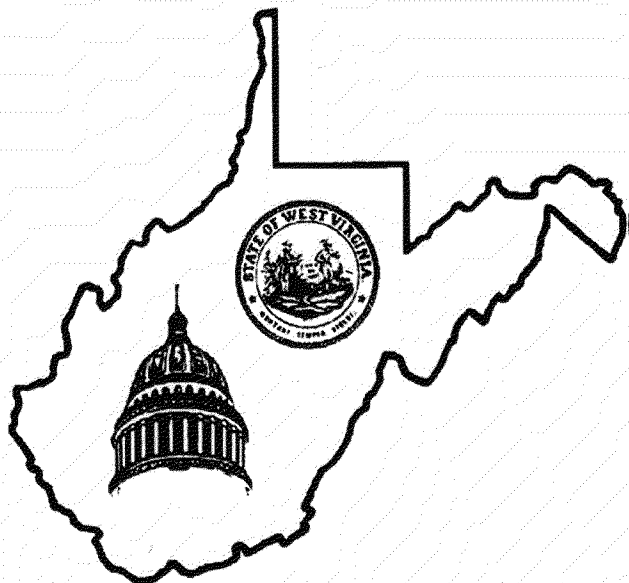




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A Weekly Publication

Administrative Law Division

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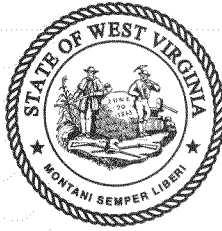
**This week's publication includes documents submitted
by the following agencies:**

Accountancy, WV Board of
Agriculture
Corrections & Rehabilitation, WV Div. of
Fire Commission
Health Care Authority
Human Services
Registered Professional Nurses, WV Bd. of Examiners

CHRONOLOGICAL INDEX

CHRONOLOGICAL INDEX, VOLUME XLII ISSUE 10			
RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Fire Commission (87-01)	Fire Code Legislative	§15A-11-3	Written Comments Only: April 7, 2025, 9:00am Brandolyn N. Felton-Ernest 1900 Kanawha Blvd., E. Bldg. 1, Room W-400 Charleston, WV 25305 brandolyn.feltonernest@wv.gov

EMERGENCY RULES FILED THIS WEEK			
AGENCY/RULE	RULE NAME	AUTHORITY	COMMENT END DATE
Fire Commission (87-01)	Fire Code	§15A-11-3	March 6, 2025 April 7, 2025



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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title 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 Amendment Filed, Emergency Rule Decision Date (ERD), and Effective Date of Emergency Rule
Column	6.	Date Agency Approved Rule Filed (Legislative Rules Only)
Column	7.	Review date by the Legislative Rule-Making Review Committee or Legislative Oversight Commission on Education Accountability, and Action Taken
Column	8.	Legislative Action
Column	9.	Date Agency Final Files the Rule
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 a 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 (example: holding an additional comment period)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
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	HIGHWAYS
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/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-12) Sunset Provision	General Administration of Records Management and Preservation Legislative				3/27/2024	Approved 8/25/2024	HB2221 SB301 Bundled HB2222		
Administration (148-13) Sunset Provision	Retention and Disposal Scheduling Legislative				3/27/2024	Approved 8/25/2024	HB2222 SB302 Bundled HB2222		
Administration (148-14) Sunset Provision	Management of Records Maintained by the Records Center Legislative				3/27/2024	Approved 8/25/2024	HB2223 SB303 Bundled HB2222		
Administration (148-23)	Exemptions From Management Services Provided by the Fleet Management Division Legislative	3/22/2024	4/26/2024		4/30/2024	Approved 8/25/2024	HB2224 SB304 Bundled HB2222		
Administration (148-24) Sunset Provision	Financial Services Reporting Legislative				3/11/2024	Approved 8/25/2024	HB2227 SB305 Bundled HB2222		
Agriculture (61-03, repeal)	State Aid for Fairs and Festivals Legislative	6/25/2024	7/25/2024		7/25/2024	Approved 9/30/2024	HB2283 SB363 Bundled SB369		
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	5/24/2024	6/24/2024		6/25/2024	Approved 9/30/2024	HB2284 SB364 Bundled SB369		
Agriculture (61-18, repeal)	Licensing and Other Fees Legislative	6/25/2024	7/25/2024		7/25/2024	Approved 9/30/2024	HB2285 SB365 Bundled SB369		
Agriculture (61-19)	WV Manufacture-Grade Milk Legislative	7/2/2024	8/2/2024		8/2/2024	Modified & Approved 9/30/2024 Filed 10/18/2024	HB2286 SB366 Bundled SB369		
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	7/3/2024	8/3/2024		8/5/2024	Modified & Approved 9/30/2024 Filed 10/16/2024	HB2287 SB367 Bundled SB369		
Agriculture (61-23A)	WV Fish Processing Rule Legislative	6/28/2024	7/28/2024		7/29/2024	Modified & Approved 9/30/2024 Filed 12/2/2024	HB2288 SB368 Bundled SB369		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products Legislative	5/10/2024	6/10/2024	4/12/2024 Approved 4/17/2024 Amendment 2/18/2025 Approved 2/19/2025	7/10/2024 8/15/2024	Modified & Approved 11/13/2024 Filed 12/3/2024	HB2289 SB369 Bundled SB369		
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	6/27/2024	7/27/2024		7/29/2024	Approved 9/30/2024	HB2290 SB370 Bundled SB369		
Agriculture (61-40) Sunset Provision	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative				3/6/2025				
Agriculture (61-41)	Raw Milk Legislative	7/2/2024	8/2/2024		8/15/2024	Modified & Approved 11/13/2024 Filed 12/2/2024	HB2291 SB371 Bundled SB369		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	7/3/2024	8/6/2024		8/23/2024	Approved 11/13/2024	HB2232 SB312		
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	7/3/2024	8/6/2024		8/23/2024	Approved 11/13/2024	HB2233 SB313		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	7/3/2024	8/6/2024		8/23/2024	Modified & Approved 11/13/2024 Filed 11/18/2024	HB2234 SB314		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	7/3/2024	8/6/2024		8/23/2024	Modified & Approved 11/13/2024 Filed 11/18/2024	HB2231 SB315		
Alcohol Beverage Control Commission (175-02)	Private Club Licensing Legislative	7/18/2024	8/16/2024		8/20/2024	Approved 11/13/2024	HB2261 SB341 Bundled HB2267		
Alcohol Beverage Control Commission (175-04)	Sale of Wine and Hard Cider Legislative	7/18/2024	8/16/2024		8/20/2024	Modified & Approved 11/13/2024 Filed 11/14/2024	HB2262 SB342 Bundled HB2267		
Alcohol Beverage Control Commission (175-09)	Tobacco Products in Vending Machines Legislative	6/28/2024	7/30/2024		8/20/2024	Approved 10/1/2024	HB2263 SB343 Bundled HB2267		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Alcohol Beverage Control Commission (175-10)	Distilleries, Mini-distilleries, and Micro-Distilleries Legislative	6/28/2024	7/30/2024		8/20/2024	Modified & Approved 11/13/2024 Filed 11/14/2024	HB2264 SB344 Bundled HB2267		
Alcohol Beverage Control Commission (175-11)	Retail Enforcement of Select Plan-Based Derivatives and Derivative Products: Hemp and Kratom Legislative	6/28/2024	7/30/2024		8/20/2024	Approved 11/13/2024	HB2265 SB345 Bundled HB2267		
Alcohol Beverage Control Commission Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	7/18/2024	8/16/2024		8/20/2024	Modified & Approved 10/1/2024 Filed 10/3/2024	HB2266 SB346 Bundled HB2267		
Architects (2-01) Sunset Provision	Registration of Architects Legislative				8/2/2024	Modified & Approved 8/25/2024 Filed 8/28/2024	HB2292 SB372 Bundled SB369		
Architects (2-03) Sunset Provision	Fees for Registration of Architects Legislative				8/2/2024	Approved 8/28/2024	HB2293 SB373 Bundled SB369		
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	1/2/2025	2/3/2025		2/7/2025				
Auditor (155-06) Sunset Provision	Local Government Purchasing Card Program Legislative				3/22/2024	Approved 8/25/2024	HB2294 SB374 Bundled SB369		
Auditor (155-12)	Rules for Private Trust Companies Legislative	6/28/2024	7/31/2024	6/28/2024 Effective 8/9/2024	8/13/2024	Modified & Approved 10/1/2024 Filed 10/17/2024	HB2295 SB375 Bundled SB369		
Barbers and Cosmetologists (3-05)	Operation of Barber, Cosmetology, Nail Technology, Aesthetic, Hair Styling and Waxing Salons and Schools Legislative	6/28/2024	7/31/2024		8/14/2024	Modified & Approved 10/1/2024 Filed 10/10/2024	HB2296 SB376 Bundled SB369		
Barbers and Cosmetologists (3-06)	Schedule of Fees Legislative	6/28/2024	7/31/2024		8/20/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2297 SB377 Bundled SB369		
Barbers and Cosmetologists (3-07)	Schedule of Fines Legislative	6/28/2024	7/31/2024		8/20/2024	Modified & Approved 10/1/2024 Filed 10/8/2024	HB2298 SB378 Bundled SB369		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Chiropractice Examiners (4-08) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative				10/18/2024	Approved 11/13/2024	HB2299 SB379 Bundled SB369		
Community and Technical College Education (135-05)	Employing and Evaluating Presidents Legislative	6/12/2024	7/15/2024		7/25/2024	Approved 10/6/2024	HB2773		
Conservation Agency (63-03) Sunset Provision	State Conservation Committee Grant Program Legislative				10/30/2023	Approved 8/25/2024	HB2330 SB410 Bundled SB369		
Crime Delinquency and Correction (149-08)	Protocol for Law Enforcement Response to Child Abuse and Neglect Legislative	7/29/2024	8/28/2024		8/28/2024	Modified & Approved 11/13/2024 Filed 11/20/2024	HB2255 SB335 Bundled SB336		
Crime Delinquency and Correction (149-11)	Sexual Assault Forensic Examinations Legislative	7/29/2024	8/28/2024	7/29/2024 Approved 8/5/2024	9/9/2024	Modified & Approved 11/13/2024 Filed 11/20/2024	HB2256 SB336 Bundled SB336		
Dentistry (5-11)	Continuing Education Requirements Legislative	4/18/2024	5/24/2024		7/23/2024	Modified & Approved 11/13/2024 Filed 11/15/2024	HB2300 SB380 Bundled SB369		
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	4/23/2024	5/24/2024		7/22/2024	Modified & Approved 11/13/2024 Filed 11/15/2024	HB2301 SB381 Bundled SB369		
Economic Development (145-16) Sunset Provision	Tourism Development Districts Legislative				10/8/2024				
Education (126-044D)	WV College and Career-Readiness Standards for Social Studies (2520.4) Legislative Exempt	4/10/2024	5/27/2024					7/8/2024	7/1/2025
Education (126-044O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	4/10/2024	5/13/2024					6/12/2024	7/1/2025
Education (126-100)	Personal Electronic Device Usage in Schools Legislative Exempt	2/12/2025	3/20/2025						
Education (126-205)	Charter Public Schools Stimulus Fund (8400) Legislative Exempt	10/10/2024	11/25/2024					2/12/2025	3/20/2025

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Election Commission (146-03)	Regulations of Campaign Finance Legislative	7/31/2024	8/30/2024		8/30/2024	Modified & Approved 11/13/2024 Filed 1/3/2025	HB2302 SB382 Bundled SB369	
Financial Institution (106-21) Sunset Provision	Rule Pertaining to the Fintech Regulatory Sandbox Legislative				2/3/2025			
Fire Commission (87-01)	Fire Code Legislative	3/6/2025	4/7/2025	3/6/2025 Approved 3/6/2025				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtsey Card Holders and Funeral Establishment Requirement Legislative	7/24/2024	8/24/2024		8/29/2024	Modified & Approved 11/13/2024 Filed 11/22/2024	HB2303 SB383 Bundled SB369	
Health (64-03)	Public Water Systems Legislative	7/26/2024	8/26/2024		8/27/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2239 SB319 Bundled SB325	
Health (64-27)	Statewide Trauma and Emergency Care System Legislative	7/30/2024	8/29/2024		8/30/2024	Modified & Approved 11/13/2024 Filed 11/25/2024	HB2240 SB320 Bundled SB325	
Health (64-29, repeal)	Fatality and Mortality Review Team Legislative	7/30/2024	8/28/2024		9/3/2024	Approved 10/1/2024	HB2241 SB321 Bundled SB325	
Health (64-32)	Vital Statistics Legislative	8/2/2024	9/1/2024		9/3/2024	Modified & Approved 11/13/2024 Filed 11/25/2024	HB2242 SB322 Bundled SB325	
Health (64-48)	Emergency Medical Services Legislative	7/26/2024	8/26/2024		8/27/2024	Approved 11/13/2024	HB2243 SB323 Bundled SB325	
Health (64-70)	Primary Care Support Program Legislative	7/26/2024	8/26/2024		8/27/2024	Approved 11/13/2024	HB2244 SB324 Bundled SB325	
Health (64-109)	Medical Cannabis Program – General Provisions Legislative	7/26/2024	8/26/2024		8/27/2024	Modified & Approved 11/13/2024 Filed 11/25/2024	HB2245 SB325 Bundled SB325	

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-110)	Medical Cannabis Program – Grower/Processors Legislative	7/30/2024	8/29/2024		8/30/2024	Approved 11/13/2024	HB2246 SB326 Bundled SB325		
Health (64-111)	Medical Cannabis Program – Laboratories Legislative	7/30/2024	8/29/2024		8/30/2024	Approved 11/13/2024	HB2247 SB327 Bundled SB325		
Health (64-112)	Medical Cannabis Program – Dispensaries Legislative	7/26/2024	8/26/2024		8/27/2024	Approved 11/13/2024	HB2248 SB328 Bundled SB325		
Health (64-113, repeal)	Medical Cannabis Program – Safe Harbor Letter Legislative	7/30/2024	8/28/2024		8/30/2024	Approved 11/13/2024	HB2249 SB329 Bundled SB325		
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative	7/31/2024	8/30/2024	11/26/2024 Effective 1/7/2025	9/13/2024	Modified & Approved 11/13/2024 Filed 11/26/2024	HB2252 SB331 Bundled SB325		
Health Care Authority (65-09) Sunset Provision	Critical Access Hospitals Legislative				12/5/2023	Approved 8/25/2024	HB2250 SB330 Bundled SB325		
Higher Education Policy Commission (133-03)	Higher Education Accountability System Legislative	6/14/2024	7/15/2024		7/19/2024	Approved 10/6/2024	HB2773		
Higher Education Policy Commission (133-26)	Underwood-Smith Teaching Scholars Program and Teacher Education Loan Repayment Program Legislative	6/13/2024	7/12/2024		7/19/2024	Approved 10/6/2024	HB2773		
Higher Education Policy Commission (133-63) Sunset Provision	Mental Health Loan Repayment Program Legislative								
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	7/23/2024	8/23/2024		8/27/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2273 SB353 Bundled SB358		
Highways (157-06) Sunset Provision	Use of State Road Rights of Way and Adjacent Areas Legislative				8/9/2024	Approved 8/25/2024	HB2274 SB354 Bundled SB358		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-07) Sunset Provision	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative				7/23/2024	Approved 8/25/2024	HB2275 SB355 Bundled SB358		
Highways (157-13) Sunset Provision	Small Wireless Facilities on Division of Highways Rights-of-Way Legislative				7/23/2024	Approved 8/25/2024	HB2276 SB356 Bundled SB358		
Human Services (78-26) Sunset Provisions	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative	9/12/2024	10/12/2024	9/12/2024 Approved 9/20/2024	10/22/2024	Approved 11/13/2024	HB2251 SB332 Bundled SB325		
Information Svcs. & Communications Div. (161-01, repeal)	Plan of Operation Legislative	9/18/2024	10/18/2024		11/12/2024	Approved 11/13/2024	HB2225 SB306 Bundled HB2222		
Information Svcs. & Communications Div. (161-02, repeal)	Telecommunications Payments by Spending Units Legislative	9/18/2024	10/18/2024		11/12/2024	Approved 11/13/2024	HB2226 SB307 Bundled HB2222		
Insurance Comm. (114-24) Sunset Provision	Medicare Supplement Insurance Legislative				3/13/2024	Approved 8/25/2024	HB2267 SB347 Bundled HB2267		
Lottery Commission (179-09)	WV Lottery Sports Wagering Rule Legislative	6/26/2024	7/29/2024		8/2/2024	Modified & Approved 11/13/2024 Filed 11/14/2024	HB2268 SB348 Bundled HB2267		
Lottery Commission (179-10) Sunset Provision	West Virginia Lottery Interactive Wagering Rule Legislative								
Massage Therapy Licensure Board (194-01)	General Provisions Legislative	7/26/2024	8/26/2024		8/30/2024	Approved 11/13/2024	HB2304 SB384 Bundled SB369		
Medicine (11-13) Sunset Provision	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative				4/1/2024	Approved 8/25/2024	HB2305 SB385 Bundled SB369		
Miners Health Safety and Training (56-08) Sunset Provision	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative				9/24/2024				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/CLOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Approved 8/25/2024	HB2331 SB411 Bundled HB2331		
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	6/17/2024	7/17/2024		8/14/2024	Modified & Approved 9/30/2024 Filed 10/2/2024	HB2277 SB357 Bundled SB358		
Motor Vehicles (91-08)	Disclosure of Information from the Files of the Division of Motor Vehicles Legislative	6/17/2024	7/17/2024		8/14/2024	Modified & Approved 9/30/2024 Filed 10/4/2024	HB2278 SB358 Bundled SB358		
Motor Vehicles (91-10)	Handicapped Parking Permits Legislative	6/17/2024	7/17/2024		8/14/2024	Modified & Approved 9/30/2024 Filed 10/2/2024	HB2279 SB359 Bundled SB358		
Motor Vehicles (91-15) Sunset Provision	Safety and Treatment Program Legislative				8/14/2024	Approved 8/25/2024	HB2280 SB360 Bundled SB358		
Motor Vehicles (91-24) Sunset Provision	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative				8/14/2024	Approved 8/25/2024	HB2281 SB361 Bundled SB358		
Municipal Pensions Oversight Board (211-02) Sunset Provision	Exempt Purchasing Legislative				10/9/2024				
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	7/31/2024	8/30/2024		9/3/2024	Approved 10/1/2024	HB2332 SB412 Bundled HB2331		
Natural Resources (58-25) Sunset Provision	Boating Rule Legislative				8/14/2024	Approved 8/25/2024	HB2333 SB413 Bundled HB2331		
Natural Resources (58-26) Sunset Provision	Special Boating Rule Legislative				8/14/2024	Approved 8/25/2024	HB2334 SB414 Bundled HB2331		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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				8/14/2024	Modified & Approved 8/27/2024 Filed 9/3/2024	HB2335 SB415 Bundled HB2331		
Natural Resources (58-34) Sunset Provision	Special Projects and Grants for WV State Parks, State Forests, and State Rail Trails Under the DNR Legislative				8/14/2024	Approved 8/25/2024	HB2336 SB416 Bundled HB2331		
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	7/31/2024	8/30/2024		9/3/2024	Modified & Approved 10/1/2024 Filed 10/3/2024	HB2337 SB417 Bundled HB2331		
Natural Resources (58-49)	General Hunting Legislative	7/31/2024	8/30/2024		9/3/2024	Approved 10/1/2024	HB2338 SB418 Bundled HB2331		
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/31/2024	8/30/2024		9/3/2024	Approved 10/1/2024	HB2339 SB419 Bundled HB2331		
Natural Resources (58-61) Sunset Provision	Special Fishing Rule Legislative				8/14/2024	Approved 8/25/2024	HB2340 SB420 Bundled HB2331		
Natural Resources (58-62) Sunset Provision	Catching and Selling Baitfish Legislative				8/14/2024	Approved 8/25/2024	HB2341 SB421 Bundled HB2331		
Natural Resources (58-65)	Falconry Legislative	7/31/2024	8/30/2024		9/3/2024	Approved 10/1/2024	HB2342 SB422 Bundled HB2331		
Occupational Therapy (13-03)	Fees For Services Rendered by the Board Legislative	4/24/2024	6/1/2024		6/4/2024	Approved 8/25/2024	HB2306 SB386 Bundled SB369		
Occupational Therapy (13-05)	Competency Standards for Advanced Practice by Occupational Therapists and Occupational Therapy Assistants Legislative	4/24/2024	6/1/2024		6/4/2024	Modified & Approved 8/25/2024 Filed 8/29/2024	HB2307 SB387 Bundled SB369		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Occupational Therapy (13-07) Sunset Provision	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative				1/10/2024	Approved 8/25/2024	HB2308 SB388 Bundled SB369		
	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative				1/10/2024	Modified & Approved 8/25/2024 Filed 8/29/2024	HB2309 SB389 Bundled SB369		
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	4/24/2024	6/1/2024		6/4/2024	Modified & Approved 8/27/2024 Filed 8/29/2024	HB2310 SB390 Bundled SB369		
Office of Technology (163-04)	Plan of Operation Legislative	7/29/2024	8/29/2024		8/29/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2228 SB308 Bundled HB2222		
Office of Technology (163-05)	Telecommunications Payments by Spending Units Legislative	7/29/2024	8/29/2024		8/29/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2229 SB309 Bundled HB2222		
Office of the Inspector General (71-12, formerly 64-12)	Hospital Licensure Legislative	7/30/2024	8/29/2024		8/30/2024	Modified & Approved 11/13/2024 Filed 11/26/2024	HB2253 SB333 Bundled SB325		
Office of the Inspector General (71-25, formerly, 64-11)	Behavioral Health Centers Licensure Legislative	7/30/2024	8/29/2024		8/30/2024	Modified & Approved 11/13/2024 Filed 11/26/2024	HB2254 SB334 Bundled SB325		
Osteopathic Medicine (24-08) Sunset Provision	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative				11/15/2023	Approved 8/25/2024	HB2311 SB391 Bundled SB369		
Parkway Authority (184-05)	Rules Supporting Electronic Toll Collection and Enforcement Legislative	6/28/2024	7/30/2024		7/31/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2282 SB362 Bundled SB358		
Pharmacy (15-01)	Licensure and Practice of Pharmacist Care Legislative	7/23/2024	8/22/2024		8/29/2024	Modified & Approved 9/30/2024 Filed 10/16/2024	HB2312 SB392 Bundled SB369		
Pharmacy (15-02)	Rules of the Board of Pharmacy for the Uniform Controlled Substances Act Legislative	7/23/2024	8/22/2024		8/29/2024	Modified & Approved 9/30/2024 Filed 10/16/2024	HB2313 SB393 Bundled SB369		

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Occupational Therapy (13-07) Sunset Provision	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative				1/10/2024	Approved 8/25/2024	HB2308 SB388 Bundled SB369	
	Occupational Therapy (13-08) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative			1/10/2024	Modified & Approved 8/25/2024 Filed 8/29/2024	HB2309 SB389 Bundled SB369	
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	4/24/2024	6/1/2024		6/4/2024	Modified & Approved 8/27/2024 Filed 8/29/2024	HB2310 SB390 Bundled SB369	
Office of Technology (163-04)	Plan of Operation Legislative	7/29/2024	8/29/2024		8/29/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2228 SB308 Bundled HB2222	
Office of Technology (163-05)	Telecommunications Payments by Spending Units Legislative	7/29/2024	8/29/2024		8/29/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2229 SB309 Bundled HB2222	
Office of the Inspector General (71-12, formerly 64- 12)	Hospital Licensure Legislative	7/30/2024	8/29/2024		8/30/2024	Modified & Approved 11/13/2024 Filed 11/26/2024	HB2253 SB333 Bundled SB325	
Office of the Inspector General (71-25, formerly, 64- 11)	Behavioral Health Centers Licensure Legislative	7/30/2024	8/29/2024		8/30/2024	Modified & Approved 11/13/2024 Filed 11/26/2024	HB2254 SB334 Bundled SB325	
Osteopathic Medicine (24-08) Sunset Provision	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative				11/15/2023	Approved 8/25/2024	HB2311 SB391 Bundled SB369	
Parkway Authority (184-05)	Rules Supporting Electronic Toll Collection and Enforcement Legislative	6/28/2024	7/30/2024		7/31/2024	Modified & Approved 10/1/2024 Filed 10/11/2024	HB2282 SB362 Bundled SB358	
Pharmacy (15-01)	Licensure and Practice of Pharmacist Care Legislative	7/23/2024	8/22/2024		8/29/2024	Modified & Approved 9/30/2024 Filed 10/16/2024	HB2312 SB392 Bundled SB369	
Pharmacy (15-02)	Rules of the Board of Pharmacy for the Uniform Controlled Substances Act Legislative	7/23/2024	8/22/2024		8/29/2024	Modified & Approved 9/30/2024 Filed 10/16/2024	HB2313 SB393 Bundled SB369	

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/CLOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	7/24/2024	8/23/2024		8/29/2024	Modified & Approved 9/30/2024 Filed 10/16/2024	HB2314 SB394 Bundled SB369		
Pharmacy (15-18) Sunset Provision	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				7/24/2024	Approved 8/25/2024	HB2315 SB395 Bundled SB369		
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistant Legislative	2/25/2025	3/28/2025	2/21/2025 Approved 2/25/2025					
Protective Services (99-02)	Ranks and Duties of Officers Within the Membership of the Division Legislative	7/29/2024	8/28/2024		8/28/2024	Approved 9/30/2024	HB2257 SB337 Bundled SB336		
Psychologists (17-07) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations and Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				8/13/2024	Modified & Approved 8/25/2024 Filed 8/28/2024	HB2316 SB396 Bundled SB369		
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys Legislative	7/3/2024	8/5/2024		8/19/2024	Approved 10/1/2024	HB2230 SB310 Bundled HB2222		
Public Service Commission (15-07)	Rules for the Government of Water Utilities Legislative Exempt	10/3/2024	11/6/2024					1/9/2025	3/10/2025
Real Estate Appraiser Licensing & Certification Board (190-02)	Requirements for Licensure and Certification Legislative	7/2/2024	8/27/2024		8/30/2024	Modified & Approved 9/30/2024 Filed 10/7/2024	HB2317 SB397 Bundled SB369		
Real Estate Appraiser Licensing & Certification Board (190-03)	Renewal of Licensure or Certification Legislative	7/1/2024	8/27/2024		8/30/2024	Modified & Approved 9/30/2024 Filed 10/7/2024	HB2318 SB398 Bundled SB369		
Real Estate Appraiser Licensing & Certification Board (190-05)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	7/1/2024	8/27/2024		8/30/2024	Modified & Approved 9/30/2024 Filed 10/7/2024	HB2319 SB399 Bundled SB369		
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	6/6/2024	7/10/2024		8/14/2024	Modified & Approved 9/30/2024 Filed 10/15/2024	HB2320 SB400 Bundled SB369		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Real Estate Commission (174-06) Sunset Provision	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				6/27/2024	Approved 8/25/2024	HB2321 SB401 Bundled SB369		
Real Estate Commission (174-07) Sunset Provision	Consideration of Prior Criminal Convictions in Initial License Eligibility Determination Legislative				8/9/2024	Approved 8/28/2024	HB2322 SB402 Bundled SB369		
Registered Nurse, WV Board of (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/28/2024	7/28/2024		8/23/2024	Approved 9/30/2024	HB2323 SB403 Bundled SB369		
THE ABOVE RULE HAS BEEN WITHDRAWN 3/4/2025									
Respiratory Care (30-01)	Criteria for Licensure Legislative	7/31/2024	8/30/2024	7/31/2024 ERD by 9/11/2024 Amendment 8/30/2024 Effective 10/11/2024	8/30/2024	Authorized w/Certain Amendments & Approved 11/13/2024	HB2324 SB404 Bundled SB369		
Respiratory Care (30-10) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative				2/27/2024	Modified & Approved 8/25/2024 Filed 9/9/2024	HB2325 SB405 Bundled SB369		
Respiratory Care (30-11)	Telehealth Practice; Requirements; Definitions Legislative	9/26/2023	10/30/2023		1/26/2024	Modified & Approved 8/25/2024 Filed 9/9/2024	HB2326 SB406 Bundled SB369		
Sanitarians (20-04)	The Practice of Public Health Sanitation Legislative	7/29/2024	8/29/2024	7/26/2024 Effective 9/6/2024	8/30/2024	Modified & Approved 11/13/2024 Filed 11/18/2024	HB2327 SB407 Bundled SB369		
Speech Language Pathology and Audiology (29-02)	Rule Governing Speech-Language Pathology, Audiology and Hearing Aid Dealers Assistants Legislative	5/31/2024	6/30/2024		7/22/2024	Modified & Approved 11/13/2024 Filed 11/14/2024	HB2328 SB408 Bundled SB369		
State Emergency Response Commission (55-01) Sunset Provision	Emergency Planning and Community Right-To-Know Legislative				1/8/2025				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Emergency Response Commission (55-02)	Emergency Planning Grant Program Legislative	7/30/2024	8/29/2024		8/29/2024	Modified & Approved 9/30/2024 Filed	HB2258 SB338 Bundled SB336		
						10/1/2024			
State Police (81-02)	Cadet Selection Legislative	7/29/2024	8/28/2024		8/28/2024	Modified & Approved 9/30/2024 Filed	HB2259 SB339 Bundled SB336		
						10/1/2024			
State Police (81-03)	West Virginia State Police Career Progression System Legislative	7/29/2024	8/28/2024		8/28/2024	Modified & Approved 9/30/2024 Filed	HB2260 SB340 Bundled SB336		
						10/1/2024			
State Police (81-18)	West Virginia State Police Purchasing Rule Procedural	12/20/2024	1/20/2025						
Tax (110-10F) Sunset Provision	Payment of Taxes by Electronic Funds Transfer Legislative				3/11/2024	Modified & Approved 8/27/2024 Filed	HB2269 SB349 Bundled HB2267		
						9/3/2024			
Tax (110-10G)	Alternative Resolution of Tax Disputes Legislative	7/26/2024	8/26/2024		8/30/2024	Modified & Approved 10/1/2024 Filed	HB2270 SB350 Bundled HB2267		
						10/9/2024			
Tax (110-15C) Sunset Provision	Consumer Sales and Service Tax and Use Tax- Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption Legislative				3/11/2024	Approved 8/25/2024	HB2271 SB351 Bundled HB2267		
Tax (110-50C) Sunset Provision	Exchange of Information Pursuant to Written Agreement Legislative				3/11/2024	Approved 8/25/2024	HB2272 SB352 Bundled HB2267		
Treasurer (112-18)	Hope Scholarship Program Legislative	3/6/2024 6/25/2024	4/5/2024 7/25/2024	2/7/2024 Effective 3/20/2024 Amendment 6/25/2024 Effective 8/6/2024 Amendment 11/20/2024 Effective 1/1/2025	4/29/2024 8/9/2024	Modified & Approved 11/13/2024 Filed	HB2329 SB409 Bundled SB369		
						11/20/2024			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Waste Mgmt. Division of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	7/3/2024	8/15/2024		8/28/2024	Approved 11/13/2024	HB2235 SB311		
Water Resources, Division of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	6/26/2024 Extended Notice 7/3/2024	8/9/2024 8/15/2024		8/29/2024	Modified & Approved 11/13/2024 Filed 11/21/2024	HB2236 SB316		
Water Resources, Division of Water & Waste Mgmt. (47-13)	Underground Injection Control Legislative					Authorized w/Certain Amendments & Approved 11/13/2024	HB2237 SB317		
Water Resources Division of Water and Waste Mgmt. (47-26)	Water Pollution Control Permit Fee Schedules Legislative	7/3/2024	8/15/2024		8/29/2024	Modified & Approved 11/13/2024 Filed 11/21/2024	HB2238 SB318		



FILED IN THE OFFICE OF
THE SECRETARY OF STATE
DATE March 5, 2025
ADMINISTRATIVE LAW DIVISION

LEGISLATIVE

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

AGENCY: Agriculture TITLE-SERIES: 61-40
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 61-40 WV Exempted Dairy Farms and Milk and Milk Products Processing Rules

PRIMARY CONTACT

NAME: Jodee Martin
ADDRESS: West Virginia Department Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

EMAIL:

PHONE NUMBER: 304-558-3500

CITE STATUTORY AUTHORITY: §19-11E-8

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

Establishes operating rules and procedures for West Virginia dairy farms producing pasteurized milk that do not
meet the Grade A PMO or the Manufacture Grade Milk in the state, and from which all milk and dairy products are
to be sold only in the state of West Virginia.

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

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN
EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
108.00	05 April 2025	Media Contact & Public Information Program
110.00	05 April 2025	Political Activities
129.12	05 April 2025	Uniforms and Grooming Standards
129.23	05 April 2025	Dress Code for Non-Uniform Staff
131.01	05 April 2025	Discrimination Prohibited/Equal Employment Opportunity/Reasonable Accommodations
148.01	05 April 2025	Physical Agility Testing for Correctional Officers
331.00	05 April 2025	Media Access By Inmates



LEGISLATIVE

CHAPTER 519 PRACTITIONERS SERVICES

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Fire Commission TITLE-SERIES: 87-01
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Fire Code

CITE STATUTORY AUTHORITY: W. Va. Code 15A-11-3.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 04/07/2025 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Brandolyn N. Felton-Ernest

ADDRESS: 1900 Kanawha Blvd., E.

Building 1, Room W-400

EMAIL: brandolyn.feltonernest@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

Chapter 519
Practitioner Services
Policy 519.17
Appendix A

This list does not include all the Behavioral Health codes. See appropriate Behavioral Health Chapters for specific codes.

Dr. Sue Painter, DNP, RN
Executive Director

email: mboard@wv.gov
web address: wvnmboard.wv.gov



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
5001 MacCorkle Avenue, SW
South Charleston, WV 25309

TELEPHONE:
(304) 744-0900
FAX (304) 744-0600

LEGISLATIVE

March 4, 2025

Maureen Lewis
Director, Administrative Law Division
The Office of Kris Warner
WV Secretary of State
State Capitol Building
Charleston, WV 25305

RE: Letter of Withdrawal for 2025 Amendments to 19CSR3 contained within SB 403
and HB 2323

Dear Ms. Lewis,

On behalf of the West Virginia Board of Registered Nurses, the purpose of this letter is to
cause the withdrawal of the rule change we had requested this year as follows:

- SB 403
- HB 2323
- §19-3-3.2.a and §19-3-5.1 through §19-3-5.6
- Title 19, Legislative Rules, West Virginia Board of Registered Nurses
- Series 3, Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct
- Date AA approved rule was filed: August 23, 2024.

Thank you very much, and if you need any further information, please do not hesitate to
contact me.

Sincerely,

Michael D. Payne, Esq.

CC: Adair Burgess

RECEIVED
2025 MAR -4 PM 3:22
SECRETARY OF STATE
STATE OF WEST VIRGINIA



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/6/2025 2:13:20 PM

Office of West Virginia
Secretary Of State

EMERGENCY



FILED

2025 MAR -6 PM 3:38

SECRETARY OF STATE
STATE OF WEST VIRGINIA

NOTICE OF AN EMERGENCY RULE

AGENCY: Fire Commission TITLE-SERIES: 87-01

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Fire Code

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code 15A-11-3.

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR
FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME
LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Brandolyn N. Felton-Ernest

ADDRESS: 1900 Kanawha Blvd E
Building 1, Room W-400

EMAIL: brandolyn.feltonernest@wv.gov

PHONE NUMBER: 304-205-6834

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE
SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND
CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Fire Commission

RULE TYPE: Legislative

TITLE SERIES: 87 C.S.R. 01

RULE NAME: Fire Code

STATUTORY AUTHORITY: §15A-11-3

DATE FILED AS AN EMERGENCY RULE: March 6, 2025

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is approved.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

X (1) For the immediate preservation of the public peace, health, safety and welfare;

___ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

___ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): The emergency rule was filed so that the exemptions for limited use food preparation facilities are in place for the upcoming fair and festival season. The rule is in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and protection.

David Cook, General Counsel
WV Secretary of State's Office

Orders Report

Docket Number	Agency	Respondent	Date Rendered
2024-03	Accountancy, WV Board of	Freddie M Boone, Jr.	2/21/2025
2024-03	Accountancy, WV Board of	Blake & Boone AC	2/21/2025



State of West Virginia

John B. McCuskey

Attorney General

Office of the Attorney General
State Capitol, Bldg. 1, Rm E-26
1900 Kanawha Blvd., E.
Charleston, WV 25305

(304) 558-2021
Fax: (304) 558-0140
www.wvago.gov

2025 MAR -4 AM 11:25

AG OPINION

Hon. Savannah Hill Wilkins
Page 2

1. Does the County Commission "own" the dike because of its sponsorship assistance in funding?
2. What ongoing duty does the County Commission have for the maintenance and repair of the dike?

We conclude that, under the facts you have described, the County Commission is not the owner of the dike. We also conclude that the 1986 Tucker County Commission likely agreed to be responsible for maintaining the dike for at least some time. But the terms and duration of that maintenance are likely limited by agreement or by public policy.

March 3, 2025

The Honorable Savannah Hill Wilkins
Tucker County Prosecuting Attorney
Tucker County Courthouse Annex
211 First Street, Suite 207
Parsons, WV 26287

Dear Prosecutor Wilkins:

Your office has asked for an Opinion of the Attorney General about the ownership and ongoing maintenance of a dike or diversion wall on property that is currently legally owned by the City of Parsons. This Opinion is being issued under West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence with the Office of the Attorney General.

You explain that the Tucker County Commission was a sponsor for several different projects following a severe flood in 1985, including a dike that is currently owned by the City of Parsons. With the Commission serving as a sponsor, the City contacted the U.S. Soil Conservation Service, now known as the U.S. Natural Resources Conservation Service (NRCS), to obtain funding for dike repairs through the Emergency Watershed Protection (EWP) program. Most recently, the Commission served as a sponsor to secure additional funding in August 2014 to repair damage to the dike. Citing a federal regulation, the Prosecuting Attorney at that time concluded that the County Commission was deemed the owner of the dike because the Commission had served as the sponsor for the project. The dike is once again in need of repairs, and the City of Parsons is insisting that the Tucker County Commission be responsible for these repairs.

With these facts in mind, your letter raises the following questions:

Discussion

The U.S. Department of Agriculture administers several programs to help affected areas recover from natural disasters. Relevant here, the Emergency Watershed Protection (EWP) program offers financial and technical assistance to relieve imminent threats to life and property caused by natural disasters that impair a watershed. You ask whether the county's involvement in securing funds for the Parsons dike through the EWP program has obliged the county to maintain and repair the dike indefinitely.

I. The County Commission Does Not Own the Dike.

First, the County Commission does not own the dike simply by serving as the project sponsor.

All EWP projects must have a project sponsor, which can include any "local unit of government ... with a legal interest in or responsibility for the values threatened by a watershed emergency." 7 C.F.R. § 624.4(g). These project sponsors must be able to "obtain[] necessary land rights" and "carry[] out any operation and maintenance responsibilities that may be required." *Id.* But nothing in the relevant regulations requires the sponsor to own the project. Indeed, the regulations contemplate the existence of both the project sponsor and the "landuser": one who is the "owner" of the "land involved." *Id.* § 654.2 (defining "Landuser"). Likewise, the regulations repeatedly refer to "landowners" and "sponsors" separately. *See, e.g., id.* §§ 624.2, 654.2. But in contrast, the Sponsor is there to "provide local responsibility for [the] ... financially-assisted local project." *Id.* § 654.2; *cf. id.* § 624.4 (defining "project sponsor" as the state government entity "with a legal interest in or responsibility for the values threatened by a watershed emergency ... and is capable of ... maintain[ing] it."). "In a given statute, the same term usually has the same meaning and different terms usually have different meanings." *Pulsifer v. United States*, 601 U.S. 124, 149 (2024).

In short, landusers (that is, owners) and sponsors play distinct roles. Because the regulatory scheme contemplates a difference between the landowner and the project sponsor and provides no direct language requiring project sponsors to own the land, the County Commission did not become the Dike's owner by agreeing to sponsor its development.

II. The County Commission Was Likely Responsible for At Least Some Repairs and Maintenance.

Second, the County Commission likely accepted responsibility in 1986 for the dike's maintenance under an operation and maintenance agreement.

When the County Commission agreed to sponsor the dike, it did so under the regulations provided by the Emergency Watershed Protection program and the program's administrator, the Natural Resources Conservation Service. See 7 C.F.R. § 624.1 ("The Natural Resources Conservation Service (NRCS) ... [is] responsible for administering the Emergency Watershed Protection (EWP) Program."). These regulations discuss the need for a project sponsor to handle the ongoing maintenance for federally funded projects, like the prior dike repairs. In particular, "[s]ponsors must ... [a]gree to provide for any required operation and maintenance of the completed emergency measures." *Id.* § 624.6(b)(2)(iii). "Typically, the word 'must' is afforded a mandatory connotation." *Guido v. Guido*, 222 W. Va. 528, 532, 667 S.E.2d 867, 871 (2008) (cleaned up).

The details for the sponsor's operation and maintenance obligations are to be found in an "operation and maintenance agreement" (O&M agreement). See 7 C.F.R. §§ 654.40-41; see also *id.* § 624.8(c) ("Before the release of financial assistance, NRCS will enter into a Cooperative Agreement with a sponsor that specifies the responsibilities of the sponsor under this part, including any required operation and maintenance responsibilities."). When a sponsor applies for funds for a particular project under the EWP program—as the County Commission did—the State Conservationist "determine[s]" if an "O&M agreement is necessary." *Id.* § 654.40. However, the State Conservationist does not have full discretion. An O&M agreement is required if the EWP project "needs to be operated and maintained in order to serve its intended purpose" or "to insure that [the project] will not become hazardous." *Id.* § 654.41(a)(1)-(2).

Given the 2014 repairs and current repair needs, it seems likely that the dike project would have satisfied that definition and, thus, had an O&M agreement. After all, the dike's original purpose was to "deflect[] the river flow"—a purpose that is plainly undermined by breaches in the dike. See Letter from Bernard R. Lindstrom, Colonel, Corps of Eng'rs, to David B. McKinley, W. Va. House Rep. (undated) (on file with Commission). And the project could become hazardous if flood waters are allowed to flow unabated, as evidenced by the flooding in 1985.

The O&M agreement should have laid out the terms and duration of the County Commission's maintenance duties for the dike. By regulation, the O&M agreement "shall include" the sponsor's "known and anticipated" maintenance for the project, the sponsor's "explanation of how the [maintenance] activities may be carried out," the sponsor's "general time frame" for inspecting and maintaining the project, and how the sponsor will record and report their obligations. 7 C.F.R. § 654.19.

In short, even though the County Commission doesn't own the dike, it may still be responsible for the dike's ongoing maintenance because, in its role as project sponsor, it "[a]gree[d]" to provide for any required operation and maintenance of the completed emergency

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measures." *Id.* § 624.6(a)(2)(iii); see also *id.* § 654.11(a) (providing that a sponsor is "responsible for financing and performing ... needed operation and maintenance (O&M) of project measures"); cf. *id.* § 624.6(b)(2)(ii) (providing that "EWP assistance will not be used to perform operation or maintenance, such as the periodic work that is necessary to maintain the efficiency and effectiveness of a measure to perform as originally designed and installed").

III. Lacking More Information, We Are Unable To Determine The Extent Of Any Continuing Obligations Of The County To Maintain the Dike.

We have requested but have not received any record of an O&M agreement. Although we have received a copy of a project agreement between the Soil Conservation Service and the County Commission, the agreement does not include any provisions speaking specifically to operation and maintenance.

The O&M agreement could not require the County Commission to maintain the dike forever. After all, the regulation says an O&M agreement must define the "duration" of the sponsor's maintenance. 7 C.F.R. § 654.14. The start date of that duration begins when the project is completed and may "continue through (1) the evaluated life of the project"; "(2) the evaluated life of measures that are economically evaluated as a unit"; or "(3) the useful life of cost-shared measures that are for land conservation or land utilization." *Id.* In short, the O&M agreement should have told the signing County Commission the duration of its dike maintenance obligations. But lacking any copy of the agreement, we are unable to offer any opinion on its limits.

Any ongoing duty of the County Commission to maintain the dike may face legal challenges beyond the O&M agreement. As with all county commissions, the Tucker County Commission is "created by statute, and possessed only of such powers as are expressly conferred by the Constitution and legislature, together with such as are reasonably and necessarily implied in the full and proper exercise of the powers so expressly given." Syl. pt. 1, *State ex rel. State Line Sparkler of WV Ltd. v. Teach*, 187 W. Va. 271, 418 S.E.2d 585 (1992); see generally *W. Va. CONST.* art. IX, § 11 ("Powers of county commissions").

Our Supreme Court has observed that it is against public policy for county commissions to enter long-term commitments that tie the hands of future commissions. "[I]t is beyond the power of the governing body of a municipality to tie the hands of future governing bodies in exercising the full jurisdiction of their office by depriving them of a discretion which public policy demands remain unimpaired." *Rogers v. City of South Charleston*, 163 W. Va. 285, 293, 256 S.E.2d 557, 562 (1979). So, for instance, the Court rejected a three-year employment contract that would allow a county court the "power to extend through contracts the period of their control long beyond the terms for which they were elected, and thus to deprive their regularly elected successors of the important right to exercise some of the functions normally incident to the office." *Barbor v. City. Ct. of Mercer Cnty.*, 85 W. Va. 359, 362, 101 S.E. 721, 722 (1920). These long-term contracts are "overrule[d]" by "[p]ublic policy," because they "cramp the powers of the town, defeat the performance of some of its essential functions, and [are] very hurtful to public interests." *Bradford v. W. Va. Solid Waste Mgmt. Bd.*, 246 W. Va.

17, 25, 866 S.E.2d 82, 90 (2021) (quoting *Town of Davis v. Filler*, 47 W. Va. 413, 415, 35 S.E. 6, 7 (1900)).

Although there is relatively little West Virginia case law applying the public-policy analysis, the key theme is protecting local governments' statutory "discretion." In cases like *Davis*, *Barbor*, *Rogers*, and *Bradford*, the Court's refrain is that because a municipality is a creation of statute, it may not act to limit a future municipality's statutorily granted discretion. That's because letting a local government's governing body bind a future governing body's discretion would, in fact, elevate the current body above its originating statute and de facto allow it to amend a statutory grant of power.

We recognize that these standards do not provide a simple, timebound, brightline test (e.g., no contracts over two years). Instead, the analysis requires a clear sense of what a local government is statutorily entitled to do and what the current or past governing body has agreed to. Because we do not have the O&M agreement, we cannot definitively complete that analysis. Even so, it appears likely that the County Commission would have exceeded its powers if it tied the hands of the current commission by somehow agreeing to maintain the dike forever.

Conclusion

The Tucker County Commission does not own the dike and likely does not have a duty to maintain it. Without a copy of the possible O&M agreement though, it is impossible to answer your second question (concerning the duration of these obligations) definitively.

Sincerely,



John B. McCuskey
Attorney General

Michael R. Williams
Solicitor General

Spencer J. Davenport
Frankie A. Dame
Assistant Solicitors General

AG OPINION



Russell Crane
Interim Secretary of Health

M. Justyn Cox
Executive Director

OTHER

and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **April 7, 2025**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decision will be issued on or before **May 1, 2025**.

Notice of Review

March 3, 2025

NEWS ITEM

The West Virginia Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

February 28, 2025 - Omega Health Services, CON File #25-8/9-13205-BH, to become an IDD Waiver Services Provider in Berkeley, Jefferson, Mineral, Hampshire, Morgan, Grant, Hardy and Pendleton Counties in West Virginia. Capital Expenditure \$0.

February 28, 2025 - Hometown Care, LLC, CON File #25-10/11-13207-PC, for the provision of personal care services in Hancock, Brooke, Ohio, and Marshall Counties in West Virginia. Capital Expenditure \$1,500.

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

The review cycle begins on **February 28, 2025**.

On or before **April 1, 2025**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time

A press release will be issued after the Decision is made. Anyone wishing to be directly notified of the Decision should submit a written request to Timothy E. Adkins, Director, Certificate of Need, West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

5-3-25

Date


Justyn M. Cox
Executive Director

West Virginia Health Care Authority



**WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED**

100 Dee Drive
Charleston, West Virginia 25311-1600

03/03/2025

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **02/28/2025**.

LETTER OF INTENT RECEIVED

February 26, 2025 - Charleston Area Medical Center, Inc., CON File #25-12-13215-P, to expand the service area of CAMC's mobile mammography screening services to all 55 counties in West Virginia; no capital expenditure.

February 26, 2025 - Charleston Area Medical Center, Inc., CON File #25-12-13216-P, to expand the service area of CAMC's mobile low dose CT screening services to all 55 counties in West Virginia; no capital expenditure.

CERTIFICATE OF NEED APPLICATION RECEIVED

February 24, 2025 - Hometown Care, LLC, CON File #25-10/11/13207-PC, to provide personal care services in Hancock, Brooke, Ohio, and Marshall counties in West Virginia; capital expenditure \$1500.00

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

February 28, 2025 - Hometown Care, LLC, CON File #25-10/11/13207-PC, to provide personal care services in Hancock, Brooke, Ohio, and Marshall counties in West Virginia; capital expenditure \$1500.00

February 28, 2025 - Omega Health Services, CON File #25-8/9-13205-BH, to become an IDD Waiver Services provider in Berkeley, Jefferson, Mineral, Hampshire, Morgan, Grant, Hardy, and Pendleton counties in West Virginia; no capital expenditure.

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

February 28, 2025 – Review cycle begins;

April 1, 2025 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

April 7, 2025 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

May 1, 2025 – Decision on the project will be issued by the Authority.

PROJECTS DETERMINED NOT REVIEWABLE

February 25, 2025 - Compass Counseling, LLC., CON File #25-1-13198-X, for the complete office relocation from 114 East Main Street, Beckley, Raleigh County, West Virginia to 235 Whitestick St, Mabscott, Raleigh County, West Virginia; no capital expenditure.

PROJECTS EXEMPT FROM REVIEW

February 25, 2025 - Jackson County Developmental Center, Inc., CON File #25-5-13209-X, removal of additional office space in Parkersburg, Wood County, West Virginia at Southcrest Plaza located at 713 Division Street, Parkersburg, Wood County, West Virginia as it has been consolidated with 709 Division Street, Parkersburg, Wood County, WV.

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