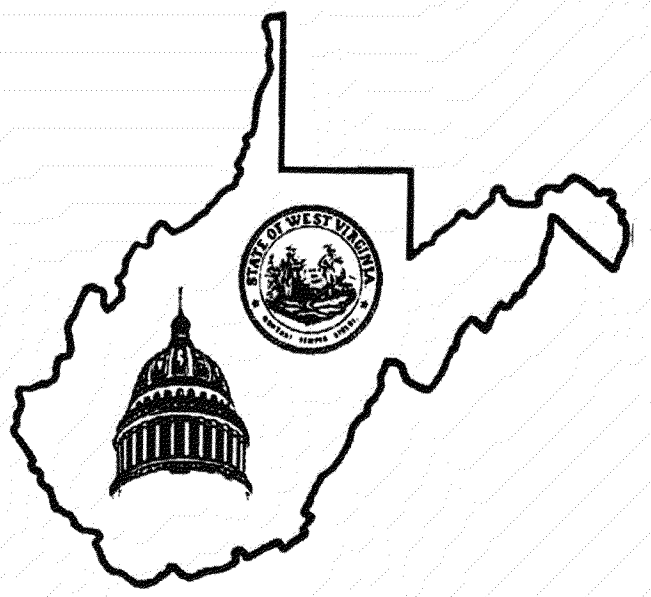

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Administrative Law Division

Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

(304) 558-6000

sos.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

a. **Legislative Rules**
b. **Interpretive Rules**
c. **Procedural Rules**
d. **Emergency Rules**
e. **LRMRC and LOCEA**

Legislative Interims

Orders

Ethics Commission Opinions

Grievances Report

Office of Tax Appeal Decisions

Governor's Executive Orders

Attorney General Opinions

Other Documents or Information Filed

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

Acupuncture
Agriculture
Air Quality
Coal Mine Health and Safety
Community and Technical College Education
Crime Delinquency and Correction
Dentistry, WV Board of
Dietitians
Economic Development Authority
Education
Election Commission
Emergency Management
Environmental Protection, Secretary's Office
Ethics Commission
Fire Commission
Fire Marshal
Forestry
Health Care Authority
Higher Education Policy Commission
Highways
Insurance Commission
Labor
Massage Therapy
Miner's Training Education and Certification
Motor Vehicles
Multimodal Transportation Facilities
Osteopathic Medicine, WV Board of
Pharmacy
Professional Surveyors
Psychologists
Racing Commission
Real Estate Commission
Secretary of State
State Police
Veterinary Medicine, WV Board of
Waste Management, Division of Water and Waste Management
Water Resources, Division of Water and Waste Management

CHRONOLOGICAL INDEX, VOLUME XL ISSUE 37

RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Education (126-044M)	WV College and Career Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	§§29A-3B-1, et seq.,	Written Comments Only: October 16, 2023, 4:00pm Clinton Burch, Officer WVDE Division of Career Exploration & Student Engagement Capitol Bldg. 6, Suite 825 1900 Kanawha Blvd., E., Charleston, WV 25305 ccburch@k12.wv.us
Education (126-114)	Approval of Educator Preparation Programs (5100) Legislative Exempt	§§29A-3B-1, et seq.,	Written Comments Only: October 16, 2023, 4:00pm Jodi Oliveto, Coordinator/Traci Tuttle, Coordinator WVDE Office of Educator Preparation, Capitol Bldg. 6, Suite 550 1900 Kanawha Blvd. E., Charleston, WV 25305 joliveto@k12.wv.us, traci.tuttle@k12.wv.us
Miner Training Education and Certification (48-04)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements Legislative Exempt	§§22A-6-4 and 22A-6-5	Written Comments Only: October 11, 2023, 5:00pm Kevin Kidd and/or James Dean State Capitol, Rm W-435 Charleston, WV 25305 kevin.c.kidd@wvago.gov james.dean@mail.wvu.edu

NO EMERGENCY RULES FILED THIS WEEK

AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	53	PUBLIC ENERGY AUTHORITY
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	71	HEALTH FACILITIES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	103	FIRE MARSHAL
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
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	Approved 8/9/2023			
Acupuncture (32-03)	Application for Licensure to Practice Acupunture Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Administration (148-03) Sunset Provision	State Owned Vehicles Legislative				10/25/2022	Approved 8/7/2023			
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Agriculture (61-12A)	Certified Pesticide Applicator Rules Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Agriculture (61-12B)	Licensing of Pesticide Business Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Agriculture (61-23B)	WV Shellfish Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Agriculture (61-30)	Hemp Products Legislative	6/28/2023	7/28/2023	6/28/2023 Effective 8/9/2023	7/28/2023				
Agriculture (61-37) Sunset Provision	Agritourism Legislative				12/15/2022	Approved 8/7/2023			
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Operations Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			
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		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			

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		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023			
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023			
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023			
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		7/28/2023	Approved 9/10/2023			
Architects (2-02)	Disciplinary and Complaint Procedures for Architects Procedural	9/6/2023	10/6/2023						
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	Modified & Approved 8/7/2023 Filed 8/11/2023			

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	Modified & Approved 8/7/2023 Filed 8/24/2023			
Barbers and Cosmetologists (3-16)	Cosmetology Apprenticeship Legislative	4/10/2023	5/31/2023		6/14/2023	Modified & Approved 8/7/2023 Filed 8/21/2023			
Coal Mine Health and Safety (36-44)	Rule Governing Mine Rescue Requirements Legislative Exempt	6/28/2023	7/28/2023					9/11/2023	10/111/2023
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					9/11/2023	10/11/2023
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	Modified & Approved 9/12/2023 Filed 9/14/2023			
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				
Couseling (27-01)	Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-02)	Licensed Professional Couselor Fee Rules Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-05)	Disciplinary and Complaint Procedural	8/31/2023	9/30/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Couseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Couseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Couselors and Licensed Marriage and Family Therapists Legislative	9/5/2023	10/5/2023	8/31/2023 ERD by 10/12/2023					
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023			
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/26/2023	7/26/2023		7/27/2023	Modified & Approved 9/10/2023			
Crime Delinquency and Correction (149-11)	Sexual Assault Forensic Examinations Legislative	8/8/2023	9/8/2023		9/8/2023				
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	Modified & Approved 9/10/2023			
Dietitians (31-01)	Licensure And Renewal Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023 Filed 9/11/2023			
Dietitians (31-05)	Continuing Professional Education Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023 Filed 9/11/2023			
Dietitians (31-07)	Telehealth Practice; Requirements; Definitions Legislative	6/21/2023	7/21/2023		7/28/2023	Approved 8/7/2023			
Economic Development, WV Dept. of (145-19)	Rule Governing the Operations of Motorsports Complexes and Events Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-030)	Tiered System of Support for Early Literacy and Numeracy (2512) Legislative Exempt	8/9/2023	9/11/2023						
Education (126-044BB)	West Virginia College-and Career-Readiness Standards for Mathematics (Policy 2520.2B) Legislative Exempt	4/13/2023	5/15/2023					8/29/2023	7/1/2024
Education (126-044M)	WV College - and Career-Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	9/13/2023	10/16/2023						
Education (126-114)	Approval of Educator Preparation Programs Legislative Exempt	9/13/2023	10/16/2023						
Education (126-142)	Performance Evaluation of Professional Personnel and Athletic Coaches (Policy 5310) Legislative Exempt	7/12/2023	8/14/2023					9/13/2023	10/16/2023
Election Commission (146-01)	Corporate and Membership Organization Political Activity Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Election Commission (146-03)	Regulation of Campaign Finance Legislative	7/27/2023	8/28/2023		9/13/2023				
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		7/28/2023	Modified & Approved 9/10/2023			
Emergency Management (170-02)	Industrial Accident Rapid Response Rule Legislative	6/26/2023	7/26/2023		7/27/2023	Approved 9/10/2023			
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	7/28/2023	Modified & Approved 9/10/2023			
Ethics Commission (158-12)	Lobbying Legislative	5/16/2023	6/16/2023		7/7/2023				

THE ABOVE RULE HAS BEEN WITHDRAWN 9/8/2023

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		7/28/2023	Modified & Approved 9/10/2023			
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023			
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023			
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023			
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023			
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023			
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	Modified & Approved 9/10/2023			
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023			
Forestry (22-02)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 9/10/2023			
Forestry (22-03)	Sediment Control During Timber-Harvesting Operations-Logger Certification Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 9/10/2023			
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-12)	Hospital Licensure Legislative	6/5/2023	7/5/2023		7/13/2023				
Health (64-14) Sunset Provision	Assisted Living Residences Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023			
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	Modified & Approved 8/7/2023 Filed 8/22/2023			
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				
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023			
Health and Human Resources (69-12) Sunset Provision	Medication Assisted Treatment-Office-Based Medication-Assisted Treatment Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023			
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022	Approved 8/7/2023			
Health Care Authority (65-32)	Certificate of Need Legislative	5/17/2023	6/16/2023		7/21/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-05)	Empolying and Evaluating Presidents Legislative	6/21/2023	7/21/2023		7/25/2023	Approved 9/12/2023			
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	Modified & Approved 9/12/2023 Filed 9/12/2023			
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	Approved 9/12/2023			
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	7/28/2023	Approved 9/12/2023			
Higher Education Policy Commission (133-28)	WV Engineering, Science and Technology Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023	Approved 9/12/2023			
Higher Education Policy Commission (133-42)	WV Higher Education Grant Program Legislative	6/21/2023	7/21/2023		7/24/2023	Approved 9/12/2023			
Higher Education Policy Commission (133-58)	Nursing Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023	Approved 9/12/2023			
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/22/2023	7/24/2023		7/31/2023	Modified & Approved 9/10/2023			
Highways (157-05)	Traffic and Safety Rules Legislative	6/15/2023	7/17/2023		7/26/2023	Modified & Approved 9/10/2023			
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	Approved 8/7/2023			
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/2/2023	7/5/2023		7/12/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/2/2023	7/5/2023		7/11/2023	Authorized as Modified w/Certain Amendements 9/12/2023 Filed 9/14/2023			
Labor (42-08)	Minimum Wage, Maximum Hours, and Overtime Compensation Legislative	5/4/2023	6/5/2023		6/6/2023	Modified & Approved 9/10/2023			
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	Approved 9/10/2023			
Massage Therapy Licensure Bd. (194-01)	General Provision Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023			
Massage Therapy Licensure Bd. (194-04)	Schedule of Fees Legislative	6/28/2023	7/28/2023	6/27/2023 Effective 8/8/2023	7/28/2023	Modified & Approved 9/10/2023			
Massage Therapy Licensure Bd. (194-07)	Establishment Licensure Legislative	6/28/2023	7/28/2023	6/27/2023 Effective 8/8/2023	7/28/2023	Approved 9/10/2023			
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				
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	Approved 8/7/2023			
Miners Health Safety and Training (56-02)	Rule Governing Safety Provisions for Clearing Crews Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/14/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-04)	Rule Governing Protective Clothing and Equipment Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023			
Miners Health Safety and Training (56-10)	Rule Governing Reporting Requirements for Independent Contractors Legislative	6/21/2023	7/21/2023		7/27/2023	Approved 9/10/2023			
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	Modified & Approved 9/10/2023			
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	Modified & Approved 9/10/2023			
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	Modified & Approved 9/10/2023			
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023			
Miners Health Safety and Training (56-23) Sunset Provision	Operating Diesel Equipment in Underground Mines in WV Legislative				7/27/2023	Approved 8/7/2023			
Miner Training Education and Certification (48-04)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements Legislative Exempt	9/11/2023	10/11/2023						
Miner Training Education and Certification (48-09)	Duties and Standards for Certification of Underground Outby Mine Examiners for Coal Mines Legislative Exempt	7/28/2023	8/30/2023						
Motor Vehicles (91-03)	Motor Vehicle Titling and Registration Legislative	6/23/2023	7/23/2023	6/27/2023 Effective 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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Motor Vehicles (91-15) Sunset Provision	Safety and Treatment Program Legislative								
Motor Vehicles (91-24) Sunset Provision	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative								
Multimodal Transportation Facilities (220-01)	Valuation of Used Rolling Stock and Equipment Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Multimodal Transportation Facilities (220-02)	Aviation Grant Process Procedural	8/25/2023	9/29/2023						
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		Approved 8/7/2023			
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/26/2023	7/26/2023	6/26/2023 Effective 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	Approved 8/7/2023			
Optometry (14-01)	Rules of the WV Board of Optometry Legislative	6/28/2023	7/27/2023		7/28/2023				
Optometry (14-06)	Interview Evaluation Legislative	6/28/2023	7/28/2023		7/28/2023				
Optometry (14-10)	Continuing Education Legislative	6/27/2023	7/27/2023		7/28/2023				
Optometry (14-11)	Injectable Pharmaceuticals by Injection Certificate Legislative	6/28/2023	7/28/2023		7/31/2023				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Optometry (14-13)	Opthalmic Laser Utilization Certificate Legislative	6/28/2023	7/28/2023		7/28/2023				
Optometry (14-14)	Eyelid Procedures Legislative	6/28/2023	7/27/2023		7/28/2023				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023			
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023			
Parkways Authority (184-05)	Rules Providing for Electronic Toll Collection and the Enforcement Process Legislative	8/17/2023	9/20/2023						
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023			
Pharmacy (15-03)	Continuing Education for Licensure for Pharmacists Legislative	6/27/2023	7/27/2023		7/28/2023	Approved 9/10/2023			
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/27/2023	7/27/2023		7/28/2023	Approved 9/10/2023			
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	7/28/2023	Modified & Approved 9/10/2023			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/29/2023	7/28/2023	6/27/2023 Approved 6/29/2023	7/28/2023	Modified & Approved 9/10/2023			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023	7/28/2023	Modified & Approved 9/10/2023			
Pharmacy (15-17) Sunset Provision	The Subsitution of Biological Pharmaceuticals Legislative				7/20/2023	Approved 8/7/2023			
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/7/2023	7/7/2023		7/31/2023	Modified & Approved 9/10/2023			
Psychologists (17-04)	Disciplinary and Complaint Procedures for Psychologists Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Psychologists (17-05)	Contested Case Hearing Procedure Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023			
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	9/7/2023				
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	Authorized w/Certain Amendments 9/10/2023			
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		7/28/2023	Modified & Approved 9/10/2023			
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/12/2023	7/14/2023		7/28/2023	Approved 9/10/2023			
Real Estate Commission (174-03)	Real Estate Courses, Course Providers and Instructors Legislative	6/13/2023	7/14/2023		7/28/2023	Modified & Approved 9/10/2023			
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	8/1/2023				
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				
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				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Respiratory Care (30-09)	Student Temporary Permit - Amended Legislative	4/28/2023	6/1/2023		6/8/2023	Modified & Approved 8/7/2023			
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		7/28/2023	Modified & Approved 9/10/2023			
Secretary of State (153-25, repeal)	Combined Voter Registration and Driver Licensinig Fund Legislative	6/282023	7/28/2023		7/28/2023	Approved 9/10/2023			
Secretary of State (153-55)	Minimum Standards for Election Administration, Infrastructure, and Security Legislative	6/27/20223	7/27/2023		7/28/2023	Modified & Approved 9/10/2023			
State Police (81-08)	WV State Police Member Grievance Procedure Legislative	6/23/2023	7/23/2023		7/27/2023	Approved 9/10/2023			
State Police (81-19)	Motor Vehicle Inspection Legislative	6/23/2023	7/23/2023		7/27/2023	Modified & Approved 9/10/2023			
Tax (110-15K) Sunset Provision	Aircraft Operated Under A Fractional Ownership Program Legislative				3/28/2023	Approved 8/7/2023			
Tax (110-21B) Sunset Provision	Citizen Tax Credit for Property Taxes Paid Legislative				12/30/2022	Modified & Approved 8/7/2023 Filed 8/21/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-21G)	Income Tax Paid at the Entity Level by Electing Pass-Through Entities Legislative	6/8/2023	7/10/2023		7/28/2023				
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/8/2023	7/10/2023		7/25/2023				
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Legislative				12/30/2022	Modified & Approved 8/7/2023 Filed 8/21/2023			
Tax (110-99)	Privilege Tax on Sales of Hemp-Derived Cannabinoid and Kratom Products Legislative	6/8/2023	7/10/2023		7/25/2023				
Treasurer (112-05)	Enforcement of the Unifrom Unclaimed Property Act Legislative	6/27/2023	7/27/2023		7/28/2025				
Treasurer (112-19)	West Virginia Hope Scholarship Board Procedures and Bylaws Procedural	8/16/2023	9/15/2023						
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	Modified & Approved 9/10/2023			
Water Resources Division of Water and Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/12/2023	7/18/2023		7/28/2023	Modified & Approved 9/10/2023			

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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-01

RULE NAME: Alternative Emission Limitations During Startup and Shutdown Operations

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-02

RULE NAME: Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-03

RULE NAME: Control of Air Pollution from the Operation of Hot Mix Asphalt Plants

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-05

RULE NAME: Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-06

RULE NAME: Control of Air Pollution from Combustion of Refuse

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-07

RULE NAME: Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-10

RULE NAME: Control of Air Pollution from the Emission of Sulfur Oxides

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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9/14/2023 2:28:37 PM

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-21

RULE NAME: Control of Air Pollution from the Emission of Volatile Organic Compounds

CITE AUTHORITY: W. Va. Code § 22-5-4

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

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

Yes

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

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9/11/2023 10:15 AM
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Legislative

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

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-44

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: RULE GOVERNING MINE RESCUE REQUIREMENTS FOR THE OFFICE OF MINERS HEALTH, SAFETY AND TRAINING

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

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

October 11, 2023

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

Yes

Graham Platz -- 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.

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9/11/2023 12:15 PM
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-59

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: SUPERVISION OF UNDERGROUND APPRENTICES IN AREAS OTHER THAN THE WORKING SECTION

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

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

October 11, 2023

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

Yes

Graham Platz -- 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.

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9/14/2023 10:18:44 AM

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Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Community And Technical College Education

RULE TYPE: Legislative TITLE-SERIES: 135-19

RULE NAME: Dual Enrollment Pilot Program

CITE AUTHORITY: §18B-14-4(d)

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

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/8/2023 10:58:26 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: Crime Delinquency And Correction TITLE-SERIES: 149-11

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

RULE NAME: 149-11 Sexual Assault Forensic Examinations

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 15-9B-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:

West Virginia Code 15-9B-4(a) states the Sexual Assault Forensic Examination Commission shall propose rules for legislative approval detailing best-practice protocols and upon approval of the legislative rules, local sexual assault forensic examination boards shall follow the 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: 8/8/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/8/2023

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

eFILED
9/11/2023 1:37:05 PM
Office of West Virginia
Secretary Of State

Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dietitians

RULE TYPE: Legislative TITLE-SERIES: 31-01

RULE NAME: LICENSURE AND RENEWAL REQUIREMENTS

CITE AUTHORITY: §30-35-4 & §30-1-24

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

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/11/2023 1:35:19 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dietitians

RULE TYPE: Legislative TITLE-SERIES: 31-05

RULE NAME: CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

CITE AUTHORITY: 30-35-4.

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

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/13/2023 2:37:41 PM
Office of West Virginia
Secretary Of State

Legislative

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-044M

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginia College- and Career-Readiness Programs of Study/Standards for Career Technical Education (2520.13)

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Clinton Burch, Officer

ADDRESS: WVDE Division of Career Exploration & Student Engagement

Capitol Bldg. 6, Suite 825, 1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: ccburch@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/13/2023 2:10:31 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-114

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Approval of Educator Preparation Programs (5100)

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jodi Oliveto, Coordinator/Traci Tuttle, Coordinator

ADDRESS: WVDE Office of Educator Preparation, Capitol Bldg. 6, Suite 550

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

EMAIL: joliveto@k12.wv.us traci.tuttle@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/13/2023 12:41 PM
Office of West Virginia
Secretary Of State

Legislative

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

AGENCY: Education TITLE-SERIES: 126-142

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

RULE NAME: Performance Evaluation of Professional Personnel and Athletic Coaches (5310)

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

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

October 16, 2023

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/13/2023 4:15:57 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: Election Commission TITLE-SERIES: 146-03

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

RULE NAME: 146-03 Regulation of Campaign Finance

PRIMARY CONTACT

NAME: Donald Kersey

ADDRESS: State Capitol Bldg 1 Ste 157 K

Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

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

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 Election Commission shall propose legislative rules as may be necessary to standardize and make effective the administration of the campaign finance statutes provided in Chapter 3 of the West Virginia 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: 7/27/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/28/2023

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

STATE OF WEST VIRGINIA
WEST VIRGINIA ETHICS COMMISSION
210 Brooks Street, Suite 300
Charleston WV 25301-1804
Telephone: (304) 558-0664
ethics.wv.gov

FILED Legislative
2023 SEP -8 A 10: 38
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

September 8, 2023

Via Electronic Mail: mlewis@wvsos.com

West Virginia Secretary of State
Administrative Law Division
Attn: Maureen Lewis, Director

West Virginia Ethics Commission's Notice of Withdrawal of Legislative Rule, Title 158, Series 12, Lobbying

The West Virginia Ethics Commission filed an electronic "Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Committee" for Title 158, Series 12, Lobbying, with the Secretary of State's Office on July 7, 2023.

West Virginia Code § 29A-3-14 states, in relevant part:

> (a) Any legislative rule proposed by an agency may be withdrawn by the agency any time before passage of a law authorizing or authorizing and directing its promulgation, but no such action shall be construed to affect the validity, force or effect of a law enacted authorizing or authorizing and directing the promulgation of an authorized legislative rule or exercising compliance with such law. The agency shall file a notice of any such action in the state register.
> . . . .

Pursuant to W. Va. Code § 29A-3-14(a), the Ethics Commission hereby withdraws proposed Legislative Rule, Title 158, Series 12, Lobbying.

Sincerely,

Theresa M. Kirk
General Counsel

cc: Adair Burgess,
Director of Legislative Rule-Making

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/12/2023 3:48:37 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY:	Higher Education Policy Commission		
RULE TYPE:	Legislative	TITLE-SERIES:	133-06
RULE NAME:	Higher Education Adult Part-Time Student (HEAPS) Grant Program		
CITE AUTHORITY:	18B-1-6		

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

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/14/2023 2:58:57 PM
Office of West Virginia
Secretary Of State

Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-100

RULE NAME: HEALTH BENEFIT PLAN NETWORK ACCESS AND ADEQUACY

CITE AUTHORITY: W. Va. Code §§33-2-10 and 33-55-9.

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

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/14/2023 3:07:10 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-103

RULE NAME: BAIL BONDSMEN IN CRIMINAL CASES

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

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

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/14/2023 2:50:46 PM
Office of West Virginia
Secretary Of State

Legislative

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Miners Health Safety And Training

RULE TYPE: Legislative TITLE-SERIES: 56-02

RULE NAME: Rule Governing Safety Provisions for Clearing Crews

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

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

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

Yes

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

eFILED
9/11/2023 10:18:41 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miner Training Education And Certification TITLE-SERIES: 48-04

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

RULE NAME: INITIAL TRAINING PROGRAM FOR PROSPECTIVE MINE RESCUE TEAM MEMBERS AND ADDITIONAL MINE RESCUE REQUIREMENTS

CITE STATUTORY AUTHORITY: W. Va. Code "22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/11/2023 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Kevin Kidd and/or James Dean

ADDRESS: State Capitol, Rm W-435 Charleston, WV 25305

EMAIL: kevin.c.kidd@wvago.gov/james.dean@mail.wvu.edu

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/8/2023 2:33:43 PM

Office of West Virginia
Secretary Of State

Legislative

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Motor Vehicles TITLE-SERIES: 91-15

RULE TYPE: Legislative CITE STATUTORY AUTHORITY:

RULE NAME: 91-15 Safety and Treatment Program

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/8/2023 2:35:16 PM

Office of West Virginia
Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Motor Vehicles TITLE-SERIES: 91-24

RULE TYPE: Legislative CITE STATUTORY AUTHORITY:

RULE NAME: 91-24 State Vehicle Title, Registration and Relicensing Project of 2018

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Applications for Licensure to Practice Acupuncture, 32-03

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

1. Authorize the agency to promulgate the Legislative rule:

   (A) as originally filed ____

   (B) as modified by the agency X

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____

4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____

5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin
Agriculture, WV Department of
1900 Kanawha Blvd. E.
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Frozen Desserts and Imitation Frozen Desserts, 61-04B

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

1. Authorize the agency to promulgate the Legislative rule:

   (A) as originally filed ____

   (B) as modified by the agency X

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____

4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____

5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin
Agriculture, WV Department of
1900 Kanawha Blvd. E.
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Certified Pesticide Applicator Rules, 61-12A

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

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

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin
Agriculture, WV Department of
1900 Kanawha Blvd. E.
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing to Pesticide Businesses, 61-12B

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

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

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Jodee Martin
Agriculture, WV Department of
1900 Kanawha Blvd. E.
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia Shellfish Rule, 61-23B

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

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

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Alternative Emission Limitations During Startup, Shutdown, and Maintenance Operations, 45-01

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

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

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchanges, 45-02

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

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

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plant, 45-03

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 13 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas, 45-05

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: DEP - Air Quality

SEP 13 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Air Pollution from Combustion of Refuse, 45-06

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

SEP 13 2023

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations, 45-07

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

1. Authorize the agency to promulgate the Legislative rule:
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

SEP 13 2023

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Ambient Air Quality Standards, 45-08

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 13 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: To Prevent and Control Air Pollution from the Emission of Sulfur Oxides, 45-10

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

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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 13 2023

From: Legislative Rule-Making Review Committee

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

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 13 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds, 45-21

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

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

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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 13 2023

From: Legislative Rule-Making Review Committee

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

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

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

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings
DEP - Air Quality
WV DEP - Division of Air Quality
601 57th Street, SE,
Charleston, WV 25304

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units, 45-44

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

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

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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Crime, Deliquency, Corrections
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Law Enforcement Training and Certification Standards, 149-02

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

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

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Crime, Deliquency, and Correction
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Protocol for Law Enforcement Response to Domestic Violence, 149-03

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

1. Authorize the agency to promulgate the Legislative rule:
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: WV Board of Dentistry
Dental Examiners, WV Board of
PO Box 1447
Crab Orchard, WV 25827

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database, 5-10

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

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Adair Burgess, Director

LRMRC

September 10, 2023

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

SEP 1 3 2023

To: Mac Warner, Secretary of State, State Register

To: Graham Platz
Economic Development Authority, WV
1900 Kanawha Blvd. East, Suite 800
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule Governing the Operation of Motorsports Complexes and Events, 145-19

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

SEP 1 3 2023

To: Mac Warner, Secretary of State, State Register

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

From: Legislative Rule-Making Review Committee

Proposed Rule: Corporate and Membership Organization Political Activity, 146-01

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

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

Legislative Rule-Making Review Committee

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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

SEP 1 3 2023

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

From: Legislative Rule-Making Review Committee

Proposed Rule: Application and Approval Process for Secretary of State Expenditures from the County Assistance Voting Equipment Fund, 146-07

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

1. Authorize the agency to promulgate the Legislative rule:

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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

SEP 1 3 2023

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

From: Legislative Rule-Making Review Committee

Proposed Rule: Industrial Accident Rapid Response Rule, 170-02

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

1. Authorize the agency to promulgate the Legislative rule:

   (A) as originally filed X

   (B) as modified by the agency ____

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

SEP 13 2023

To: Jason Wandling
DEP - Secretary's Office
601 57th Street, SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Drinking Water Treatment Revolving Fund, 60-12

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

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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

SEP 13 2023

To: Graham Platz
Forestry, WV Division of
1900 Kanawha Blvd. East, Suite 800
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Sediment Control During Commercial Timber-Harvesting Operations-Licensing, 22-02

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

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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Graham Platz
Forestry, WV Division of
1900 Kanawha Blvd. East, Suite 800
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification, 22-03

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Commission, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Fire Code, 87-01

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Commission, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 13 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification and Evaluation of Local Fire Departments, 87-06

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

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

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Commission, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 13 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification of Fire Chiefs, 87-13

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

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

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification of Electrical Inspectors, 103-01

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

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

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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Supervision of Fire Protection Work, 103-03

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

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

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Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Electrician Licensing Rules, 103-05

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

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

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

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

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Brandolyn Felton-Ernest
Fire Marshal, WV State
1900 Kanawha Boulevard East
Building 1, Room W-400
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Certification of Home Inspectors, 103-07

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Lori Ann Suite
Highways, WV Division of
1900 Kanawha Blvd. East
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Construction and Reconstruction of State Roads, 157-03

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Lori Ann Suite
Highways, WV Division of
1900 Kanawha Blvd. East
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Traffic and Safety Rules, 157-05

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Helath Benefit Plan Network Access and Adequacy, 114-100

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 12, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Bail Bondsmen in Criminal Cases, 114-103

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Minimum Wage, Maximum Hours, and Overtime Compensation, 42-08

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing of Elevator Mechanics and Technicians and Registration of Apprentices, 42-21A

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

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

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter
Massage Therapy Licensure Board, WV
179 Summers Street
Suite 711
Charleston, WV

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: General Provisions, 194-01

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Linda Lyter
Massage Therapy Licensure Board, WV
179 Summers Street
Suite 711
Charleston, WV

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Schedule of Fees, 194-04

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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To: Mac Warner, Secretary of State, State Register

To: Linda Lyter
Massage Therapy Licensure Board, WV
179 Summers Street
Suite 711
Charleston, WV

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Establishment Licensure, 194-07

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

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Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Frank Foster
Miners' Health, Safety and Training, WV Office of
7 Players Club Drive, Suite 2
Charleston, WV 25311

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Safety Provisions for Clearing Crews, 56-02

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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September 10, 2023

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To: Mac Warner, Secretary of State, State Register

To: Frank Foster
Miners' Health, Safety and Training, WV Office of
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Charleston, WV 25311

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule Governing Protective Clothing and Equipment, 56-04

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

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

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Frank Foster
Miners' Health, Safety and Training, WV Office of
7 Players Club Drive, Suite 2
Charleston, WV 25311

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule Governing Reporting Requirements for Independent Contractors, 56-10

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

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   - (A) as originally filed ___X___
   - (B) as modified by the agency _____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Frank Foster
Miners' Health, Safety and Training, WV Office of
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Charleston, WV 25311

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule Governing Assessing Health and Safety Violation Penalties, 56-12

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
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Delegate Geoff Foster, Co-Chair

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Frank Foster
Miners' Health, Safety and Training, WV Office of
7 Players Club Drive, Suite 2
Charleston, WV 25311

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

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

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

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   - (A) as originally filed ____
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Frank Foster
Miners' Health, Safety and Training, WV Office of
7 Players Club Drive, Suite 2
Charleston, WV 25311

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule Governing the Program for the Sharing of Information Between Employers, 56-18

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

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

Legislative Rule-Making Review Committee

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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Frank Foster
Miners' Health, Safety and Training, WV Office of
7 Players Club Drive, Suite 2
Charleston, WV 25311

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Substance Abuse Screening, Standards and Procedures, 56-19

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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Delegate Geoff Foster, Co-Chair

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Stephen R. Connolly
Multimodal Transportation Facilities
1900 Kanawha Blvd. E.
Bldg. 5, Room 132
Charleston, WV 25305

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Valuation of Used Rolling Stock and Equipment, 220-01

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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Delegate Geoff Foster, Co-Chair

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Chase Holcomb
Osteopathic Medicine, WV Board of
405 Capitol Street, Suite 402
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing Procedures for Osteopathic Physicians, 24-01

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

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

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Adair Burgess, Director

September 10, 2023

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To: Mac Warner, Secretary of State, State Register

To: Chase Holcomb
Osteopathic Medicine, WV Board of
405 Capitol Street, Suite 402
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Osteopathic Physician Assistants, 24-02

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

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

Legislative Rule-Making Review Committee

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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
1207 Quarrier St., 4th Floor
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure and Practice of Pharmacy, 15-01

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
1207 Quarrier St., 4th Floor
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Continuing Education for Licensure for Pharmacists, 15-03

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
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Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
1207 Quarrier St., 4th Floor
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration of Pharmacy Technicians, 15-07

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

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

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
1207 Quarrier St., 4th Floor
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians, 15-12

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

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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
1207 Quarrier St., 4th Floor
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Centalized Prescription Processing, 15-14

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Krista Capehart
Pharmacy, WV Board of
1207 Quarrier St., 4th Floor
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulations Governing Pharmacy Permits, 15-15

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: West Virginia Board of Professional Surveyors
Surveyors, WV Board of Professional
1124 Smith Street
Suite 1200
Charleston, WV

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Examination and Licensing of Professional Surveyors in West Virginia, 23-01

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: WVBEP
Psychologists, WV Board of
PO Box 3955
Charleston, WV 25339

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Disciplinary and Complaint Procedures for Psychologists, 17-04

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: WVBEP
Psychologists, WV Board of
PO Box 3955
Charleston, WV 25339

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Contested Case Hearing Procedure, 17-05

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Joe K. Moore
Racing Commission, WV
900 Pennsylvania Avenue
Charleston, WV 25302

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Thoroughbred Racing, 178-01

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

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

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
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Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Keri Ferro
Real Estate Commission, WV
300 Capitol Street
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensing Real Estate Broekers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business, 174-01

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

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WEST VIRGINIA LEGISLATURE

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Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Keri Ferro
Real Estate Commission, WV
300 Capitol Street
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Schedule of Fees, 174-02

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

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

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

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Keri Ferro
Real Estate Commission, WV
300 Capitol Street
Charleston, WV 25301

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Real Estate Courses, Course Providers and Instructors, 174-03

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Guidelines for the Use of Nicknames and Other Designations on the Ballot, 153-14

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

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

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

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

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

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Election Administration, Infrastructure, and Security Minimum Standards and Reserve Funding, 153-55

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

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency ___X___
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Major James Mitchell
State Police, WV
725 Jefferson Road
South Charleston, WV

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: West Virginia State Police Member Grievance Procedure, 81-08

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Major James Mitchell
State Police, WV
725 Jefferson Road
South Charleston, WV 25309

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Motor Vehicle Inspections, 81-19

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

LRMRC

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Johnsely Cyrus
DEP - Water and Waste Management
WV DEP
601 57th Street, SE,
Charleston, WV 25304

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Hazardous Waste Management System, 33-20

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

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

Legislative Rule-Making Review Committee

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

Adair Burgess, Director

September 10, 2023

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

To: Mac Warner, Secretary of State, State Register

To: Albert Barbery
DEP - Water and Waste Management
WV DEP
601 57th Street, SE,
Charleston, WV 25304

SEP 1 3 2023

From: Legislative Rule-Making Review Committee

Proposed Rule: Underground Injection Control, 47-13

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

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

LOCEA

WEST VIRGINIA LEGISLATURE

Legislative Oversight Commission On Education Accountability

Senator Amy Grady, Co-Chair
Delegate Joe Ellington, Co-Chair

September 12, 2023

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

To: Mac Warner, Secretary of State, State Register

To: Angela S Kerns
WVCCTCE
1018 Kanawha Blvd East Suite 700
Charleston, West Virginia, 25301

From: Legislative Oversight Commission On Education Accountability

Proposed Rule: Dual Enrollment Pilot Program, 135-19

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Phone: (304) 357-7915 Email: ben.mack@wvsenate.gov

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WEST VIRGINIA LEGISLATURE

Legislative Oversight Commission On Education Accountability

Senator Amy Grady, Co-Chair
Delegate Joe Ellington, Co-Chair

September 12, 2023

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

To: Mac Warner, Secretary of State, State Register

To: Cindy L. Anderson
WVHEPC
1018 Kanawha Blvd East Suite 700
Charleston, West Virginia, 25301

From: Legislative Oversight Commission On Education Accountability

Proposed Rule: Employing and Evaluating Presidents, 133-05

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
   - (B) as modified by the agency ____
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To: Mac Warner, Secretary of State, State Register

To: Cindy L. Anderson
WVHEPC
1018 Kanawha Blvd East Suite 700
Charleston, West Virginia, 25301

From: Legislative Oversight Commission On Education Accountability

Proposed Rule: Higher Education Adult Part-Time Student (HEAPS) Grant Program, 133-06

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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September 12, 2023

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To: Mac Warner, Secretary of State, State Register

To: Cindy L. Anderson
WVHEPC
1018 Kanawha Blvd East Suite 700
Charleston, West Virginia, 25301

From: Legislative Oversight Commission On Education Accountability

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

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

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Delegate Joe Ellington, Co-Chair

September 12, 2023

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To: Mac Warner, Secretary of State, State Register

To: Cindy L. Anderson
WVHEPC
1018 Kanawha Blvd East Suite 700
Charleston, West Virginia, 25301

From: Legislative Oversight Commission On Education Accountability

Proposed Rule: Guidelines for College Courses for High School Students, 133-19

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Oversight Commission On Education Accountability

Senator Amy Grady, Co-Chair
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September 12, 2023

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To: Mac Warner, Secretary of State, State Register

To: Cindy L. Anderson
WVHEPC
1018 Kanawha Blvd East Suite 700
Charleston, West Virginia, 25301

From: Legislative Oversight Commission On Education Accountability

Proposed Rule: West Virginia Engineering, Science and Technology Scholarship Program, 133-28

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

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Charleston, West Virginia, 25301

From: Legislative Oversight Commission On Education Accountability

Proposed Rule: West Virginia Higher Education Grant Program, 133-42

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

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From: Legislative Oversight Commission On Education Accountability

Proposed Rule: Nursing Scholarship Program, 133-58

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

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Orders Report

Docket Number	Agency	Respondent	Date Rendered
22-5-12530-A	Health Care Authority	Charleston Area Medical Center, Inc.	7/26/2023
23-3-12666-A	Health Care Authority	Charleston Area Medical Center, Inc.	8/23/2023
23-8/9-12713-Z	Health Care Authority	West Virginia Home Health, LLC	8/9/2023
23-6-12598-P	Health Care Authority	Fayette Physician Network, Inc.	8/23/2023
23-6-12598-P	Health Care Authority	d/b/a WVUHS Medical Group	8/23/2023
23-8-12612-H	Health Care Authority	Grant Memorial Hospital, Inc.	8/23/2023
22-6-12464-H	Health Care Authority	Mon Health Marion Neighborhood Hospital, Inc.	8/23/2023
23-1-12761-X	Health Care Authority	Princeton Community Hospital Association, Inc.	8/23/2023
23-3-12667-P	Health Care Authority	Charleston Area Medical Center, Inc.	8/23/2023
23-1-12730-X	Health Care Authority	Linx Community Services	8/9/2023
23-1-12657-X	Health Care Authority	Necco LLC	8/9/2023
23-7-12746-X	Health Care Authority	Necco LLC	8/9/2023
22-1-12452-P	Health Care Authority	Charleston Area Medical Center, Inc.,	8/9/2023
23-5/10-12706-PC	Health Care Authority	Hometown Care, LLC	7/26/2023
23-6-12704-PC	Health Care Authority	Hometown Care, LLC	7/26/2023
23-1-12744-X	Health Care Authority	National Youth Advocate Program	7/26/2023
21-5-12124-P	Health Care Authority	Roane General Hospital	6/14/2023
23-10-12729-X	Health Care Authority	REM West Virginia	7/12/2023
23-1-12723-X	Health Care Authority	Mercer County Board of Health	7/12/2023
23-1-12723-X	Health Care Authority	d/b/a Blue Prince Family Health	7/12/2023
23-9-12715-X	Health Care Authority	East Mountain Health Physicians, Inc.	6/14/2023
22-3-12504-P	Health Care Authority	Charleston Area Medical Center, Inc.	8/9/2023
23-1-12665-P	Health Care Authority	Princeton Community Hospital	8/23/2023
23-1-12625-P	Health Care Authority	Princeton Community Hosptial	8/23/2023
23-9-12733-X	Health Care Authority	Berkeley Medical Center	7/26/2023

9/15/2023 9:10:35 AM

23-6-12738-X	**Health Care Authority**	United Hospital Center	7/26/2023
23-3-12745-X	**Health Care Authority**	Service Station, LLC	8/23/2023
23-1-12760-X	**Health Care Authority**	Princeton Community Hospital Association, Inc.	8/23/2023
23-1-12760-X	**Health Care Authority**	d/b/a/ Princeton Community Hospital	8/23/2023
23-6-12748-X	**Health Care Authority**	Monarch Wound Care	8/9/2023
22-6-12402-H	**Health Care Authority**	West Virginia University Hospitals, Inc.	8/23/2023
22-78-W	**Medicine, West Virginia Board Of**	Dibbendu Mahanayak, MD	9/11/2023
22-29-W	**Medicine, West Virginia Board Of**	Terry Gene Sanders, II, MD	9/11/2023
1222A, 0323B	**Veterinary Medicine**	Kevin Hennessy, DVM	8/15/2023

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2023-08	A City Sanitary Board asks whether it may allow an employee or his parents to participate in the Board's Biosolids Program and whether it may upgrade a biosolids storage area on the employee's parents' property.
2023-09	A State Community and Technical College employee asks whether he may serve in the West Virginia Legislature while being employed by the College as a professor.
2023-10	A Director of a City Arts and Cultural Development Department asks whether City officials and employees may solicit donations via GoFundMe or similar crowdsourced funding for a public concert series and other events held at the City's outdoor amphitheater.
2023-11	A Prosecuting Attorney asks whether she may employ spouses as assistant prosecuting attorneys.
2023-12	A County Commission candidate asks whether he may continue his employment with a nonprofit that receives appropriations from the County if he becomes a County Commissioner.

FILED
WV SECRETARY OF STATE
SEPTEMBER 11, 2023 10:39 AM

Other

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

September 11, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 8, 2023**.

PROJECTS DETERMINED NOT REVIEWABLE

September 7, 2023- Berkeley Medical Center, Inc., CON File #23-9-12733-X, that the existence of a physician practice that was located on the hospital campus, Martinsburg, Berkeley County, West Virginia; capital expenditure, $0.

September 7, 2023- United Hospital Center, Bridgeport, Harrison County, West Virginia, CON File #23-6-12738-X, for the conversion of eighteen psychiatric beds to medical-surgical beds and related renovation of the hospital; capital expenditure, $9,210,000.

September 7, 2023- Service Station, LLC, CON File #23-3-12745-X, for the completed relocation of its office from 6979 Teays Valley Road, Scott Depot, West Virginia to 279 Dairy Road, Poca, Putnam County, West Virginia; capital expenditure, $0.

September 7, 2023- Monarch Would Care, Morgantown, Monongalia County, West Virginia, CON File #23-6-12748-X, for the development of a private practice specializing in physical therapy and wound care and Edema management; capital expenditure, $50,000.

September 7, 2023- Princeton Community Hospital Association, Inc. d/b/a Princeton Community Hospital, Princeton, Mercer County, West Virginia, CON File #23-1-12760-X, for the renovation of the hospital to convert semi-private rooms to private rooms; capital expenditure, $6,740,000.

CERTIFICATE OF NEED APPROVAL ISSUED

September 6, 2023- Charleston Area Medical Center, Inc., CON File #23-3-12666-A, to acquire controlling interest (70%) in the Eye and Ear Clinic of Charleston, Inc. d/b/a Charleston Surgical Hospital, Kanawha County, West Virginia; capital expenditure, $56,800,000.

EXTENSION GRANTED

September 6, 2023- West Virginia University Hospitals, Inc., Morgantown, Monongalia County, West Virginia, CON File #22-6-12402-H, for the expansion to the ambulatory health care facility known as University Town Centre Clinic. The site work of underground plumbing and electrical is complete. Steel erection is anticipated to begin September 5, 2023. Approved capital expenditure, $30,000,000. The scheduled completion date is March 1, 2024. Extension granted through February 28, 2024.

NOTICE OF SUBSTANTIAL COMPLIANCE AND DECISION ON SUBSTANTIAL CHANGE ISSUED

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

September 6, 2023- Charleston Area Medical Center, Inc., CON File #22-5-12530-A, for a determination of whether a change in the project location would be considered a substantial change in the acquisition of Ohio Valley Sleep Diagnostics, LLC. The acquisition is complete. Ohio Valley Sleep Diagnostics is currently located at 137 Clay Lick Road and the request is to relocate the facility to 300 Clay Lick Road, Ripley, Jackson County, West Virginia, due to the increased costs associated with bringing the current site up to life safety accreditation standards; approved capital expenditure, $225,000, actual capital expenditure, $229,945. The decision was made that this should not be considered a substantial change.

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:

September 6, 2023- Charleston Area Medical Center, Inc., CON File #22-3-12504-P, for the development of an ambulatory health care facility to be located at 2345 Chesterfield Avenue, Charleston, Kanawha County, West Virginia; capital expenditure, $300,000. The project is now complete. The actual capital expenditure was $245,232.

September 7, 2023- Princeton Community Hospital, CON File #23-1-12625-P, for the development of an ambulatory health care facility through the acquisition of a physician practice located in Princeton, Mercer County, West Virginia. The acquisition is now complete. The approved capital expenditure was $380,000, actual capital expenditure was $240,043.

September 7, 2023- Princeton Community Hospital, CON File #23-1-12665-P, for the development of an ambulatory health care facility through the provision of pediatric physician services at an office located in Princeton, Mercer County, West Virginia. The

project is now complete. Approved capital expenditure, $104,000; actual capital expenditure, $26,490.

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