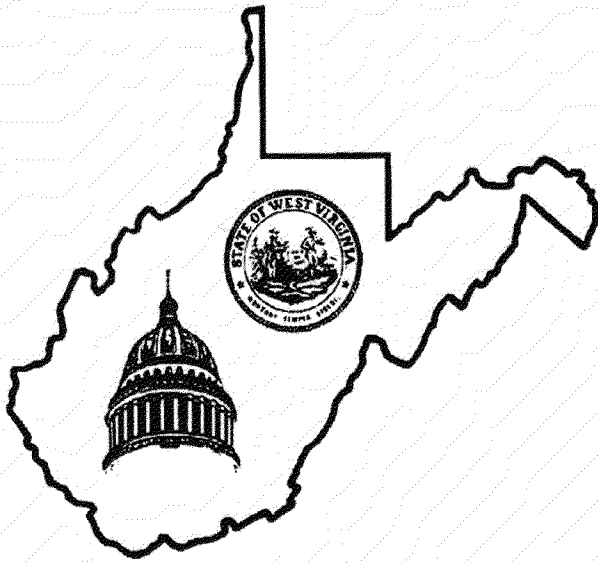




WEST VIRGINIA REGISTER

**Published by the Office of the
Secretary of State**

Volume XLII

Issue 46

November 14, 2025

A Weekly Publication

Administrative Law Division

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

Attorney General
Economic Development, WV Dept. of
Ethics
Health Care Authority
Highways
Veterinary

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RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Economic Development (145-20)	Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center Legislative	§§5B-2-21(a) and 5B-2-21A	Written Comments Only: December 10, 2025, 11:59pm A. Garner Marks 1900 Kanawha Blvd. Building 3, Suite 800 Charleston, WV 25305 garner.marks@wv.gov
Highways (157-05)	Traffic and Safety Rules Legislative	§§17-2A-8 and 12, 17C-17, et seq.	Written Comments Only: December 10, 2025, 11:31am Jonathan Schaffer 1900 Kanawha Blvd., East Charleston, WV 25305 jonathan.w.schaffer@wv.gov

EMERGENCY RULES FILED THIS WEEK

AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE
Economic Development (145-20)	Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center	§§5B-2-21(a) and 5B-2-21A	ERD by December 22, 2025	December 10, 2025
Highways (157-05)	Traffic and Safety Rules	§§17-2A-8 and 12, 17C-17, et seq.	ERD by December 22, 2025	December 10, 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

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	OFFICE OF THE INSPECTOR GENERAL
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
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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/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-25)	One-Stop-Shop Permitting Program Legislative	6/10/2025	7/25/2025	6/9/2025 Approved 6/10/2025	8/22/2025	Modified & Approved 10/2/2025 Filed 10/23/2025			
Agriculture (61-01B) Sunset Provision	Registration Forms and Tags for Registration, Taxation and Control of Dogs Legislative				6/23/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Agriculture (61-08) Sunset Provision	West Virginia Grades and Standards for Apples Legislative				6/24/2025	Modified & Approved 8/13/2025 Filed 8/18/2025			
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Agriculture (61-11H) Sunset Provision	Licensing of Livestock Dealers Legislative				6/23/2025	Modified & Approved 8/5/2025 Filed 8/18/2025			
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	6/4/2025	7/4/2025	6/4/2025 Approved 6/10/2025	7/8/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Hemp and Kratom Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 6/10/2025	7/25/2025	Modified & Approved 10/8/2025			
Agriculture (61-37)	Agritourism Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Agriculture (61-40) Sunset Provision	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative				3/6/2025	Modified & Approved 8/5/2025 Filed 8/20/2025			
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Legislative	5/30/2025	7/1/2025		7/22/2025	Approved 10/8/2025			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025			
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025			
Alcohol Beverage Control Commission (175-02)	Private Club Licensing Legislative	6/18/2025	7/18/2025		7/22/2025	Modified & Approved 9/7/2025 Filed 9/11/2025			
Architects (2-01)	Registration of Architects Legislative	6/12/2025	7/12/2025		7/25/2025	Modified & Approved 10/2/2025 Filed 10/8/2025			
Architects (2-03)	Fees for Registration of Architects Legislative	6/12/2025	7/12/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/8/2025			
Attorney General (142-03)	Legislative Rule Pertaining to the Establishment and Qualification of Third-Party Dispute Mechanisms Legislative					Authorized w/Certain Amendments 10/8/2025			
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025			
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Attorney General (142-06)	Legislative Rule Pertaining to the Prevention of Unfair or Deceptive Acts or Practices in Sale of Damaged Goods or Damaged Products Legislative					Authorized w/Certain Amendments 10/8/2025			
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025			
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	Modified & Approved 10/2/2025 Filed 10/17/2025			
Barbers and Cosmetologists (3-02)	Qualifications, Training, Examination, and Certification of Instructors in Barbering, Hair Styling, Nail Technology, Aesthetics, Waxing, and Cosmetology Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/19/2025			
Barbers and Cosmetologists (3-04)	Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology, Waxing, and Aesthetics Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/19/2025			
Barbers and Cosmetologists (3-13)	Barber Apprenticeship Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/23/2025			
Barbers and Cosmetologists (3-14)	Waxing Specialist Legislative	6/18/2025	7/25/2025		7/28/2025	Approved 9/5/2025			
Coal Mine Health and Safety (36-60)	Rules and Regulations Governing Equipment and Operations for Open-Pit Mines, the Surface of Underground Mines, Preparation Plants and Loadouts Legislative Exempt	6/24/2025	7/24/2025						
Community and Technical College Education (135-28)	Skilled Trades Apprenticeship Nontraditional Degree (STAND) Program Legislative	6/2/2025	7/3/2025	6/2/2025 Approved 7/9/2025 Amendment 8/5/2025 Effective 9/16/2025	7/18/2025	Modified & Approved 9/8/2025 Filed 9/9/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Community and Technical College Education (135-43, repeal)	Purchasing Efficiencies Legislative	6/3/2025	7/7/2025		7/18/2025				
Contractor Licensing Board (28-02)	West Virginia Contractor Licensing Act Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 9/10/2025			
Counseling (27-01)	Licensing Rule Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Counseling (27-03)	Licensed Professional Counselor License Requirements and Continuing Professional Education Requirements Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Counseling (27-08)	Marriage and Family Therapist Licensing Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Legislative	6/24/2025	7/24/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/24/2025			
Economic Development (145-16) Sunset Provision	Tourism Development Districts Legislative				10/8/2024	Approved 8/5/2025			
Economic Development (145-20)	Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center Legislative	11/10/2025	12/10/2025	11/10/2025 ERD by 12/22/2025					
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025						
Financial Institutions, Division of (106-05)	Rule Pertaining to Mortgage Lenders, Brokers, and Loan Originators Legislative	6/19/2025	7/21/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/10/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Financial Institutions, Division of (106-07)	Installation, Operation and Sharing of Customer Bank Communication Terminals and the Utilization of Nonexclusive Access Interchange System Legislative	6/19/2025	7/21/2025		7/23/2025	Approved 9/5/2025			
Financial Institutions, Division of (106-17)	Notice and Treatment of Joint Accounts Legislative	6/19/2025	7/21/2025		7/23/2025	Approved 9/5/2025			
Financial Institution (106-21) Sunset Provision	Rule Pertaining to the Fintech Regulatory Sandbox Legislative				2/3/2025	Approved 8/5/2025			
Fire Commission (87-01)	Fire Code Legislative	3/6/2025 4/9/2025	4/7/2025 5/9/2025	3/6/2025 Approved 3/6/2025	6/3/2025	Modified & Approved 9/5/2025 Filed 10/6/2025			
Forestry (22-06)	Rules for the Certification of Managed Timberland Legislative	6/24/2025	7/24/2025		7/25/2025				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/19/2025	7/22/2025	6/19/2025 Approved 7/9/2025	7/25/2025	Modified & Approved 9/5/2025 Filed 9/10/2025			
Health (64-19)	Water Well Regulations Legislative					Authorized as Modified w/Certain Amendments 9/5/2025			
Health (64-45)	Lead Abatement Licensing Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/2/2025 Filed 10/17/2025			
Health (64-48)	Emergency Medical Services Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/10/2025 Filed 9/18/2025			
Health (64-51)	Fees for Services Legislative	6/24/2025	7/24/2025		7/25/2025	Authorized as Modified w/Certain Amendments 10/8/2025			
Health (64-57)	Clinical Laboratory Practitioner Licensure Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/17/2025			
Health (64-59)	Patient Rights at State-Operated Mental Health Facilities Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 9/10/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-67, repeal)	Distribution of State Funds for Support of Local Boards of Health Legislative	6/23/2025	7/23/2025		7/24/2025	Approved 10/8/2025			
Health (64-73)	Basic Public Health Service Standards for Local Boards of Health Legislative	6/23/2025	7/23/2025		7/25/2025	Authorized as Modified w/Certain Amendments 10/8/2025			
Health (64-115)	Diabetes Self-Management Education Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Health Care Authority (65-29) Sunset Provision	Exemption from Certificate of Need Legislative				7/21/2025	Approved 8/12/2025			
Higher Education Policy Commission (133-41)	Health Sciences Program Procedural	6/30/2025	7/30/2025						
Higher Education Policy Commission (133-43, repeal)	Purchasing Efficiencies Legislative	6/30/2025	7/30/2025		7/31/2025				
Higher Education Policy Commission (133-48, repeal)	Research Trust Fund Legislative	6/30/2025	7/30/2025		7/31/2025	Approved 9/12/2025			
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	6/30/2025	7/30/2025		7/31/2025	Approved 9/12/2025			
Higher Education Policy Commission (133-64)	Administrative Exemption Legislative	6/30/2025	7/30/2025		7/31/2025				
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025	7/24/2025		8/7/2025				
Highways (157-05)	Traffic and Safety Rules Legislative	11/10/2025	12/10/2025	11/10/2025 ERD by 12/22/2025					
Insurance Comm. (114-02A) Sunset Provision	Fingerprinting Requirements for Applicants for Insurance Producer and Insurance Adjuster License Legislative				4/16/2025	Approved 8/5/2025			
Insurance Comm. (114-07, repeal)	Premium Financing of Life Insurance for College Students Legislative	6/19/2025	7/19/2025		7/22/2025	Approved 8/5/2025			
Insurance Comm. (114-09, repeal)	Mass Marketing of Property and Liability Insurance Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 8/5/2025			

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Insurance Comm. (114-10, repeal)	Advertisement of Accident and Sickness Insurance Legislative	6/19/2025	7/19/2025		7/22/2025	Approved 8/5/2025		
Insurance Comm. (114-25) Sunset Provision	Insurance Adjusters Legislative				4/16/2025	Approved 8/5/2025		
Insurance Comm. (114-35)	Insurance Holding Company Systems Legislative	6/19/2025	7/19/2025		7/22/2025	Modified & Approved 8/12/2025 Filed 8/21/2025		
Insurance Comm. (114-40) Sunset Provision	Credit for Reinsurance Legislative				4/16/2025	Modified & Approved 8/13/2025 Filed 8/21/2025		
Insurance Comm. (114-64) Sunset Provision	Mental Health Parity Legislative				4/16/2025	Approved 8/5/2025		
Labor (42-09)	Child Labor Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/10/2025		
Landscape Architects (9-03)	Fees Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 10/8/2025		
Landscape Architects (9-04) Sunset Provision	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				7/25/2025	Approved 8/5/2025		
Lottery Commission (179-10) Sunset Provision	West Virginia Lottery Interactive Wagering Rule Legislative				6/25/2025	Approved 8/5/2025		
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025		
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025		
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-01)	WV Medical Imaging and Radiation Therapy Tech. Board of Examiners Legislative	4/11/2025	5/31/2025		6/3/2025	Modified & Approved 8/5/2025 Filed 8/13/2025		

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 (18-02, repeal)	Continuing Education Legislative	4/1/2025	5/31/2025		6/3/2025	Approved 8/5/2025			
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-05)	Standard of Ethics Legislative	6/13/2025	7/15/2025		7/16/2025	Modified & Approved 8/5/2025 Filed 8/13/2025			
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	Approved 8/5/2025			
Motor Vehicles (91-11, repeal)	Motor Vehicle Equipment Legislative	6/23/2025	7/23/2025		7/24/2025	Approved 8/5/2025			
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/22/2025			
Motor Vehicles (91-25) Sunset Provision	Special Purpose Vehicles Legislative				6/23/2025	Approved 8/5/2025			
Municipal Pensions Oversight Board (211-02) Sunset Provision	Exempt Purchasing Legislative				10/9/2024	Approved 8/5/2025			
Natural Resources (58-14, repeal)	Rules Governing Small Arms Hunting Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025			
Natural Resources (58-21)	Wildlife Rehabilitation Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/8/2025			
Natural Resources (58-26)	Special Boating Rules Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Natural Resources (58-46) Sunset Provision	Defining the Terms Used in All Hunting and Trapping Legislative				3/31/2025	Approved 8/5/2025			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025			
Natural Resources (58-50) Sunset Provision	Deer Hunting Rule Legislative				3/31/2025	Approved 8/5/2025			

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	EFFECTIVE
Natural Resources (58-56) Sunset Provision	Special Migratory Game Bird Hunting Legislative				3/31/2025	Approved 8/5/2025		
Occupational Therapy (13-04)	Continuing Education and Competence Legislative	4/17/2025	6/1/2025		6/3/2025	Approved 8/5/2025		
Office of Technology (163-03) Sunset Provision	Cyber Reporting Legislative				7/18/2025	Modified & Approved 8/5/2025 Filed 8/14/2025		
Office of the Inspector General (71-15)	Nursing Home Licensure Legislative	6/24/2025	7/24/2025		7/25/2025			
Office of the Inspector General (71-17)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	6/23/2025	7/23/2025		7/25/2025			
Office of the Inspector General (71-24)	Syringe Services Program Licensure Legislative	6/23/2025	7/23/2025		7/25/2025			
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025		
Optometry (14-02)	Oral Pharmaceutical Certificate Legislative	6/10/2025	7/10/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025		
Optometry (14-05)	Schedule of Fees Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025		
Optometry (14-08)	Licensure by Reciprocity Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025		
Optometry (14-10)	Continuing Education Legislative	6/10/2025	7/10/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025		
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025			
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness Legislative				3/27/2025	Approved 8/5/2025			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-06)	Mail-Order and Non-Resident Pharmacies Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-07)	Board of Pharmacy Rules for Registration of Pharmacy Technicians Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-10)	Board of Pharmacy Rules for Pharmacist Recovery Networks Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-12)	Board of Pharmacy Rules for Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-15)	Rules Governing Pharmacy Permits Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/22/2025			
Pharmacy (15-16)	Rules Governing Pharmacist Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Pharmacy (15-19)	Inspections Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	2/25/2025 6/17/2025	3/28/2025 7/17/2025	2/21/2025 Approved 2/25/2025	4/1/2025 7/24/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	6/17/2025	7/17/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/21/2025			
Psychologists (17-03)	Requirements for Licensure as a Psychologist And/Or a School Psychologist Legislative	7/16/2025	8/16/2025	7/9/2025 Effective 8/20/2025	8/18/2025				
Public Service Commission (150-37) Sunset Provision	Rules Governing the Occupancy of Customer-Provided Conduit Legislative				3/12/2025	Approved 8/5/2025			
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 11/5/2025			
Racing Commission (178-10) Sunset Provision	Advance Deposit Account Wagering (ADW) Legislative				7/22/2025	Approved 8/5/2025			
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/1/2025	7/30/2025		7/31/2025	Modified & Approved 9/10/2025 Filed 9/18/2025			
Rehabilitation Services (198-01) Sunset Provision	Ron Yost Personal Assistance Services Act Board Legislative				3/31/2025	Approved 8/5/2025			
Risk and Insurance Management (115-01) Sunset Provision	Mine Subsidance Insurance Legislative				7/18/2025	Modified & Approved 8/5/2025 Filed 8/14/2025			
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	6/2/2025	7/1/2025		7/8/2025	Modified & Approved 10/2/2025 Filed 10/10/2025			
Risk and Insurance Management (115-06, repeal)	Preferred Medical Liability and High Risk Medical Liability Program Legislative	6/19/2025	7/20/2025		7/21/2025	Approved 8/5/2025			
Secretary of State (153-10) Sunset Provision	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative				6/24/2025	Approved 8/5/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Senior Services (76-06) Sunset Provision	Shared Table Initiative for Senior Citizens Legislative				7/21/2025	Approved 10/8/2025			
Social Work Examiners (25-03) Sunset Provision	Fee Schedule Legislative				7/25/2025	Approved 8/5/2025			
State Emergency Response Commission (55-01) Sunset Provision	Emergency Planning and Community Right-To-Know Legislative				1/8/2025	Modified & Approved 8/5/2025 Filed 8/13/2025			
State Police (81-03)	West Virginia State Police Career Progression System Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/24/2025			
State Police (81-05)	Contracted Police or Security Services Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/24/2025			
State Police (81-08)	West Virginia State Police Member Grievance Procedure Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-01H)	Valuation of Timberland and Managed Timberland Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025			
Tax (110-01M)	Valuation of Public Utility Property for Ad Valorem Property Tax Purposes Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-13FF) Sunset Provision	Tax Credit for Providing Vehicles to Low-Income Workers Legislative				3/31/2025	Modified & Approved 8/5/2025 Filed 8/26/2025			
Tax (110-13GG) Sunset Provision	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative				3/31/2025	Approved 8/5/2025			
Tax (110-13II) Sunset Provision	High-Wage Growth Business Tax Credit Legislative				3/31/2025	Approved 8/5/2025			
Tax (110-13Q, repeal)	Commercial Patent Incentives Tax Credit Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-19, repeal)	Soft Drinks Tax Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025			
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025			
Tax (110-36)	Preneed Cemetery Companies Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/10/2025		10/30/2025	12/1/2025
Treasurer (112-14)	Travel Rules Legislative Exempt								
Treasurer (112-17)	Exempt Purchasing Procedural	10/21/2025	11/20/2025						
Waste Mgmt. Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	5/30/2025	7/15/2025		7/23/2025	Approved 10/8/2025			
Water Resources, Division of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/30/2025	7/15/2025 Extended to 7/21/2025		7/24/2025				
Water Resources, Division of Water & Waste Mgmt. (47-09B)	Carbon Dioxide Sequestration Fee Schedule Legislative	5/30/2025	7/15/2025		7/24/2025				



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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11/10/2025 2:45:05 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Economic Development WV Department of
RULE TYPE: Legislative Amendment to Existing Rule: No
RULE NAME: RULE TO PETITION THE DEPARTMENT OF COMMERCE FOR CERTIFICATION OF A MICROGRID DISTRICT OR CERTIFICATION AS A HIGH IMPACT DATA CENTER
CITE STATUTORY AUTHORITY: 5B-2-21(a) and 5B-2-21A

TITLE-SERIES: 145-20
Repeal of existing rule: No

COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/10/2025 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: A. Garner Marks
ADDRESS: 1900 Kanawha Blvd
Building 3, Suite 800
EMAIL: garner.marks@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)

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Highways
RULE TYPE: Legislative Amendment to Existing Rule: Yes
RULE NAME: Traffic and Safety Rules
CITE STATUTORY AUTHORITY: W. Va. Code §§17-2A-8 and 12 and 17C-17, et seq.

TITLE-SERIES: 157-05
Repeal of existing rule: Yes

COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/10/2025 11:31 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jonathan Schaffer
ADDRESS: 1900 Kanawha Boulevard East
EMAIL: jonathan.w.schaffer@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE:

No

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



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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11/10/2025 12:43:11 PM
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WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
11/10/2025 10:43:52 AM
Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Economic Development WV Department of
RULE TYPE: Legislative Amendment to Existing Rule: No
RULE NAME: RULE TO PETITION THE DEPARTMENT OF
COMMERCE FOR CERTIFICATION OF A
MICROGRID DISTRICT OR CERTIFICATION AS
A HIGH IMPACT DATA CENTER.
CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:
5B-2-21(a) and 5B-2-21A

AGENCY: Highways
RULE TYPE: Legislative Amendment to Existing Rule: Yes
RULE NAME: Traffic and Safety Rules
CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:
W. Va. Code §§17-2A-8 and 12 and 17C-17, et seq.

TITLE-SERIES: 157-05

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:

23 CFR, January 18, 2025 deadline

PRIMARY CONTACT:

NAME: A. Garner Marks
ADDRESS: 1900 Kanawha Blvd E
Building 3, Suite 800
EMAIL: garner.marks@wv.gov
PHONE NUMBER: 304-558-2234

NAME: Jonathan Schaffer
ADDRESS: 1900 Kanawha Blvd E

EMAIL: jonathan.w.schaffer@wv.gov
PHONE NUMBER: 304-414-6815

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:

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 AN EMERGENCY RULE

Orders Report

Docket Number	Agency	Respondent	Date Rendered
25-5-13433-X	Health Care Authority	Marietta Memorial Hospital of Tyler County, Inc.	10/22/2025
24-2-13111-PC	Health Care Authority	Reliable Relief Home HealthCare, LLC	10/22/2025
25-10-13422-X	Health Care Authority	Crittenton Services	10/22/2025
25-5-13315-P	Health Care Authority	Camden-Clark Memorial Hospital Corporation	10/22/2025
25-5-13315-P	Health Care Authority	Camden-Clark Physician Corporation	10/22/2025
25-1/2/3/4/6/8/9/10/11-13238-P	Health Care Authority	West Virginia University Hospitals, Inc.	11/10/2025
25-10-13371-X	Health Care Authority	Wheeling Hospital, Inc.	9/10/2025
25-6-13420-X	Health Care Authority	West Virginia University Hospitals, Inc.	10/10/2025
25-6-13408-X	Health Care Authority	Stellar Support Services	10/10/2025
25-1-13405-X	Health Care Authority	Princeton Community Hospital Association, Inc.	10/10/2025
25-1-13405-X	Health Care Authority	d/b/a Princeton Community Hospital	10/10/2025
24-6-12971-H	Health Care Authority	West Virginia University Hospitals Inc.	10/8/2025
25-8-13276-P	Health Care Authority	Grant Memorial Hospital	10/8/2025
0925A	Veterinary Medicine	Clara Mason, D.V.M.	11/4/2025

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS

NO.	OPINION SOUGHT
2025-01	A County Commission asks whether it may approve the hire of the former sheriff as a chief deputy sheriff given that he participated in creating the chief deputy position and the current Sheriff is the former sheriff's son.
2025-02	The Executive Director of a County Farmland Protection Board asks whether a potential Board member who is an employee of a local bank would need to recuse herself/himself from matters that come before the Board involving a customer of the bank.
2025-03	A County Clerk asks whether she may approve the payment of county funds for elected county officials to attend Leadership West Virginia's annual program.
2025-04	A County Board of Education member asks whether he may hire a county school bus operator to drive him to and from his private business office in the member's personal vehicle during times the bus operator is not on county time.
2025-05	A Law Enforcement Agency asks whether it may allow a nonprofit organization to use the agency's name for a fundraising event for cancer research.
2025-06	A Town Council asks whether it may give its employees free garbage services and whether it is more permissible if the town enacts a policy providing free garbage services as a fringe benefit to boost employee morale and as a form of wage increase.
2025-07	A City Police Department asks whether it may solicit funding from or sell advertising to private businesses for a major upgrade of the department's firearms training facility.
2025-08	A County Board of Education Superintendent asks whether a board member may privately contract with a service personnel employee to perform work through the employee's lawn mowing side business.
2025-09	A County Solid Waste Authority asks whether it may solicit money from local businesses and individuals to cover potential shortfalls in operating costs in exchange for advertising their donations on a sign in the facility.
2025-10	A state employee, working as an events manager, asks whether she may personally use Marriott bonus points that accumulated from her arranging hotel accommodations for the agency's officials and employees.
2025-11	A state employee asks if he may accept a prize he won in a raffle with a ticket he bought while he was at a work-related conference.

WEST VIRGINIA ETHICS COMMISSION CONTRACT EXEMPTION	
NO.	OPINION SOUGHT
2025-01	The Mineral County Sheriff and County Commission are requesting a contract exemption allowing the Sheriff's Office to contract with RR Communications, a business owned and operated by Deputy Roger Reall.
2025-02	Fairmont State University is seeking a contract exemption to allow it to lease a helicopter for its rotary wing training program from a company owned by its assistant chief pilot, Jeremy Griffin.
2025-03	Troy A. McCoy, the Pocahontas County Sheriff, is requesting a contract exemption allowing the Sheriff's Office to contract with Shinaberry's Graphics, LLC, a business owned and operated by Deputy Brian Shinaberry, to install graphics and decals on department vehicles.
2025-04	The Wyoming County Health Department requests a renewal of Contract Exemption 2022-04, allowing it to continue contracting with Family Healthcare Associates Inc.

WEST VIRGINIA ETHICS COMMISSION OPINIONS	
NO.	SCHOOL BOARD ADVISORY OPINION SOUGHT
2025-01	A County Board of Education member asks whether the position of county 911 director constitutes a prohibited public office pursuant to W. Va. Code §18-5-1a(a)(3)(A), which renders its occupant ineligible to serve on a county board of education.
OPEN MEETINGS ADVISORY OPINIONS SOUGHT	
2025-01	The Pocahontas County Clerk asks whether a properly noticed regular meeting must be postponed if a state of emergency is declared on a day during the notice period.
2025-02	A Hampshire County Commissioner asks whether using generic descriptions on its agenda, such as “Personnel,” satisfies the Open Meetings Act and whether receiving general legal advice and discussing general personnel matters in executive session is permissible.
2025-03	The Pocahontas County Commission (“Requester”) asks which county entity should interview candidates for the positions of 911/Office of Emergency Services Director and Emergency Medical Systems Director and whether the interviews may be done in executive session, by a hiring committee, or by one of the county commissioners in private.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 12-25

By the Governor

WHEREAS, the United States Congress has authorized the President “to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration,” 2 U.S.C. § 2131; and

WHEREAS, since 1901, West Virginia has been represented in the National Statuary Hall Collection at the United States Capitol by the statue of John Kenna; and

WHEREAS, in 2000, Congress allowed states, for the first time, the option to replace statues in the National Statuary Hall under guidelines produced by the Joint Committee on the Library in conjunction with the Architect of the Capitol; and

WHEREAS, those guidelines set out the steps required for replacing statues in the National Statuary Hall including that the State Legislature enact a resolution that identifies the statute to be replaced, names the individual to be newly commemorated, cites his or her qualifications, selects a committee or commission to represent the State in selecting a sculptor, and directs the method of obtaining the necessary funds to carry the resolution into effect; and

WHEREAS, pursuant to those guidelines, the West Virginia Legislature passed a concurrent resolution on October 10, 2024, 86th Leg. 2nd Ex. Sess., SCR 202 (Oct. 10, 2024), recognizing the importance of honoring individuals whose contributions reflect the values and achievements of our great state; and

WHEREAS, the resolution acknowledged that Hershel “Woody” Williams, a native West Virginian, was a distinguished Marine Corps veteran who received the Congressional Medal of Honor on October 5, 1945, from President Harry S. Truman for his exemplary actions at the Battle

of Iwo Jima during World War II and whose extraordinary service exemplifies the values of courage, sacrifice, and dedication; and

WHEREAS, the resolution further recognized that in addition to his extraordinary military service, Hershel “Woody” Williams established the Gold Star Families Memorial Monument program, a nationwide initiative that indelibly honors the families of fallen service members and preserves their legacies; and

WHEREAS, Hershel “Woody” Williams is the namesake of the Woody Williams Foundation, an initiative that offers scholarships to Gold Star children and sponsors outreach and educational programs to communities and citizens about Gold Star families and the sacrifices they have endured; and

WHEREAS, the life and achievements of Hershel “Woody” Williams, including his extraordinary courage in battle and founding of the Gold Star Families Program, serve as an inspiration to all West Virginians and Americans, reflecting the spirit of our state and the ideals that the National Statuary Hall Collection seeks to represent; and

WHEREAS, the resolution directed the replacement of the statue of John Kenna in the National Statuary Hall at the United States Capitol with a statue of Hershel “Woody” Williams, with the statue of John Kenna to be displayed at the State Culture Center upon removal; and it identified persons to be included in a commission, appointed by the Governor, to select a sculptor for the replacement statue, and it directed the method of obtaining the necessary funds to carry the resolution into effect.

NOW, THEREFORE I, PATRICK MORRISSEY, by virtue of the authority vested in me as the Governor of the State of West Virginia, do hereby **DECLARE and ORDER**:

1. The Hershel “Woody” Williams Statute Commission (the “Commission”) is hereby constituted and charged with selecting the sculptor and providing for the design and creation of a replacement statue of Hershel “Woody” Williams—in accordance with the guidelines set forth in the Architect of the Capitol—to represent West Virginia in the National Statuary Hall Collection at the United States Capitol; and
2. The Commission shall provide for the transfer of the statue of John Kenna from the National Statuary Hall to the State Culture Center for display; and

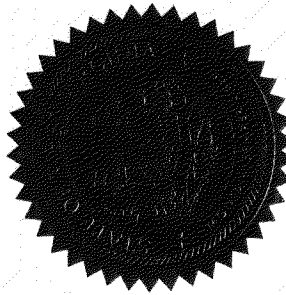
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EO

3. The Commission shall consist of the following individuals:
- a. The Secretary of the Department of Tourism, who will serve as Chair of the Commission;
 - b. The Governor, or his or her designee;
 - c. The Secretary of Veteran's Assistance, or his or her designee;
 - d. The President of the Senate, or his or her designee;
 - e. The Speaker of the House of Delegates, or his or her designee;
 - f. The Minority Leader of the Senate, or his or her designee;
 - g. The Minority Leader of the House of Delegates, or his or her designee;
 - h. The Deputy Secretary of Tourism; or his or her designee;
 - i. The Director of the Purchasing Division, or his or her designee; and
 - j. Up to twelve (12) members of the public to be appointed by the Governor.
4. The Commission shall meet as often as required to fulfill its objectives; and funding for the design and creation of the replacement statue shall be provided from the Governor's Contingency Fund.

5. This Executive Order shall terminate and the Commission shall be of no effect upon placement of the statue of Hershel "Woody" Williams in the National Statuary Hall and the transfer of the statue of John Kenna to the State Culture Center.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this Eleventh Day of November, in the Year of our Lord, Two Thousand Twenty-Five in the One Hundred Sixty-Third Year of the State.

Patricia K. Young
GOVERNOR

David J. Harman
SECRETARY OF STATE



FILED

2025 NOV 10 P 1:34

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

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

November 10, 2025

The Honorable Robert E. Ryan
Hardy County Prosecuting Attorney
204 Washington Street
Moorefield, WV 26836

Dear Prosecutor Ryan:

You have asked for an Opinion of the Attorney General about whether the Hardy County Commission can create a general community development fund in a proposed Payment In Lieu of Taxes (PILOT) agreement.

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 and discussions with the Office of the Attorney General.

You explain that a private, for-profit developer has proposed developing a 2,000-acre solar power project with a 500-acre industrial park on county-owned property. The developer will initially acquire the property for and build the solar project. The County Commission will then buy it and lease the project back to the developer. Once those transactions are complete, the project will become eligible for tax-exempt status consistent with West Virginia Code § 8-19-4.

The developer has submitted a draft PILOT agreement to the County Commission and Board of Education. Under the agreement, the county will deem the project exempt from property taxes. And instead of paying taxes, the developer will make PILOT payments according to a set schedule. The draft agreement also requires the developer to contribute to a "community development fund" in addition to the PILOT payments. The Hardy County Commission will establish and control this fund, using it at its discretion to address community needs consistent with the Commission's public purpose, such as funding emergency ambulance and law enforcement services.

AG OPINION

The Honorable Robert E. Ryan
Page 2

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

- (1) *Can the County Commission create a discretionary-use community development fund?*
- (2) *If yes, should the County Commission include terms related to community development fund in the PILOT agreement?*

As a threshold matter, we conclude that the County Commission has the authority to enter into a PILOT agreement with the developer. West Virginia law expressly gives county commissions this authority, so the PILOT agreement is permissible provided the County Commission follows all the statutory requirements. Next, the County Commission is statutorily authorized to set up a community development fund, although funds should be remitted first to the general fund. Lastly, the County Commission should oblige the developer to make contributions in a separate agreement, not in the PILOT Agreement.

DISCUSSION

I. The County Commission May Enter Into A PILOT Agreement With The Private Developer.

To start, the County Commission may enter into a PILOT Agreement like the draft provided.

As with all county commissions, the Hardy 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"). Although county commissions have limited powers, when they do have a power, the commissions are "vested with a wide discretion" in its execution. Syl. pt. 1, *Chap. Comm'n of Greenbrier Cnty. v. Cummings*, 228 W. Va. 464, 720 S.E.2d 587 (2011). Thus, where a county commission has broad express powers, it enjoys substantial implied authority as well. See, e.g., *State ex rel. Farley v. Spaulding*, 203 W. Va. 275, 283, 507 S.E.2d 376, 384 (1998) (finding implied authority to employ security personnel at a statutorily required judicial facility).

PILOT agreements fall within a county commission's express powers. West Virginia Code § 8-19-4 says that "[w]henver a ... county commission ... decides to acquire, by purchase or otherwise, construct, establish, extend or equip ... an electric power system," then "the real and personal property ... shall be considered public property and shall be exempt from taxation." The exemption extends to a county's lessees, too. *Id.* § 8-19-4 ("[T]his exemption shall be applicable to any leasehold ... held by persons other than a ... county" where all interested governmental entities agree). Where a county leases the project to a third party, "payments made [by the lessee] ... in lieu of tax pursuant to such an agreement shall be distributed as if the payments resulted from *ad valorem* property taxation." *Id.* So this statute expressly authorizes county commissions to enter into PILOT agreements.

The draft agreement appears to comply with the statutory requirements for PILOT agreements. *First*, a PILOT agreement must pertain to an "electric power system." *Id.* An "electric power system" is "a system or facility which produces electric power in its entirety or provides for the distribution of electric power for local consumption and use or for distribution and resale." *Id.* § 8-19-1. A solar panel farm satisfies this definition because it produces electric power in its entirety.*

Second, the property must be "considered public property" and owned by the "municipality or county." *Id.* § 8-19-4. Your letter indicates that the proposed solar project would be located on land owned by the county.

Third, the electric power system must be "acquired or constructed with the written agreement of the county school board, county commission, and any municipal authority within whose jurisdiction the electric power system is." *Id.* § 8-19-4. Section 3.01 of the draft agreement provides that "[t]he Commission, County Board, the Sheriff, and the Assessor ... each ... agree[] to the acquisition, construction, and equipping of the [p]roject." So this demand is met, too.

Fourth, where a lease exists, PILOT payments "shall be distributed as if the payments resulted from *ad valorem* property taxation." W. VA. CODE § 8-19-4. The draft agreement enshrines this statutory obligation. Section 4.05 provides that the Sheriff must "dispose[] of any amount paid in lieu of tax by [the developer] as if the same were paid as *ad valorem* property taxes."

Separately, it does not matter that the developer is a private, for-profit company. Although county commissions generally may not lease to for-profit organizations, *see* Letter from Att'y Gen. of W. Va. to Larry E. Harrah, II, 2018 WL 3390019 (June 6, 2018), West Virginia Code § 8-19-1 expressly allows a county commission to lease to a private, for-profit party. County commissions may "lease to others for operation ... an electric power system," W. VA. CODE § 8-19-1, and the tax exemption applies to a county's lessee, *id.* § 8-19-4. The Code does not contain any relevant qualifiers or restrictions on who the lessee may be, so the county may lease to anyone under the statute, whether non-profit or for-profit. In fact, county commissions have already entered into PILOT agreements with private companies. *See Ohio Valley Jobs All, Inc. v. Pub. Serv. Comm'n of W. Va.*, No. 18-0249, 2018 WL 5734679, at *1, *8 (W. Va. Nov. 1, 2018) (memorandum decision) (recognizing the West Virginia Code authorizes county governments to enter into a PILOT agreement with a private, for-profit corporation); *see also Moundsville Power praises Marshall Co. Commission action*, THE JOURNAL (Aug. 23, 2014), <https://tinyurl.com/3hummy37> (noting that Marshall County approved a PILOT program and lease agreement with a privately-financed natural gas power plant).

* That said, only property "acquired and constructed" for the electric power system qualifies for tax exemption. *See id.* § 8-19-4 (stating that the tax-exempt property is "the real and personal property which a ... county has acquired and constructed according to the provisions of this article"); *id.* § 8-19-1 (clarifying that article pertains to the acquisition and operation of electric power systems). The proposed project here includes a 500-acre industrial park. We cannot say based on the information provided whether that additional property would qualify for the tax exemption.

Based on the facts in your letter, we conclude that the County Commission and the county school board may enter into a PILOT agreement with the developer, provided that the final agreement complies with the statutory terms of West Virginia Code § 8-19-4.

II. The County Commission Has the Authority to Create the Community Fund.

Next, the Commission can set up a special account for the community development fund. West Virginia Code § 7-1-9 says that county commissions are "authorized and empowered to create and establish ... special funds to be used for any purpose" that commissions are "authorized to accomplish." County commissions "are ... authorized" to fund the special account via tax levies or through "unexpended or surplus moneys in the county general fund." W. VA. CODE § 7-1-9.

While this provision contains no mandatory language, applying the *expressio unius est exclusio alterius* canon and understanding that commissions have limited authority, it appears county commissions may fund special accounts only in these two ways. *See* Syl. pt. 1, *State Line Sparkler*, 187 W. Va. 271, 418 S.E.2d 585 (holding that county commissions are "possessed only of such powers as are expressly conferred"); Syl. pt. 3, *Manchin v. Dunfee*, 174 W. Va. 532, 327 S.E.2d 710 (1984) ("In the interpretation of statutory provisions the familiar maxim *expressio unius est exclusio alterius*, the express mention of one thing implies the exclusion of another, applies.").

So here, community fund contributions should be deposited into the general fund before being transferred to the special account. And you have explained that the County Commission will only use the money consistent with the Commission's purpose. Thus, the County Commission has the authority to set up a community development fund with money from the developer and to use the money as the Commission is authorized.

III. The County Commission Should Not Include the Community Fund Provision in the PILOT Agreement.

Finally, the County Commission should not include terms related to the community development fund in the PILOT Agreement itself. Rather, those terms should appear in the related purchase agreement or lease—where the appropriate consideration lies.

Contracts require valuable consideration to be valid and enforceable. Syl. pt. 2, *Young v. Young*, 240 W. Va. 169, 808 S.E.2d 631 (2017) ("No promise is good in law unless there is a legal consideration in return for it."). "[W]here there is no valuable consideration, and where there is no benefit moving to the promisor or damage or injury to the promisee, [the contract] is void." Syl. pt. 4, *Dan Ryan Builders, Inc. v. Nelson*, 230 W. Va. 281, 737 S.E.2d 550 (2012). And "valuable consideration may consist either in some right, interest, profit or benefit accruing to the one party or some forbearance, detriment, loss or responsibility given, suffered, or undertaken by the other." Syl. pt. 5, *id.*

The PILOT agreement does not contain consideration for the community fund payments. The agreement provides that the fund contributions are "[i]n consideration [for] the transactions contemplated", that is, the County's purchase and lease-back of the project property. Yet the

with established contracting principles. One straightforward approach would be designating a portion of the lease payments for the community development fund.

Sincerely,



John B. McCuskey
West Virginia Attorney General

Holly J. Wilson
Principal Deputy Solicitor General

Spencer J. Davenport
Assistant Solicitor General

PILOT agreement does not govern those transactions. The PILOT agreement governs only the terms of the PILOT payments. We reach that conclusion for several reasons:

- The agreement is titled: "Payment In Lieu of Taxes Agreement."
- In the recitals, the developer agrees to make the PILOT payments in exchange for tax-exempt status, which is contingent on the success of the separate transactions.
- Article II governs the "ad valorem property treatment" of the project during the construction phase and during the lease term.
- Article III contains the key terms of the agreement. It concerns the "acquisition and construction of the project and payment in lieu of tax." It provides that the subject "real and personal property ... is exempt from ad valorem property taxation." It also provides that when the project is complete, the developer "shall make only the payments in ... lieu of taxes in the amounts, if any, set forth" in an attached schedule.
- The agreement contemplates separate contractual arrangements for the lease and acquisition, which serve as consideration for the community fund payments. Specifically, the recitals refer to a "Lease Agreement," and section 2.02(a) states that the developer's leasehold interest will be "created by the Lease." Section 4.10 provides that the PILOT agreement will become effective only after the developer "acquires the [l]and and title, constructs the [p]roject and transfers ownership in and to the [p]roject to the [l]essor." Section 4.14(a) makes the developer's "obligations" under the PILOT agreement "expressly contingent," on site acquisition "upon terms and conditions acceptable" to the developer. And lastly, section 4.16(a) recognizes that other "property conveyance documents" exist. It sets out certain terms to be reflected in "the [l]ease, and the related prior deed, bill of sale and/or assignments of leases conveying title to the [p]roject to the [l]essor."

So the community fund provision (but only that provision, because it is severable) will likely be void if it is included in the PILOT agreement. It should be deleted.

A practical reason supports its exclusion as well: the County disburses PILOT payments and community fund contributions differently. West Virginia Code § 8-19-4 plainly states that "payments made ... in lieu of tax pursuant to such an agreement shall be distributed as if the payments resulted from *ad valorem* property taxation." As noted, the agreement echoes this requirement. In contrast, the County Commission has discretion over how to spend community fund moneys. By mixing the two in one agreement, the Commission risks confusion about which funds are subject to mandatory statutory distribution, and which are discretionary, potentially leading to disbursement or accounting errors.

Ultimately, we recommend addressing the community fund in a separate agreement supported by appropriate consideration. The County Commission should structure these contributions carefully. While special payments beyond standard lease or PILOT amounts serve legitimate public purposes, documenting the consideration behind them helps ensure they align

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

100 Dee Drive
Charleston, West Virginia 25311-1600

November 7, 2025

LEGAL UPDATE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **November 7, 2025**.

CON Under Review from Remand

November 6, 2025, Putnam County Aging Program, Inc. and Summers County Council On Aging are hereby given notice of thirty (30) day period to request a public hearing on CON # 23-1/4-12694-PC and CON # 23-2/3-12689-PC issued to Panhandle Support Services remanded back to the West Virginia Health Care Authority by West Virginia Intermediate Court of Appeals in its Decision.

Further information may be obtained on any of the above-referenced projects by contacting The West Virginia Healthcare Authority Staff at 305.558.7000.



Arvin Singh, EdD, MBA, MPH, MS, FACHE
Cabinet Secretary

OTHER

Notice

November 7, 2025

NEWS ITEM

The West Virginia Health Care Authority (Authority), pursuant to the Certificate of Need program, has received an order from the West Virginia Intermediate Court of Appeals remanding for hearing CON #24-1/4-12694-PC and CON #23-2/3-12689-PC between Panhandle Support Services, Inc. and affected parties, Putnam County Aging Program, Inc. and Summers County Council on Aging.

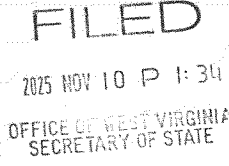
Pursuant to issuance of order, the West Virginia Health Care Authority (Authority), hereby notices the thirty (30) day period to request such hearing beginning, November 7, 2025.

On or before **December 7, 2025**, Putnam County Aging Prom, Inc. and Summers County Council have 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 and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **December 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.

If a hearing is requested by December 7, 2025, a 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 previous Decision granting Certificate of Need will be reaffirmed by notice from the West Virginia Health Care Authority.

Anyone wishing to be directly notified of the Decision should submit a written



request to Gordon C. Lane, Jr. Interim Executive 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.

Nov. 7, 2025

Date

OTHER


Gordon C. Lane, Jr.
Interim Executive Director
General Counsel
West Virginia Health Care Authority

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

11/10/2025

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending 11/07/2025.

CERTIFICATE OF NEED APPLICATION RECEIVED

November 3, 2025 - Berkeley Medical Center, CON File #25-9-13450-P, for the provision of provider-based services at a private physician practice in Morgan County, West Virginia, thereby creating an ambulatory health care facility at the private practice physician office. Capital Expenditure \$20,000.

November 3, 2025 - Linx Community Services, LLC, CON File #25-7/8-13448-BH, for the provision of IDD Waiver Services in Barbour, Grant, Hampshire, Hardy, Mineral and Tucker Counties in West Virginia. Capital Expenditure \$210,000.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

October 30, 2025 - Berkeley Medical Center, CON File #25-9-13432-P, for the development of an ambulatory health care facility in Berkeley Springs, Morgan County, West Virginia. Capital Expenditure \$350,000.

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

October 31, 2025 – Review cycle begins;

December 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;

December 4, 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;

December 29, 2025 – Decision on the project will be issued by the Authority.

OTHER

PROJECTS DETERMINED NOT REVIEWABLE

November 5, 2025 - Marietta Memorial Hospital of Tyler County, Inc., CON File #25-5-13433-X, for construction to rebuild the hospital on its existing campus in Sistersville, Tyler County, West Virginia. The capital expenditure associated with this project is approximately \$45,000,000.

PROJECTS EXEMPT FROM REVIEW

October 28, 2025 - Potomac Center, CON File #25-8-13395-X, for the provision of developing a licensed children's shelter in Hampshire County, WV located at One Blue Street, Romney. This would be for four beds for Emergency Shelter 1. The Application received an original CON File #97-WV-5953-X/HC as part of the Hartley Core Providers and as a part of this, the Applicant is required to advise the Authority on any changes that are being made.

October 28, 2025 - Potomac Center, CON File #25-8-13396-X, for provision of developing a licensed children's shelter in Hampshire County, WV located at One Blue Street, Romney. This would be for five beds for Emergency Shelter 2. The Application received an original CON File #97-WV-5953-X/HC as part of the Hartley Core Providers and as a part of this, the Applicant is required to advise the Authority on any changes that are being made.

November 6, 2025 - Vox Omnis, LLC d/b/a Vox Omnis AMENDED, CON File #25-9-13451-X, for the provision of providing outpatient behavioral health services to children and adults located at 929 S. Queen Street, Martinsburg, Berkeley County, West Virginia. The Authority issued an exemption on October 28, 2025 for this request. On November 5, 2025, the Authority was notified of an incorrect address. The correct address is 329 S. Queen Street, Martinsburg, Berkeley County, WV.

EXTENSION GRANTED

October 29, 2025 - Reliable Relief Home Healthcare, LLC, CON File #24-2-13111-PC, to provide Personal Care services in Cabell County. Extension granted through January 31, 2026.

Further information may be obtained on any of the above-referenced projects by contacting The West Virginia Healthcare Authority Staff at 305.558.7000.