing.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-10

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

RULE NAME: 56-10 Rule Governing Reporting Requirements for Independent Contractors

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-6

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:

W. Va. Code 22A-1-6 provides that the Director has legislative rule making authority for purposes of safety and enforcement under Chapter 22A. This rule details the specific reporting requirements for independent contractors which includes the number of employees worked and workplace accidents.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-12

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

RULE NAME: 56-12 Rule Governing Assessing Health and Safety Violation Penalties

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-21

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:

W. Va. Code 22A-1-21(a)(2) provides that the Director shall file as a legislative rule any revisions to the assessment of civil penalties under Section 21.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-14

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

RULE NAME: 56-14 Rule Pertaining to the Office of Miners' Health, Safety and Training Application Process for the West Virginia Innovative Mine Safety Technology Tax Credit Act

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 11-13BB-13

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:

W. Va. Code 11-13BB-13 states that the Director shall promulgate legislative rules to provide necessary clarification in the administration of Article 13BB.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-18

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

RULE NAME: 56-18 Rule Governing the Program for the Sharing of Information Between Employers

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-4(b)(12)

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:

W. Va. Code 22A-1-4(b)(12) directs the Director to promulgate legislative rules to set forth a program for the sharing of information due to a failed substance abuse drug screening.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-19

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

RULE NAME: 56-19 Substance Abuse Screening, Standards and Procedures

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1A-2(b) and (c)

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:

W. Va. Code 22A-1A-2(b) directs that the Director shall have the authority to promulgate legislative rules to establish disciplinary procedures due to a violation of Article 1A.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-23

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

RULE NAME: 56-23 Rules for Operating Diesel Equipment in Underground Mines in West Virginia

PRIMARY CONTACT

NAME: Frank Foster Director

ADDRESS: Office Of Miners Health Safety And Training
7 Players Club Drive Suite 2
Charleston, WV 25311

EMAIL: frank.g.foster@wv.gov

PHONE NUMBER: 304-558-1425

CITE STATUTORY AUTHORITY: W. Va. Code 22A-2A-1001 and 22A-2A-308(a)

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:

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

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? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

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

PUBLIC HEARING:

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LEGISLATIVE

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

AGENCY: Motor Vehicles TITLE-SERIES: 91-03

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

RULE NAME: 91-03 Motor Vehicle Titling and Registration

PRIMARY CONTACT

NAME: Adam Holley

ADDRESS: PO Box 17200

Charleston, WV 25314

EMAIL: adam.holley@wv.gov

PHONE NUMBER: 304-926-0708

CITE STATUTORY AUTHORITY: 11-15-3c 17 A-2-9 17 A-3-14i and 17 A-4-11

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Motor Vehicles TITLE-SERIES: 91-06

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

RULE NAME: 91-06 Dealer Licensing

PRIMARY CONTACT

NAME: Adam Holley

ADDRESS: PO Box 17200

Charleston, WV 25314

EMAIL: adam.holley@wv.gov

PHONE NUMBER: 304-926-0708

CITE STATUTORY AUTHORITY: 17 A-2-9 17 A-6-2a 17 A-6-Sa 17 A-6-3 17 A- 6B-13 17 A-6C-17 and 17 A-6D-15

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:

This Legislative Rule Establishes Requirements For Licensing Of Motor Vehicle Dealers, Wrecker/Dismantler/Rebuilders, License Services, Automobile Auctions, Vehicle Leasing And Rental Companies And Administrative Due Process.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Natural Resources TITLE-SERIES: 58-11

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

RULE NAME: 58-11 Hunting, Fishing, and Other Outfitters and Guides

PRIMARY CONTACT

NAME: Graham Platz

ADDRESS: 1900 Kanawha Blvd E
Building 3 Suite 800
Charleston, WV 25305

EMAIL: graham.b.platz@wv.gov

PHONE NUMBER: 304-352-3963

CITE STATUTORY AUTHORITY: 20-1-7(30) and 20-2-23

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Natural Resources TITLE-SERIES: 58-12

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

RULE NAME: 58-12 Commercial Whitewater Outfitters

PRIMARY CONTACT

NAME: Graham Platz

ADDRESS: 1900 Kanawha Blvd E
Building 3 Suite 800
Charleston, WV 25305

EMAIL: graham.b.platz@wv.gov

PHONE NUMBER: 304-352-3963

CITE STATUTORY AUTHORITY: 20-2-23a

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING:

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

AGENCY: Natural Resources TITLE-SERIES: 58-23

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

RULE NAME: 58-23 Revocation of Hunting and Fishing Licenses

PRIMARY CONTACT

NAME: Graham Platz

ADDRESS: 1900 Kanawha Blvd E
Building 3 Suite 800
Charleston, WV 25305

EMAIL: graham.b.platz@wv.gov

PHONE NUMBER: 304-352-3963

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

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:

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Natural Resources TITLE-SERIES: 58-67

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

RULE NAME: 58-67 Lifetime Hunting, Trapping and Fishing Licenses

PRIMARY CONTACT

NAME: Wendy L Greene

ADDRESS: 324 4th Avenue
Room 328
South Charleston, WV 25303

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-6200

CITE STATUTORY AUTHORITY: §20-2B-7

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:

§20-2B-7 provides authority for the creation of resident and non-resident lifetime hunting, trapping and fishing licenses. It also provides the fee for such licenses.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Psychologists TITLE-SERIES: 17-04

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

RULE NAME: 17-04 Disciplinary and Complaint Procedures for Psychologists

PRIMARY CONTACT

NAME: Kathy Lynch

ADDRESS: PO Box 3955

Charleston, WV 25339

EMAIL: kathy.g.lynch@wv.gov

PHONE NUMBER: 304-558-3040

CITE STATUTORY AUTHORITY: §30-21-6

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 purpose of this rule change is to set a Sunset Date and change the appeal citing in the rule using the current location of the appeal information. The punctuation errors noted previously were corrected by the SOS Office staff.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/9/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/12/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Psychologists TITLE-SERIES: 17-05

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

RULE NAME: 17-05 Contested Case Hearing Procedure

PRIMARY CONTACT

NAME: Kathy Lynch

ADDRESS: PO Box 3955

Charleston, WV 25339

EMAIL: kathy.g.lynch@wv.gov

PHONE NUMBER: 304-558-3040

CITE STATUTORY AUTHORITY: §30-21-6

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:

This Rule change adds a Sunset Date and the current Appeal information that was changed in the Code. The punctuation cited earlier was corrected by the SOS Office staff.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/9/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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LEGISLATIVE

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

AGENCY: Racing Commission TITLE-SERIES: 178-01

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

RULE NAME: 178-01 Thoroughbred Racing

PRIMARY CONTACT

NAME: Anthony Eates

ADDRESS: State Capitol Complex
Building 6 Suite 402
Charleston, WestVirginia 25305

EMAIL: anthony.d.eates@wvago.gov

PHONE NUMBER: 304-558-8989

CITE STATUTORY AUTHORITY: WV Code 19-23-6

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 Code authorizes the Racing Commission to promulgate rules of thoroughbred racing.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/6/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

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

AGENCY: Registered Nurses WV Board of TITLE-SERIES: 19-03

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

RULE NAME: 19-03 Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct

PRIMARY CONTACT

NAME: Michael Payne

ADDRESS: 5001 Maccorkle Ave Sw

South Charleston, WV 25309

EMAIL: michael.d.payne@wv.gov

PHONE NUMBER: 304-744-0900

CITE STATUTORY AUTHORITY: 30-7-4

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:

This rule establishes the requirements for registration and licensure of a registered professional nurse and describes behavior which constitutes professional misconduct subject to disciplinary action.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/14/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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Secretary Of State

LEGISLATIVE

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

AGENCY: Registered Nurses WV Board of TITLE-SERIES: 19-07

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

RULE NAME: 19-07 Advanced Practice Registered Nurse Licensure Requirements

PRIMARY CONTACT

NAME: Michael Payne

ADDRESS: 5001 Maccorkle Ave Sw

South Charleston, WV 25309

EMAIL: michael.d.payne@wv.gov

PHONE NUMBER: 304-744-0900

CITE STATUTORY AUTHORITY: 30-7-4, 30-7-1(a)

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:

This rules establishes the scope of the Advanced Practice Registered Nurse.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/14/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2023

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
7/26/2023 10:49:35 AM

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: Registered Nurses WV Board of TITLE-SERIES: 19-12

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

RULE NAME: 19-12 Fees for Services Rendered by the Board

PRIMARY CONTACT

NAME: Michael Payne

ADDRESS: 5001 Maccorkle Ave Sw

South Charleston, WV 25309

EMAIL: michael.d.payne@wv.gov

PHONE NUMBER: 304-744-0900

CITE STATUTORY AUTHORITY: 30-7-4

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:

This legislative Rule establishes the fees to be charged by the board for services rendered.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/14/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2023

COMMENTS RECEIVED: No

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PUBLIC HEARING: No

Speech-Language Pathology and Audiology

Board Members
Dr. Vernon N. Mullins, Au.D., CCC-A., President
Vickie Pullins, M.A., CCC-SLP, Secretary
Dr. Michael J. Zagarella, Au.D., CCC-A
Heather Waselchalk, M.A., SLP-CCC
Amber Settles, M.Ed, SLP-CCC
Amanda Bonner, Hearing Aid Specialist
Joe E. Richards, M.A., Citizen Member

Pamela Coughlin, Executive Director

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2023 JUL 25 A 11:51
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

July 25, 2023

To Whom It May Concern:

The West Virginia Board of Examiners for Speech-Language Pathology and Audiology would like to withdraw the following proposed rules that were filed with the Secretary fo State for public comment on June 16, 2023:

- 29-1 License of Speech-Pathology, Audiology and Hearing Aid Dealers
- 29-2 Rules Governing Speech-Language Pathology, Audiology and Hearing Aid Dealer Assistants
- 29-3 Contested Case Hearing Procedures
- 29-4 Disciplinary and Complaint Procedures for Speech-Language Pathology, Audiology and Hearing Aid Dealers
- 29-5 West Virginia Board of Examiners for Speech-Language Pathology, Audiology and Hearing Aid Dealers Code of Ethics

Thank you,

Pamela Coughlin

Pamela Coughlin
Executive Director

99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201
Email: wvbeslpa@wv.gov
Web Site: www.wvspeechandaudiology.com
Phone: 304-473-4289 Fax: 304-473-4291 In-state toll free number: 877-462-5460
~Pamela Coughlin~ Executive Director~

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION

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7/27/2023 1:56:11 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: State Police TITLE-SERIES: 81-08

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

RULE NAME: 81-08 West Virginia State Police Member Grievance Procedure

PRIMARY CONTACT

NAME: WEST VIRGINIA STATE POLICE MEMBER GRIEVANCE PROCEDURE

ADDRESS: 725 Jefferson Road
South Charleston WV, wv 25309

EMAIL: james.l.mitchell@wvsp.gov

PHONE NUMBER: 304-746-2100

CITE STATUTORY AUTHORITY: 15-2-6(a)

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:

This rule governs and specifies a grievance procedure for sworn members of the State Police.The decision of the hearing examiner shall be final upon the parties and shall be enforceable in circuit court the Intermediate Court of Appeals.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/27/2023 2:09:14 PM

Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: State Police TITLE-SERIES: 81-19

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

RULE NAME: 81-19 Motor Vehicle Inspections

PRIMARY CONTACT

NAME: MOTOR VEHICLE INSPECTIONS

ADDRESS: 725 Jefferson Road

South Charleston WV, wv 25309

EMAIL: james.l.mitchell@wvsp.gov

PHONE NUMBER: 304-746-2100

CITE STATUTORY AUTHORITY: 17C-16-4

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:

This rule governs and specifies the inspection procedures for motor vehicles

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/25/2023 12:03:21 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: Tax TITLE-SERIES: 110-21H

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

RULE NAME: 110-21H Income Tax Credits For Property Taxes Paid

PRIMARY CONTACT

NAME: Mark S Morton

ADDRESS: PO Box 1005

Charleston, WV 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-2-6(c) and 11-13MM-6

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:

This rule is authorized by W. Va. Code §11-13MM-6, which provides: The Tax Commissioner may promulgate such interpretive, legislative, and procedural rules as the commissioner deems to be useful or necessary to carry out the purpose of §11-13MM-1 et seq. of this code and to implement the intent of the Legislature. All rules shall be promulgated in accordance with the provisions of §29A-3-1 et seq. of this code.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/8/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/25/2023 12:05:57 PM
Office of West Virginia Secretary Of State

LEGISLATIVE

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

AGENCY: Tax TITLE-SERIES: 110-99

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

RULE NAME: 110-99 Privilege Tax On Sales Of Hemp-Derived Cannabinoid and Kratom Products

PRIMARY CONTACT

NAME: Mark S Morton

ADDRESS: PO Box 1005

Charleston, WV 25324

EMAIL: taxlegal@wv.gov

PHONE NUMBER: 304-558-5330

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-2-99(c), 19-12E-12 (i)(9), and 19-12F-7(i)

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:

This rule is authorized by W. Va. Code §19-12E-12(i)(9), which provides: The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, any necessary legislative rules, including emergency rules, as the Tax Commissioner considers necessary for the efficient administration of taxes imposed by this subsection; and W. Va. Code §19-12F-7(i), which provides: The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, any necessary legislative rules as the Tax Commissioner necessary to the efficient administration of taxes imposed by this subsection.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/8/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2023

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
7/24/2023 10:48:00 AM
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: Waste Management Division Of Water And Waste Management TITLE-SERIES: 33-20

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

RULE NAME: 33-20 Hazardous Waste Management System

PRIMARY CONTACT

NAME: Johnsely S Cyrus

ADDRESS: 601 57th Street Se

Charleston, WV 25304

EMAIL: johnsely.cyrus@wv.gov

PHONE NUMBER: 336-430-8402

CITE STATUTORY AUTHORITY: W. Va. Code § 22-18-6

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:

W. Va. Code § 22-18-6 provides statutory authority. This rule establishes the hazardous waste management system in the State of West Virginia and allows, through incorporating federal regulations by reference, West Virginia to maintain primacy of this regulatory program.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/12/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/18/2023

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: Yes

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
7/27/2023 2:12 PM
Office of West Virginia
Secretary Of State

INTERPRETIVE

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-13

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

RULE NAME: Drug Testing of Mine Inspectors and Mine Safety Instructors

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-6, 22A-1-9, 22A-1-12 and 29A-3-1 et seq

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

August 31, 2023

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/26/2023 2:41 PM
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Secretary Of State

PROCEDURAL

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

AGENCY: Auditor TITLE-SERIES: 155-11

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

RULE NAME: Rules for Electronic Filing of Legal Notices for State Agencies

CITE STATUTORY AUTHORITY: 59-3-2(f)

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

September 1, 2023

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

Yes

Vincent J Smith -- 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
7/26/2023 3:51 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Highways TITLE-SERIES: 157-01

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

RULE NAME: Rules Pertaining To Particular Functions Of The Commissioner Of Highways.

CITE STATUTORY AUTHORITY: W.Va. Code §§17-2A-8

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

August 28, 2023

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

Yes

Rita A Pauley -- 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
7/27/2023 10:23 AM
Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-01

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

RULE NAME: Procedure and Practice Before the Office of Miners' Health, Safety and Training

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-6

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

August 31, 2023

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/27/2023 1:03 PM
Office of West Virginia
Secretary Of State

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

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-17

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

RULE NAME: Rules Governing Organization and Implementation Procedures for Control of Coal Dust, Rock Dust Standards

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-6 and 22A-2-24

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

August 31, 2023

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

Yes

Garner Marks -- 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-02209	Insurance Commission	Esurance Property and Casualty Insurance Company	7/6/2023
23-1C-02241	Insurance Commission	United American Insurance Company	7/6/2023
23-1C-02213	Insurance Commission	Hartford Accident and Indemnity Company	7/6/2023
23-1C-02211	Insurance Commission	United States Fire Insurance Company	7/6/2023
23-1C-02212	Insurance Commission	Pacific Guardian Life Insurance Company Limited	7/6/2023
23-1C-02217	Insurance Commission	Sentinel Insurance Company Limited	7/6/2023
23-1C-02219	Insurance Commission	Twin City Fire Insurance Company	7/6/2023
23-1C-02216	Insurance Commission	Property and Casualty Insurance Company of Hartford	7/6/2023
23-1C-02215	Insurance Commission	Hartford Insurance Company of the Midwest	7/6/2023
23-1C-02214	Insurance Commission	Hartford Casualty Insurance Company	7/6/2023
		Hartford Casualty Insurance Company	7/6/2023
23-1C-02218	Insurance Commission	Trumbull Insurance Company	7/6/2023
49322	Registered Nurses, WV Board of	Gerald Phillip Church	7/21/2023
BVMCE0523A	Veterinary Medicine	Jessica Anderson, DVM	7/26/2023

FILED
2023 JUL 25 A 9:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

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

July 21, 2023

Honorable April D. Mallow
Pendleton County Prosecuting Attorney
P.O. Box 865
22 N. Main St.
Franklin, WV 26807

Dear Prosecutor Mallow:

You have asked for an Opinion of the Attorney General concerning the proper procedures for the County Commission to follow when enacting a zoning moratorium. This Opinion is being issued under 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." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence with the Office of the Attorney General.

Your letter explains that Pendleton County may consider imposing a moratorium on the building of industrial wind turbines in the County. Pendleton County wants to follow the proper procedures, but it does not presently have a county planning or zoning office.

You have asked the following legal question:

> *Pursuant to the West Virginia Open Governmental Proceedings Act and state zoning laws, what would be the proper procedure for the County Commission to follow should they consider adopting a moratorium on the building of industrial wind turbines in Pendleton County?*

We conclude that a county wanting to adopt a moratorium must follow the procedure for enacting a zoning ordinance under West Virginia Code § 8A-7-5. While Pendleton County has discretion whether or not to pursue a moratorium, the Legislature has set out the procedure if it chooses to do so. That statutory process requires Pendleton County to adopt a comprehensive plan, develop a zoning ordinance, and enact a zoning ordinance.

DISCUSSION

Although West Virginia does not have a statute expressly enabling municipalities to adopt moratoriums, Chapter 8A of the West Virginia Code—the state zoning law—empowers municipalities to adopt zoning ordinances. W. VA. CODE § 8A-7-1; *see also id.* § 8-24-1 (repealed 2004). Using this authority, municipalities may adopt moratoriums. *See Bittinger v. Corp. of Bolivar*, 183 W. Va. 310, 395 S.E.2d 554 (1990) (striking down moratorium where "town council [did not] follow the [zoning] procedures set"); *accord Sagamore Park v. City of Indianapolis*, 885 F. Supp. 1146, 1150 (S.D. Ind. 1994) (holding that a building moratorium "is an act of zoning"); *N.J. Shore Builders Ass'n v. Ocean Twp.*, 319 A.2d 255, 256 (N.J. App. Div. 1974) (treating interim zone measures and moratoriums as the same); *see also* Sara C. Bronin & Dwight H. Merriam, *In Absence of Specific Statutory Authority*, *in* 1 *Rathkopf's The Law of Zoning and Planning* § 13:10 (4th ed. 2023) (noting that most States have found authority to issue moratoriums within the general police power of zoning); *but see, e.g.*, *Naylor v. Twp. of Hellam*, 773 A.2d 770, 775 (Pa. 2001) (finding that the power to impose a moratorium was not an incidental power of a municipality's ability to zone).

And municipalities may adopt moratoriums as either zoning or building ordinances. A zoning ordinance is "concerned with whether a certain area of a community may be used for a particular purpose," syl. pt. 1, *Kaufman v. Plan. & Zoning Comm'n*, 171 W. Va. 174, 298 S.E.2d 148 (1982), while a building ordinance "involves how the use of any given piece of property is undertaken," *Harrison v. Town of Eleanor*, 191 W. Va. 611, 618, 447 S.E.2d 546, 553 (1994). Pendleton County's proposed moratorium would fall under a zoning ordinance because prohibiting the construction of windmills concerns how property may be used for a particular purpose; not how that use is undertaken. *See id.* (finding setback requirement of at least twenty feet for apartment complexes was a building ordinance); *Bittinger*, 183 W. Va. at 314, 395 S.E.2d at 558 (holding a moratorium on the issuance of all building permits was a building ordinance). So Pendleton County needs to pass a zoning ordinance to enact a moratorium.

We recognize that Pendleton County does not presently have any county zoning laws. So lacking an ordinance that requires a landowner to obtain a permit or the like, a person could currently build an industrial wind turbine in the County. Pendleton County's situation is thus different from the usual moratorium, in that it would not require the County to suspend any existing requirements.

The Supreme Court of Appeals has not squarely addressed how municipalities should impose moratoriums when existing ordinances aren't already in place, but the Court's description of zoning laws' purposes supports the view that moratoriums must follow zoning procedures. "The purpose of zoning is to provide an overall comprehensive plan for land use." *Singer v. Davenport*, 164 W. Va. 665, 669, 264 S.E.2d 637, 640 (1980). Zoning procedures, after all, ensure that the community is aware of the limited uses for land. And that aim would embrace moratoriums, which prevent certain activity.

Similarly, other States have treated moratoriums as an extension of zoning laws even when zoning laws and procedures are not already in place in a locality. *See, e.g.*, *Tuscola Wind III, LLC*

v. Ellington Twp., No. 17-CV-11025, 2018 WL 1291161 (E.D. Mich. Mar. 13, 2018) (holding that zoning moratorium must comply with the State's zoning enabling act); *B & L Dev. Corp. v. Town of Greenfield*, 146 Misc. 2d 638, 640, 551 N.Y.S.2d 734, 736 (Sup. Ct. 1990) (same). As one court put it, a moratorium "is functionally similar to a zoning ordinance" even when a municipality "has no zoning plan in place yet." *Ecogen, LLC v. Town of Italy*, 438 F. Supp. 2d 149, 158 n.5 (W.D.N.Y. 2006). A "moratorium ordinance ha[s] the effect of making the unzoned areas of the County subject to zoning restrictions." *Vulcan Materials Co. v. Iredell Cnty.*, 407 S.E.2d 283, 286 (N.C. Ct. App. 1991).

Because a municipality likely derives its moratorium authority from its power to adopt zoning ordinances, a municipality adopting a moratorium must also comply with the procedures to enact zoning ordinances set out in West Virginia Code § 8A-7-1. If a county fails to do so, then the moratorium will likely be found invalid. *See Bittinger*, 183 W. Va. at 315, 395 S.E.2d at 559 ("[T]o suspend operation of an ordinance, the ordinance must be repealed or succeeded by another ordinance or an instrument of equal dignity."); *State ex rel. Brown v. Corp. of Bolivar*, 209 W. Va. 138, 544 S.E.2d 65 (2000) (per curiam) (same); *Hukle v. City of Huntington*, 134 W. Va. 249, 255, 58 S.E.2d 780, 784 (1950) ("It is a general rule that the ordinance of a municipal corporation may not be repealed by mere motion or resolution.").

Here again, other courts agree. "The weight of authority sustains the right of local governments to adopt interim zoning ordinances [like moratoriums], *provided* the procedural requirements of zoning enabling statutes are strictly followed." *Sprint Spectrum L.P. v. Jefferson Cnty.*, 968 F. Supp. 1457, 1465 (N.D. Ala. 1997) (emphasis in original); *see also, e.g.*, *City of Sanibel v. Buntrock*, 409 So. 2d 1073, 1075 (Fla. Dist. Ct. App. 1981) ("[I]t is not too much to ask that a municipality follow the same [zoning] procedures with respect to notice and hearing before it puts such a moratorium into effect.").

Thus, to adopt a moratorium on the building of industrial wind turbines, Pendleton County needs to pass a valid ordinance by adopting a comprehensive plan, working with the planning commission and the public to develop that ordinance, and enacting the ordinance. W. VA. CODE § 8A-7-1(a). We address each of these obligations in turn.

First, Pendleton County needs to adopt a comprehensive plan. W. VA. CODE § 8A-7-4(a)(1); *see also id.* § 8A-3-1. A comprehensive plan is a "plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction." *Id.* § 8A-1-2(c). "While a comprehensive plan itself is not the binding zoning law," *City of Morgantown v. Calvary Baptist Church*, 243 W.Va. 578, 590, 849 S.E.2d 150, 162 (2020), it "is a guide to a community's goals and objectives and a way to meet those goals and objectives," W. VA. CODE § 8A-1-1(a)(5); *Largent v. Zoning Bd. of Appeals for Town of Paw Paw*, 222 W. Va. 789, 790, 671 S.E.2d 794, 795 (2008). So a comprehensive plan "lay[s] the groundwork for the future enactment of zoning laws." *Singer*, 164 W.Va. at 668, 264 S.E.2d at 640. And Pendleton County "may not enact a valid zoning ordinance without … adopting a comprehensive plan. *Largent*, 224 W. Va. at 793, 671 S.E.2d at 798.

AG OPINION

West Virginia Code § 8A-3-4 contains the mandatory components of a comprehensive plan. The plan must include "[a] statement of goals and objectives for the governing body," "[a] timeline on how to meet short and long-range goals and objectives," "an action plan," and more. W. VA. CODE § 8A-3-4(b)(1)-(7). West Virginia Code § 8A-3-5 sets forth optional components of such a plan, including "[a]n analysis of the history of the area," environmental factors, "programs to promote tourism," "conservation," "safety programs," and "natural resources use." So, the County Commission's comprehensive plan should describe (among other things) the specifics around the proposed moratorium and the County's reasons for it, as well as how the moratorium will affect the community.

Second, the Pendleton County Commission, "with the applicable planning commission," must then prepare a study of the land within its jurisdiction and create a report on zoning. W. VA. CODE § 8A-7-4(a). "No zoning ordinance may be enacted without a study and report." *Id.* § 8A-7-4(c). Under West Virginia Code § 8A-7-4, the study may include:

> (1) Evaluating the existing conditions, the character of the buildings, the most desirable use for the land and the conservation of property values in relation to the adopted comprehensive plan; and
>
> (2) Holding public hearings and meetings with notice to receive public input.

The planning commission must then prepare a report on zoning using the study and the comprehensive plan that includes "the proposed zoning ordinance, with explanatory maps showing the recommended boundaries of each district, and the rules, regulations and restrictions for each district." *Id.* § 8A-7-4(b).

Right now, Pendleton County does not have a planning commission. But the Supreme Court of Appeals—in dealing with a zoning ordinance from Pendleton County—has clarified that a planning commission is not mandatory, but is something "a governing body should have." *Pancakes, Biscuits & More, LLC v. Pendleton Cnty. Comm'n*, No. 14-1263, 2015 WL 6143370, at *4 (W. Va. Oct. 16, 2015) (citing West Virginia Code § 8A-1-1(b)(2)). Given this permissive language, Pendleton County need not create a planning commission to prepare the study and report. But a study and report must be completed, no matter who does it.

Third, and finally, Pendleton County needs to enact the zoning ordinance by following the proper procedures of West Virginia Code § 8A-7-5, which provides for public input. The County Commission must hold "at least two public hearings and give public notice"—one during the day and the other in the evening. W. VA. CODE § 8A-7-5(a). Subsection (b) requires the County to publish notice in a local newspaper for "at least fourteen consecutive days prior to the public hearing." *Id.* § 8A-7-5(b). And the notice must include the specifics of the hearing, as well as a "brief summary of the principal provisions of the proposed zoning ordinance." *Id.* Subsection (c) requires the County to make available copies of the proposed ordinance to the public before the meeting. *Id.* § 8A-7-5(c). Finally, any substantial amendments following the public hearings require additional public hearing before voting on the zoning ordinance. *Id.* § 8A-7-5(d).

The County should be comfortable complying with these notice requirements having complied with similar ones before. Again, *Pancakes* is instructive. The Supreme Court of Appeals noted that Pendleton County provided "adequate notice" by reading the ordinance "in its entirety at two separate public meetings." *Pancakes*, 2015 WL 6143370, at *4. Although the County Commission in *Pancakes* passed its ordinance under a different statute—and therefore its notice requirements were less onerous—the County Commission already has a good baseline for following the requirements of Section 8A-7-5.

After complying with these rules, the governing body may enact the zoning ordinance—or it "may hold an election" to approve the zoning ordinance. W. VA. CODE § 8A-7-5(e). Some factors the County must consider when enacting the zoning ordinance include "[p]romoting [the] general public welfare, health, safety, comfort and morals"; "[e]nsuring attractiveness and convenience is promoted"; and "[l]essening congestion." *Id.* § 8A-7-2(a). The zoning ordinance may also include "[r]egulating the use of land and designating or prohibiting specific land use." *Id.* § 8A-7-2(b)(1). Finally, the zoning ordinance shall: 1. "[c]reate a board of zoning appeals"; 2. "[s]pecify certification requirements for zoning district maps that are consistent with the governing body's comprehensive plan"; 3. "[a]dopt procedures and requirements for nonconforming land uses"; 4. "[a]dopt procedures and requirements for variances"; and 5. "[a]dopt procedures and requirements for conditional use permits." *Id.* § 8A-7-2(c). Pendleton County would then have a valid moratorium on the building of industrial wind turbines in the County.

Your letter also asks about any applicable procedures under the West Virginia Open Governmental Proceedings Act, W. VA. CODE § 6-9A-1. Although the Commission needs to comply with the Act in issuing its moratorium, the Act does not impose any additional requirements beyond what the Commission already follows with its twice-a-month meetings. The meetings must be open to the public, and the Commission must "promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings are made available, in advance, to the public and news media." *Id.* § 6-9A-3(d). Regularly scheduled meetings require notice three business days before the meeting, while special meetings just need two business days. Notice and Agenda of *The Open Governmental Meetings Act*, W. VA. ETHICS COMM'N, https://rb.gy/axqqr (last visited July 18, 2023). And at those meetings, the governing body needs to prepare minutes with the "date, time, and place of the meeting," the "name of each member of the governing body present and absent," "[a]ll motions, proposals," and the "results of all votes." W. VA. CODE § 6-9A-5. So the Commission should be familiar with these requirements. It will not have to do more beyond the requirements that the zoning procedures impose.

* * * *

The general police power authority delegated by a zoning enabling statute gives Pendleton County the power to choose for itself—or not—whether enacting a moratorium is in the County's best interests. If it decides to move forward, though, it must follow the zoning ordinance procedure, or it risks a court striking down the moratorium.

AG OPINION

Finally, our opinion analyzes only the requirements for enacting a moratorium under West Virginia state zoning law or the West Virginia Open Governmental Proceedings Act. We have not sought to identify all the ways a moratorium might be challenged under other state and federal laws. *See, e.g.*, Matthew G. St. Amand & Dwight H. Merriam, *Defensible Moratoria: The Law Before and After the* Tahoe-Sierra *Decision*, 43 NAT. RES. J. 703 (2003) (describing considerations in developing a legally defensible development moratorium).

Sincerely,

Patrick Morrisey
West Virginia Attorney General

Michael R. Williams
Principal Deputy Solicitor General

Spencer J. Davenport
Assistant Solicitor General

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OTHER

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

July 24, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **July 21, 2023** .

LETTER OF INTENT RECEIVED

July 21, 2023- Mountain Health Network, Inc. & University Physicians & Surgeons, Inc., Huntington, Cabell County, West Virginia, CON File #23-1/2/3-12742-A/P, for the member substitution for Mountain Health Network, Inc., to become the sole members of Cabell Huntington Hospital, Inc., St. Mary's Medical Center, Inc., Pleasant Valley Hospital, Inc., and University Physicians and Surgeons, Inc; capital expenditure, $559,750,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

July 17, 2023- United Physicians Care, Inc., CON File #23-6-12731-P, for the development of an ambulatory health care facility through the relocation of cardiology services to an off campus location in Bridgeport, Harrison County, West Virginia; capital expenditure, $104,000.

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

July 10, 2023- Summersville Regional Medical Center, CON File #234-12721-P, for the development of an ambulatory health care facility in Nicholas County, West Virginia, through the acquisition of a physician practice; capital expenditure, $123,000.

July 14, 2023- Stonewall Jackson Memorial Hospital Company, CON File #23-6-12724-P, Danville, Boone County, for the development of an ambulatory health care facility at 215 West Main Street, Bridgeport, Harrison County, West Virginia; capital expenditure, $16,000.

July 17, 2023- United Physicians Care, Inc., CON File #23-6-12731-P, for the development of an ambulatory health care facility through the relocation of cardiology services to an off campus location in Bridgeport, Harrison County, West Virginia; capital expenditure, $104,000.

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

July 17, 2023 – Review cycle begins;

August 16, 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;

August 21, 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;

September 15, 2023 – Decision on the project will be issued by the Authority.

PROJECTS EXEMPT FROM REVIEW

July 19, 2023- Beautiful Minds Counseling Center, LLC, CON File #23-1-12712-X, to provide behavioral health and substance abuse counseling services to be located at 120 Harper Court, Beckley, Raleigh County, West Virginia.

July 19, 2023- Path Behavioral Health, CON File #23-2-12708-X, for the development of an outpatient behavioral health clinic to be located at 4625 Route 152 Lavalette, Wayne County, West VIrginia.

July 19, 2023- Shenandoah Valley Medical System, Inc., CON File #23-9-12722-X, for the establishment of a Mobile Health Unit which will be used primarily to expand and support school-based health as well as the SCH migrant/seasonal agricultural worker program, 99 Tavern Road, Martinsburg, Berkeley County, West Virginia.

July 19, 2023- Valley Health Care, Inc., CON File #23-7-12732-X, for the establishment of a clinic within Coalton Elementary School located at 278 Broadway Avenue, Coalton, Randolph County, West Virginia.

July 19, 2023- Valley Health Care, Inc., CON File #23-7-12728-X, for the establishment of a clinic within Beverly Elementary School at 505 Main Street, Beverly, Randolph County, West Virginia.

DENIED EXEMPTION APPLICATIONS

July 20, 2023- Westbrook Health Services, CON File #23-5-12720-X, for the addition of five (5) American Society of Addiction Medicine ("ASAM") Level 3.1 Treatment beds at 1016 Market Street Parkersburg, Wood County, West Virginia.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed:

July 17, 2023- Princeton Community Hospital, CON File #23-1-12603-P, for the development of an ambulatory health care facility through the acquisition of a physician practice located in Princeton, Mercer County, West Virginia; final capital expenditure, $319,866.

July 17, 2023- Princeton Community Hospital, CON File #22-1-12596-P, for the development of an ambulatory health care facility through the acquisition of a physician practice located in Princeton, Mercer County, West Virginia; final capital expenditure, $182,709.

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

OTHER

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OFFICE OF WEST VIRGINIA
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West Virginia Board of Occupational Therapy

Annual Report

FY 2022 – FY 2023