

WEST VIRGINIA REGISTER

Published by the Office of the
Secretary of State

Volume XLIII

Issue 22

June 5, 2026

A Weekly Publication

Administrative Law Division

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

(304) 558-6000

sos.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

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

Legislative Interims

Orders

Ethics Commission Opinions

Grievances Report

Office of Tax Appeal Decisions

Governor's Executive Orders

Attorney General Opinions

Other Documents or Information Filed

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

Agriculture
Air Quality, WV Div. of
Attorney General
Health Care Authority
Insurance Commission
Municipal Pensions Oversight Board
Secondary School Activities Commission
Speech Language Pathology and Audiology
Treasurer

CHRONOLOGICAL INDEX

CHRONOLOGICAL INDEX, VOLUME XLIII ISSUE 22

RULES FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>
Agriculture (61-42)	Cottage Foods-Homemade Potentially Hazardous Food Items Legislative	§19-40-4	Written Comments Only: June 30, 2026, 12:00pm Amie Minor 1900 Kanawha Blvd., East Charleston, WV 25305 rulescomments@wvda.us
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	§22-5-4	Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57 th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	§22-5-4	Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57 th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	§22-5-4	Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57 th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov

CHRONOLOGICAL INDEX

<p>Air Quality (45-06)</p>	<p>Control of Air Pollution from Combustion of Refuse Legislative</p>	<p>§22-5-4</p>	<p>Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov</p>
<p>Air Quality (45-07)</p>	<p>Control of Particulate Matter Air Pollution from Manufacturing Process and Associated Operations Legislative</p>	<p>§22-5-4</p>	<p>Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov</p>
<p>Air Quality (45-10)</p>	<p>Control of Air Pollution from the Emission of Sulfur Oxides Legislative</p>	<p>§22-5-4</p>	<p>Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov</p>
<p>Air Quality (45-16)</p>	<p>Standards of Performance for New Stationary Sources Legislative</p>	<p>§22-5-4</p>	<p>Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov</p>

CHRONOLOGICAL INDEX

<p>Air Quality (45-18)</p>	<p>Control of Air Pollution from Combustion of Solid Waste Legislative</p>	<p>§25-5-4</p>	<p>Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov</p>
<p>Air Quality (45-21)</p>	<p>Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative</p>	<p>§22-5-4</p>	<p>Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov</p>
<p>Air Quality (45-34)</p>	<p>Emission Standards for Hazardous Air Pollutants Legislative</p>	<p>§22-5-4</p>	<p>Public Hearing: July 7, 2026, 6:00pm Virtual Written Comments: July 7, 2026, 11:59pm Laura Jennings Dept. of Environmental Protection; Division of Air Quality 601 57th Street SE Charleston, WV 25304 laura.m.jennings@wv.gov</p>
<p>Secondary School Activities Commission (127-01)</p>	<p>Constitution Legislative Exempt</p>	<p>§§18-2-5, 18-2-25, 18-2-25a, and 18-2-25b</p>	<p>Written Comments Only: July 6, 2026, 4:00pm Wayne Ryan, Executive Director 2875 Staunton Turnpike Parkersburg, WV 26104 wayne.ryan@wvssac.org</p>
<p>Secondary School Activities Commission (127-03)</p>	<p>Provisions Governing Contests Legislative Exempt</p>	<p>§§18-2-5, 18-2-25, 18-2-25a, and 18-2-25b</p>	<p>Written Comments Only: July 6, 2026, 4:00pm Wayne Ryan, Executive Director 2875 Staunton Turnpike Parkersburg, WV 26104 wayne.ryan@wvssac.org</p>

CHRONOLOGICAL INDEX

Secondary School Activities Commission (127-04)	Provisions Governing Conduct Legislative Exempt	§§18-2-5 and 18-2-25 et. seq.	Written Comments Only: July 6, 2026, 4:00pm Wayne Ryan, Executive Director 2875 Staunton Turnpike Parkersburg, WV 26104 wayne.ryan@wvssac.org
Secondary School Activities Commission (127-06)	Violations of the Rules Legislative Exempt	§18-2-25	Written Comments Only: July 6, 2026, 4:00pm Wayne Ryan, Executive Director 2875 Staunton Turnpike Parkersburg, WV 26104 wayne.ryan@wvssac.org
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	§§36-8-2B, 37B-2-7; 37B-4-7	Written Comments Only: July 6, 2026, 5:00pm James Fuerhoff 1900 Kanawha Blvd., E. #145 Charleston, WV 25305 james.fuerhoff@wvsto.gov

EMERGENCY RULES FILED THIS WEEK				
AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE
Agriculture (61-42)	Cottage Foods-Homemade Potentially Hazardous Food Items	§19-40-4	June 2, 2026	June 30, 2026



1900 Kanawha Blvd. E.
Building 1, Suite 157K
Charleston, West Virginia 25305

Kris Warner
Secretary of State
State of West Virginia

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

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

- | | | |
|--------|-----|---|
| Column | 1. | Agency Name, (Title and Series Number) |
| Column | 2. | Rule Title 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	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
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/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	HB4200 SB251 Bundled SB251	4/22/2026	7/21/2026
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/13/2026	6/26/2026						
Agriculture (61-04) Sunset Provision	Traditional Cheese Production Legislative				6/2/2026				
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	5/15/2026	6/15/2026	5/15/2026 Approved 6/2/2026					
Agriculture (61-11B)	Auctioneers Legislative	5/27/2026	6/27/2026						
Agriculture (61-42)	Cottage Foods-Homemade Potentially Hazardous Food Items Legislative	6/1/2026	6/30/2026	6/1/2026 Approved 6/2/2026					
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	6/4/2026	7/7/2026						
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	6/4/2026	7/7/2026						
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	6/4/2026	7/7/2026						
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	6/4/2026	7/7/2026						
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	6/4/2026	7/7/2026						
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	6/4/2026	7/7/2026						

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	6/4/2026	7/7/2026						
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/4/2026	7/7/2026						
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	6/4/2026	7/7/2026						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2026	7/7/2026						
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	HB4275 SB320 Bundled HB4265		
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025	HB4276 SB321 Bundled HB4265		
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025	HB4277 SB322 Bundled HB4265		
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	HB4278 SB323 Bundled HB4265		
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025	HB4279 SB324 Bundled HB4265		
Auditor (155-08)	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body Legislative	4/22/2026	5/22/2026						
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	4/22/2026	5/22/2026						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures: Hearing Procedures Procedural	4/3/2026	5/4/2026					5/7/2026	6/7/2026
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/24/2025	7/24/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/24/2025	HB4230 SB281 Bundled SB281	5/13/2026	7/1/2026
Dentistry (5-03)	Fees Established by the Board Legislative	5/21/2026	6/22/2026						
Dentistry (5-09)	Application Procedures for Licensure or Certificate Procedural	5/21/2026	6/22/2026						
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	2/12/2026	3/16/2026	2/3/2026 Effective 3/17/2026	4/21/2026				
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	5/21/2026	6/22/2026						
Dentistry (5-16)	Teledentistry Legislative	5/21/2026	6/22/2026						
Economic Development (145-16) Sunset Provision	Tourism Development Districts Legislative				10/8/2024	Approved 8/5/2025	HB4323 SB374 Bundled SB374		
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025						
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	HB4231 SB282 Bundled SB281	5/13/2026	7/1/2026
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026		3/31/2026				
Health (64-19)	Water Well Regulations Legislative					Authorized w/Certain Amendments 9/5/2025	HB4215 SB266 Bundled HB4215	4/13/2026	7/1/2026
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	HB4216 SB267 Bundled HB4215	4/13/2026	7/1/2026

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	HB4217 SB268 Bundled HB4215	4/13/2026	7/1/2026
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 Filed 12/5/2025	HB4218 SB269 Bundled HB4215	4/13/2026	7/1/2026
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	HB4219 SB270 Bundled HB4215	4/13/2026	7/1/2026
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 Filed 12/5/2025	HB4221 SB272 Bundled HB4215	4/13/2026	7/1/2026
Health (64-103)	Expedited Partner Therapy Legislative							4/13/2026	7/1/2026
Health (64-115)	Diabetes Self-Management Education Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4222 SB273 Bundled HB4215	4/13/2026	7/1/2026
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 Effective 12/22/2025	12/11/2025				
Insurance (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative				5/13/2026				
Insurance Commission (114-98)	Adoption of Valuation Manual Legislative				5/13/2026				
Insurance Commission (114-102)	Term and Universal Life Insurance Reserve Financing Legislative				5/13/2026				
Lottery Commission (179-01)	West Virginia Lottery State Lottery Rules Legislative				5/7/2026				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4292 SB343 Bundled HB4265	4/27/2026	7/1/2026
Medicine (11-05) Sunset Provision	Dispensing of Prescription Drugs by Practitioners Legislative				5/4/2026				
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4293 SB344 Bundled HB4265	4/27/2026	7/21/2026
Medicine (11-10) Sunset Provision	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative				5/4/2026				
Medicine (11-14) Sunset Provision	Registration to Practice During Declared State of Emergency Legislative				5/4/2026				
Medicine (11-15) Sunset Provision	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants Legislative				5/4/2026				
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	HB4294 SB345 Bundled HB4265	4/2/2026	7/1/2026
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	HB4296 SB347 Bundled HB4265	4/2/2026	7/1/2026
Miners' Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia Legislative	12/15/2025	1/16/2026	12/15/2025 Effective 1/26/2026	1/23/2026				
Municipal Pensions Oversight Board (211-02) Sunset Provision	Exempt Purchasing Legislative				10/9/2024	Approved 8/5/2025	HB4297 SB348 Bundled HB4265	6/4/2026	6/4/2026
Natural Resources (58-21)	Wildlife Rehabilitation Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/8/2025 Filed 12/11/2025	HB4328 SB379 Bundled SB374	4/30/2026	7/1/2026

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-38) Sunset Provision	Public Shooting Ranges Legislative				3/31/2026				
Natural Resources (58-63) Sunset Provision	Commercial Sale of Wildlife Legislative				3/31/2026				
Nursing Home Administration Licensing Board (21-01)	Nursing Home Administrators Legislative	5/6/2026	6/5/2026						
Occupational Therapy (13-04)	Continuing Education and Competence Legislative	4/17/2025	6/1/2025		6/3/2025	Approved 8/5/2025	HB4298 SB349 Bundled HB4265	4/7/2026	7/1/2026
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 12/9/2025	HB4304 SB355 Bundled HB4265		
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/25/2025	7/25/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 12/9/2025	HB4305 SB356 Bundled HB4265		
Osteopathic Medicine (24-09) Sunset Provision	Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness Legislative				3/27/2025	Approved 8/5/2025	HB4306 SB357 Bundled HB4265		
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 11/24/2025	HB4307 SB358 Bundled HB4265	5/4/2026	7/1/2026
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 11/24/2025	HB4308 SB359 Bundled HB4265	5/4/2026	7/1/2026
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 11/24/2025	HB4309 SB360 Bundled HB4265	5/4/2026	7/1/2026
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 11/24/2025	HB4310 SB361 Bundled HB4265	5/4/2026	7/1/2026

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	HB4311 SB362 Bundled HB4265	5/4/2026	7/1/2026
Pharmacy (15-15)	Rules Governing Pharmacy Permits Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 11/24/2025	HB4312 SB363 Bundled HB4265	5/4/2026	7/1/2026
Pharmacy (15-19)	Inspections Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025	HB4314 SB365 Bundled HB4265	5/4/2026	7/1/2026
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	HB4250 SB297 Bundled HB4245		
Racing Commission (178-10) Sunset Provision	Advance Deposit Account Wagering (ADW) Legislative				7/22/2025	Approved 8/5/2025	HB4251 SB298 Bundled HB4245		
Rehabilitation Services (198-01) Sunset Provision	Ron Yost Personal Assistance Services Act Board Legislative				3/31/2025	Approved 8/5/2025	HB4334 SB385 Bundled SB374		
Secondary School Activities Commission (127-01)	Constitution Legislative Exempt	6/3/2026	7/6/2026						
Secondary School Activities Commission (127-03)	Provisions Governing Contests Legislative Exempt	6/3/2026	7/6/2026						
Secondary School Activities Commission (127-04)	Provisions Governing Conduct Legislative Exempt	6/3/2026	7/6/2026						
Secondary School Activities Commission (127-06)	Violations of the Rules Legislative Exempt	6/3/2026	7/6/2026						
Senior Services (76-06) Sunset Provision	Shared Table Initiative for Senior Citizens Legislative				7/21/2025	Approved 10/8/2025	HB4321 SB372 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Social Work Examiners (25-03) Sunset Provision	Fee Schedule Legislative				7/25/2025	Approved 8/5/2025	HB4322 SB373 Bundled HB4265		
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/26/2026	6/26/2026	4/28/2026 Approved 6/2/2026					
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	HB4232 SB283 Bundled SB281	5/13/2026	7/1/2026
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	HB4233 SB284 Bundled SB281	5/13/2026	7/1/2026
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	HB4234 SB285 Bundled SB281	5/13/2026	7/1/2026
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	HB4235 SB286 Bundled SB281	5/13/2026	7/1/2026
Tax (110-15F) Sunset Provision	Sales Tax Holiday Legislative				5/6/2026				
Tax (110-15L) Sunset Provision	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative				5/6/2026				
Tax (110-15M) Sunset Provision	Vendor Absorption or Assumption of Sales and Use Tax Legislative				5/6/2026				
Tax (110-24) Sunset Provision	Corporation Net Income Tax Legislative				5/6/2026				
Treasurer (112-02) Sunset Provision	Substitute Checks-Exceptional Items Fund Legislative				5/5/2026				
Treasurer (112-04)	Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies Legislative	5/8/2026	6/8/2026						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/4/2026	7/6/2026						
Treasurer (112-06) Sunset Provision	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding Legislative				5/5/2026				
Treasurer (112-07)	Selection of State Depositories for Receipt Accounts Legislative	5/8/2026	6/8/2026						
Treasurer (112-08) Sunset Provision	Procedures for Processing Payments from the State Treasury Legislative				5/5/2026				
Treasurer (112-10)	Reporting Debt Legislative	5/8/2026	6/8/2026						
Treasurer (112-12) Sunset Provision	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative				5/5/2026				
Treasurer (112-13)	Procedures for Providing Services to Political Subdivision Legislative	5/8/2026	6/8/2026						
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	Modified & Approved 12/10/2025 Filed 1/8/2026	HB4213 SB264 Bundled SB256	3/4/2026	7/1/2026

LEGISLATIVE

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

AGENCY: Agriculture TITLE-SERIES: 61-04
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 61-04 Traditional Cheese Production

PRIMARY CONTACT
NAME: Amie Minor
ADDRESS: WV Department Of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305
EMAIL: aminor@wvda.us
PHONE NUMBER: 304-558-3200

CITE STATUTORY AUTHORITY: §19-11D-3

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

Adding a sunset provision

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes
IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE OF PUBLIC HEARING(S) 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

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture TITLE-SERIES: 61-42
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Cottage Foods-Homemade Potentially Hazardous Food Items

CITE STATUTORY AUTHORITY: §19-40-4

COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/30/2026 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Amie Minor
ADDRESS: 1900 Kanawha Boulevard, East
Charleston, WV 25305
EMAIL: rulescomments@wvda.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes

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



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
 6/4/2026 4:04:56 PM
 Office of West Virginia
 Secretary Of State



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
 6/4/2026 4:07:20 PM
 Office of West Virginia
 Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-02
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
 RULE NAME: Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4
 COMMENTS LIMITED TO:
 Oral and Written

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM
 LOCATION OF PUBLIC HEARING:
 Virtual
 DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM
 COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Laura Jennings
 ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
 Charleston, WV 25304
 EMAIL: laura.m.jennings@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: Air Quality TITLE-SERIES: 45-03
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
 RULE NAME: Control of Air Pollution from the Operation of Hot Mix Asphalt Plants
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4
 COMMENTS LIMITED TO:
 Oral and Written

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM
 LOCATION OF PUBLIC HEARING:
 Virtual
 DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM
 COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Laura Jennings
 ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
 Charleston, WV 25304
 EMAIL: laura.m.jennings@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)



LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-05
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

AGENCY: Air Quality TITLE-SERIES: 45-06
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

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

RULE NAME: Control of Air Pollution from Combustion of Refuse

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

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

COMMENTS LIMITED TO:
Oral and Written

COMMENTS LIMITED TO:
Oral and Written

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM

LOCATION OF PUBLIC HEARING:
Virtual

LOCATION OF PUBLIC HEARING:
Virtual

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Laura Jennings

NAME: Laura Jennings

ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE

ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE

Charleston, WV 25304

Charleston, WV 25304

EMAIL: laura.m.jennings@wv.gov

EMAIL: laura.m.jennings@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

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

INCORPORATED BY REFERENCE: No

INCORPORATED BY REFERENCE: No

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

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



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/4/2026 4:17:39 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-07
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

AGENCY: Air Quality TITLE-SERIES: 45-10
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

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

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

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

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

COMMENTS LIMITED TO:
Oral and Written

COMMENTS LIMITED TO:
Oral and Written

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM

LOCATION OF PUBLIC HEARING:
Virtual

LOCATION OF PUBLIC HEARING:
Virtual

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM

COMMENTS MAY BE MAILED OR EMAILED TO:
NAME: Laura Jennings

COMMENTS MAY BE MAILED OR EMAILED TO:
NAME: Laura Jennings

ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
Charleston, WV 25304
EMAIL: laura.m.jennings@wv.gov

ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
Charleston, WV 25304
EMAIL: laura.m.jennings@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:
RELEVANT FEDERAL STATUTES OR REGULATIONS: No
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

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)

INCORPORATED BY REFERENCE: No
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-18
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Control of Air Pollution from Combustion of Solid Waste

AGENCY: Air Quality TITLE-SERIES: 45-16
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Standards of Performance for New Stationary Sources

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4
COMMENTS LIMITED TO:
Oral and Written

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4
COMMENTS LIMITED TO:
Oral and Written

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM
LOCATION OF PUBLIC HEARING:
Virtual

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM
LOCATION OF PUBLIC HEARING:
Virtual

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM
COMMENTS MAY BE MAILED OR EMAILED TO:
NAME: Laura Jennings
ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
Charleston, WV 25304
EMAIL: laura.m.jennings@wv.gov

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM
COMMENTS MAY BE MAILED OR EMAILED TO:
NAME: Laura Jennings
ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
Charleston, WV 25304
EMAIL: laura.m.jennings@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:
RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PLEASE INDICATE IF THIS FILING INCLUDES:
RELEVANT FEDERAL STATUTES OR REGULATIONS: No
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-21
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

AGENCY: Air Quality TITLE-SERIES: 45-34
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Control of Air Pollution from The Emission of Volatile Organic Compounds
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

RULE NAME: Emission Standards for Hazardous Air Pollutants
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:
 Oral and Written

COMMENTS LIMITED TO:
 Oral and Written

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM

DATE OF PUBLIC HEARING: 07/07/2026 6:00 PM

LOCATION OF PUBLIC HEARING:
 Virtual

LOCATION OF PUBLIC HEARING:
 Virtual

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM
 COMMENTS MAY BE MAILED OR EMAILED TO:

DATE WRITTEN COMMENT PERIOD ENDS: 07/07/2026 11:59 PM
 COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Laura Jennings
 ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
 Charleston, WV 25304
 EMAIL: laura.m.jennings@wv.gov

NAME: Laura Jennings
 ADDRESS: Department of Environmental Protection; Division of Air Quality; 601 57th Street SE
 Charleston, WV 25304
 EMAIL: laura.m.jennings@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)

PLEASE INDICATE IF THIS FILING INCLUDES:
 RELEVANT FEDERAL STATUTES OR REGULATIONS: No
 (IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)
 INCORPORATED BY REFERENCE: Yes
 (IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Municipal Pensions Oversight Board
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
 RULE NAME: 211CSR2
 CITE STATUTORY AUTHORITY: W. Va. Code §§22-18a(g) and §5A-1-12
 The above rule has been authorized by the West Virginia Legislature.
 Authorization is cited in (house or senate bill House Bill 4265
 number)
 Section 64-9-14 Passed On 3/14/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:
June 4, 2026

This rule shall terminate and have no further force or effect from the following date:
August 01, 2031

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

Yes

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

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
 RULE NAME: Constitution
 CITE STATUTORY AUTHORITY: W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18-2-25a, and 18-2-25b.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/06/2026 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wayne Ryan, Executive Director
 ADDRESS: 2875 Staunton Turnpike
 Parkersburg, West Virginia 26104
 EMAIL: wayne.ryan@wvssac.org

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)



LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission
 RULE TYPE: Legislative Exempt
 RULE NAME: Provisions Governing Contests
 CITE STATUTORY AUTHORITY: W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18-2-25a, and 18-2-25b

TITLE-SERIES: 127-03
 Repeal of existing rule: No
 AGENCY: Secondary School Activities Commission
 RULE TYPE: Legislative Exempt
 RULE NAME: Provisions Governing Conduct
 CITE STATUTORY AUTHORITY: W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2-5 and §18-2-25 et seq.

COMMENTS LIMITED TO:
Written

COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:
LOCATION OF PUBLIC HEARING:

DATE OF PUBLIC HEARING:
LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/06/2026 4:00 PM
 COMMENTS MAY BE MAILED OR EMAILED TO:
 NAME: Wayne Ryan, Executive Director
 ADDRESS: 2875 Staunton Turnpike
 Parkersburg, West Virginia 26104
 EMAIL: wayne.ryan@wvssac.org

DATE WRITTEN COMMENT PERIOD ENDS: 07/06/2026 4:00 PM
 COMMENTS MAY BE MAILED OR EMAILED TO:
 NAME: Wayne Ryan, Executive Director
 ADDRESS: 2875 Staunton Turnpike
 Parkersburg, West Virginia 26104
 EMAIL: wayne.ryan@wvssac.org

PLEASE INDICATE IF THIS FILING INCLUDES:

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No
 (IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No
 (IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

INCORPORATED BY REFERENCE: No

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

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



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/3/2026 10:27:07 AM
Office of West Virginia
Secretary Of State



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/4/2026 12:40:49 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission
 RULE TYPE: Legislative Exempt
 RULE NAME: Violations of the Rules
 CITE STATUTORY AUTHORITY: W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2-25.
 COMMENTS LIMITED TO:
 Written

AGENCY: Treasurer
 RULE TYPE: Legislative
 RULE NAME: Enforcement of the Uniform Unclaimed Property Act
 CITE STATUTORY AUTHORITY: §36-8-28; §37B-2-7; §37B-4-7
 COMMENTS LIMITED TO:
 Written

TITLE-SERIES: 127-06
 Repeal of existing rule: No

TITLE-SERIES: 112-05
 Amendment to Existing Rule: Yes
 Repeal of existing rule: No

DATE OF PUBLIC HEARING:

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/06/2026 4:00 PM

DATE WRITTEN COMMENT PERIOD ENDS: 07/06/2026 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wayne Ryan, Executive Director

NAME: James Fuerhoff

ADDRESS: 2875 Staunton Turnpike

ADDRESS: 1900 Kanawha Blvd E # 145

Parkersburg, West Virginia 26104

Charleston, WV 25305

EMAIL: wayne.ryan@wvssac.org

EMAIL: james.fuerhoff@wvsto.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

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

INCORPORATED BY REFERENCE: No

INCORPORATED BY REFERENCE: No

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

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

NOTICE OF PUBLIC COMMENT PERIOD



FILED

2026 JUN -2 A 10:38

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Agriculture
RULE TYPE: Legislative
TITLE SERIES: 61 C.S.R. 04B
RULE NAME: Frozen Desserts and Imitation Frozen Desserts
STATUTORY AUTHORITY: §19-11B-10
DATE FILED AS AN EMERGENCY RULE: May 15, 2026

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):

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

X (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): None.

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



FILED

2026 JUN -2 A 10:38

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Agriculture
RULE TYPE: Legislative
TITLE SERIES: 61 C.S.R. 42
RULE NAME: Cottage Foods Homemade Potentially Hazardous Food Items
STATUTORY AUTHORITY: §19-40-4
DATE FILED AS AN EMERGENCY RULE: June 1, 2026

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):

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

X (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): None.

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



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/1/2026 1:31:32 PM

Office of West Virginia
Secretary Of State



FILED
2026 JUN -2 A 10: 38
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Agriculture TITLE-SERIES: 61-42
 RULE TYPE: Legislative Amendment to Existing Rule: No
 RULE NAME: Cottage Foods Homemade Potentially Hazardous Food Items

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

§19-40-4

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:

Senate Bill 44 passed by 2026 Legislative Session

PRIMARY CONTACT:

NAME: Amie Minor
 ADDRESS: West Virginia Department Of Agriculture
 1900 Kanawha Boulevard, East
 EMAIL: aminor@wvda.us
 PHONE NUMBER: 304-558-3200

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

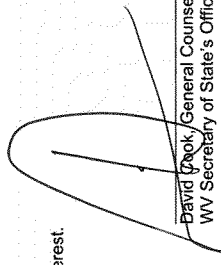
AGENCY: Speech Language Pathology and Audiology
 RULE TYPE: Legislative
 TITLE SERIES: 29 C.S.R. 01
 RULE NAME: Licensure of Speech-Pathology and Audiology
 STATUTORY AUTHORITY: §30-32-7
 DATE FILED AS AN EMERGENCY RULE: April 28, 2026

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):

- ___ (1) For the immediate preservation of the public peace, health, safety and welfare;
- X (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): None.


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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
25-1C-185867	Insurance Commission	State Farm Mutual Automobile Insurance Company	6/1/2026
26-1C-184418	Insurance Commission	Express Scripts, Inc.	6/1/2026
26-1C-188842	Insurance Commission	Foremost Insurance Company Grand Rapids, Michigan	6/2/2026

FILED

2026 JUN -1 P 1:44

AG



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

June 1, 2026

The Honorable David A. Wandling
Logan County Prosecuting Attorney
1 Washington Avenue, Suite 200
Logan, West Virginia 25601

Dear Prosecutor Wandling:

You have asked for an Opinion of the Attorney General about how the Logan County Commission may obtain financial records from volunteer fire departments. This Opinion is 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 Attorney General's Office.

You explain that your office has received and reviewed the Attorney General's September 4, 2025 opinion letter to the Mineral County Prosecuting Attorney concerning the Mineral County Commission's authority to audit VFDs ("Mineral County Letter"). See W. Va. Att'y Gen., Opinion Letter to the Honorable Charlie B. Johnson III (Sept. 4, 2025), 2025 WL 2655054. In that letter, we concluded that the Mineral County Commission could not audit VFDs, require VFDs to submit to a financial review, or withhold levy disbursements from VFDs for failure to submit to an audit. *Id.* at *1. We also concluded that the Mineral County Commission could request that the Legislative Auditor or the State Auditor perform an audit of any VFD about which the County Commission had concerns. *Id.*

Still, the Logan County Commission wants to inspect VFDs' financial information to protect the county's public fisc. So, you explain that your office needs clarification on the following three questions related to the Mineral County Letter:

- (1) *Did the Legislature's July 2025 amendment to West Virginia Code § 8-15-7a—granting the Legislative Auditor audit power over VFDs—divest the State Auditor of that same authority?*

- (2) *May the County Commission ask VFDs to voluntarily turn over financial information?*
- (3) *Are VFDs subject to West Virginia's Freedom of Information Act?*

We conclude first that the Legislative Auditor and State Auditor both have audit power over VFDs. The 2025 amendment to West Virginia Code § 8-15-7a did not divest the State Auditor of its independent authority to audit VFDs. We also conclude that the Logan County Commission may ask VFDs to turn over financial information on a voluntary basis. Finally, we conclude that government-formed VFDs are subject to FOIA, and in most cases, citizen-formed VFDs are, too.

DISCUSSION

I. Both the State Auditor and the Legislative Auditor may audit VFDs.

West Virginia Code § 8-15-7a subjects VFDs to regular audits and financial examinations. As enacted in 2019, Section 8-15-7a put the State Auditor in charge of those audits. W. VA. CODE § 8-15-7a (eff. June 4, 2019) ("The Auditor shall have the authority and the duty to make a regular review of the finances of each volunteer fire company constituted under the provisions of this article."). In 2025, the Legislature amended Section 8-15-7a to place that audit power with the Legislative Auditor. See S.B. 500, 2025 Leg., Reg. Sess. (W. Va. 2025); W. VA. CODE § 8-15-7a; see also Mineral County Letter, 2025 WL 2655054, at *3.

The 2025 amendment, however, does not eliminate the State Auditor's separate authority to conduct audits of VFDs. The State Auditor is empowered to "[m]ak[e] annual or special financial and compliance examinations or audits of local government offices." W. VA. CODE § 6-9-11(a)(1). That authority is broad and is not limited to any particular program or funding stream.

As we explained in the Mineral County Letter, VFDs appear to fall within the category of "local government offices" included in Section 6-9-11. The statute defines "local government office" to include "any other authority, board, commission, district, office, public authority, public corporation or other instrumentality of a county ... or municipality." W. VA. CODE § 6-9-11(a). VFDs have repeatedly been treated as quasi-governmental entities: they are extensively regulated by statute, provide services to the general public, and often receive public funds. See *Shepherdstown Volunteer Fire Dep't v. State ex rel. State of W. Va. Hum. Res. Comm'n*, 172 W. Va. 627, 635-36, 309 S.E.2d 342, 351 (1983) (describing volunteer fire departments as "quasi-governmental bodies"). The Legislature has likewise recognized VFDs as governmental instrumentalities in other contexts. See, e.g., W. VA. CODE § 29-12A-3(c) (including "volunteer fire departments ... recognized by an appropriate public body and authorized to perform a government function" within the definition of "political subdivision"). For these reasons, VFDs are subject to the State Auditor's audit authority under Section 6-9-11(a)(1).

Nor does the 2025 amendment to Section 8-15-7a impliedly repeal or divest that independent authority. West Virginia courts disfavor implied repeals and harmonize statutes where reasonably possible. *Russell v. Town of Granville*, 237 W. Va. 9, 12, 784 S.E.2d 336, 339 (2016);

syl. pts. 1 & 2, *State ex rel. City of Wheeling v. Renick*, 145 W. Va. 640, 116 S.E.2d 763 (1960). Here, the provisions can be read together without conflict: Section 8-15-7a establishes a specific, recurring audit regime for VFDs administered by the Legislative Auditor, while Section 6-9-11(a)(1) separately authorizes the State Auditor to conduct annual or special audits of local government offices, including VFDs, when circumstances warrant. And because no conflict exists, the specific-over-general canon does not apply. Syl. pt. 10, *Barber v. Camden Clark Mem'l Hosp. Corp.*, 240 W. Va. 663, 815 S.E.2d 474 (2018) (“The general rule of statutory construction requires that a specific statute be given precedence over a general statute relating to the same subject matter where the two cannot be reconciled.” (cleaned up)). *But see State ex rel. State v. Young*, No. 25-371, 2026 WL 938576, at *6 (W. Va. Apr. 7, 2026) (applying specific-over-general canon despite finding “the statutes are not in conflict”).

If the Legislature intended to make the Legislative Auditor’s authority exclusive, it could have said so expressly (for example, by using “exclusive” language, adding a “notwithstanding” clause, or amending Section 6-9-11). The 2025 amendment did none of those things. And “we are obliged not to add to statutes something the Legislature purposely omitted.” *Perito v. Cpv. of Brooke*, 215 W. Va. 178, 184, 597 S.E.2d 311, 317 (2004) (cleaned up).

Accordingly, we conclude that the Legislative Auditor has authority under Section 8-15-7a to audit VFDs as part of the statutory audit program, and the State Auditor retains independent authority under Section 6-9-11(a)(1) to conduct audits of VFDs as local government offices.

II. The County Commission Can Ask the VFD to Voluntarily Provide it With Financial Records.

We pointed out in the Mineral County Letter that county commissions still “might . . . find . . . ways” other than audits by the State Auditor or Legislative Auditor “to bring to light financial malfeasance, including public calls for financial disclosure.” Mineral County Letter, 2025 WL 2655054, at *4. A request for voluntary disclosure is one permissible “other way[.]” *Id.*

County commissions are “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 . . . 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) (cleaned up). 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, *City Comm’n of Greenbrier City v. Cummings*, 228 W. Va. 464, 720 S.E.2d 587 (2011) (cleaned up). 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).

Article IX, Section 11 of the West Virginia Constitution provides that county commissions “shall . . . have the superintendence and administration of the internal police and fiscal affairs of their counties.” W. VA. CONST. art. IX, §11. West Virginia Code § 7-1-3 mirrors that language. W. VA. CODE § 7-1-3. And West Virginia Code § 7-1-5 provides that county commissions must “supervise the general management of the fiscal affairs and business of each county.” *Id.* § 7-1-5.

AG

As part of this duty, county commissions set the total budget for all county operations and must maintain balanced budgets. *Id.* § 7-7-7(c) (granting commission authority to set total budget); *id.* § 11-8-26 (prohibiting deficit spending). Altogether, these constitutional and statutory provisions establish that county commissions have the express power—and the obligation—to oversee counties’ financial affairs. *See State Rd. Comm’n v. Kanawha Cnty. Ct.*, 112 W. Va. 98 (1932) (holding that “superintendence” over fiscal affairs means “oversight,” not absolute control).

That oversight authority carries the implied power to ask for financial records from VFDs that receive county money on a voluntary basis. County commissions fund VFDs through levies, W. VA. CODE § 7-1-3d(a)(1), and can “render financial aid to any one or more public fire protection facilities in operation in the county for the general benefit of the public in the prevention of fires,” *Id.* § 7-1-3d(b). So, if a VFD receives county funds, its finances and operations are part of the fiscal affairs of the county. And though county commissions lack the power to *audit* VFDs, *see* Mineral County Letter, 2025 WL 2655054, at *4, a simple inquiry is “reasonably and necessarily implied” in a county commission’s express power to oversee the county’s finances, syl. pt. 4, *State ex rel. W. Va. Parkways Auth. v. Barr*, 228 W. Va. 27, 716 S.E.2d 689 (2011) (cleaned up). Good fiscal stewardship requires a watchful eye, and county commissions cannot fulfill their constitutional charge without at least the ability to ask VFDs—and other publicly funded entities—how public funds are spent.

The Commission may request records, but it may not condition levy distributions, threaten adverse action, or represent the request as mandatory absent statutory authority (consistent with the Mineral County Letter).

III. VFDs, Ordinarily, Are “Public Bodies” Subject to FOIA.

Finally, in most cases, VFDs are “public bodies[.]” subject to FOIA’s demands. W. VA. CODE § 29B-1-2(4).

West Virginia’s Freedom of Information Act gives the public extensive rights to inspect public records. Unless a specifically enumerated exception authorizes non-disclosure, “[e]very person has a right to inspect or copy any public record of a public body in this state.” W. VA. CODE § 29B-1-3. The term “public body” encompasses, *inter alia*, “any board, department, commission council or agency” of a local government. *Id.* § 29B-1-2(4). It also extends to include “any other body which is created by state or local authority or which is primarily funded by the state or local authority.” *Id.* That definition is to be liberally construed. Syl. pt. 5, *Queen v. W. Va. Univ. Hosps., Inc.*, 179 W. Va. 95, 365 S.E.2d 375 (1987). And we must reject any reading grounded in “stilted formalism.” *Id.* at 102, 365 S.E.2d at 382.

One category of VFDs fits neatly into the definition of “public body”: those that governments establish. Municipalities “have plenary power and authority to provide for the prevention and extinguishment of fires and, for this purpose, it may, among other things, . . . provide for the organization, equipment, and government of volunteer fire companies.” W. VA. CODE § 8-15-1. And under West Virginia Code § 8-15-3, municipalities “may contract to render services in the prevention and extinguishment of fires upon property located within the state.” Too, county commissions may “[f]orm county fire prevention units, and supply equipment therefor in

the county.” *id.* § 7-1-3d(a)(2). In other words, local governments can set up their own VFDs. In that case, the VFD is “created by” a “local authority,” so it is a “public body” subject to FOIA. W. VA. CODE § 29B-1-2(4).

In some cases, though, private citizens can set up their own VFDs. Under West Virginia Code § 8-15-4, a group of twenty or more residents of a municipality without a paid fire department can form a VFD by filing a written statement of formation with the county clerk. W. VA. CODE § 8-15-4. Once recorded, the company’s members elect officers and adopt rules consistent with state law and local ordinances. *Id.* Additionally, under West Virginia Code § 8-15-7, “interested persons” may incorporate a VFD as a nonstock, nonprofit corporation under the State’s general corporation laws.

These citizen-formed VFDs, in most cases, will also qualify as “public bodies” because they are “created by state ... authority.” W. VA. CODE § 29B-1-2(4). Two cases dictate that outcome: *Queen v. West Virginia University Hospitals, Inc.*, 179 W. Va. 95, 365 S.E.2d 375 (1987) and *4-H Road Community Association v. West Virginia University Foundation, Inc.*, 182 W. Va. 434, 388 S.E.2d 308 (1989).

In *Queen*, the West Virginia Supreme Court of Appeals held that a hospital was a “public body” because it was formed pursuant to a specific enabling statute. *Queen*, 179 W. Va. at 102, 365 S.E.2d at 382. “[T]he statute was the *sine qua non* leading to the incorporation of [the hospital] and that body was, therefore created by state authority.” *Id.* In light of this, it mattered not that the hospital was created under the “general corporate provisions of West Virginia law.” *Id.* And the Court found it significant that the hospital would “remain accountable as a fiduciary to the people of West Virginia.” *Id.* The hospital was required to report its audited financials to the public and the Legislature annually. *Id.* And its board members were “appointed directly by the Governor and ... subject to confirmation by the State Senate.” *Id.*

In *4-H*, the Court found that a charitable foundation tasked with raising money for a university was *not* a “public body.” *4-H*, 182 W. Va. at 437-38, 388 S.E.2d at 311-12. The situation was different than that in *Queen*. “[T]he Foundation was formed by private citizens pursuant to the general corporate laws of the state” and “[n]o legislative mandate for such an entity predated its incorporation.” *Id.* at 437, 388 S.E.2d at 311. The foundation was “not located on state property; [it] did not utilize state employees; and selection of its Board of Directors, and their duties, [was] governed by the corporation’s by-laws.” *Id.* No “public money, property or employees [were] in any way used for the operation of the [foundation],” either. *Id.* at 438, 388 S.E.2d at 312.

Ordinarily, a citizen-formed VFD looks like the hospital in *Queen*; so it qualifies as a “public body” under FOIA. First, citizen-formed VFDs wouldn’t exist but for Sections 8-15-4 and 8-15-7. Those statutes are the “*sine qua non*” of citizen-formed VFDs. *Queen*, 179 W. Va. at 102, 365 S.E.2d at 382. And like the hospital in *Queen*, citizen-formed VFDs bear ongoing obligations that demonstrate their public character. They must comply with state law and local ordinances. W. VA. CODE § 8-15-4, remain subject to municipal authority, *id.* § 8-15-1, and provide a public service, *Stephenstown*, 172 W. Va. at 635, 309 S.E.2d at 351. In the same way that the State retained authority to appoint hospital board members, municipalities retain power to appoint and prescribe the duties of “commanding officers” of VFDs. W. VA. CODE § 8-15-1; *Mabscott*

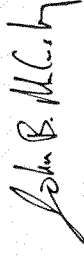
AG

Volunteer Fire Dep’t v. Houck, 184 W. Va. 37, 39 n.5, 399 S.E.2d 180, 182 n.5 (1990). Too, Section 8-15-7a subjects VFDs to regular financial audits—the same kind of accountability to the public that the *Queen* Court found significant. And, of course, VFDs receive significant state funding for equipment, training, and maintenance. JOINT COMM. ON GOV’T AND FIN., W. VA. OFF. OF THE LEGIS. AUDITOR, ANNUAL VOLUNTEER FIRE DEPARTMENT AUDIT REPORT – 2024.1 (Feb. 10, 2025) (“Every year, the State distributes millions of dollars to hundreds of West Virginia volunteer and part volunteer fire departments (VFD) for the purpose of providing funding for firefighting equipment, training, and maintenance.”).

The only case analyzing whether a citizen-formed VFD is a “public body,” *Porter v. Logan County Fire Department Station 2, Inc.*, No. 15-0520, 2016 WL 1735243, at *2-3 (W. Va. Apr. 29, 2016), isn’t applicable and isn’t to the contrary. In *Porter*, the Court declined to classify a citizen-formed VFD as a “public body,” but under a different statute: the Whistle-Blower Law, not FOIA. *Id.* And the result turned on a thin record; the petitioner simply failed to establish that the VFD received sufficient public funding to meet that statute’s 35% threshold. *Id.*

For citizen-formed VFDs, exceptional cases may exist, but those appear rare. Thus, VFDs—no matter how they are formed—almost always will be considered “public bodies” subject to FOIA. W. VA. CODE § 29B-1-2(4). Unless an exemption applies, they must answer FOIA requests for public records promptly upon receipt.

Sincerely,



John B. McCuskey
West Virginia Attorney General

Holly J. Wilson
Principal Deputy Solicitor General

S. Hallie Hovey-Murray
Assistant Solicitor General

Public Notice

west virginia dep department of environmental protection

Public Notice West Virginia Department of Environmental Protection Division of Air Quality

Comment Period Opens: June 5, 2026
Comment Period Closes: July 7, 2026

Publication: Charleston Newspapers and West Virginia State Register
Publication Date: June 5, 2026

Type of Notice: Public Comment Period
Location: Statewide

Proposed Activity: West Virginia Regional Haze Progress Report for the Second Planning Period

Project Description: The West Virginia Department of Environmental Protection (DEP) announces its intent to submit the *West Virginia Regional Haze Progress Report for the Second Planning Period*, which includes the years 2019 to 2028, to the U.S. Environmental Protection Agency (EPA). DEP is required to post a draft Regional Haze Progress Report for the Second Planning Period for a 30-day public comment period in accordance with regulatory requirements in 40 CFR 51.308(g) and the EPA's guidance for implementing the rule to comply with Section 169 of the Clean Air Act (CAA).

The Regional Haze Rule requires each state to periodically submit a report to the EPA evaluating progress towards the reasonable progress goal for each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.

DEP provided Federal Land Managers (FLMs) from the U.S. Fish & Wildlife Service, National Park Service, and U.S. Forest Service the opportunity for consultation as required by 40 CFR 51.308(i)(2). Per Section 169(A)(d) of the CAA, the comments received from the FLMs during consultation can be found in Appendix A of the proposed Progress Report.

"Promoting a healthy environment"

The proposed Progress Report is available for download and review at:

- the DAQ website at <https://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx>
- If you do not have internet capability, please contact the DAQ for alternatives.

Point of Contact: Todd Shrewsbury (todd.h.shrewsbury@wv.gov or 304-414-1908)

Written comments may be submitted at any time during the public comment period as instructed below. Comments must be received by the conclusion of the public comment period on July 7, 2026. Comments received after the conclusion of the public comment period will not be accepted.

Written Comments:

- E-mail written comments to todd.h.shrewsbury@wv.gov with "West Virginia Regional Haze Progress Report for the Second Planning Period" in the subject line, or
- Mail hard copy comments to the attention of Sandra Adkins at the WV Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304.

OTHER

Public Notice

West Virginia Department of Environmental Protection Division of Air Quality

Comment Period Opens: June 5, 2026
Comment Period Closes: July 7, 2026

Publication: Charleston Newspapers and West Virginia State Register
Publication Date: June 5, 2026
Type of Notice: Public Comment Period and Public Hearing
Location: Statewide

Proposed Activity: DAQ 2027 Legislative Rules
Project Description: The DAQ proposed 2027 legislative rules include:

- 45CSR2 (Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers)
- 45CSR3 (Control of Air Pollution from the Operation of Hot Mix Asphalt Plants)
- 45CSR5 (Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas)
- 45CSR6 (Control of Air Pollution from Combustion of Refuse)
- 45CSR7 (Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations)
- 45CSR10 (Control of Air Pollution from the Emission of Sulfur Oxides)
- 45CSR16 (Standards of Performance for New Stationary Sources)
- 45CSR18 (Control of Air Pollution from Combustion of Solid Waste)
- 45CSR21 (Control of Air Pollution from The Emission of Volatile Organic Compounds)
- 45CSR34 (Emission Standards for Hazardous Air Pollutants)

DAQ is limiting public comments to the proposed revisions to the rules and will not accept comments not related to the proposed revisions.

Upon authorization and promulgation of the final rules 45CSR16 and 45CSR34 will be submitted to the United States Environmental Protection Agency (EPA) to fulfill federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and

promulgation, 45CSR2, 45CSR3, 45CSR5, 45CSR6, 45CSR7, 45CSR10, 45CSR18, and 45CSR21 will be submitted to EPA for approval as a revision to the State Implementation Plan (SIP) pursuant to the federal CAA.

The proposed rules are available at the Secretary of State's website at <https://apps.sos.wv.gov/adlaw/esrf>. The PDF file includes information filed with the Secretary of State in addition to the proposed rule. If you do not have internet capability, please contact DAQ for alternatives.

Point of Contact: Laura Jennings (laura.m.jennings@wv.gov or 304-926-0475)

The DEP is holding the public hearing virtually. Instructions for participating and providing verbal comments are provided below. Both verbal and written comments will be made part of the official rulemaking record. Written comments may be submitted at any time during the public comment period as instructed below. Written comments must be received by July 7, 2026. Written comments received after July 7, 2026, will not be accepted.

Written Comments:

- E-mail written comments to Laura.M.Jennings@wv.gov with "Proposed DAQ 2027 Rule Comments" in the subject line, or
- Mail hard copy comments to the attention of Laura Jennings at the WV Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304.

Public Hearing: July 7, 2026, at 6:00 p.m.

The purpose of the public hearing is to receive comments concerning the proposed DAQ 2027 legislative rules identified above. A Response to Comments document will be prepared as part of the rulemaking process. A separate hearing will be held for each of the proposed rules. The hearings will be held sequentially by rule number and will commence immediately following the conclusion of the hearing for the previous proposed rule.

To participate online or by telephone, registration is required by 4:00 p.m. on Tuesday, July 7, 2026. To register, please complete the participant registration form at <https://forms.gle/wMQRfubvYInjmYcHA>. To register to speak, please indicate "yes" you want to provide verbal comments on the record when you register with the previously provided link. A confirmation e-mail will be sent with your responses when you register and information on how to join the public hearing will be sent after registration closes at 4:00 p.m. on July 7, 2026. If you do not have internet access and want to register, please contact Sandie Adkins or Nicole Ernest at (304) 926-0475. Registration for the online hearing is required to fulfill the state's obligation under federal air quality regulations to document the list of participants.

If you wish to speak at the public hearing, verbal testimony is limited to 5 minutes for each witness. If participating virtually, video demonstrations and screen sharing by witnesses is not permitted.

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

100 Dee Drive
Charleston, West Virginia 25311-1600

06/01/2026

OTHER

PROJECTS EXEMPT FROM REVIEW

May 26, 2026 - AMENDED Pierpont Center at Fairmont Campus Opco, LLC, CON File #26-6-13611-X, for the acquisition from 1543 Country Club Manor Operations LLC ("Seller") of the licensed nursing home operations of Wishing Well Assisted Living Community at Fairmont, a 52-bed assisted living facility ("ALF") in Fairmont, Marion County, West Virginia (the "Fairmont ALF"). On May 13, 2026, the Authority issued an exemption for the above referenced exemption request. On May 20, 2026, the Authority received a request to amend the exemption reflecting this location is actually an assisted living operation. The AMENDED exemption is for the acquisition from 1543 Country Club Manor Operations LLC ("Seller") of the licensed assisted living operations of Wishing Well Assisted Living Community at Fairmont, a 52-bed assisted living facility ("ALF") in Fairmont, Marion County, West Virginia (the "Fairmont ALF").

May 28, 2026 - CORRECTED Pierpont Center at Fairmont Campus Opco, LLC, CON File #26-6-13611-X, for the acquisition from 1543 Country Club Manor Operations LLC ("Seller") of the licensed assisted living operations of Wishing Well Assisted Living Community at Fairmont, a 52 bed assisted living facility ("ALF") in Fairmont, Marion County, West Virginia (the "Fairmont ALF").

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

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **05/29/2026**.

LETTER OF INTENT RECEIVED

May 26, 2026 - Weirton Medical Center, CON File #26-11-13630-H, for the construction of a cancer center and the development of a complete comprehensive cancer center to include radiation therapy in Weirton, Brooke County, West Virginia. Capital Expenditure \$24,260,000.

May 29, 2026 - Shana Caring Hands Home Care, LLC, CON File #26-9-13633-Z, for the provision of skilled home health services in Jefferson County, West Virginia. Capital Expenditure \$22,050.

LETTER OF INTENT EXPIRED

May 26, 2026 - ProSource Staffing, LLC, CON File #26-3-13625-Z, for the provision of skilled Home Health Services in Putnam County, West Virginia. Capital Expenditure \$125,000.

May 26, 2026 - ProSource Staffing, LLC, CON File #26-3-13624-PC, for the provision of In-Home Personal Care Services in Putnam County, West Virginia. Capital Expenditure \$65,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

May 26, 2026 - WVUHS Home Care, LLC, CON File #26-3-13626-Z, for the provision of home health services in Putnam County, West Virginia. Capital Expenditure \$25,000.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

May 28, 2026 - WVUHS Home Care, LLC, CON File #26-3-13626-Z, for the provision of home health services in Putnam County, West Virginia. Capital Expenditure \$25,000.

May 29, 2026 - VCG West Virginia, LLC, CON File #26-10/11-13621-A, for the

Gordon C. Lane, Jr.
Interim Executive Director
General Counsel

OTHER

Notice of Review

June 1, 2026

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:

May 18, 2026 - Wheeling Hospital, CON File #26-10-13617-A, for the acquisition of Orchard Park Hospital located in Wheeling, Ohio County, West Virginia. Capital Expenditure \$19,885,000.

May 28, 2026 - WVUHS Home Care, LLC, CON File #26-3-13626-Z, for the provision of home health services in Putnam County, West Virginia. Capital Expenditure \$25,000.

May 29, 2026 - VCG West Virginia, LLC, CON File #26-10/11-13621-A, for the acquisition of the home health agency currently operated by F.C. of West Virginia, Inc., whose service areas include Hancock, Brooke, Ohio, Marshall and Wetzel Counties in West Virginia. Capital Expenditure \$772,000.

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 **May 29, 2026**.

On or before **June 29, 2026**, 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 and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **July 2, 2026**. 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 **July 27, 2026**.

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 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.

6/1/2026
Date

Eddie Fuiks
Eddie Fuiks
CON Secretary
West Virginia Health Care Authority



FILED
WV SECRETARY OF STATE
JUNE 01, 2026 09:54 AM



Memorandum

OTHER

To: Secretary Kris Warner, West Virginia Secretary of State
From: Larry Pack, West Virginia State Treasurer
cc: Lindsay Marchio, General Counsel
Steve Bohman, Deputy State Treasurer
Date: June 1, 2026
Re: West Virginia Security for Public Deposits Program Commencement

Pursuant to W. Va. Code §12-1B-5, the State Treasurer is required to announce the commencement of the West Virginia Security for Public Deposits Program by publishing notice in the State Register at least 30 days prior to commencement of the Program. In accordance with state law, the West Virginia Security for Public Deposits Program will commence on **July 6, 2026**. Please publish this notice in the State Register.

Thank you,

Handwritten signature of Larry Pack in cursive.

Larry Pack
State Treasurer