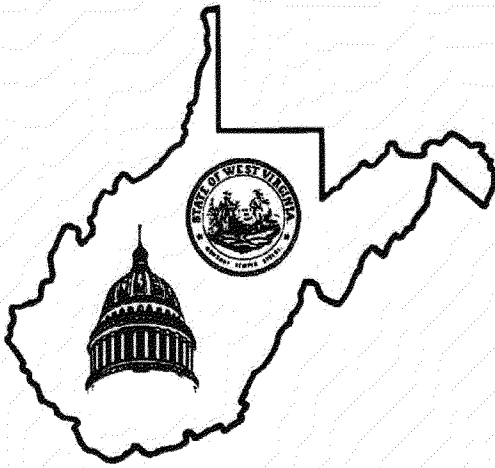




WEST VIRGINIA REGISTER

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

Volume XLIII

Issue 37

September 18, 2026

A Weekly Publication

Administrative Law Division

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

(304) 558-6000

sos.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

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

Legislative Interims

Orders

Ethics Commission Opinions

Grievances Reports

Office of Tax Appeal Decisions

Governor's Executive Orders

Attorney General Opinions

Other Documents or Information Filed

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

Attorney General, Office of
Community & Tech. College Education
Corrections & Rehabilitation
Health Care Authority
Human Services
Bureau for Family Assistance
Insurance Commission
Medicine, WV Bd. of

CHRONOLOGICAL INDEX

CHRONOLOGICAL INDEX, VOLUME XLIII ISSUE 37			
NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

NO EMERGENCY RULES FILED THIS WEEK			
AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE
			COMMENT END DATE



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

Kris Warner
Secretary of State
State of West Virginia

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

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

- | | | |
|--------|-----|---|
| Column | 1. | Agency Name, (Title and Series Number) |
| Column | 2. | Rule Title and Type |
| Column | 3. | Date Notice of Public Hearing or Comment Period Filed |
| Column | 4. | Date of Public Hearing or Last Date Comments Will Be Received |
| Column | 5. | Date Emergency Rule Filed, Emergency Amendment Filed, Emergency Rule Decision Date (ERD), and Effective Date of Emergency Rule |
| Column | 6. | Date Agency Approved Rule Filed (Legislative Rules Only) |
| Column | 7. | Review date by the Legislative Rule-Making Review Committee or Legislative Oversight Commission on Education Accountability, and Action Taken |
| Column | 8. | Legislative Action |
| Column | 9. | Date Agency Final Files the Rule |
| Column | 10. | Date Rule is Effective |

-
- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2, & 5. An Agency must file for a public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
 - If more than one date appears in a column, it means the agency has repeated that step (example: holding an additional comment period)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 1	ACCOUNTANCY
TITLE 2	ARCHITECTS
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 4	CHIROPRACTIC EXAMINERS
TITLE 5	DENTISTRY
TITLE 6	FUNERAL SERVICE EXAMINERS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 19	REGISTERED NURSES
TITLE 20	SANITARIANS
TITLE 22	FORESTRY
TITLE 24	OSTEOPATHIC MEDICINE
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE 30	RESPIRATORY CARE
TITLE 31	DIETITIANS
TITLE 32	ACUPUNCTURE
TITLE 33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE 35	OIL AND GAS
TITLE 36	COAL MINE HEALTH AND SAFETY
TITLE 38	MINING AND RECLAMATION
TITLE 42	LABOR
TITLE 45	AIR QUALITY
TITLE 47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE 53	PUBLIC ENERGY AUTHORITY
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 71	OFFICE OF THE INSPECTOR GENERAL
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 87	FIRE COMMISSION
TITLE 89	PUBLIC DEFENDER SERVICES
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 103	FIRE MARSHAL
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 114	INSURANCE COMMISSION
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 145	DEVELOPMENT OFFICE
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 155	AUDITOR
TITLE 157	HIGHWAYS
TITLE 164	SCHOOL BUILDING AUTHORITY
TITLE 174	REAL ESTATE COMMISSION
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY COMMISSION
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/13/2026	6/26/2026		7/20/2026	Approved 8/12/2026			
Administration (148-03)	State-Owned Vehicles Legislative	6/29/2026	7/29/2026		7/30/2026				
Administration (148-26)	Construction Management At-Risk Contracting Legislative	6/25/2026	7/25/2026		7/29/2026				
Agriculture (61-01C)	Disposal of Poultry Mortality Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-01D)	List of Restricted Live, Modified Live and Killed Vaccines for Animals Legislative	6/10/2026	7/10/2026		7/24/2026				
Agriculture (61-02)	West Virginia Apiary Rule Legislative	6/17/2026	7/17/2026		7/24/2026				
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	6/17/2026				
Agriculture (61-06D)	Nutrient Management Certification Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-07A) Sunset Provision	Marketing of Eggs Rule Legislative				6/10/2026				
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/22/2026	7/22/2026		7/30/2026				
Agriculture (61-11B)	Auctioneers Legislative	5/27/2026	6/27/2026		6/30/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-12) Sunset Provision	Structure for the Pesticide Control Act of 1990 Legislative				6/12/2026				
Agriculture (61-12C) Sunset Provision	Wood Destroying Insect Treatment Standards Legislative				6/8/2026				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/30/2026	7/30/2026		7/31/2026				
Agriculture (61-28)	Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas Legislative	6/17/2026	7/17/2026		7/30/2026				
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products Hemp Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/22/2026	7/22/2026		7/30/2026				
Agriculture (61-38)	Farmers Market Legislative	6/9/2026	7/9/2026		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	7/1/2026				
Agriculture (61-43)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Kratom Legislative	6/24/2026	7/24/2026	6/24/2026 Approved 6/29/2026	7/30/2026				
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	6/4/2026	7/7/2026		7/31/2026				
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		7/31/2026				
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	6/4/2026	7/7/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2026	7/7/2026		7/31/2026				
Alcohol Beverage Control Commission (175-12)	Vape or Smoke Shop Licensure and Enforcement Legislative	6/22/2026	7/21/2026	6/22/2026 Approved 6/23/2026	7/29/2026				
Attorney General (142-03)	Legislative Rule Pertaining to the Establishment and Qualification of Third-Party Dispute Mechanisms Legislative					Authorized w/Certain Amendments 10/8/2025	HB4275 SB320 Bundled HB4265		
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025	HB4276 SB321 Bundled HB4265		
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025	HB4277 SB322 Bundled HB4265		
Attorney General (142-06)	Legislative Rule Pertaining to the Prevention of Unfair or Deceptive Acts or Practices in Sale of Damaged Goods or Damaged Products Legislative					Authorized w/Certain Amendments 10/8/2025	HB4278 SB323 Bundled HB4265		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		7/29/2026				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	4/22/2026	5/22/2026		7/29/2026				
Chiropractic Examiners (4-06) Sunset Provision	Fees Pertaining to the Practice of Chiropractic Legislative				7/27/2026				
Chiropractic Examiners (4-09) Sunset Provision	Chiropractic Telehealth Practice Legislative				7/15/2026				
Community & Tech. College Education (135-08)	West Virginia Invests Grant Program Legislative	6/5/2026	7/6/2026		7/27/2026	Modified & Approved 9/14/2026 Filed 9/16/2026			
Community & Tech. College Education (135-35)	Business, Occupational, and Trade Schools Legislative	6/8/2026	7/9/2026		8/14/2026	Approved 9/14/2026			
Corrections (90-01, repeal)	Incorporation of Policy Directives Manual Legislative	6/29/2026	7/29/2026		7/31/2026				
Corrections (90-08, repeal)	Fees for Electronic Monitoring of Offenders Legislative	6/29/2026	7/29/2026		7/31/2026				
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Dentistry (5-03)	Fees Established by the Board Legislative	5/21/2026	6/22/2026		7/21/2026				
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				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	5/21/2026	6/22/2026		7/21/2026				
Dentistry (5-16)	Teledentistry Legislative	5/21/2026	6/22/2026		7/21/2026				
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025		8/3/2026				
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	6/30/2026	7/30/2026		7/30/2026				
Family Protection Services Board (191-03)	Batterer Intervention and Prevention Programs Licensure Legislative	7/1/2026	7/31/2026		7/31/2026				
Fire Commission (87-04)	State Building Code Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-11)	Specialized Membership Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-12)	Junior Firefighters Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/29/2026	7/29/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026		3/31/2026				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/15/2026	7/16/2026	6/16/2026 Approved 6/24/2026	7/20/2026				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-17)	Food Establishments Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-18)	General Sanitation Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-24, repeal)	Newborn Hearing Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-42)	Childhood Lead Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-49, repeal)	Drinking Water Treatment Revolving Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-81)	Birth Defects Information System Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-91)	Newborn Screening System Legislative	6/25/2026	7/25/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-100, repeal)	Pulse Oximetry Newborn Testing Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Health (64-112)	Medical Cannabis Program Dispensaries Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-116)	Distribution of Funds from Emergency Medical Services Crisis Response and Mental Health Treatment Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Hearing Aid Dealers (8-01)	Rule Governing the West Virginia Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-02)	Contested Case Hearing Procedure Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-03)	Disciplinary and Complaint Procedures for Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	6/29/2026	7/29/2026		7/31/2026				
Higher Education Policy Commission (133-06)	Higher Education Adult-Part Time Student (HEAPS) Grant Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-07)	West Virginia Providing Real Opportunities for Maximizing In- State Student Excellence (PROMISE) Scholarship Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-34)	Medical Student Loan Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-41)	Health Sciences Service Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-42)	West Virginia Higher Education Grant Program Legislative	6/15/2026	7/15/2026		7/16/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025 6/29/2026	7/24/2025 7/29/2026		8/7/2025 7/30/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-05)	Traffic and Safety Rules Legislative	11/10/2025 6/29/2026	12/10/2025 7/29/2025	11/10/2025 Effective 12/22/2025	12/11/2025 7/30/2026				
Human Services (78-26)	Pilot Program for Drug Screening of Applicants Legislative	7/1/2026	7/31/2026		7/31/2026				
Human Services (78-29)	Licensure and Certification of Alcohol and Drug Counselors Legislative	7/1/2026	7/31/2026		7/31/2026				
Insurance Commission (114-42) Sunset Provision	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative				5/13/2026	Approved 8/12/2026			
Insurance Commission (114-98) Sunset Provision	Adoption of Valuation Manual Legislative				5/13/2026	Approved 8/12/2026			
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/24/2026	7/24/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/17/2026			
Insurance Commission (114-102) Sunset Provision	Term and Universal Life Insurance Reserve Financing Legislative				5/13/2026	Approved 8/12/2026			
Juvenile Services (101-01, repeal)	West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities Legislative	6/29/2026	7/29/2026		7/31/2026				
Labor (42-34)	Regulation of Heating, Ventilating, and Cooling Work Legislative	7/1/2026	7/31/2026		7/31/2026				
Lottery Commission (179-01) Sunset Provision	West Virginia Lottery State Lottery Rules Legislative				5/7/2026	Approved 8/12/2026			
Lottery Commission (179-05)	West Virginia Lottery Limited Video Lottery Rule Legislative	6/29/2026	7/29/2026		7/30/2026				
Medicine (11-01A)	Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders Legislative	7/1/2026	7/31/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-05) Sunset Provision	Dispensing of Prescription Drugs by Practitioners Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Approved 8/12/2026			
Medicine (11-07)	Formation and Approval of Professional Limited Liability Companies Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-09, repeal)	Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistants Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-10) Sunset Provision	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-11, repeal)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-14) Sunset Provision	Registration to Practice During Declared State of Emergency Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-15) Sunset Provision	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants Legislative				5/4/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
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	7/31/2026	Modified & Approved 8/12/2026 Filed 8/25/2026			
Medicine (11-18)	Emeritus Status Licensure for Retired Providers Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
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				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/30/2026	7/30/2026		7/31/2026	Authorized w/Certain Amendments 8/12/2026			
Motor Vehicles (91-09) Sunset Provision	Collection of Tax on the Sale of a Vehicle Legislative				6/29/2026	Approved 8/12/2026			
Natural Resources (58-38) Sunset Provision	Public Shooting Ranges Legislative				3/31/2026	Approved 8/12/2026			
Natural Resources (58-63) Sunset Provision	Commercial Sale of Wildlife Legislative				3/31/2026	Approved 8/12/2026			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/26/2026	7/27/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 9/9/2026			
Nursing Home Administration Licensing Board (21-01)	Nursing Home Administrations Legislative	5/6/2026	6/5/2026		7/31/2026				
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		7/14/2026	Modified & Approved 8/12/2026 Filed 8/31/2026			
Office of Inspector General (71-11)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	7/1/2026	7/31/2026		7/31/2026				
Office of Inspector General (71-27)	Medication-Assisted Treatment - Opioid Treatment Programs Legislative	7/1/2026	7/31/2026		7/31/2026				
Office of Technology (163-02, repeal)	Chief Information Officer Review Legislative	6/26/2026	7/26/2026		7/29/2026				
Office of Technology (163-03)	Cyber Reporting Legislative	6/26/2026	7/25/2026		7/29/2026				
Oil and Gas (35-04)	Oil and Gas Wells and Other Wells Legislative	6/24/2026	7/24/2026		7/31/2026				
Oil and Gas (35-08)	Rules Governing Horizontal Well Development Legislative	6/24/2026	7/24/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	8/11/2026	9/11/2026	8/11/2026 Approved 8/18/2026					
Personnel (143-01)	Administrative Rule of the West Virginia Division of Personnel Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-02)	Leave Donation Program Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-04)	Pre-Employment Reference and Inquires Rule Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-06)	Appeal of Adverse Suitability Determination Procedural	6/30/2026	7/30/2026						
Personnel (143-07)	Interdepartmental Transfer of Permanent State Employees Legislative	6/30/2026	7/30/2026		8/4/2026				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-03)	Board of Pharmacy Rules for Continuing Education for Licensure of Pharmacists Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			*
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/26/2026			

RULE MONITOR							
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026		
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026		
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	6/30/2026	7/30/2026		7/30/2026		
Public Service Commission (150-41)	General Investigation into Adopting and Implementing Rules Governing Electric Generating Capacity Regulations Legislative	7/20/2026	8/20/2026 Extended Hearing 9/28/2026				
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Legislative	6/10/2026	7/10/2026		7/30/2026		
Real Estate Appraiser Licensing and Certification Board (190-03)	Renewal of Licensure or Certification Legislative	6/10/2026	7/10/2026		7/30/2026		
Records Management and Preservation Board (100-01)	County Records Management and Preservation Grant Program Legislative	6/29/2026	7/29/2026		7/31/2026		
Records Management and Preservation Board (100-02)	Rules for General Management and Preservation of County Records Legislative	6/29/2026	7/29/2026		7/31/2026		
Secretary of State (153-03) Sunset Provision	Voter Registration at the Division of Motor Vehicles Legislative				6/24/2026	Approved 8/12/2026	
Secretary of State (153-05) Sunset Provision	Voter Registration List Maintenance by the Secretary of State Legislative				6/26/2026	Approved 8/12/2026	
Secretary of State (153-30) Sunset Provision	Use of Digital Signatures Legislative				6/26/2026	Approved 8/12/2026	
Secretary of State (153-43) Sunset Provision	Regulation of Political Party Headquarters Finances Legislative				6/26/2026	Approved 8/12/2026	

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-45) Sunset Provision	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-48) Sunset Provision	Real Property Electronic Recording Standards and Regulations Legislative				6/29/2026	Approved 8/12/2026			
Securities Commission (111-01)	West Virginia Securities Rules and Regulations Legislative	7/1/2026	7/31/2026		7/31/2026				
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 6/29/2026	6/26/2026 7/29/2026	4/28/2026 Approved 6/2/2026	7/31/2026				
Speech Language Pathology and Audiology (29-02)	Rule Governing Speech- Language Pathology and Audiology Assistants Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-03)	Contested Case Hearing Procedure Procedural	6/29/2026	7/29/2026						
Speech Language Pathology and Audiology (29-04)	Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-05)	West Virginia Board of Examiners for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
State Police (81-20)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Tax (110-13(K))	West Virginia Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/23/2026	7/23/2026		7/30/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-13Y)	Disaster Repair and Recovery Tax Credit Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Tax (110-15F) Sunset Provision	Sales Tax Holiday Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15L) Sunset Provision	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15M) Sunset Provision	Vendor Absorption or Assumption of Sales and Use Tax Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-24) Sunset Provision	Corporation Net Income Tax Legislative				5/6/2026	Approved 8/12/2026			
Transportation (217-01, repeal)	Employment Procedures Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Treasurer (112-01)	West Virginia Security for Deposits Act Collateralall of Public Fund Deposits Legislative	6/26/2026	7/27/2026	6/26/2026 Effective 8/7/2026	7/30/2026				
Treasurer (112-02) Sunset Provision	Substitute Checks-Exceptional Items Fund Legislative				5/5/2026	Approved 8/12/2026			
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	Approved 8/12/2026			
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/4/2026	7/6/2026	6/5/2026 Approved 6/24/2026	7/15/2026	Approved 8/12/2026			
Treasurer (112-06) Sunset Provision	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-07)	Selection of State Depositories for Receipt Accounts Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-08) Sunset Provision	Procedures for Processing Payments from the State Treasury Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-10)	Reporting Debt Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			

RULE MONITOR							
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS
Treasurer (112-12) Sunset Provision	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	5/8/2026	6/8/2026		5/5/2026	Approved 8/12/2026	EFFECTIVE
Treasurer (112-13)	Procedures for Providing Services to Political Subdivision Legislative	5/8/2026	6/8/2026		6/26/2026	Approved 8/12/2026	
Treasurer (112-17)	Exempt Purchasing Procedural	9/9/2026	10/9/2026				
Treasurer (112-18)	Hope Scholarship Program Legislative	6/26/2026	7/27/2026		7/30/2026		
Veterans Assistance, Dept. of (86-05)	West Virginia Military Hall of Fame Legislative	8/12/2026	9/11/2026				
Veterinary Medicine (26-04)	Standards of Practice Legislative	6/15/2026	7/16/2026		7/27/2026		
Veterinary Medicine (26-06)	Schedule of Fees Legislative	6/15/2026	7/16/2026		7/27/2026		
Water Resources, Div. of Water & Waste Mgmt. (47-05B)	Disaster Repair and Recovery Tax Credit Certification Process Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026			
Water Resources, Div. of Water & Waste Mgmt. (47-32)	Environmental Laboratories Certification and Standards of Performance Legislative	6/25/2026	7/27/2026		7/31/2026		
Water Resources, Division of Water and Waste Management (47-63)	Aboveground Storage Tanks Legislative	6/25/2026	7/27/2026		8/3/2026		



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/17/2026 8:17:06 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Community And Technical College
Education

RULE TYPE: Legislative

RULE NAME: West Virginia Invests Grant Program

CITE AUTHORITY: §18B-1-6, §18C-9-4

TITLE-SERIES: 135-08

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Angela S Kerns -- 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.

FILED

2026 SEP 17 P 2:29

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
307.01	19 October 2026	Juvenile Use of Force & Restraints
318.05	19 October 2026	Bomb Threats
318.06	19 October 2026	Drone/Unmanned Aerial Vehicle Sightings/Intrusions
323.00	19 October 2026	Hostage Situations, Riots & Major Disturbances
324.00	19 October 2026	Escape Procedures
401.01	19 October 2026	Classification Guidelines

WEST VIRGINIA SECRETARY OF STATE MAC WARNER ADMINISTRATIVE LAW DIVISION INCOME MAINTENANCE MANUAL CHANGE FORM		Please Stamp Filing Date FILED 2026 SEP 14 P 2:17 OFFICE OF WEST VIRGINIA SECRETARY OF STATE	
NOTICE OF FILING CHANGES TO PUBLIC ASSISTANCE MANUAL WITH THE SECRETARY OF STATE			
AGENCY:	West Virginia Department of Human Services	BUREAU:	Family Assistance
TITLE OF MANUAL TO WHICH POLICY IS BEING FILED: Income Maintenance Manual 881			
STATE RULE:	FEDERAL RULE:	EFFECTIVE DATE:	October 1, 2026
CHANGE NUMBER:	Updated New Income Maintenance Manual		
CHAPTERS/SECTIONS EFFECTED:		1, 4-Appendices, 4, 5, 7, 10, 15, 17, 21, 22, 23, 26, 29	
SEE DW-17 FORM FOR SPECIFIC CHANGES / MODIFICATIONS			
REASON FOR MANUAL CHANGE:		Medicaid: Updating language regarding PASS Accounts and how they are not applicable for Medicaid Coverage Groups. Updating the SSI Student Child Earned Income Disregard for SSI-Related Medicaid Groups to move to the correct spot in the income budget. Updating who is considered an eligible non-citizen for full-coverage Medicaid per HRI. Fixing language regarding Deemed OMB and how OMB and MSS are received dually in the eligibility system. Updating language for MWIN where an application is required for all MWIN's that are closed for non-payment of premiums and that MWIN is closed after batch for non-payment of premiums. Removed Chapter 29, Covid 19 Testing Group and changed to Reserve for Future Use. To add language that the worker can approve DAC eligibility if all eligibility factors are established without the need for SSA to communicate through a data exchange. To clarify an incarcerated WVCHIP Pregnancy applicant is ineligible. However, if an existing WVCHIP Pregnancy client becomes incarcerated during their pregnancy, they remain eligible. LIEAP: To make policy clearer and easier to understand. To stay in accordance with Federal Regulations and WV State Plan. SNAP: To update the IMM with the FY27 SNAP COLA numbers and clarify SNAP policy areas where workers frequently request guidance, including shelter verification, annual contract teacher pay, and reimbursement income. This change also updates ABAWD language in Chapter 10 to make sure it is more consistent with other parts of the IMM.	



FILED

WEST VIRGINIA LEGISLATURE

Legislative Oversight Commission On Education Accountability

2006 SEP 14 P 3:00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator Amy Grady, Co-Chair
Delegate Joe Stiller, Co-Chair

September 14, 2026

LOCEA

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

To: Kris Warner, Secretary of State, State Register
To: Angela S Kerns
Community and Technical College Education, WV Council for
2001 Union Carbide Drive, Bldg 2000
South Charleston, West Virginia, 25303

From: Legislative Oversight Commission On Education Accountability
Proposed Rule: 135-08 West Virginia Invests Grant Program, 135-08

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
(A) as originally filed
(B) as modified by the agency ☒
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached.

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 357-7915 Email: ben.muck@wvsenate.gov



FILED

WEST VIRGINIA LEGISLATURE

Legislative Oversight Commission On Education Accountability

2006 SEP 14 P 3:00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator Amy Grady, Co-Chair
Delegate Joe Stiller, Co-Chair

September 14, 2026

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

To: Kris Warner, Secretary of State, State Register
To: Angela S Kerns
Community and Technical College Education, WV Council for
2001 Union Carbide Drive, Bldg 2000
South Charleston, West Virginia, 25303

From: Legislative Oversight Commission On Education Accountability
Proposed Rule: 135-35 Business, Occupational, and Trade Schools, 135-35

Legislative Oversight Commission On Education Accountability Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
(A) as originally filed ☒
(B) as modified by the agency
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached.

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 357-7915 Email: ben.muck@wvsenate.gov



State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

September 15, 2026

The Honorable Roger Hanshaw
Speaker of the West Virginia House of Delegates
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

Dear Speaker Hanshaw:

You have asked for an Opinion of the Attorney General on whether the Mercer County Development Authority may hold a membership interest in a limited liability company alongside a private person or entity to carry out an economic development project.

This Opinion is being issued under West Virginia Code § 5-3-1, which provides that "[i]t is ... the duty of the Attorney General to render to ... the Speaker of the House of Delegates a written opinion ... upon any question[] submitted." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Office of the Attorney General.

You explain that the Development Authority of Mercer County (DAMC) seeks to become a member of an ordinary West Virginia limited liability company for a particular economic development project. A private person or entity will also be a member of the Project LLC. As part of the project, the Project LLC will take title to a parcel of real property in Mercer County; the DAMC will not hold title in its own name. The DAMC does not consider the Project LLC to be a governmental "joint development entity" under West Virginia Code § 7-12-9b, and the Project LLC does not intend to claim governmental powers or special tax status. You also represent that the purpose of the underlying project is for economic development in Mercer County.

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

Does the DAMC have authority to hold a membership interest in the Project LLC and move forward with the project?

FILED

20th SEP 16 P 2:55

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AG

We conclude that West Virginia Code § 7-12-7 authorizes the DAMC to hold a membership interest in the Project LLC.

DISCUSSION

County development authorities are "public corporation[s]," W. VA. CODE § 7-12-6, created to "promote, develop and advance the business prosperity and economic welfare of the ... county," *id.* § 7-12-2. That purpose sweeps broadly. It includes a charge to, among other things, "encourage ... through loans, investments or other business transactions ... the locating of new business and industry," "stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain the [county's] economic stability," "provide maximum opportunities for employment," "improve the standard of living of the citizens of the county," act with other organizations "in the promotion and advancement of ... recreational developments," and "furnish money ... and such other aid as may be deemed requisite to approved and deserving applicants for the promotion, development and conduct of all kinds of business activity" in the county. *Id.*

West Virginia Code § 7-12-7 specifies development authorities' powers. And the Legislature has commanded that those powers should be "liberally construed" to encompass "full and complete power reasonably required to give effect to" a development authority's purpose. *Id.* § 7-12-15.

With that instruction in mind, the DAMC has the authority to hold a membership interest in the Project LLC. Indeed, we conclude that West Virginia Code § 7-12-7 provides the DAMC express authority to do so for at least three reasons.

First, Subsection 7(a)(3) provides that the DAMC may "enter into contracts with any person ... including both public and private corporations." W. VA. CODE § 7-12-7(a)(3). So, the DAMC may enter into a contract to form an LLC with a private person or entity.

Second, Subsection 7(a)(9) empowers the DAMC "to purchase or otherwise acquire, own, hold, sell, lease and dispose of all or part of any personal property which it may own, either by contract or at public auction." W. VA. CODE § 7-12-7(a)(9). And according to West Virginia Code § 31B-5-501(b), "a distributional interest in a limited liability company is personal property."

Third, Subsection 7(a)(3) vests DAMC with the power to "do any and all things necessary or convenient for the purpose of promoting, developing and advancing the business prosperity and economic welfare of the county in which it is intended to operate, its citizens and industrial complex." W. VA. CODE § 7-12-7(a)(3). That grant is "broadly worded." *Off. of the W. Va. Att'y Gen., Opinion Letter Concerning Matching Contributions to Educational Institutions and Funds to Recreational Activities* (July 31, 2018), 2018 WL 4608631, at *2. "Any and all things" means *any* and *all* things, which must at the very least include making "investments" and conducting "business transactions." W. VA. CODE §§ 7-12-2, -7(a)(3); see syl. pt. 2, *Thomas v. Firestone Tire & Rubber Co.*, 164 W. Va. 763, 266 S.E.2d 905 (1980) ("The word 'any,' when used in a statute, should be construed to mean any."); *United Bank, Inc. v. Stone Gate Homeowners Ass'n, Inc.*, 220 W. Va. 375, 380, 647 S.E.2d 811, 816 (2007) ("In common parlance, the adjective 'any' refers to

AG

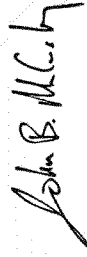
“all.” (cleaned up)). So long as the purpose is for “business prosperity and economic welfare,” the DAMC has full authority to move forward.

We recognize that Subsection 7(a)(3)’s general grant is followed by several specifically enumerated powers. And the spending power in Subsection 7(a)(12) bookends the powers on the other side, stating that development authorities can “expend ... funds in the execution of the powers and authority herein given.” W. VA. CODE § 7-12-7(a)(12). Together, these provisions invite the *expressio unius* inference that powers left off the list were purposefully withheld. *State v. Beaver*, 248 W. Va. 177, 194, 887 S.E.2d 610, 627 (2022). But “context shows that the enumeration was not intended to be exclusive,” here. *Springer v. Gov’t of Philippine Islands*, 277 U.S. 189, 206 (1928). Applying the *expressio unius* canon would be wrong; the language in Article 12 doesn’t support “a sensible inference” that actions left out “must have been meant to be excluded.” *Beaver*, 248 W. Va. at 194, 887 S.E.2d at 627 (quoting *Chevron U.S.A. Inc. v. Echazabal*, 536 U.S. 73, 81 (2002)). By requiring a liberal construction and defining development authorities’ purpose broadly, the Legislature intended to maximize—not limit—development authorities’ powers. W. VA. CODE § 7-12-15.

The same principle applies to a neighboring section, Section 9b, which authorizes two or more governmental bodies to form an LLC (or other corporate entity) known as a “joint development entity” with the status, power, and tax exemption of a public corporation and political subdivision. W. VA. CODE § 7-12-9b(a), (d)-(e). By its terms, Section 9b does not reach the proposed Project LLC, which will have a private member. *Id.* § 7-12-9b(b). Section 9b instead confers special governmental attributes on wholly public ventures. *Id.* § 7-12-9b(d)-(e). Read against the Legislature’s directive to construe a development authority’s powers broadly, it is additive, not exclusive. It does not displace the DAMC’s general authority to participate in an ordinary LLC under Section 7-12-7.

For these reasons, so long as the Project LLC will serve to promote economic development in Mercer County, the DAMC is authorized to be a member.

Sincerely,



John B. McCuskey
West Virginia Attorney General

Holly J. Wilson
Principal Deputy Solicitor General

S. Hallie Hovey-Murray
Assistant Solicitor General

Orders Report

Docket Number	Agency	Respondent	Date Rendered
25-5-13227-P	Health Care Authority	Wetzel County Hospital	8/12/2026
26-11-13628-P	Health Care Authority	WMC Physician Practices, LLC	8/12/2026
25-10-13283-P	Health Care Authority	Wheeling Hospital	8/12/2026
26-9-13507-P	Health Care Authority	Berkeley Medical Center	8/12/2026
26-6-13722-X	Health Care Authority	Havilla Care Services LLC	8/12/2026
26-5-13662-X	Health Care Authority	Marietta Memorial Hospital	8/12/2026
26-5-13743-X	Health Care Authority	180 Ranch, Inc.	8/12/2026
26-10-13726-X	Health Care Authority	WVPS, Inc.	8/12/2026
26-11-13718-X	Health Care Authority	Weirton Medical Center	8/12/2026
26-5-13715-X	Health Care Authority	Charleston Area Medical Center, Inc.	8/12/2026
26-5-13716-X	Health Care Authority	Charleston Area Medical Center, Inc.	8/12/2026
26-11-13630-H	Health Care Authority	Weirton Medical Center, Inc.	8/12/2026
26-4-13640-P	Health Care Authority	Raleigh General Hospital	8/12/2026
26-11-13529-P	Health Care Authority	Soleo Health, Inc.	8/12/2026
26-2-13542-A	Health Care Authority	Lifepoint Health Inc.	8/12/2026
25-1C-190441	Insurance Commission	W.Va. Insurance Company	9/15/2026
25-1C-184395	Insurance Commission	TForce Freight, Inc.	9/17/2026
26-26-W	Medicine, West Virginia Board Of	Christina Louise Nolte, PA	9/14/2026

FILED
WV SECRETARY OF STATE
SEPTEMBER 14, 2026 10:44 AM

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

100 Dee Drive
Charleston, West Virginia 25311-1600

09/14/2026

OTHER

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **09/11/2026**.

PROJECTS EXEMPT FROM REVIEW

September 9, 2026 - Stepping Stones Cottages, LLC, CON File #26-4/6/7/8-13774-X, for the provision of expanding the services currently provided in Berkeley, Hampshire, Jefferson and Morgan Counties in WV for WV IDD Waiver program to include Barbour, Grant, Hardy, Marion, Mineral, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor and Tucker Counties in West Virginia.

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