WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XL

Issue 48

December 1, 2023

A Weekly Publication

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 Reports

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:

Corrections and Rehabilitation, WV Division of

Health Care Authority

Tax

CHRONOLOGICAL INDEX, VOLUME XL ISSUE 48

NO RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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 Filed 9/22/2023			
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 Filed 9/26/2023 11/16/2023			
Agriculture (61-12A)	Certified Pesticide Applicator Rules Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/27/2023 11/3/2023			
Agriculture (61-12B)	Licensing of Pesticide Business Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023			
Agriculture (61-19) Sunset Provision	WV Manufacture Grade Milk Legislative								
Agriculture (61-20) Sunset Provision	Employment Reference and Inquiries and Background Checks Legislative								
Agriculture (61-23B)	WV Shellfish Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023			
Agriculture (61-30)	Hemp Products Legislative	6/28/2023	7/28/2023	6/28/2023 Effective 8/9/2023	7/28/2023	Recommends Rejection 10/24/2023			
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			

RULE MONITOR

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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Auditor (155-12)	Rules for Private Trust Companies Legislative	10/25/2023	11/27/2023	10/25/2023 Approved 10/31/2023					
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			
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			
Community and Technical College Education (135-06)	Performance Indicators Legislative	6/21/2023	7/24/2023		7/26/2023	Approved 10/15/2023			
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	Approved 10/15/2023			
Community and Technical College Education (135-32)	Tuition and Fees Legislative	6/21/2023	7/24/2023		7/26/2023	Approved 10/15/2023			
Community and Technical College Education (135-49, repeal)	Accountability System Legislative	6/21/2023	7/24/2023		7/26/2023	Approved 10/15/2023			
Conservation Agency (63-03) Sunset Provision	State Conservation Committee Grant Program Legislative				10/30/2023				
Counseling (27-01)	Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 Effective 10/12/2023	10/6/2023	Modified & Approved 10/30/2023 Filed 11/15/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 Effective 10/12/2023	10/6/2023	Modified & Approved 10/30/2023 Filed 11/15/2023			
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 Filed 10/4/2023			
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 Filed 10/4/2023			
Crime Delinquency and Correction (149-11)	Sexual Assault Forensic Examinations Legislative	8/8/2023	9/8/2023		9/8/2023	Modified & Approved 10/24/2023 Filed 11/9/2023			
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 Filed 9/18/2023			
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 Filed 11/13/2023			
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					11/8/2023	7/1/2024

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-114)	Approval of Educator Preparation Programs Legislative Exempt	9/13/2023	10/16/2023					11/8/2023	12/11/2023
Education (126-203)	Exempt Purchasing Procedures(8210) Legislative Exempt	10/11/2023	11/13/2023						
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 Filed 10/25/2023			
Election Commission (146-03)	Regulation of Campaign Finance Legislative	7/27/2023	8/28/2023		9/13/2023	Modified & Approved 10/24/2023 Filed 11/17/2023			
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 Filed 10/25/2023			
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 Effective 8/10/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023			
Environmental Protection Secretarys's Office (60-13)	Design Build Program Procedural	10/27/2023	11/28/2023						
Family Protection Services Board (191-02)	Domestic Violence Program Licensure Standards Legislative	5/30/2023	6/29/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
Fire Commission (87-01)	Fire Code Legislative	6/16/2023	7/17/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/4/2023			
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 Filed 9/26/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 9/26/2023			
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 10/4/2023			
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023			
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023			
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 Filed 9/26/2023			
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023			
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 Filed 11/13/2023			
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 Filed 11/13/2023			
Health (64-04)	Public Water Systems Operators Legislative	5/17/2023	6/16/2023	10/26/2023 Approved 11/6/2023	7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
Health (64-05)	Wastewater Systems and Operators Legislative	5/17/2023	6/16/2023	10/26/2023 Approved 11/6/2023	7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/5/2023	7/5/2023		7/13/2023	Modified & Approved 10/30/2023 Filed 11/7/2023			
Health (64-12)	Hospital Licensure Legislative	6/5/2023	7/5/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
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	Modified & Approved 10/24/2023 Filed 11/7/2023			
Health (64-30, repeal)	Fees for Permits Legislative	5/17/2023	6/16/2023		7/21/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
Health (64-51)	Fees for Services Legislative	5/17/2023	6/16/2023		7/21/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
Health (64-84)	Medical Examiner Requirements for Postmortem Inquires Legislative	5/17/2023	6/16/2023		7/13/2023	Modified & Approved 10/30/2023 Filed 11/7/2023			
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 Amendment 11/7/2023 ERD by 12/19/2023	7/18/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
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	Modified & Approved 10/24/2023 Filed 11/7/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023	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	Approved 10/24/2023			
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 Filed 11/7/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-05)	Traffic and Safety Rules Legislative	6/15/2023	7/17/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 11/8/2023			
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	Modified & Approved 10/24/2023 Filed 11/7/2023			
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	5/30/2023	6/29/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
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			
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 Filed 9/19/2023			
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 Filed 9/22/2023			
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 Filed 9/22/2023			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 10/30/2023 Filed 11/6/2023			
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 10/30/2023 Filed 11/1/2023			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 10/30/2023 Filed 11/1/2023			
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			
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 Filed 9/15/2023			
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 Filed 9/15/2023			
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 Filed 9/15/2023			
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 Filed 9/15/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/15/2023			
Miners Health Safety and Training (56-22) Sunset Provision	Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative				11/7/2023				
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	Modified & Approved 10/24/2023 Filed 11/7/2023			
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/23/2023	7/23/2023		7/26/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
Motor Vehicles (91-10)	Handicapped Parking Permits Legislative	6/6/2023	7/7/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023			
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 Filed 9/29/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-11)	Hunting, Fishing, and Other Outfitters and Guides Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 10/24/2023 Filed 11/16/2023			
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 10/24/2023 Filed 11/16/2023			
Natural Resources (58-16) Sunset Provision	Transporting and Selling Wildlife Pelts and Parts Legislative								
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 10/24/2023 Filed 11/16/2023			
Natural Resources (58-25) Sunset Provision	Boating Rule Legislative								
Natural Resources (58-26) Sunset Provision	Special Boating Rule Legislative								
Natural Resources (58-32) Sunset Provision	Public Use of Campgrounds in WV State Parks and State Forests and Campsites in State Rail Trails under the DNR Legislative								
Natural Resources (58-34) Sunset Provision	Special Projects and Grants for WV State Parks, State Forests, and State Rail Trails Under the DNR Legislative								
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 (58-47) Sunset Provision	Prohibitions When Hunting and Trapping Legislative								
Natural Resources (58-61) Sunset Provision	Special Fishing Rule Legislative								
Natural Resources (58-62) Sunset Provision	Catching and Selling Baitfish Legislative								

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 10/24/2023 Filed 11/14/2023			
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	Modified & Approved 10/24/2023 Filed 11/16/2023			
Optometry (14-10)	Continuing Education Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 10/24/2023 Filed 11/15/2023			
Optometry (14-11)	Injectable Pharmaceuticals by Injection Certificate Legislative	6/28/2023	7/28/2023		7/31/2023	Modified & Approved 10/24/2023 Filed 11/16/2023			
Optometry (14-14)	Eyelid Procedures Legislative	6/28/2023	7/27/2023		7/28/2023	Modified & Approved 11/1/2023 Filed 11/15/2023			
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023			
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023			
Osteopathic Medicine (24-08) Sunset Provision	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative				11/15/2023				
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 Filed 9/26/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 9/26/2023			
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 Filed 9/26/2023			
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 Filed 9/26/2023			
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 Filed 10/3/2023			
Psychologists (17-04)	Disciplinary and Complaint Procedures for Psychologists Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023 Filed 9/15/2023			
Psychologists (17-05)	Contested Case Hearing Procedure Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023 Filed 9/15/2023			
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	Authorize with Certain Amendments 11/1/2023			
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/5/2023	7/6/2023		7/26/2023	Authorized w/Certain Amendments 9/10/2023 Filed 9/25/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 9/27/2023			
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 Filed 9/27/2023			
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	Modified & Approved 10/24/2023 Filed 11/16/2023			
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	Modified & Approved 10/30/2023 Filed 11/16/2023			
Registered Nurses, WV Board of (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	6/14/2023	7/14/2023		7/26/2023	Approved 10/24/2023			
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	Approved 10/24/2023			
Respiratory Care (30-09)	Student Temporary Permit - Amended Legislative	4/28/2023	6/1/2023		6/8/2023	Modified & Approved 8/7/2023 Filed 9/28/2023			
Respiratory Care (30-11)	Telehealth Practice Legislative	9/26/2023	10/30/2023						
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 Filed 10/25/2023			
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 Filed 10/25/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 (81-18)	WV State Police Purchasing Rule Procedural	10/4/2023	11/3/2023					11/3/2023	12/4/2023
State Police (81-19)	Motor Vehicle Inspection Legislative	6/23/2023	7/23/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023			
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			
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	Approved 10/24/2023			
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/8/2023	7/10/2023		7/25/2023	Approved 10/24/2023			
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	Approved 10/24/2023			
Treasurer (112-05)	Enforcement of the Unifrom Unclaimed Property Act Legislative	6/27/2023	7/27/2023		7/28/2025	Modified & Approved 10/24/2023 Filed 11/2/2023			
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	Modified & Approved 10/24/2023 Filed 11/2/2023			
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 Filed 9/15/2023			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 9/15/2023			

FILED

2023 NOV 29 A 9:58

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

LEGISLATIVE

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
135.00	14 December 2023	Pre-Employment Processing
135.02	14 December 2023	Salary Requests
151.06	14 December 2023	Good Time Computation
153.00	14 December 2023	Volunteer Program

Orders Report

Docket Number	Agency	Respondent	Date Rendered

NONE RECEIVED THIS WEEK

FILED
WV SECRETARY OF STATE
NOVEMBER 22, 2023 11:14 AM

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

November 27, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **November 22, 2023**.

LETTER OF INTENT RECEIVED

November 22, 2023- Special Touch Nursing Services, Inc., CON File #23-2-12832-PC, to expand in-home personal care services into Lincoln County, West Virginia; capital expenditure, $5,000.

LETTER OF INTENT WITHDRAWN

November 21, 2023- Special Touch Nursing Services, Inc., CON File #23-2-12824-PC, to expand in-home personal care services into Lincoln County, West Virginia; capital expenditure, $5,000. Letter of Intent expired.

ORDERS ISSUED

November 21, 2023- Panhandle Support Services, Inc., CON File #23-8/9-12692-PC, to provide personal care services through West Virginia Medicaid in Grant, Pendleton, Hardy, Hampshire, Mineral, Morgan, Berkeley, and Jefferson counties, West Virginia; capital expenditure, $1,500.

It is ORDERED that Hometown's request for affected person status in this proceeding should be DENIED and, because Hometown was the only affected party challenging this application, the public hearing previously granted to Hometown should be DISMISSED. It is noted that this Dismissal is on the Authority's own motion, based on Hometown's failure to appear at the scheduled prehearing conference and its failure to obtain legal representation. In light of these findings, the Authority finds that the motions filed by Panhandle in this matter are moot.

November 21, 2023- Panhandle Support Services, Inc., CON File #23-8/9-12691-PC, to provide personal care services through West Virginia Medicaid in Randolph, Tucker, Barbour, Upshur, Lewis, Harrison, Taylor, Webster, and Pocahontas counties, West Virginia; capital expenditure, $1,500.

OTHER

It is ORDERED that Hometown's request for affected person status in this proceeding should be DENIED and, because Hometown was the only affected party challenging this application, the public hearing previously granted to Hometown should be DISMISSED. It is noted that this Dismissal is on the Authority's own motion, based on Hometown's failure to appear at the scheduled prehearing conference and its failure to obtain legal representation. In light of these findings, the Authority finds that the motions filed by Panhandle in this matter are moot.

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

FILED
WV SECRETARY OF STATE
NOVEMBER 29, 2023 03:52 PM

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

OTHER

ADMINISTRATIVE NOTICE 2023-04

ECONOMIC OPPORTUNITY TAX CREDIT

High Technology Manufacturer Median Compensation
Notice of Inflation Adjustment for Tax Years Beginning in 2024

A **"high technology manufacturing business"** may claim the Economic Opportunity Tax Credit allowed for specified high technology manufacturers when the business' qualified investment in a new or expanded high technology business in West Virginia results in the creation of at least twenty new jobs within twelve months after placing qualified investment into service, and the median compensation of the new jobs attributable to the qualified investment is greater than the inflation-adjusted value specified herein.

For purposes of the Economic Opportunity Tax Credit allowed for specified high technology manufacturers, a **"high technology manufacturing business"** is defined in W. Va. Code § 11-13Q-10a(a) and is limited to only those businesses engaging in a manufacturing activity properly classified as having one or more of the following six-digit North American Industry Classification System code numbers.

North American Industry Classification System Code	Manufacturing Activity
	Computer & Peripheral Equipment
334111	Electronic Computers
334112	Computer Storage Devices
	Electronic Components
334411	Electron Tubes
334414	Electronic Capacitors
	Semiconductors
334413	Semiconductor & Related Devices
333295	Semiconductor Machinery

The median compensation of the new jobs for purposes of the Economic Opportunity Tax Credit allowed for specified high technology manufacturers is subject to annual adjustment for inflation. This adjustment is determined by the State Tax Commissioner using the methodology described in subsection 11-13Q-10a(c)(3). The 2024 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2023 exceeds the CPI for calendar year 2007. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year (W. Va. Code § 11-13Q-10a(c)(3)(C)). The CPI for 2023 is 294.791 and the CPI for 2007 is 204.873. Based on these figures, the inflation adjustment factor, for purposes of W. Va. Code § 11-13Q-10a(c)(3), for tax years beginning in calendar year 2023, is 1.4388993968.

Accordingly, for tax years beginning during calendar year 2024:

> The required median compensation of new jobs attributable to the qualified investment for purposes of the Economic Opportunity Tax Credit allowed for specified high technology manufacturers is sixty-four thousand seven hundred and fifty dollars ($64,750). The inflation increase is rounded to the lowest multiple of fifty dollars under W. Va. Code § 11-13Q-10a(c)(3)(D).

A summary of the applicable inflation-adjusted specified high technology manufacturer median compensation criteria, by calendar year, for tax years beginning in such years, follows:

CRITERIA

Constraints Year	Median Compensation
2008	$45,000
2009	$46,900
2010	$47,000
2011	$47,650
2012	$48,850
2013	$50,100
2014	$50,950
2015	$51,750
2016	$52,000
2017	$52,400
2018	$53,450
2019	$54,750
2020	$55,800
2021	$56,600
2022	$58,300
2023	$62,800
2024	$64,750

Notice of this determination will be filed in the West Virginia Register.

Issued: November 29, 2023

Matthew Irby
Tax Commissioner

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

FILED
WV SECRETARY OF STATE
NOVEMBER 29, 2023 03:52 PM

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

OTHER

ADMINISTRATIVE NOTICE 2023-05

ECONOMIC OPPORTUNITY TAX CREDIT

Credit Available for Taxpayers Who Do Not Satisfy the New Jobs Percentage Requirement Notice of Inflation Adjustment for Tax Years Beginning in 2024

W. Va. Code §11-13Q-22 allows any taxpayer engaged in one or more of the industries or business activities specified in section nineteen [§11-13Q-19] of this article which does not satisfy the new jobs percentage requirement prescribed in subsection (c), section nine of this article [§11-13Q-9] or, if the taxpayer is a small business as defined in section ten of this article [§11-13Q-10], who are unable to create at least ten new jobs within twelve months after placing qualified investment into service as required by section ten of this article [§11-13Q-10], but which otherwise fulfills the requirements prescribed in this article, is permitted to claim a credit against the taxes specified in section seven of this article [§11-13Q-7] in the order so specified that are attributable to and the consequence of the taxpayer's business operations in this state which result in the creation of net new jobs. Credit allowed under this section shall be allowed beginning in the tax year when the new employee is first hired: Provided, That each new job:

1. Pays at least $32,000 annually. Beginning January 1, 2010, and on January 1 of each year thereafter, the commissioner shall prescribe an amount that shall apply in lieu of the $32,000 amount during that calendar year. This amount is prescribed by increasing the $32,000 figure by the cost-of-living adjustment for that calendar year,

2. Provides health insurance and may offer benefits including childcare, retirement or other benefits, and

3. Is a full-time, permanent position, as those terms are defined in section three of this article [§11-13Q-3].

The minimum annual pay of the new job is subject to annual adjustment for inflation. This adjustment is determined by the State Tax Commissioner using the methodology described in subsection 11-13Q-22(b)(1) through (4). The 2023 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2023 exceeds the CPI for calendar year 2009. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year (W. Va. Code § 11-13Q-22(b)(2)). The CPI for 2023 is 294.791 and the CPI for 2009 is 214.002. Based on these figures, the inflation adjustment factor, for purposes of W. Va. Code § 11-13Q-22, for tax years beginning in calendar year 2023, is 1.3775126284.

Accordingly, for tax years beginning during calendar year 2024; the required minimum compensation of new jobs for purposes of the Economic Opportunity Tax Credit allowed for Taxpayers which do not satisfy the new jobs percentage is forty-four thousand, one hundred dollars ($44,100)

A summary of the applicable inflation-adjusted minimum compensation criteria, by calendar year, for tax years beginning in such years, follows:

CRITERIA

Constraints Year	Minimum Compensation
2009	$32,000
2010	$32,000
2011	$32,450
2012	$33,250
2013	$34,100
2014	$34,650
2015	$35,200
2016	$35,400
2017	$35,700
2018	$36,400
2019	$37,300
2020	$37,950
2021	$38,500
2022	$39,650
2023	$42,700
2024	$44,100

Notice of this determination will be filed in the West Virginia Register.

Issued: November 29, 2023

Matthew Irby
Tax Commissioner

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

FILED
WV SECRETARY OF STATE
NOVEMBER 29, 2023 03:52 PM

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

OTHER

ADMINISTRATIVE NOTICE 2023-06

ECONOMIC OPPORTUNITY TAX CREDIT

Notice of Statewide Average Nonfarm Payroll Wage for Tax Years Beginning in 2024

Application of Current Year Annual Credit Allowance – As stated in subsection 11-13Q-7(b) of the W. Va. Code, the amount of aggregate annual credit allowance for the current taxable year is allowed as a credit against eighty percent of that portion of the Taxpayer's State tax liability which is attributable to and the direct result of the Taxpayer's qualified investment, and applied against the taxes enumerated in W.Va. Code subsections 11-13Q-7(c) through (f), both inclusive, and in the order specified: Provided, That if the median salary of the new jobs is higher than the statewide average annual wage—all industries, as determined annually by the WorkForce West Virginia, the amount of aggregate annual credit allowance for the current taxable year is allowed as a credit against one hundred percent of that portion of the Taxpayer's State tax liability which is attributable to and the direct result of the Taxpayer's qualified investment, and shall be applied, as provided in W.Va. Code subsections 11-13Q-7(c) through (f), both inclusive, and in the order specified.

Accordingly, for tax years beginning during calendar year 2024:

> "**Statewide Average Nonfarm Payroll Wage**" for purposes of determining the portion of the Taxpayer's State tax liability against which the Economic Opportunity Tax Credit may be applied, is $53,159.

A summary of the applicable annual Statewide Average Nonfarm Payroll Wage criteria, by calendar year, for tax years beginning in such years, follows:

CRITERIA

Calendar Year	Statewide Average Nonfarm Payroll Wage*
2003	$27,981
2004	$28,615
2005	$29,284
2006	$30,383
2007	$31,344
2008	$32,723
2009	$34,000
2010	$35,985
2011	$36,895
2012	$37,701
2013	$39,091
2014	$39,721
2015	$40,198
2016	$41,093
2017	$41,655
2018	$41,595
2019	$43,283
2020	$46,120
2021	$46,618
2022	$48,741
2023	$50,498
2024	$53,159

*The Tax Department uses the latest available average annual wage for all industries as provided by WorkForce West Virginia for this calculation.

Notice of this determination will be filed in the West Virginia Register.

Issued: November 27, 2023

Matthew Irby
Tax Commissioner

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

FILED
WV SECRETARY OF STATE
NOVEMBER 29, 2023 03:53 PM

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

OTHER

ADMINISTRATIVE NOTICE 2023-07

TOURISM DEVELOPMENT TAX CREDIT

Notice of Determination of Median Wage for Qualified Professional Services Destination Facilities for the Purposes of the Tourism Development Tax Credit for the Period of January 1, 2024 to December 31, 2024

Pursuant to the statutory requirement of Section 5B-2E-7b(1) of the West Virginia Code, the minimum median wage was set at $37,000 for twelve-month period of January 1, 2014 to December 31, 2014. The minimum median wage is subject to annual adjustment for inflation. The 2024 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2023 exceeds the CPI for calendar year 2013. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year. The CPI for 2023 is 294.791 and the CPI for 2013 is 232.018. Based on these figures, the inflation adjustment factor is 1.2705510129. The resulting wage was rounded to the next lowest $50.

Accordingly, for tax years beginning during calendar year 2024, the required minimum median wage for qualified professional services destination facilities for the Tourism Development Tax Credit is forty-seven thousand ($47,000).

A summary of the applicable median wage criteria, by calendar year, for tax years beginning in such years, follows:

MEDIAN WAGE

Year	Median Wage
2014	$37,000
2015	$37,550
2016	$37,750
2017	$38,050
2018	$38,800
2019	$39,750
2020	$40,500
2021	$41,050
2022	$42,300
2023	$45,550
2024	$47,000

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

Notice of this determination will be filed in the West Virginia Register.

Issued: November 29, 2023

Matthew Irby
Tax Commissioner

FILED
WV SECRETARY OF STATE
NOVEMBER 29, 2023 03:53 PM

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

OTHER

ADMINISTRATIVE NOTICE 2023-08

Notice of Determination of Average Wholesale Price of Motor Fuel for the Period of January 1, 2024 to December 31, 2024 for the Purposes of the West Virginia Motor Fuel Excise Tax.

This Administrative Notice sets forth the determination of the average wholesale price of conventional motor fuels and "alternative" motor fuels for the 2024 calendar year. The West Virginia Motor Fuel Excise Tax is composed of a flat rate equal to $0.205 per invoiced gallon or, for alternative fuel, per each gasoline gallon equivalent, plus a variable component of 5 percent of the average wholesale price of each fuel.

Alternative fuel includes butane, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG or propane), and other specified fuels. For information regarding the determination of the gasoline gallon equivalent for alternative fuels, please see Administrative Notice 2015-25.

Notice is hereby issued, in accordance with Section 11-14C-5 of the West Virginia Code and based upon available information for the preceding review period, that the average wholesale prices of motor fuels for purposes of the Motor Fuel Excise Tax for the period beginning January 1, 2024 and ending December 31, 2024, inclusive, are as follows:

Table 1: Average Wholesale Prices for January 1, 2024 to December 31, 2024

Motor Fuel	Average Wholesale Price
Conventional Motor Fuels*	$3.040 per gallon
Compressed Natural Gas (CNG)	$6.719 per 1,000 cubic feet
Liquefied Natural Gas (LNG)	$0.548 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.899 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

The calculations of average wholesale prices as shown above include data from the Oil Price Information Services (OPIS) for conventional motor fuels and liquefied petroleum gas (LPG or Propane) and the U.S. Energy Information Administration (EIA) for natural gas. All references to cubic feet (CF) are based on measurement at standard pressure and temperature of 14.73 pounds of pressure per square inch at 60° Fahrenheit.

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

Motor Fuel Excise Tax Rates: January 1, 2024 – December 31, 2024

Conventional Motor Fuels

For conventional motor fuels, including gasoline, diesel, kerosene, and related products, the **average wholesale price** shall be $3.040 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.152 per gallon ($3.040 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on conventional motor fuels is $0.205 per gallon resulting in a **combined tax rate of $0.357 per gallon**. This average wholesale price per gallon ($3.040), the variable component tax computed thereon ($0.152 per gallon), and the flat rate component ($0.205 per gallon) shall apply to all gallons of gasoline, diesel, kerosene, and related products sold, purchased, or used in this State during the period beginning January 1, 2024 and ending December 31, 2024, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $3.040 per gallon.

Compressed Natural Gas (CNG)

For compressed natural gas, the **average wholesale price** shall be $6.719 per 1,000 cubic feet (CF) for the referenced period, inclusive. The **variable component** computed thereon shall be $0.336 per 1,000 cubic feet ($6.719 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on compressed natural gas is $1.618 per 1,000 cubic feet of compressed natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gal. conv. fuel}}{126.67 \text{ CF of CNG GGE}} = \$0.001618378 \text{ GGE per CF} \times 1{,}000 \text{ CF} = \$1.618 \text{ per } 1{,}000 \text{ CF CNG}$$

The **combined tax rate shall be $1.954 per 1,000 cubic feet**. This average wholesale price per 1,000 cubic feet ($6.719), the variable component tax computed thereon ($0.336 per 1,000 cubic feet), and the flat rate component ($1.618 per 1,000 cubic feet) shall apply to all units of compressed natural gas sold, purchased, or used in this State during the period beginning January 1, 2024 and ending December 31, 2024, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $6.719 per 1,000 per cubic feet. The tax rates for compressed natural gas specified in terms of the gasoline gallon equivalent (GGE) (126.67 cubic feet or 5.66 pounds) are shown in Table 2.

Liquefied Natural Gas (LNG)

For liquefied natural gas, the average wholesale price shall be $6.719 per 1,000 cubic feet for the referenced period, inclusive. The **average wholesale price** of liquefied natural gas in terms of GGE LNG gallons shall be $0.548 per gallon ($6.719 per 1,000 CF ÷ 1,000 CF × 126.67 CF per 1.554 gallons). The **variable component** computed thereon shall be $0.027 per gallon of LNG ($0.548 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied natural gas is $0.132 per gallon of liquefied natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.554 \text{ gallons of LNG GGE}} = \$0.132 \text{ per gallon of LNG}$$

The resulting **combined tax rate shall be $0.159 per gallon**. This average wholesale price per gallon ($0.548), the variable component tax computed thereon ($0.027 per gallon), and the flat

rate component ($0.132 per gallon) shall apply to all gallons of liquefied natural gas sold, purchased, or used in this State during the period beginning January 1, 2024 and ending December 31, 2024, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.548 per gallon.

OTHER

Liquefied Petroleum Gas (LPG or Propane)

For liquefied petroleum gas (LPG or propane), the **average wholesale price** shall be $0.899 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.045 per gallon equivalent ($0.899 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied petroleum gas is $0.150 per gallon of liquefied petroleum gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.367 \text{ gallons of LPG GGE}} = \$0.150 \text{ per gallon of LPG}$$

The resulting **combined tax rate shall be $0.195 per gallon.** This average wholesale price per gallon ($0.899), the variable component tax computed thereon ($0.045 per gallon), and the flat rate component ($0.150 per gallon) shall apply to all gallons of liquefied petroleum gas sold, purchased, or used in this State during the period beginning January 1, 2024 and ending December 31, 2024, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.899 per gallon.

Field Gas

Effective June 9, 2016, sales of field gas were exempted from the variable and flat rate components of the Motor Fuel Excise Tax per West Virginia Code §11-14C-9a, et seq.

Definition of Common Terms

For the purposes of this notice:

"Field equipment" means generators, compressors, engines, micro turbines, turbines, or any other motor or apparatus used to power drilling rigs, well head equipment, gas processing units, compressors or compressor stations, fractionating plants, or any other equipment or apparatus used directly or indirectly in the production, gathering, transportation, or processing of natural gas or natural gas liquids or associated products.

"Field gas" means natural gas or any derivative thereof, extracted from a production well, gathering system, pipeline, main, or transmission line that is used as motor fuel to power field equipment. The term "field gas" does not include compressed natural gas, liquefied natural gas, liquefied petroleum gas, or conventional motor fuels, as listed in this notice.

"GGE" means gasoline gallon equivalent.

"Natural gas" means a mixture of hydrocarbons (e.g., methane, ethane, or propane), produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperatures and pressure under ordinary conditions, composed of at least 70 percent methane by volume.

Table 2: Motor Fuel Excise Tax Rates for January 1, 2024 to December 31, 2024

Motor Fuel	Flat Rate Tax	Variable Rate Tax	Combined Rate
Conventional Motor Fuels*	$0.205 per gallon	$0.152 per gallon	$0.357 per gallon
Compressed Natural Gas (CNG)	$1.618 per 1,000 cubic feet	$0.336 per 1,000 cubic feet	$1.954 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	$0.205 per 126.67 cubic feet	$0.043 per 126.67 cubic feet	$0.248 per 126.67 cubic feet
Liquefied Natural Gas (LNG)	$0.132 per gallon	$0.027 per gallon	$0.159 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.150 per gallon	$0.045 per gallon	$0.195 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a		

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

Table 3: Comparison of Motor Fuel Excise Tax Rates 2023 and 2024

Motor Fuel	2023	2024
Conventional Motor Fuels*	$0.372 per gallon	$0.357 per gallon
Compressed Natural Gas (CNG)	$2.239 per 1,000 cubic feet	$1.954 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	$0.284 per 126.67 cubic feet	$0.248 per 126.67 cubic feet
Liquefied Natural Gas (LNG)	$0.183 per gallon	$0.159 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.210 per gallon	$0.195 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a	

Notice of this determination will be filed in the West Virginia Register.

Issued: November 21, 2023

Matthew R. Irby
State Tax Commissioner