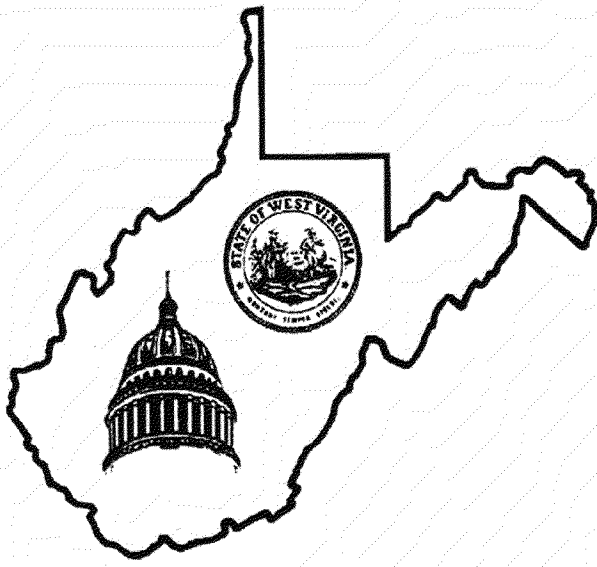




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Administrative Law Division

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Grievances Report

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Other Documents or Information Filed

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

Agriculture
Attorney General
Community & Tech. College Education
Corrections & Rehabilitation, WV Div. of
Health Care Authority
Insurance Commission
Medicine, WV Bd. of
Municipal Pensions Oversight Board
Occupational Therapy
Racing Commission
Real Estate Appraiser Licensing and Certification Bd.
Secondary School Activities Commission
Senior Services
Treasurer
Veterinary Medicine

CHRONOLOGICAL INDEX

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RULES FILED FOR PUBLIC COMMENT THIS WEEK

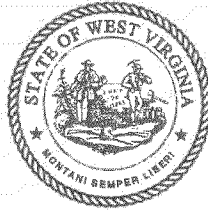
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Agriculture (61-01C)	Disposal of Poultry Mortality Legislative	\$19-9-34A	Written Comments Only: July 9, 2026, 12:00pm Amie Minor 1900 Kanawha Blvd., East Charleston, WV 25305 rulescomments@wvda.us
Agriculture (61-01D)	List of Restricted Live, Modified Live and Killed Vaccines for Animals Legislative	\$19-9-2	Written Comments Only: July 10, 2026, 12:00pm Amie Minor 1900 Kanawha Blvd., East Charleston, WV 25305 rulescomments@wvda.us
Agriculture (61-06D)	Nutrient Management Certification Legislative	\$19-15-12	Written Comments Only: July 9, 2026, 12:00pm Amie Minor 1900 Kanawha Blvd., East Charleston, WV 25305 rulescomments@wvda.us
Agriculture (61-38)	Farmers Market Legislative	\$19-35-4	Written Comments Only: July 9, 2026, 12:00pm Amie Minor 1900 Kanawha Blvd., East Charleston, WV 25305 rulescomments@wvda.us
Community and Tech. College Education (135-08)	West Virginia Invests Grant Program Legislative	§§8B-1-6 and 8C-9-4	Written Comments Only: July 6, 2026, 5:00pm Sarah Tucker 2001 Union Carbide Drive Bldg. 2000 South Charleston, WV 25303 tucker@wvctcs.edu
Community and Tech. College Education (135-35)	Business, Occupational, and Trade Schools Legislative	\$18B-2B-9	Written Comments Only: July 9, 2026, 5:00pm Chancellor Sarah Tucker 2001 Union Carbide Drive Bldg. 2000 South Charleston, WV 25303 tucker@wvctcs.edu

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Medicine (11-17)	Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits Legislative	§§30-3H-4, 30-1-7(a), 30-1-D-1(d)	Written Comments Only: July 8, 2026, 4:30pm Jamie C. Frame- Ex. Adm. Asst. & Office Mgr. 101 Dee Drive, Suite 103 Charleston, WV 25311 jamie.c.frame@wv.gov
Municipal Pensions Oversight Board (211-03)	Actuarial Purchasing Exemption Procedural	§§5A-1-12 and 8-22-18a(g)	Written Comments Only: July 10, 2026, 4:00pm David L. Lemmon 301 Eagle Mtn. Road Suite 251 Charleston, WV 25311 david.l.lemmon@wv.gov
Occupational Therapy (13-01)	Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants Legislative	§30-28-7	Written Comments Only: July 13, 2026, 12:00am Vonda Malnikoff 1063 Maple Dr. Suite 4B wvbot@wv.gov
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Board Legislative	§30-38	Written Comments Only: July 10, 2026, 4:00pm WV Real Estate Appraiser Licensing and Certification Board 405 Capitol St., Suite 906 Charleston, WV 25301 jeffrey.b.burrell@wv.gov
Real Estate Appraiser Licensing and Certification Board (190-03)	Renewal of Licensure or Certification Legislative	§30-38	Written Comments Only: July 10, 2026, 4:00pm WV Real Estate Appraiser Licensing and Certification Board 405 Capitol St., Suite 906 Charleston, WV 25301 jeffrey.b.burrell@wv.gov
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	§§18-2-5 and 18-2-25 et seq.	Written Comments Only: July 13, 2026, 4:00pm Wayne Ryan, Executive Director 2875 Staunton Turnpike Parkersburg, WV 26104 wayne.ryan@wvssac.org

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EMERGENCY RULES FILED THIS WEEK				
AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE	COMMENT END DATE
Medicine (11-17)	Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits	§§30-3H-4, 30-1-7(a), 30-1-D-1(d)	ERD by July 20, 2026	July 8, 2026
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility	§§18-2-5 and 18-2-5 et seq.	June 11, 2026	July 13, 2026
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act	§37B-4-7	ERD by July 17, 2026	July 6, 2026



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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
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 (61-01C)	Disposal of Poultry Mortality Legislative	6/9/2026	7/9/2026						
Agriculture (61-01D)	List of Restricted Live, Modified Live and Killed Vaccines for Animals Legislative	6/10/2026	7/10/2026						
Agriculture (61-02A) Sunset Provision	Labeling of Imported Honey, Honey Products or Honey Bee By- Products; Adulterated Honey, Honey Products or Honey Bee By- Products Legislative				6/5/2026				
Agriculture (61-04) Sunset Provision	Traditional Cheese Production Legislative				6/2/2026				
Agriculture (61-04A) Sunset Provision	Production of Milk and Cream for Manufacturing Purposes Legislative				6/10/2026				
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	5/15/2026	6/15/2026	5/15/2026 Approved 6/2/2026					
Agriculture (61-06D)	Nutrient Management Certification Legislative	6/9/2026	7/9/2026						
Agriculture (61-07A) Sunset Provision	Marketing of Eggs Rule Legislative				6/10/2026				
Agriculture (61-11B)	Auctioneers Legislative	5/27/2026	6/27/2026						
Agriculture (61-12C) Sunset Provision	Wood Destroying Insect Treatment Standards Legislative				6/8/2026				
Agriculture (61-38)	Farmers Market Legislative	6/9/2026	7/9/2026						
Agriculture (61-42)	Cottage Foods-Homemade Potentially Hazardous Food Items Legislative	6/1/2026	6/30/2026	6/1/2026 Approved 6/2/2026					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	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						
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			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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						
Community & Tech. College Education (135-08)	West Virginia Invests Grant Program Legislative	6/5/2026	7/6/2026						
Community & Tech. College Education (135-35)	Business, Occupational, and Trade Schools Legislative	6/8/2026	7/9/2026						
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						

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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
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	7/10/2026
Health (64-103)	Expedited Partner Therapy Legislative							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 (64-115)	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 Commission (114-42) Sunset Provision	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative				5/13/2026				
Insurance Commission (114-98) Sunset Provision	Adoption of Valuation Manual Legislative				5/13/2026				
Insurance Commission (114-102) Sunset Provision	Term and Universal Life Insurance Reserve Financing Legislative				5/13/2026				
Lottery Commission (179-01) Sunset Provision	West Virginia Lottery State Lottery Rules Legislative				5/7/2026				
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				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-15) Sunset Provision	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants Legislative				5/4/2026				
Medicine (11-17)	Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits Legislative	6/8/2026	7/8/2026	6/8/2026 Approved 6/9/2026					
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 (211-03)	Actuala Purchasing Exemption Procedural	6/10/2026	7/10/2026						
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
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 Administrations Legislative	5/6/2026	6/5/2026						
Occupational Therapy (13-01)	Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants Legislative	6/10/2026	7/13/2026						

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

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	6/9/2026	9/7/2026
Racing Commission (178-10) Sunset Provision	Advance Deposit Account Wagering (ADW) Legislative				7/22/2025	Approved 8/5/2025	HB4251 SB298 Bundled HB4245	6/9/2026	7/31/2026
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Legislative	6/10/2026	7/10/2026						
Real Estate Appraiser Licensing and Certification Board (190-03)	Renewal of Licensure or Certification Legislative	6/10/2026	7/10/2026						
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 (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	6/11/2026	7/13/2026	6/11/2026 Effective 6/11/2026					
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	6/9/2026	6/9/2026

RULE MONITOR								
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	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	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	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	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	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		6/10/2026			

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	6/5/2026 ERD by 7/17/2026					
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		6/10/2026				
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		6/10/2026				
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 PUBLIC COMMENT PERIOD

AGENCY: Agriculture TITLE-SERIES: 61-01C
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Disposal of Poultry Mortality
CITE STATUTORY AUTHORITY: §19-9-34A.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/09/2026 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:

No

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

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture TITLE-SERIES: 61-01D
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: List of Restricted Live, Modified Live And Killed
Vaccines For Animals
CITE STATUTORY AUTHORITY: §19-9-2

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2026 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: 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 AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE

AGENCY: Agriculture TITLE-SERIES: 61-02A
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Labeling of Imported Honey, Honey Products or Honey Bee By-Products; Adulterated Honey,
Honey Products or Honey Bee By-Products

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: §19-1-4(i)

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:

To establish guidelines for honey labeling.

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED: No
(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO
COMMENTS)

PUBLIC HEARING: No

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

AGENCY: Agriculture TITLE-SERIES: 61-04A
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 61-04A Production of Milk and Cream For Manufacturing Purposes

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: §19-16A-4

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

Operation of and procedures for the production of milk and cream for manufacturing purposes.

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED: No
(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO
COMMENTS)

PUBLIC HEARING: No



LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture TITLE-SERIES: 61-06D
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Nutrient Management Certification

CITE STATUTORY AUTHORITY: §19-15-12

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/09/2026 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: No

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

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

AGENCY: Agriculture TITLE-SERIES: 61-07A
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 61-07A Marketing of Eggs Rule

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: §19-16A-4

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

To establish standards for internal and external egg quality, size, and weight classification for shell eggs.

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No



WEST VIRGINIA SECRETARY OF STATE
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ADMINISTRATIVE LAW DIVISION

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ADMINISTRATIVE LAW DIVISION

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6/9/2026 12:02:28 PM
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Secretary Of State

LEGISLATIVE

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

AGENCY: Agriculture TITLE-SERIES: 61-12C
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 61-12C Wood Destroying Insect Treatment Standards

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: §19-16A-4

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

To establish minimum requirements for structural pest control work on existing structures and on new construction

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

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

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

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

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture TITLE-SERIES: 61-38
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Farmers Markets
CITE STATUTORY AUTHORITY: §19-35-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/09/2026 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: Yes

(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

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6/5/2026 3:04:34 PM
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Secretary Of State



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/8/2026 11:46:25 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Community And Technical College Education
RULE TYPE: Legislative
RULE NAME: West Virginia Invests Grant Program
CITE STATUTORY AUTHORITY: §8B-1-6 and §8C-9-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

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

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sarah Tucker

ADDRESS: 2001 Union Carbide Drive

Bldg. 2000

EMAIL: tucker@wvctcs.edu

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE:

No

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

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Community And Technical College Education
RULE TYPE: Legislative
RULE NAME: Business, Occupational, and Trade Schools
CITE STATUTORY AUTHORITY: §18B-2B-9

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/09/2026 5:00 pm

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Chancellor Sarah Tucker

ADDRESS: WV Council for Community & Technical College Education

2001 Union Carbide Dr., Building 2000

EMAIL: tucker@wvctcs.edu

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE:

No

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



WEST VIRGINIA SECRETARY OF STATE

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6/8/2026 1:26:55 PM

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2026 JUN -9 A 10:36

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SECRETARY OF STATE

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
129.15	07 July 2026	Severance Pay
131.00	07 July 2026	Prohibited Workplace Harassment
315.00	07 July 2026	Fire Safety

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Medicine TITLE-SERIES: 11-17
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Licensure and Regulation of Genetic Counselors
and Active Candidate Status Permits
CITE STATUTORY AUTHORITY: W. Va. Code § 30-3H-4, § 30-1-7a, § 30-1D-1(d).

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/08/2026 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jamie C. Frame, Executive Administrative Assistant and Office Manager

ADDRESS: 101 Dee Drive, Suite 103

Charleston, WV 25311

EMAIL: jamie.c.frame@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 FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Occupational Therapy
RULE TYPE: Legislative
RULE NAME: Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants
TITLE-SERIES: 13-01
Repeal of existing rule: No

AGENCY: Racing Commission
RULE TYPE: Legislative
RULE NAME: Thoroughbred Racing
TITLE-SERIES: 178-01
Repeal of existing rule: No

CITE STATUTORY AUTHORITY: 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b and 19-23-15.

COMMENTS LIMITED TO:

The above rule has been authorized by the West Virginia Legislature.

Written

Authorization is cited in (house or senate bill number) 4245

DATE OF PUBLIC HEARING:

Section 64-7-5(a) Passed On

3/14/2026 12:00:00 AM

LOCATION OF PUBLIC HEARING:

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

September 7, 2026

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

August 01, 2031

DATE WRITTEN COMMENT PERIOD ENDS: 07/13/2026 12:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr.

Suite 4B

EMAIL: wvbot@ww.gov

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

Yes

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

PLEASE INDICATE IF THIS FILING INCLUDES:

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

INCORPORATED BY REFERENCE:

No
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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6/9/2026 3:10:20 PM
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WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/10/2026 11:33:53 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Racing Commission TITLE-SERIES: 178-10
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Advanced Deposit Account Wagering
CITE STATUTORY AUTHORITY: W. Va. Code 19-23-12e(l).
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) 4245
Section 64-7-5(b) 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:

July 31, 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

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

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Real Estate Appraiser Licensing And Certification Board TITLE-SERIES: 190-02
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Requirements for Licensure and Certification
CITE STATUTORY AUTHORITY: 30-38
COMMENTS LIMITED TO:
Written
DATE OF PUBLIC HEARING:
LOCATION OF PUBLIC HEARING:
DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2026 4:00 PM
COMMENTS MAY BE MAILED OR EMAILED TO:
NAME: WV Real Estate Appraiser Licensing and Certification Board
ADDRESS: 405 Capitol St., Suite 906
Charleston, WV 25301
EMAIL: jeffrey.b.burrell@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: Yes

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



LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Real Estate Appraiser Licensing And Certification Board
RULE TYPE: Legislative
RULE NAME: Renewal of Licensure or Certification
CITE STATUTORY AUTHORITY: 30-38

TITLE-SERIES: 190-03
Repeal of existing rule: No

COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:
LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2026 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WV Real Estate Appraiser Licensing and Certification Board

ADDRESS: 405 Capitol St., Suite 906

Charleston, WV 25301

EMAIL: jeffrey.b.burrell@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:

Yes

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

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission
RULE TYPE: Legislative
RULE NAME: Athletics, Provisions Governing Eligibility
CITE STATUTORY AUTHORITY: W. Va. Constitution, Article XII, §2, and W. Va. Code §18-2-5 and §18-2-25 et seq.

TITLE-SERIES: 127-02
Repeal of existing rule: No

COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:
LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/13/2026 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)



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/9/2026 3:57:53 PM

Office of West Virginia
Secretary Of State



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/10/2026 11:47:04 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Senior Services
RULE TYPE: Legislative
RULE NAME: Shared Table Initiative for Senior Citizens
CITE STATUTORY AUTHORITY: W. Va. Code §16-5S-9a
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) HB 4265
Section §64-9-23 Passed On 3/14/2026 12:00:00 AM
TITLE-SERIES: 76-06
Repeal of existing rule: No

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

June 9, 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

Katie B Hudak -- 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 AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE

AGENCY: Treasurer
RULE TYPE: Legislative
RULE NAME: 112-04 Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies
TITLE-SERIES: 112-04
Amendment to Existing Rule: Yes
Repeal of existing rule: No

PRIMARY CONTACT

NAME: James Fuerhoff
ADDRESS: 1900 Kanawha Blvd E 145
Charleston, WV 25305
EMAIL: jgfuerhoff@gmail.com

PHONE NUMBER: 304-341-0744

CITE STATUTORY AUTHORITY: §12-2-2

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:

§12-2-2 requires the State Treasurer to propose rules for legislative approval prescribing the manner in which state
agencies deposit moneys with the State Treasurer's Office. The amendments to the rule updates the sunset
provision and adds a definition of "digital payment" for the purposes of deposit methods.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN
EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/8/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/8/2026

COMMENTS RECEIVED: No
(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO
COMMENTS)

PUBLIC HEARING: No



LEGISLATIVE

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

AGENCY: Treasurer TITLE-SERIES: 112-07
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 112-07 Selection of State Depositories for Receipt Accounts

PRIMARY CONTACT

NAME: James Fuerhoff
ADDRESS: 1900 Kanawha Blvd E 145
Charleston, WV 25305
EMAIL: jgfuerhoff@gmail.com
PHONE NUMBER: 304-341-0744

CITE STATUTORY AUTHORITY: §12-1-2

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:

§12-1-2 requires the Treasurer to propose rules prescribing selection criteria and procedures for the selection of state depositories.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/8/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/8/2026

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

AGENCY: Treasurer TITLE-SERIES: 112-10
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 112-10 Reporting Debt

PRIMARY CONTACT

NAME: James Fuerhoff
ADDRESS: 1900 Kanawha Blvd E 145
Charleston, WV 25305
EMAIL: jgfuerhoff@gmail.com
PHONE NUMBER: 304-341-0744

CITE STATUTORY AUTHORITY: §12-6A-7

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

The Treasurer is required to promulgate legislative rules relating to debt management reporting requirements pursuant to §12-6A-7.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/8/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/8/2026

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No



PROCEDURAL

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Municipal Pensions Oversight Board
TITLE-SERIES: 211-03
RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: SERIES 03 ACTUARIAL PURCHASING EXEMPTION
CITE STATUTORY AUTHORITY: W.Va. Code §§A-1-12 and §8-22-18a(g)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2026 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: David L Lemmon
ADDRESS: 301 Eagle Mnt. Road suite 251
Charleston, WV 25311
EMAIL: david.l.lemmon@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)



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/8/2026 1:23:00 PM
Office of West Virginia
Secretary Of State



FILED
2026 JUN -9 A 10:59
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Medicine TITLE-SERIES: 11-17

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code §§ 30-3H-4, 30-1-7(a), 30-1D-1(d)

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

PRIMARY CONTACT:

NAME: Jamie C Frame Executive Administrative Assistant and Office Manager

ADDRESS: 101 Dee Drive Suite 103
Charleston, WV 25311

EMAIL: jamie.c.frame@wv.gov

PHONE NUMBER: 304-556-2921

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: Medicine

RULE TYPE: Legislative

TITLE SERIES: 11 C.S.R. 17

RULE NAME: Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits

STATUTORY AUTHORITY: §§ 30-3H-4, 30-1-7(a), 30-1D-1(d)

DATE FILED AS AN EMERGENCY RULE: June 8, 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



EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Secondary School Activities Commission
RULE TYPE: LegislativeExempt
RULE NAME: Athletics, Provisions Governing Eligibility
CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:
W. Va. Constitution, Article XII, §2, and W. Va. Code §18-2-5 and §18-2-25 et seq.

AGENCY: Treasurer
RULE TYPE: Legislative
RULE NAME: Enforcement of the Uniform Unclaimed Property Act
TITLE-SERIES: 127-02
TITLE-SERIES: 112-05
Amendment to Existing Rule: Yes

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:

The proposed changes to this rule are a result of the passage of House Bill No. 4425 - To repeal the provision allowing for students to transfer from one school to another without losing eligibility (2026 Regular Legislative Session), effective on June 11

PRIMARY CONTACT:

NAME: Wayne Ryan Executive Director
ADDRESS: 2875 Staunton Turnpike
Parkersburg, West Virginia 26104
EMAIL: wayne.ryan@wvssac.org
PHONE NUMBER: 304-485-5494

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

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:
§37B-4-7

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:

§37B-4-7

PRIMARY CONTACT:

NAME: James Fuerhoff
ADDRESS: 1900 Kanawha Blvd E # 145
Charleston, WV 25305
EMAIL: james.fuerhoff@wvsto.gov
PHONE NUMBER: 304-341-0744

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:

Orders Report

Docket Number	Agency	Respondent	Date Rendered
25-1C-182917	Insurance Commission	Omar Elsayed	6/5/2026
26-1C-189657	Insurance Commission	W. Va. Insurance Company	6/5/2026
24-1C-175988	Insurance Commission	United States Fire Insurance Company	6/5/2026
1225D	Veterinary Medicine	Conrad McCoy, DVM	5/21/2026
0925D	Veterinary Medicine	Sandra Smith, DVM	4/22/2026

6/12/2026 8:59:56 AM

FILED

JUN 10 P 2:28

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AG



State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

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

June 10, 2026

Andy Neptune, Executive Director
School Building Authority of West Virginia
2300 Kanawha Boulevard, East
Charleston, WV 25311

Dear Executive Director Neptune:

You have asked for an Opinion of the Attorney General concerning the School Building Authority's ("SBA") ability to fund public charter school facilities under West Virginia Code § 18-9D-15(o). This Opinion is being issued under West Virginia Code § 5-3-1, which directs the Attorney General to give written opinions on questions of law when requested by any state board or commission. 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.

Your letter poses the following legal questions:

- (1) *Under West Virginia Code § 18-9D-15(o), may the SBA award building grants to public charter schools that do not own their school buildings?*
- (2) *If so, under West Virginia Code § 18-9D-15(o), what recourse does the SBA have against the property owner upon the public charter school's closure?*

We first conclude that Section 18-9D-15(o) contains no ownership requirement. The SBA may award funding to a charter school for capital projects even if the school does not own its school building. We also conclude Section 18-9D-15(o) contains a recoupment mechanism that protects the SBA's investment—but it runs only against the public charter schools, not their landlords. The SBA has no built-in recourse against landlords. The SBA might be able to require separate agreements with landlords as a condition of a grant award. But those agreements likely will be difficult to secure and, in any event, could still be legally unsound.

DISCUSSION

I. The SBA may award funding to charter schools that do not own their facilities.

West Virginia's public charter schools have flexibility in selecting appropriate facilities. A charter school can "[r]equire real property for use as its facilities or facilities from public or private sources," W. VA. CODE § 18-5G-7(c)(2)(F). "[o]wn, rent, or lease its space," *id.* § 18-5G-7(d)(3), and "[r]egotiate and contract with ... any third party for the use, operation, and maintenance of a building and grounds," *id.* § 18-5G-7(d)(1). So, some public charter schools own their facilities; some do not.

West Virginia Code § 18-9D-15(o) authorizes the SBA to fund capital projects for public charter school facilities. W. VA. CODE § 18-9D-15(o). It provides that "a public charter school may, in its name and sole discretion, submit [an] application to the [SBA] for funding for costs associated with the renovating, remodeling, purchase or construction of a building to be used for public charter school purposes." *Id.* The SBA "may, in its sole discretion," award funding for those projects in an amount "it determines appropriate." *Id.* If the public charter school closes, and it "used [SBA] funding for its building, the building shall be returned" to the SBA or the State. *Id.* "[I]f [SBA] funds were used to improve an existing property," the SBA may "develop a formula to determine the monetary amount of improvements to be returned" to the SBA or the State. *Id.*

Section 15(o)'s text doesn't limit grant eligibility to charter schools that own their facilities. "[A] public charter school" can apply for SBA funding. W. VA. CODE § 18-9D-15(o). The funding can be used in connection with "a building." Those phrases sweep broadly; they are unrestricted in any way. *Cf. Maupin v. Sidiropolis*, 215 W. Va. 492, 497, 600 S.E.2d 204, 209 (2004) ("Typically ... 'an' is construed as making general, rather than specific, references to its words of modification.").

Rather than ownership status, the statute looks to a facility's use to determine fund eligibility. Again: charter schools may apply to use SBA grants only for "renovating, remodeling, purchase or construction of a building to be used for public charter school purposes." W. VA. CODE § 18-9D-15(o). The funded activities don't impliedly exclude non-owning charter schools. Just one of those projects—"purchase"—requires the public charter school to take ownership of a building. The others do not. Renovating and remodeling describe improvements to existing structures and are routinely performed by tenants. Construction can also happen on leased property. And the building at which these activities are undertaken is *any* building "used"—not necessarily owned—by a public charter school.

The Legislature could have limited eligibility to facility-owning charter schools in several different ways. But it chose not to. And "we are obliged not to add to statutes something the Legislature purposely omitted." *Perito v. Cnty. of Brooke*, 215 W. Va. 178, 184, 597 S.E.2d 311, 317 (2004) (cleaned up).

Further, Section 15(o)'s recoupment mechanism confirms funding is available to all charter schools, regardless of ownership status. It involves two intersecting rules that, together, protect the SBA's interests when a charter school closes.

First, the recoupment mechanism draws a line at ownership. It provides that a public charter school that "used" SBA funds for "its building" must, upon closing, give the entire building to the SBA or the State. W. VA. CODE § 18-9D-15(o). Only facility-owning charter schools are subject to this rule. In contrast to the general "a building" language used earlier in the subsection, this provision speaks to "its building." See *Bowe v. United States*, 607 U.S. 13, 37 (2026) ("[W]hen we're engaged in the business of interpreting statutes, we presume differences in language like this convey differences in meaning." (cleaned up)). And "its" is a possessive pronoun connoting an ownership interest. *Its*, MERRIAM-WEBSTER, <https://tinyurl.com/y8y3r8t6> (last visited June 8, 2026) (defining "its" as a "possessive form of it" meaning "relating to or belonging to a certain thing"). That reading makes sense. After all, only schools that own their buildings can transfer them. See W. VA. CODE § 36-1-11; Restatement (Second) of Property, Land & Ten. § 15.1 (1977).

Second, the recoupment mechanism draws a line at use. It contemplates that charter schools that use money to "improve... existing property" will pay the SBA back after the school closes. W. VA. CODE § 18-9D-15(o). To "improve" property generally means "to increase the value of (land or property) by making it more useful for humans (as by cultivation or the erection of buildings)." *Improve*, MERRIAM-WEBSTER, <https://tinyurl.com/ynwvuuuf> (last visited June 8, 2026); see *Improve*, BLACK'S LAW DICTIONARY (12th ed. 2024) (defining "improve" as "to increase the value or enhance the appearance of (something)"); accord *Neal v. Marion*, 222 W. Va. 380, 387, 664 S.E.2d 721, 728 (2008) (noting that an "improvement" in the statute of repose includes items that "enhance[] the value of the real property"); *Ravenna Furnace & Heating Co. v. Cotts*, 124 W. Va. 750, 22 S.E.2d 371, 373 (1942) (improvements contemplate "enhanced value thereof to the landowner"). This understanding aligns with the statutory definition of "school major improvement project," which similarly contemplates "a project ... for the renovation, expansion, repair, and safety upgrading of existing school facilities, buildings, and structures, including the substantial repair or upgrading of equipment, machinery, building systems, utilities and other similar items related to the renovation, repair or upgrading." W. VA. CODE § 18-9D-2(9). For purposes of Section 15(o), then, "improving" an existing property" includes "renovating" or "remodeling" "an existing property" or performing "construction" on an "existing property" in a way that increases its value or utility. W. VA. CODE § 18-9D-15(o). The "purchase" of a building or the "construction" of a building from the ground up would not qualify as an improvement of an existing property. *Id.*; see also W. VA. CODE § 18-9D-2(3) (defining "construction project" to be mutually exclusive of a "major improvement project").

Read together, the recoupment mechanism operates as follows: Non-owning schools return the monetary value of their improvements; facility-owning schools return the building itself, or its improved value if SBA funds went only toward improvements. The recoupment mechanism, thus, touches every possible ownership status.

The constitutional backdrop also resolves in favor of broader access to funding. The Constitution treats education funding as a top priority, second only to servicing debt. Article XII,

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Section 1 directs that "[t]he Legislature shall provide, by general law, for a thorough and efficient system of free schools." W. VA. CONST. art. XII, § 1. Article X, Section 5 authorizes the Legislature's taxing power to extend to "the support of free schools." *Id.* art. X, § 5. These provisions assign public education "a constitutionally preferred status" in this State. Syl. pt. 1, *State ex rel. Bd. of Educ. v. Rockefeller*, 167 W. Va. 72, 281 S.E.2d 131 (1981); accord *Pauley v. Kelly*, 162 W. Va. 672, 719, 255 S.E.2d 859, 884 (1979) ("Our basic law makes education's funding second in priority only to payment of the State debt, and ahead of every other State function."). To serve that end, the Legislature may "augment[], and mak[e] more efficient, the general system of free schools ... where it may think it wise to do so." *Herold v. McQueen*, 71 W. Va. 43, 49, 75 S.E. 313, 315-16 (1912). The Legislature has done so here. It defines public charter schools as "public schools," classifies them as "part of the state's public education system," and subjects the schools to comprehensive state supervision. W. VA. CODE § 18-5G-1(c). Reading Section 15(o) narrowly would be contrary to the State's goal of expanding educational opportunities.

Article X, Section 6, West Virginia's Credit Clause, doesn't require that grant recipients own their facilities. Article X, Section 6 provides that "[t]he credit of the State shall not be granted to, or in aid of any county, city, township, corporation or person." W. VA. CONST. art. X, § 6. It prohibits the State from underwriting private debt or subsidizing private undertakings. See *State ex rel. W. Va. Citizens Action Grp. v. W. Va. Econ. Dev. Grant Comm'n*, 213 W. Va. 255, 278-79, 580 S.E.2d 869, 892-93 (2003). But, it does not prohibit public expenditures that serve public purposes, even where incidental private benefit may follow. See *id.* (detailing public purpose doctrine). Here, the Legislature "has provided a clear statement of the public purpose which it seeks to serve," *id.* at 277, 580 S.E.2d at 891, in Section 15(o): funding "construction and major improvement of school facilities ... to meet the educational needs of the people of this state in an efficient and economical manner." W. VA. CODE § 18-9D-15(a). Consistent with that charge, the direct beneficiary of a Section 15(o) award is a public charter school, in service of the educational mission Article XII, Section 1 directs the State to provide. Any benefit to a landlord on whose property the improvements are made is incidental to the public purpose the grant serves—and may be recouped at closure in any event.

For all these reasons, the SBA may fund capital projects for charter schools that do not own their buildings.

II. The SBA has no recourse against third-party property owners.

Under Section 15(o), the SBA has no recourse against the third-party property owner if a public charter school closes after it uses the funds to improve a building it does not own.

The recoupment mechanism requires the public charter school to pay the SBA back in that case—not the school's landlord. To obtain grant funding, the public charter school applies "in its name and sole discretion." W. VA. CODE § 18-9D-15(o). The school receives the funds, puts them to proper use, and reaps the benefits. See *id.* And presumably, any grant agreement is between only the SBA and the charter school. See *id.* The SBA's policies and procedures and its Legislative Rules contemplate as much. See W. VA. CODE R. § 164-5-2.1.a ("In order for SBA

funds to be utilized for any project, a grant agreement between the educational agency and the SBA must be enacted.”); SCH. BLDG. AUTH. OF W. VA., POLICY & PROCEDURE HANDBOOK §§ 209.01, 209.04 (7th ed. 2021) (contemplating grant contract between SBA and public charter school). The property owner has no role to play; it is a stranger to this transaction. *See id.* And “[i]f goes without saying that a contract cannot bind a nonparty.” *EEOC v. Waffle House, Inc.*, 534 U.S. 279, 294 (2002). So, the pay-back obligation can only run against the public charter school. “Such obligations are the very essence of the contract.” *S. Erectors, Inc. v. Olga Coal Co.*, 159 W. Va. 385, 395, 223 S.E.2d 46, 52 (1976) (addressing obligations—or lack thereof—of a third party to a contract).

Too, reading the recoupment provisions to extend to a third-party property owner would be counter to the Legislature’s aim of expanding facilities options. *See* W. VA. CODE § 18-5G-7. Landlords facing exposure would likely either decline to rent to charter schools or price the risk into higher lease rates. Either outcome would *shrink* the pool of available and affordable properties for charter schools.

If the SBA wants to condition an award on the landlord’s guarantee of the school’s obligation, it appears to have the legal authority to make that request. The SBA “may, in its sole discretion, approve such amount of funding as it determines appropriate, in its sole discretion, for such project.” W. VA. CODE § 18-9D-15(o). That repeated grant of “sole discretion” carries with it the authority to attach conditions to an award—including the condition that a leased-facility award be accompanied by an agreement binding the landlord directly to the State. The SBA’s broader authority to set conditions on its grants, *see id.* § 18-9D-16, and to promulgate legislative or procedural rules, *id.* § 29A-3-1 *et seq.*, confirms the same.

In practice, however, it may be difficult for the SBA to secure those agreements. And those agreements could harm charter schools, too. A landlord will not want to guarantee repayment of costs it did not incur—for a grant it did not apply for and is not otherwise liable for. In simple terms, landlords have no incentive to assume their tenants’ obligations. If anything, they have an incentive not to; they might get a windfall (an improved facility) if the charter school goes under. At this point, too, landlords have no way of knowing how much money it might cost them. Despite having the authority “to develop a formula to determine the monetary amount of improvements to be returned,” the SBA has neglected to do so. And again, landlords might react by increasing rent or refusing to lease property—two major problems for start-up schools on limited budgets.

The ends don’t seem to justify the means, either. The extra condition imposed on non-owning schools wouldn’t meaningfully reduce the SBA’s exposure—it just adds a burden that facility-owning schools don’t bear. In other words, the requirement appears arbitrary.

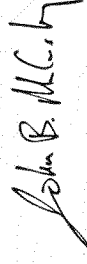
The closure process shows how. A public charter school closes through an authorizer-supervised closure process that governs the “disposition of school funds, property, and assets,” W. VA. CODE § 18-5G-10(i)(1), distributing the school’s residual assets first to outstanding payroll and retirement obligations, and then to creditors, *id.* § 18-5G-10(i)(2). That waterfall undermines both recoupment mechanisms equally. The building return mechanism sounds protective, but a returned building may carry liens, have depreciated, or require costly remediation

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before it yields any value. The monetary recoupment for improvement costs fares no better. By the time prior claims are satisfied, the SBA may have nothing left to recover. So, the SBA faces real collection risk on both sides of the ownership line.

Considering all this, we can conceive of meritorious legal objections to the requirement of a landlord guarantee. The SBA should tread carefully. And no matter what, the SBA should stick to the Legislature’s clear directive: expand school choice by funding public charter schools as much as possible, as fast as possible. *See* W. VA. CODE §§ 18-5G-1, 18-9D-15(a); *Pauley*, 162 W. Va. at 719, 255 S.E.2d at 884. After all, “education of the people is ... the only exhaustless mine which the state possesses.” CHARLES H. AMBLER, *A HISTORY OF EDUCATION IN WEST VIRGINIA* 135 (1951).

Sincerely,



John B. McCuskey
Attorney General

Holly J. Wilson
Principal Deputy Solicitor General

Mattie F. Shuler
Assistant Solicitor General



State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

June 10, 2026

The Honorable Rebecca L. Miller
Hampshire County Prosecuting Attorney
Hampshire County Courthouse
50 South High Street
Romney, West Virginia 26757

Dear Prosecutor Miller:

You previously requested an opinion from the Attorney General regarding certain scholarship and gift-card programs. In response, this Office issued an opinion explaining the Hampshire County Commission's power to issue certain scholarships and outlined relevant legal principles for gift-card programs. Based on a lack of information provided, however, we were unable to analyze the exact contours of the Commission's ability to issue gift cards in exchange for information gleaned from public survey participation.

You have since requested a "more definite opinion" from the Attorney General about the Hampshire County Commission's lawful scope of expenditures for gift cards for public purposes. This Opinion is issued under West Virginia Code § 5-3-2, and supplements the previous opinion dated April 29, 2026. As always, this Opinion depends solely on the factual assertions in your correspondence and discussions with the Attorney General's Office.

Your follow-up letter explains that the Hampshire County Commission is considering distribution of gift cards in exchange for completed public surveys on proposals pending before the Commission. Specifically, the Commission seeks input from residents on a proposed electric transmission line—the MidAtlantic Resiliency Link (MARL). Though this transmission line is the most pressing issue before the Commission, you also want to know whether gift cards can be used for participation in surveys on a variety of policy issues, including land-use, economic development, substance-abuse treatment and prevention, public recreation, and park development.

With these additional details, your letter raises again the question:

1. Does the public purpose doctrine, or any provision of the West Virginia Code, permit the Hampshire County Commission to use public funds to purchase gift cards as incentives for residents to

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

The Honorable Rebecca L. Miller
June 10, 2026
Page 2

complete county-administered surveys or participate in county-related programs of high public importance, or would such incentives constitute an improper gift of public funds?

Based on the additional details you have provided we now conclude that the Hampshire County Commission can issue gift cards in exchange for information on the public issues described in your letter.

DISCUSSION

I. Foundational Principles

To begin, some table-setting of the relevant legal standards will help.

You will recall that an analysis of county commission "powers" begins with what "the Constitution and legislature" "expressly" or "reasonably and necessarily impl[y]." 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). And county commissions have the power to administer the "fiscal affairs of their counties" as "prescribed by law." W. VA. CONST. art. IX, § 11.

A limit on that fiscal power is the West Virginia Constitution's prohibition on the government's taking on "debts or liabilities." W. VA. CONST., art. X, § 6. Grounded in this prohibition is an understanding that "[a]n appropriation by the [county commission] of public revenue for a purely private purpose is beyond its legitimate powers of legislation and, for that reason, is null and void." *State ex rel. Bd. of Governors of W. Va. Univ. v. Sims*, 140 W. Va. 64, 72, 82 S.E.2d 321, 326 (1954); *see also* Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Use of Funds from Special Excess Levies (Mar. 31, 2017), 2017 WL 1377945, at *3 (applying the standard to county commissions). So, county commissions cannot make a "free donation," or gift, "out of the public treasury." *See Yates v. Taylor Cnty. Ct.*, 47 W. Va. 376, ___, 35 S.E. 24, 29 (1900) (Dent, J., concurring); *see also* Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Prizes and Awards of Reasonable Value (Feb. 16, 1967), 1967 WL 93385, at *3 (defining "gift" as "a voluntary transfer of [] property by one to another, without any consideration or compensation therefor." (cleaned up)).

All that is not to say that West Virginia places a blanket prohibition on distributing public funds to individuals. These distributions happen every day. The State makes payments to eligible students for scholarships, *see, e.g.*, W. VA. CODE §§ 18C-7-1 to 18C-7-7, welfare benefits for needy families, *see, e.g.*, *id.* §§ 9-9-1 to 9-9-22, pensions for former public employees, *see, e.g.*, *id.* §§ 5-10-1 to 5-10-55, and cash bonuses to veterans, W. VA. CONST. amends. VI & VII. The prohibition is on using public funds for "purely private purposes," not a private person. Syl., *Woodall v. Dorst*, 71 W. Va. 350, 77 S.E. 264 (1912), *abrogated on other grounds by State ex rel. Sahley v. Thompson*, 151 W. Va. 336, 343, 151 S.E.2d 870, 874 (1966).

This Office—and the Supreme Court of Appeals of West Virginia—have not considered whether gift cards in exchange for public survey information is permissible. However, we find

this situation analogous to other times when the government gives a benefit (like cash prizes or awards) in consideration for a reciprocal action (participation in a government activity). In those situations, we have “generally recognized as valid” appropriations to individuals “when there is specific legislative authority for the granting of such prize or award, and a recognizable public purpose being served.” Op. Letter, 1967 WL 93385, at *4.

Several federal examples applying this kind of standard come to mind. For example, the United States Government Accountability Office has allowed gift card distribution in response to public surveys related to telecommunications issues, see Nat’l Telecomm. & Info. Admin., B-310981 (Comp. Gen. Jan. 25, 2008), <https://tinyurl.com/3upam8re>, prizes in drawings connected to customer satisfaction surveys, Nat’l Telecomm. & Info. Admin., B-286536 (Comp. Gen. Nov. 17, 2000), <https://tinyurl.com/592xa99z>, twenty-five dollar prizes as Army recruiting gifts, Nat’l Telecomm. & Info. Admin., B-230062 (Comp. Gen. Dec. 22, 1988), <https://tinyurl.com/4su24b4>, and refreshments or light meals to incentivize focus group participation, Nat’l Telecomm. & Info. Admin., B-304718 (Comp. Gen. Nov. 9, 2005), <https://tinyurl.com/8kxwv87y>.

Putting the pieces together, a county commission may distribute gift cards in exchange for public survey information when they are (a) “specifically authorized by the Legislature; (b) there have been public funds appropriated therefor by the Legislature; [and] (c) there is some genuine ‘public purpose’ being served.” Op. Letter, 1967 WL 93385, at *5.

II. Authorization, Appropriation, and Purpose

Your follow-up letter specifically asks whether the Commission has authority to exchange gift cards for public survey information about the MARL Project, substance abuse treatment and prevention, economic development, public recreation, park development, and land-use. Seeing as gift cards are a county expenditure, we must consider whether they are authorized under the “fiscal affairs” power as “prescribed by law.” W. VA. CONST. art. IX, § 11.

To start, we can find no express or implied authorization for county commissions to expend funds on the MARL electric transmission line for energy purposes. The only mention of energy, electricity, or utilities connected to county commissions we can find deals with internal county energy savings contracts, W. VA. CODE § 7-1-300, and county-initiated infrastructure projects, *id.* § 7-20-11. Instead, the Legislature has largely assigned state utility regulation for electricity transmission and energy policy to the West Virginia Public Service Commission, the Office of Energy, and the West Virginia Public Energy Authority. See, e.g., *id.* §§ 24-2-1, 5B-2F-2, 5D-1-5. Siting decisions of the kind at issue here are specifically assigned to the Public Service Commission. *Id.* §§ 24-2-11, 24-2-11a. The county commission thus lacks the authority to address this issue for energy, electricity, or utility purposes.

That said, the PSC is “charged with the responsibility for appraising and balancing the interests of current and future utility service customers, the general interests of the state’s economy[,] and the interests of the utilities subject to its jurisdiction and decisions.” W. VA. CODE § 24-1-1(b). PSC fulfills that mandate by “identify[ing], explor[ing], and consider[ing] the potential benefits or risks associated with emerging ... concepts,” and “hold[ing] hearings

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regarding such concepts.” *Id.* § 24-1-1(c). That responsibility explains why public PSC hearings soliciting Hampshire County resident opinions on the MARL project are already slated, *Schedule of Hearings Set for June 2026*, W. VA. PUB. SERV. COMM’n, <https://tinyurl.com/yh3zux5u> (select “Monthly Calendars”; then choose “June” from the “Month” dropdown and click “Get Calendar”) (last accessed June 9, 2026), and the public has been actively engaged in public comments on the issue, see *Case No. 26-0075-E-CN Docket*, W. VA. PUB. SERV. COMM’n, <https://tinyurl.com/453kyhce> (last accessed June 9, 2026).

We are aware that county commissions have intervened in similar Public Service Commission proceedings in the past. See, e.g., Commission Order, *Suddenlink Commc’ns, Case No. 21-0515-CTV-SC-GI* (W. Va. Pub. Serv. Comm’n July 30, 2021), <https://tinyurl.com/3h554b67>; Commission Order, *Mountaineer Gas Co., Case No. 23-0280-G-42T* (W. Va. Pub. Serv. Comm’n Mar. 31, 2023), <https://tinyurl.com/y3hxp8r8>. In each case, the county commission participated to express the public interests of its residents. And here, the Hampshire County Commission intervened in the PSC MARL Project based on interests like “public health and safety,” “economic development, and the overall quality of life of its residents.” *Petition to Intervene, NextEra Energy Transmission MidAtlantic, Inc., Case No. 26-00075-E-CN* (W. Va. Pub. Serv. Comm’n Feb. 10, 2026), <https://tinyurl.com/3cwe8xa3>; Commission Order, *NextEra Energy Transmission MidAtlantic, Inc., Case No. 26-00075-E-CN* (W. Va. Pub. Serv. Comm’n Mar. 18, 2026), <https://tinyurl.com/392sp4tj> (accepting the petition to intervene).

We recognize that gift card incentives might increase the amount of information the county gleans on the issue, see Joshua Van Otterloo et al., *Gift Card Incentives and Non-Response Bias in a Survey of Vaccine Providers: The Role of Geographic and Demographic Factors*, 6 PLOS ONE 1 (2011), and that information may aid the PSC in fulfilling its statutory mandate—especially when a county commission is an intervening party with a right to “be heard on the argument of the case,” W. VA. CODE R. § 150-1-12.6.1. So, we find it may be reasonable and necessary for an intervening county commission to issue gift cards for public survey information related to a PSC proceeding when it concerns the county’s own legitimate public interests.

As to substance abuse treatment and prevention, West Virginia law recognizes the broad powers of county commissions to address local health needs. For instance, West Virginia Code § 16-2-14 empowers county commissions to “appropriate and spend money from the county or municipal general funds for public health purposes.” Likewise, Section 8-32-4 further declares that “the support of public or nonprofit health institutions dedicated to making available to the general public health and mental health services is for the general welfare of the public and is a public purpose for which funds of a municipality or county commission may be lawfully expended.” Substance abuse treatment and prevention fall firmly within the realm of public health, so the Commission has the express power to address that issue—and elicit information through gift cards in support of that power.

On to economic, public recreation, and park development. Each of these general interests fall under a county commission’s authority, though somewhat indirectly. County commissions oversee economic development through the County Development Authority. See W. VA. CODE §§ 7-12-1 to 7-12-16. The County Development Authority may “expend funds” for purposes like

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“promot[ing], develop[ing], and advanc[ing] the business prosperity and economic welfare of the ... county,” and the Legislature expressly sanctions these interests as legitimate public purposes. See *id.* §§ 7-12-2, 7-12-7(a)(12). The Legislature also authorizes county commissions to make “[c]ontributions ... from time to time” to the County Development Authority. *Id.* § 7-12-12. County commissions “may direct” how those funds are to be used, and should get an accounting of those expenditures quarterly. *Id.*

Similarly, county commissions oversee public recreation and park development through the County Parks and Recreation Commission. W. VA. CODE §§ 7-11-1 to 7-11-6. This commission has the power to “receive all income and other funds” from the county commission. *Id.* § 7-11-2. And it is authorized to “do any and all things which may be ... convenient to carry out and effectuate,” *id.*, the “establishing, improving, developing, administering, operating, and maintaining a county public parks and recreation system or public recreational facilities,” *id.* § 7-11-1.¹ Assuming the information gleaned from public surveys will advance the legitimate public purposes of the County Development Authority and County Parks and Recreation Commission, the Hampshire County Commission can earmark funds for gift cards that incentivize public survey participation generally.

Finally, we come to land use. The county commission regulates land use directly by adopting a comprehensive plan, W. VA. CODE § 8A-3-3(b), enacting subdivision and land development ordinances, *id.* § 8A-4-1(a)(1), and establishing zoning ordinances, *id.* § 8A-7-5(a), requiring plans and plats for land development, *id.* § 8A-1-1(b)(8)(B), issuing improvement location permits for construction, *id.* § 8A-1-1(b)(8)(C), and more. These powers affect the “public welfare,” promote orderly development of the community, growth that is economically sound, and supportive of community livability. See generally *id.* § 8A-1-1. And county commissions are “authorized to carry out the[se] objectives and overall purposes.” *Id.* § 8A-2-1.

County commissions also oversee a County Planning Commission which “serve[s] in an advisory capacity.” W. VA. CODE § 8A-2-1(c). The planning commission creates the comprehensive plan that the county commission may adopt. And the “major objective of the planning process is providing information to and coordination among divergent elements in the ... county” to ensure that “comprehensive plans and future development are compatible.” *Id.* § 8A-3-2(c). This includes studying factors like “population density, health, general welfare, historic sites, mobility transportation, food supply, education, water and sanitation requirements, public services, accessibility for the disabled and future potential for residential, commercial, industrial or public use.” *Id.* § 8A-3-2(b). The county commission must appropriate money to the planning commission to “defray the reasonable expenses” it incurs. *Id.* § 8A-2-10(a). To solicit appropriate information, we believe it is likely reasonable and necessary to marshal information from the general populace in the form of public surveys.

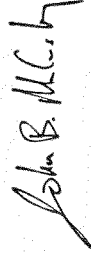
¹ Though this Article does not use the words, “public purpose,” those words do not hold talismanic effect. The action must serve a real and legitimate public interest. See *State ex rel. Appalachian Power Co. v. Gainer*, 149 W. Va. 740, 748-51, 755-56, 143 S.E.2d 351, 358-59, 362 (1965). We do not doubt that establishing, improving, developing, administering, operating, and maintaining county public parks and recreation systems and facilities is in the traditional public interest. Indeed, debt issued to these purposes are done “for a public purpose.” W. VA. CODE § 7-11-2.

County commissions therefore may set aside funds for gift cards to incentivize public participation for information on county land-use planning.

Two notes. First, in distributing funds, please remember the proper fund distribution mechanisms we explained in our previous Opinion. Second, your letter does not detail the monetary value you plan for these gift cards, but you allude to their carrying low or modest values. No gift card “—even if authorized by statute and/or appropriation—should be of a value disproportionate to the value of the public benefit to be derived from the program of which the [gift card] is a part.” Op. Letter, 1967 WL 93385, at *5. Gift cards should thus carry a value that is proportional to the value of the information received.

In sum, the Hampshire County Commission may distribute funds to incentivize public participation in public surveys for information on the MARL project, county substance abuse treatment and prevention, land use, and economic, parks, and recreation development.

Sincerely,



John B. McCuskey
West Virginia Attorney General

Matthew K. Niu
Caldwell Fellow

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

100 Dee Drive
Charleston, West Virginia 25311-1600

06/08/2026

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **06/05/2026**.

LETTER OF INTENT RECEIVED

June 3, 2026 - Boone Memorial Hospital, Inc., d/b/a Boone Memorial Health, CON File #26-2-13639-P, for the development of an ambulatory health care facility through the asset acquisition of an existing private office medical practice located at 258 Hanging Rock Highway, Logan, West Virginia 25601. Capital Expenditure \$156,500.

June 3, 2026 - Raleigh General Hospital, CON File #26-4-13640-P, for the development of an ambulatory health care facility in Fayette County, West Virginia. Capital Expenditure \$25,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

June 1, 2026 - WMC Physician Practices, LLC, CON File #26-11-13628-P, for the development of an ambulatory health care facility in Brooke and Hancock Counties in West Virginia through the relocation of two physicians to a new location. Capital Expenditure \$810,000.

June 5, 2026 - Weirton Medical Center, Inc, 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.

EXPEDITED APPLICATIONS

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

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

May 29, 2026 – Review cycle begins;

June 29, 2026 – 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;

July 2, 2026 – 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;

July 27, 2026 – Decision on the project will be issued by the Authority.

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

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.