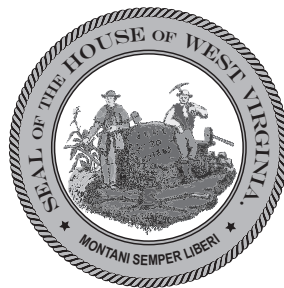


West Virginia Legislature

JOURNAL
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Eighty-Fourth Legislature
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March 7, 2019
FIFTY-EIGHTH DAY

—●—
Thursday, March 7, 2019

FIFTY-EIGHTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 9:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Wednesday, March 6, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred S. B. 233, on third reading, Special Calendar, to the House Calendar; and S. B. 605, on second reading, House Calendar, to the Special Calendar.

On motion of Delegate Summers, the House of Delegates proceeded to consideration of bills on third reading.

Special Calendar

Third Reading

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program; on third reading, coming up in regular order, with amendment pending and restricted right to amend jointly by Delegates Howell and Pyles, was reported by the Clerk.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk on page one, after the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.

§8-1-5a. Municipal Home Rule ~~Pilot~~ Program.

(a) ~~Legislative findings.~~— The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies, and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient, and timely manner;

(6) ~~Continuing the Municipal Home Rule Pilot Program is in the public interest~~ Establishing the Municipal Home Rule Pilot Program as a permanent program is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board, subject to the limitations set forth herein, will enhance the Municipal Home Rule ~~Pilot~~ Program.

~~(b) Continuation of pilot program. — The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: Provided, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) The Municipal Home Rule Pilot Program is established as a permanent program and shall be identified as the Municipal Home Rule Program. Any plan or amendment to a plan approved by the board during the period of the Municipal Home Rule Pilot Program is continued. Any ordinance, act, resolution, rule, or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect unless and until repealed: Provided, That municipalities that are participants in the Municipal Home Rule Program shall update their ordinances, acts, resolutions, rules, and regulations to comply with any additions or modifications to subsection (i), subsection (j), or subsection (k) of this section.

~~(c) Authorizing participation. —~~

(1) Commencing July 1, 2015 July 1, 2019, 30 any Class I, Class II, and or Class III municipalities municipality that is and four Class IV municipalities that are current in payment of all state fees may apply to participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section. Also, commencing July 1, 2019, up to four applications per year from Class IV municipalities may be approved by the board for participation in the Municipal Home Rule Program pursuant to the provisions of this section, provided the Class IV municipality is current in payment of all state fees.

(2) The municipalities participating in the ~~pilot program~~ Municipal Home Rule Pilot Program on the effective date of the amendment and reenactment of this section are hereby authorized to continue in the ~~pilot program~~ Municipal Home Rule Program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(3) On July 1, 2019, all municipalities currently participating in the Municipal Home Rule Pilot Program shall pay an annual assessment of \$2,000 for the operation and administration of the Home Rule Board. On July 1 of each year thereafter, all municipalities participating in the Municipal Home Rule Program as of that date shall pay the annual assessment. Any participating municipality that fails to timely remit its assessment when due may be assessed a penalty of an additional \$2,000 by the board.

(4) There is created in the office of the State Treasurer a special revenue account fund to be known as the Home Rule Board Operations Fund. The assessments required by the provisions of subdivision (3) of this subsection shall be deposited into the fund, and expenditures from the fund shall be made in accordance with appropriation of the Legislature under the provisions of §12-3-1 et

seq. of this code, and in compliance with the provisions of §11B-2-1 et seq. of this code: *Provided*, That legislative appropriation is not required during fiscal year 2019.

(5) Any balance in the fund created under subdivision (4) of this subsection at the end of a fiscal year shall not revert to the General Revenue Fund but shall remain in the special revenue account for uses consistent with the provisions of this section.

(6) All costs and expenses lawfully incurred by the board may be paid from the fund created under subdivision (4) of this subsection.

(7) Notwithstanding any provision of this section to the contrary, if at the end of a fiscal year the unencumbered balance of the fund created in subdivision (4) of this subsection is \$200,000 or more, then annual assessments shall be suspended until the board determines that the unencumbered balance in the fund is insufficient to meet operational expenses. The board shall notify all participating municipalities of the suspension of the annual assessment prior to the end of the fiscal year and provide an estimate of when payment of annual assessments will resume.

(d) ~~*Municipal Home Rule Board.*~~ — The Municipal Home Rule Board is hereby continued. ~~Effective July 1, 2015, the~~ The Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office, or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the ~~American Institute of Certified Planners~~ Planning Association, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall ~~continue to be~~ serve as ex officio nonvoting members of the board.

(e) ~~*Board's powers and duties.*~~ — The Municipal Home Rule Board ~~has the following powers and duties shall:~~

(1) Review, evaluate, make recommendations, and approve or reject, for any lawful reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III, and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program;

(3) Review, evaluate, make recommendations, and approve or reject, for any lawful reason, by a majority vote of the board, the amendments to the existing approved written plans submitted by municipalities: *Provided*, That any new application or amendment that does not reasonably demonstrate the municipality's ability to manage its associated costs or liabilities shall be rejected;

(4) Consult with any agency affected by the written plans or the amendments to the existing approved written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section: Provided, That any administrative rules established by the board for the operation of the Municipal Home Rule Program shall be published on the Municipal Home Rule Board's website, and made available to the public in print upon request.

(f) ~~Written plan.~~— Any Class I, Class II, Class III, or Class IV municipality desiring to participate in the Municipal Home Rule ~~Pilot~~ Program, or any municipality desiring to amend its existing approved written plan, shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules, or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective, and timely manner;

(2) The problems created by the those laws, acts, resolutions, policies, rules, or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules, and regulations: *Provided,* That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in the State of West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) ~~Public hearing on written plan.~~— Prior to submitting its written plan, or an amendment to an existing approved written plan, to the board, the municipality shall:

(1) Hold a public hearing on the written plan or the amendment to the existing approved written plan;

(2) Provide notice of the public hearing at least 30 days prior to the public hearing by a Class II legal advertisement: *Provided, That on or before the first day of publication, the municipality shall send a copy of the notice by certified mail to the Municipal Home Rule Board and the cabinet secretary of every state department;*

(3) Make a copy of the written plan or amendment available for public inspection at least 30 days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan or amendment to the Municipal Home Rule Board: ~~after~~ *Provided, That* the proposed ordinance has been read two times, as required by §8-11-4 of this code.

(h) ~~Selection of municipalities.~~— ~~On or after June 1, 2015, by~~ By a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III, and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program.

(i) ~~Powers and duties of municipalities.~~— The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program ~~have the authority to~~ may not pass an ordinance, act, resolution, rule, or regulation, under the provisions of this section, that is ~~not~~ contrary to the following:

(1) Environmental law;

- (2) Laws governing bidding on government construction and other contracts;
- (3) The Freedom of Information Act;
- (4) The Open Governmental Proceedings Act;
- (5) Laws governing wages for construction of public improvements;
- (6) The provisions of this section;
- (7) The provisions of §8-12-5a of this code;
- (8) The municipality's written plan;
- (9) The Constitution of the United States or the Constitution of the State of West Virginia;
- (10) Federal law, including those governing ~~of~~ crimes and punishment;
- (11) Chapters 60A, 61, and 62 of this code or any other provisions of this code governing state crimes and punishment;
- (12) Laws governing pensions or retirement plans;
- (13) Laws governing annexation;
- (14) Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall reduce or eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program in an amount comparable to the revenue estimated to be generated by the reinstated tax: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce, and collect the tax ~~in the same manner as the state consumers sales and service tax and use tax under~~ required by the provisions of §11-15-1 *et seq.*, §11-15A-1 *et seq.*, and §11-15B-1 *et seq.* of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That ~~such~~ the tax will does not apply to the sale of motor fuel or motor vehicles;
- (15) Laws governing tax increment financing;
- (16) Laws governing extraction of natural resources; ~~and~~
- (17) Marriage and divorce laws;
- (18) Laws governing professional licensing or certification, including the administration and oversight of those laws, by state agencies to the extent required by law;
- (19) Laws, rules, or regulations governing the enforcement of state building or fire codes;
- (20) Federal laws, regulations, or standards that would affect the state's required compliance or jeopardize federal funding;

(21) Laws or rules governing procurement of architectural and engineering services;

(22) The provisions of chapter 17C of this code; or

(23) Laws, rules, or regulations governing communication technologies or telecommunications carriers, as the term 'telecommunications carrier' is defined by the Federal Communications Commission in 47 U.S.C. §153 or as determined by the Public Service Commission of West Virginia.

(j) Municipalities The municipalities participating in the Municipal Home Rule Program may not pass an ordinance, act, resolution, rule, or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule ~~Pilot~~ Program does not limit a municipality's powers outside its boundary lines to the extent permitted under other provisions of this section, other sections of this chapter, other chapters of this code, or court decisions; ~~or~~

(2) Enacts an occupation tax, fee, or assessment payable by a nonresident of a municipality; or

(3) Imposes duties on another governmental entity, unless the performance of the duties is part of a legally executed agreement between the municipality and the other governmental entity, or is otherwise permitted by state law;

(k) Municipalities may not prohibit or effectively limit the rental of a property, in whole or in part, or regulate the duration, frequency, or location of such rental, in whole or in part. A municipality may regulate activities that arise when a property is used as a rental: *Provided*, That such regulation applies uniformly to all properties, without regard to whether such properties are used as a rental: *Provided, however*, That nothing in this subdivision may be construed to prohibit a municipality from imposing a hotel occupancy tax as prescribed in §7-18-1 *et seq.* of this code.

(l) ~~Amendments to written plans.~~— A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend its written plan at any time subject to the requirements of this section.

(~~l~~) (m) ~~Amendments to ordinances, acts, resolutions, rules, or regulations.~~— A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend any ordinance, act, resolution, rule, or regulation enacted pursuant to the municipality's approved written plan at any time ~~so~~ as long as any the amendment is consistent with the municipality's approved written plan, as modified by any amendments adopted pursuant to this section, complies with the provisions of ~~subsections (i) and (j)~~ of this section, and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(~~m~~) (n) ~~Reporting requirements.~~— Commencing On or before December 1, 2015, ~~and of~~ each year ~~thereafter~~, each participating municipality shall give a written progress report to the Municipal Home Rule Board, and ~~commencing on or before~~ January 1, 2016, ~~and of~~ each year ~~thereafter~~, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

(n) ~~Termination of the pilot program.~~— The Municipal Home Rule ~~Pilot~~ Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule ~~Pilot~~ Program shall continue in full force and effect until repealed

(o) In the event 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the duly elected recorder or clerk of the municipality within

45 days after the enactment or amendment by the governing body of an ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program, protest against the ordinance, act, resolution, rule, or regulation, enacted or amended pursuant to the Municipal Home Rule Program, the ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program shall not be issued or become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs: *Provided*, That if the charter or enacted ordinances of the municipality contains provisions enabling voters in the municipality to protest an ordinance, act, resolution, rule, or regulation enacted or amended by the governing body, this section (n) shall not apply to such municipality. The governing body of a municipality including such election in a regular municipal election or calling a special municipal election as herein provided shall do so by ordinance duly enacted, which ordinance shall specify the date of the election, the form of publication calling the election as herein provided, and the form of ballot to be used for the election. Following the enactment of such ordinance, the governing body of the municipality shall publish notice of the election as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the municipality. Such notice shall be published not later than fourteen days prior to the election. All the provisions of the law concerning general elections shall apply so far as they are practicable, except as follows:

(1) Where a special election is held, the governing body, having due regard to the minimum expense involved, shall determine the number of election officials necessary to properly conduct said election, which number shall in no case be less than three commissioners and two clerks, and shall appoint the same and fix and pay their compensation, but otherwise the election officials shall be such as are appointed to serve with respect to the general election held at the same time; and

(2) The governing body shall provide the election supplies necessary for such election and shall canvass the returns thereof.

(p) Each bond for which the proceeds from a sales and use tax enacted under this section are specifically pledged to pay the debt service must be ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs, before it may become effective. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code: *Provided*, That this subsection shall not apply retroactively to existing bonds: *Provided, however*, That bonds may be refunded without being ratified by election.

(e) (q) Notwithstanding any other provision of this code to the contrary, ~~on and after the effective date of the enactment of this provision in 2015,~~ no a distributee under the provisions of this section may not seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed by the Tax Division to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected, or otherwise inaccurate or incorrect. For purposes of this section, the term 'distributee' means any municipality that has enacted a sales and use tax under this section or as otherwise permitted by law that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section."

There being two conflicting amendments and the adoption of one precluding adoption of the other, the Speaker informed the House that both would be explained before the first was voted upon.

Delegate J. Jeffries moved to amend the amendment recommended by the Committee on Government Organization on page 9, section 5a, line 212 following the word “event”, by striking out the “30 percent of the qualified voters” and inserting in lieu thereof the following “15 percent of the qualified voters, voting in the last election”.

On page 9, section 5a, line 214 by striking out “within 45 days”.

Delegate Fast moved to amend the amendment recommended by the Committee on Government Organization on page 9, line 212, after the words “In the event”, by striking out “30” and inserting in lieu thereof “15”.

And,

On page nine, line 214, by striking out “within 45 days”.

Following discussion of both of the amendments to the amendment, the question before the House was the adoption of the amendment offered by Delegate J. Jefferies.

On the adoption of the amendment to the Committee on Government Organization amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 507**), and there were—yeas 23, nays 75, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Butler, Cooper, Fast, Foster, Graves, Hanna, Hardy, Hollen, Howell, D. Jeffries, J. Jeffries, Jennings, C. Martin, P. Martin, Maynard, McGeehan, Paynter, Phillips, Porterfield, Toney, Waxman and Worrell.

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The question then before the House was the adoption of the amendment offered by Delegate Fast.

On the adoption of the amendment to the Committee on Government Organization amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 508**), and there were—yeas 40, nays 58, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Azinger, Bibby, Butler, Cadle, Cooper, Cowles, Espinosa, Fast, Foster, Graves, Hanna, Hardy, Harshbarger, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, Kump, Linville, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rowan, Summers, Sypolt, Toney, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegates Westfall, Storch, Fluharty and Higginbotham moved to amend the bill on page 9, section 5a, line 212, by striking subsections (o) and (p) in their entirety.

And,

By renumbering the remaining subsections accordingly.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 509**), and there were—yeas 56, nays 42, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Bibby, Butler, Cadle, Cowles, Criss, Dean, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Linville, Malcolm, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rowan, Steele, Summers, Sypolt, Toney, Waxman, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

Delegate Phillips, Steele and Foster moved to amend the bill on page 8, section 5a, line 177, by inserting a new subdivision (24) to read as follows:

“(24) Laws governing the sale, transfer, possession, use, storage, taxation, registration, licensing or carrying firearms, ammunition or accessories thereof.”

Delegate Rowe arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was germane to the purpose of the bill.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 510**), and there were—yeas 72, nays 22, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Byrd, Campbell, Fleischauer, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Pethtel, Pushkin, Pyles, Rowe, Skaff, Staggers, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Doyle, Householder, Kessinger, Mandt, Rohrbach and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

On motion of Delegates Nelson, Capito, Skaff, Byrd, Pushkin, Rowe, Robinson and Estep-Burton the Committee on Government Organization amendment was amended on page seven, section five-a, line one hundred seventy-one, after the word “services”, by replacing the semicolon with a colon and inserting the following proviso: “*Provided*, That notwithstanding any other provision of this section to the contrary, the change made in this subdivision applies prospectively and any ordinance enacted

by the participating municipalities prior to the effective date of the amendments to this section during the 2019 Regular Legislative Session and pursuant to the Municipal Home Rule Pilot Program remains in effect.”

An amendment by Delegate Fast was pending to amend the bill on page eleven, line two hundred seventy-three, after the words “Joint Committee on Government and Finance” and the period, by inserting three new subsections, designated (n), (o) and (p), to read as follows:

“(n) On or before December 1 of each year thereafter, each participating municipality shall give a written progress report to the Municipal Home Rule Board, and on or before January 1 of each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

(o) In the event 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the duly elected recorder or clerk of the municipality within 45 days after the enactment or amendment by the governing body of an ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program, protest against the ordinance, act, resolution, rule, or regulation, enacted or amended pursuant to the Municipal Home Rule Program, the ordinance, act, resolution, rule, or regulation enacted or amended pursuant to the Municipal Home Rule Program shall not be issued or become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs: *Provided*, That if the charter or enacted ordinances of the municipality contains provisions enabling voters in the municipality to protest an ordinance, act, resolution, rule, or regulation enacted or amended by the governing body, this section (n) shall not apply to such municipality. The governing body of a municipality including such election in a regular municipal election or calling a special municipal election as herein provided shall do so by ordinance duly enacted, which ordinance shall specify the date of the election, the form of publication calling the election as herein provided, and the form of ballot to be used for the election. Following the enactment of such ordinance, the governing body of the municipality shall publish notice of the election as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the municipality. Such notice shall be published not later than fourteen days prior to the election. All the provisions of the law concerning general elections shall apply so far as they are practicable, except as follows:

(1) Where a special election is held, the governing body, having due regard to the minimum expense involved, shall determine the number of election officials necessary to properly conduct said election, which number shall in no case be less than three commissioners and two clerks, and shall appoint the same and fix and pay their compensation, but otherwise the election officials shall be such as are appointed to serve with respect to the general election held at the same time; and

(2) The governing body shall provide the election supplies necessary for such election and shall canvass the returns thereof.

(p) Each bond for which the proceeds from a sales and use tax enacted under this section are specifically pledged to pay the debt service must be ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs, before it may become effective. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code: *Provided*, That this subsection shall not apply retroactively to existing bonds: *Provided, however*, That bonds may be refunded without being ratified by election.”

And,

By renumber the following subsection "(q)".

It being the intent of Delegate Fast for the amendment to be considered only if the Committee on Government Organization amendment was rejected, the question now before the House was on the adoption of the Government Organization amendment, as amended.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 511**), and there were—yeas 66, nays 32, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Cowles, Dean, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hill, Hollen, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kump, Malcolm, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Porterfield, Summers, Toney, Waxman and Wilson.

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 512**), and there were—yeas 87, nays 11, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Cowles, Dean, Fast, Hanna, D. Jeffries, J. Jeffries, Malcolm, P. Martin, Toney and Waxman.

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 4) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

S. B. 153, Providing greater flexibility for making infrastructure project grants; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 513**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kessinger and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 153) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

Delegate J. Kelly requested to be excused from voting on Com. Sub. for S. B. 199 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 514**), and there were—yeas 88, nays 2, absent and not voting 10, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Angelucci, Boggs, Byrd, Estep-Burton, Kessinger, Longstreth, Nelson, Rohrbach, Skaff and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 199) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 515**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Angelucci, Boggs, Byrd, Kessinger, Longstreth, Nelson, Rohrbach, Skaff and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 199) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 238, Increasing certain penalties for passing stopped school bus; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 516**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Angelucci, Boggs, Byrd, Kessinger, Longstreth, Nelson, Rohrbach, Skaff and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 238) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 517**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Byrd, Kessinger, Nelson, Rohrbach and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 241) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 518**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, D. Kelly, Kessinger, Nelson, Skaff and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 317) passed.

An amendment to the title of the bill, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 317 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8 and §20-17-9; and to amend said code by adding thereto a new article, designated §20-17A-1, §20-17A-2, §20-17A-3, §20-17A-4, §20-17A-5, all relating generally to forming multicounty trail network authorities; creating a framework for establishment of multicounty trail network authorities and authorizing the formation of the Mountaineer Trail Network Recreation Authority; providing legislative findings; defining terms; providing that an authority is a public corporation and joint development entity; providing procedures for counties to join a trail network authority as a participating county and providing for the merger of two established authorities; providing for appointment of individuals to the board of an authority and for the filling of vacancies in the board; establishing the terms of appointment to a board; requiring quarterly meetings of a board; describing how a quorum is established; authorizing a board to promulgate bylaws and rules; providing that an authority is subject to Freedom of Information Act laws; describing the powers and duties of an authority; requiring a board to appoint an executive director; describing powers and duties of an executive director; authorizing employment of authority staff; requiring creation of an annual budget; providing for payment of an authority’s expenses; allowing reimbursement of board member expenses; establishing financial audit requirements; requiring reporting and oversight of state funds; prohibiting certain actions by users of recreational area land and providing criminal penalties; limiting the liability of owners of land used by an authority; setting forth purchasing and bidding procedures for authority contracts and purchases; providing criminal penalties for violation of purchasing and

bidding requirements; clarifying that certain provisions of the code prohibiting certain officers from having a pecuniary interest in contracts applies to board members, officers, personnel, and agents of an authority; providing civil remedies for participating counties challenging purchasing contracts violating certain requirements; establishing the Mountaineer Trail Network Recreation Authority and authorizing the creation of the Mountaineer Trail Network Recreation Area; identifying participating counties; providing legislative findings and purposes for this authority; listing the recreational purposes for the recreation area; specifying manner of governance and payment of expenses; and ensuring liability protections for cooperating land owners.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 318, Transferring Medicaid Fraud Control Unit to Attorney General’s office; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 519**), and there were—yeas 58, nays 42, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 318) passed.

Delegate Byrd moved that the bill take effect July 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 520**), and there were—yeas 40, nays 59, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Tomblin.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

Delegate Summers moved that the bill take effect October 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 521**), and there were—yeas 73, nays 23, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Byrd, Campbell, Capito, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Lavender-Bowe, Longstreth, Pushkin, Pyles, Robinson, Rodighiero, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: N. Brown, Hicks, Linville and Tomblin.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 318) takes effect from October 1, 2019.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 357, Relating generally to Division of Administrative Services; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 522**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Hamrick, Hicks, Householder, Linville, Pyles and Tomblin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 357) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 523**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Barrett and Tomblin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 400) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 524**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Tomblin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 402) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 404, Relating generally to sediment control during commercial timber harvesting operations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 525**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Cadle, Foster and McGeehan.

Absent and Not Voting: J. Kelly and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 404) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 526**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Estep-Burton, Paynter, Pushkin, Robinson and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 405) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

S. B. 421, Relating to annual legislative review of economic development tax credit; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 527**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Paynter.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 421) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 485, Clarifying notification requirements for property insurance purposes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 528**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Bates and Fluharty.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 485) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 529**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 485) takes effect from from passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 530**), and there were—yeas 69, nays 31, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Canestraro, Caputo, Diserio, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Jennings, Lavender-Bowe, Longstreth, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Staggers, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 487) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 487 - "A Bill to amend and reenact §55-7B-7a of the Code of West Virginia, 1931, as amended, relating to the admissibility of health care staffing requirements in medical professional liability litigation; providing that compliance with minimum staffing requirements under state and federal law creates a conclusive presumption that appropriate staffing was provided and a rebuttable presumption that adequate supervision of patients to prevent accidents was provided; requiring that if staffing is less than requirements dictated by state and federal law then there is a rebuttable presumption that there was inadequate supervision of patients and that inadequate staffing or inadequate supervision was a contributing cause of the patient's fall and resulting injuries or death; and, requiring the jury be instructed accordingly."

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

S. B. 493, Correcting terminology referring to racing vehicles illegally on street; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 531**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: N. Brown, Byrd, Canestraro, Fluharty, Pushkin, Robinson, Rowe, Skaff and Steele.

Absent and Not Voting: Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 493) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 532**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Fleischauer, Fluharty, Robinson and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 496) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 533**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Byrd, Estep-Burton, Fleischauer and Robinson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 496) takes effect from passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 511, Creating alternating wine proprietorships; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 534**), and there were—yeas 93, nays 7, absent and not voting none, with the nays being as follows:

Nays: Fast, Hollen, D. Jeffries, Kump, Porterfield, Toney and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 511) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 529, Clarifying provisions of Nonintoxicating Beer Act; on third reading, coming up in regular order, was read a third time.

Delegate C. Martin requested to be excused from voting on Com. Sub. for S. B. 529 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 535**), and there were—yeas 84, nays 16, absent and not voting none, with the nays being as follows:

Nays: Azinger, Butler, Cooper, Fast, Graves, Hollen, D. Jeffries, Jennings, Kump, Mandt, P. Martin, Pack, Porterfield, Toney, Worrell and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 529) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 536**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 537) passed.

S. B. 566, Relating to compensation for State Athletic Commission members; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 537**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Hansen, Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 566) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 538**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 596) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 596 - "A Bill to amend and reenact §17A-2-12a of the Code of West Virginia, 1931, as amended, relating to allowing persons to donate to the West Virginia Farm Bureau, the West Virginia 4 H Program, and the West Virginia Future Farmers of America Education Foundation, in addition to the Department of Veterans Assistance, when renewing a driver's license or vehicle registration, altering the amounts which may be donated under the section to all organizations, and allowing DMV to retain 2% of the donations for administrative costs."

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 597, Conforming state law to federal law for registration of appraisal management companies; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 539**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 597) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 540**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 600) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 600 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-8, relating generally to preservation of biological evidence obtained through criminal investigations and criminal trials; directing the Secretary of Military Affairs and Public Safety to investigate methods of storage and preservation of biological materials obtained by law enforcement in criminal investigations and criminal prosecutions; directing the Secretary of Military Affairs and Public Safety to submit to the Senate President and Speaker of the House of Delegates a proposed plan, along with proposed legislation, creating a program for the centralized storage and preservation of biological evidence obtained in criminal investigations and criminal trials throughout the state; requiring that such plan and proposed legislation be submitted on or before January 1, 2020; and defining terms."

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 541**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 600) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

S. B. 625, Clarifying and defining authority of State Athletic Commission; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 542**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 625) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 543**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 633) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

S. B. 655, Relating to conservation districts generally; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 544**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: S. Brown, Malcolm and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 655) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for S. B. 657, Providing consumer protection regarding self-propelled farm equipment; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 545**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Malcolm.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 657) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 658, Relating to motor vehicle salesperson licenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 546**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Boggs, Butler, Fast, Graves, D. Jeffries, J. Jeffries, Jennings, C. Martin, P. Martin, Pack, Toney and Wilson.

Absent and Not Voting: Malcolm and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 658) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 547**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: D. Jeffries, C. Martin, P. Martin and McGeehan.

Absent and Not Voting: Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 658) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 672, Authorizing School Building Authority to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 548**), and there were—yeas 85, nays 15, absent and not voting none, with the nays being as follows:

Nays: Bibby, Cadle, Fleischauer, Hanna, Hansen, J. Jeffries, Jennings, Malcolm, C. Martin, Maynard, Paynter, Pethel, C. Thompson, Walker and Waxman.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 672) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 549**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 672) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 673, Relating to public higher education accountability and planning; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Doyle, the bill was moved to the foot of all bills.

S. B. 676, Relating to off-road vehicle recreation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 550**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Hansen and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 676) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 551**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Hansen and Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 676) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

In the absence of objection, the House of Delegates returned to further consideration of Com. Sub. for S. B. 537.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 537 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-31, relating to establishing health care standards by the Health Care Authority; establishing a workgroup to review certain standards in this state; designating members of workgroup; providing for duties of workgroup; providing that the West Health Care Authority provide staff for the workgroup; providing for public hearings; providing for the submission of a final report; establishing a termination date of the workgroup; providing a time frame to review health care standards; freezing current standards for a period of time; and establishing a time frame to complete the review.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

At 12:04 p.m., the House of Delegates recessed until 5:00 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 6, 2019, he approved **Com. Sub. for H. B. 2612**.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2020, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

Delegate Summers moved that the House concur in the following amendment by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill 150:

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2020.

Sec. 2. Definitions. — For the purpose of this bill:

“Governor” shall mean the Governor of the State of West Virginia.

“Code” shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended.

“Spending unit” shall mean the department, bureau, division, office, board, commission, agency or institution to which an appropriation is made.

The “fiscal year 2020” shall mean the period from July 1, 2019, through June 30, 2020.

“General revenue fund” shall mean the general operating fund of the state and includes all moneys received or collected by the state except as provided in W.Va. Code §12-2-2 or as otherwise provided.

“Special revenue funds” shall mean specific revenue sources which by legislative enactments are not required to be accounted for as general revenue, including federal funds.

“From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collections. If the amount collected exceeds the amount designated “from collections,” the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by Article 2, Chapter 11B of the Code.

Sec. 3. Classification of appropriations. — An appropriation for:

“Personal services” shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual payments paid to consultants or to independent contractors engaged by the spending unit. “Personal services” shall include “annual increment” for “eligible employees” and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

Unless otherwise specified, appropriations for “personal services” shall include salaries of heads of spending units.

“Employee benefits” shall mean social security matching, workers’ compensation, unemployment compensation, pension and retirement contributions, public employees insurance matching, personnel fees or any other benefit normally paid by the employer as a direct cost of employment. Should the appropriation be insufficient to cover such costs, the remainder of such cost shall be paid by each spending unit from its “unclassified” appropriation, or its “current expenses” appropriation or other appropriate appropriation. Each spending unit is hereby authorized and required to make such payments in accordance with the provisions of Article 2, Chapter 11B of the Code.

Each spending unit shall be responsible for all contributions, payments or other costs related to coverage and claims of its employees for unemployment compensation and workers compensation. Such expenditures shall be considered an employee benefit.

“BRIM Premiums” shall mean the amount charged as consideration for insurance protection and includes the present value of projected losses and administrative expenses. Premiums are assessed for coverages, as defined in the applicable policies, for claims arising from, inter alia, general liability, wrongful acts, property, professional liability and automobile exposures.

Should the appropriation for “BRIM Premium” be insufficient to cover such cost, the remainder of such costs shall be paid by each spending unit from its “unclassified” appropriation, its “current expenses” appropriation or any other appropriate appropriation to the Board of Risk and Insurance Management. Each spending unit is hereby authorized and required to make such payments. If there is no appropriation for “BRIM Premium” such costs shall be paid by each spending unit from its “current expenses” appropriation, “unclassified” appropriation or other appropriate appropriation.

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

“Current expenses” shall mean operating costs other than personal services and shall not include equipment, repairs and alterations, buildings or lands. Each spending unit shall be responsible for and charged monthly for all postage meter service and shall reimburse the appropriate revolving fund monthly for all such amounts. Such expenditures shall be considered a current expense.

“Equipment” shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

“Repairs and alterations” shall mean routine maintenance and repairs to structures and minor improvements to property which do not increase the capital assets.

“Buildings” shall include new construction and major alteration of existing structures and the improvement of lands and shall include shelter, support, storage, protection or the improvement of a natural condition.

“Lands” shall mean the purchase of real property or interest in real property.

“Capital outlay” shall mean and include buildings, lands or buildings and lands, with such category or item of appropriation to remain in effect as provided by W.Va. Code §12-3-12.

From appropriations made to the spending units of state government, upon approval of the Governor there may be transferred to a special account an amount sufficient to match federal funds under any federal act.

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a “personal services and employee benefits” appropriation unless the source funds are also wholly from a “personal services and employee benefits” line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to “personal services and employee benefits,” “current expenses,” “repairs and alterations,” “equipment,” “other assets,” “land,” and “buildings” to other appropriations within the same account and no funds from other appropriations shall be transferred to the “personal services and employee benefits” or the “unclassified” appropriation: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies, boards or functions, the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of

appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit the freedom to spend an appropriation for more than one of the above classifications.

Sec. 4. Method of expenditure. — Money appropriated by this bill, unless otherwise specifically directed, shall be appropriated and expended according to the provisions of Article 3, Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

Sec. 5. Maximum expenditures. — No authority or requirement of law shall be interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from General Revenue surplus accrued
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.

- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2020.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2020 Org 2100

	Appro- priation	General Revenue Fund
Compensation of Members (R).....	00300	\$ 1,010,000
Compensation and Per Diem of Officers and Employees (R)	00500	4,011,332
Current Expenses and Contingent Fund (R)	02100	276,392
Repairs and Alterations (R).....	06400	50,000
Computer Supplies (R)	10100	20,000
Computer Systems (R)	10200	60,000
Printing Blue Book (R)	10300	125,000
Expenses of Members (R)	39900	370,000
BRIM Premium (R)	91300	29,482
Total.....		<u>\$ 5,952,206</u>

The appropriations for the Senate for the fiscal year 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances so reappropriated may be transferred and credited to the fiscal year 2019 accounts.

Upon the written request of the Clerk of the Senate, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the Senate, with the approval of the President, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of the business and after adjournment of any regular or extraordinary session, and for the necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be

needed in addition to staff personnel authorized by the Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is hereby authorized to draw his or her requisitions upon the Auditor for the payment of all such staff personnel for such services, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

For duties imposed by law and by the Senate, the Clerk of the Senate shall be paid a monthly salary as provided by the Senate resolution, unless increased between sessions under the authority of the President, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

The distribution of the blue book shall be by the office of the Clerk of the Senate and shall include 75 copies for each member of the Legislature and two copies for each classified and approved high school and junior high or middle school and one copy for each elementary school within the state.

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians – Doc of the Day Program.

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

2 - House of Delegates

Fund 0170 FY 2020 Org 2200

Compensation of Members (R)	00300	\$	3,000,000
Compensation and Per Diem of Officers and Employees (R)	00500		575,000
Current Expenses and Contingent Fund (R)	02100		3,899,031
Expenses of Members (R)	39900		1,350,000
BRIM Premium (R)	91300		<u>80,000</u>
Total.....		\$	8,904,031

The appropriations for the House of Delegates for the fiscal year 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances so reappropriated may be transferred and credited to the fiscal year 2019 accounts.

Upon the written request of the Clerk of the House of Delegates, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the House of Delegates, with the approval of the Speaker, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the House of Delegates, for any bills for supplies and services that may have been incurred by the

House of Delegates and not included in the appropriation bill, for bills for services and supplies incurred in preparation for the opening of the session and after adjournment, and for the necessary operation of the House of Delegates' offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Speaker of the House of Delegates, upon approval of the House committee on rules, shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, in addition to personnel designated in the House resolution, and the compensation of all personnel shall be as fixed in such House resolution for the session, or fixed by the Speaker, with the approval of the House committee on rules, during and between sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

For duties imposed by law and by the House of Delegates, including salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as provided in the House resolution, unless increased between sessions under the authority of the Speaker, with the approval of the House committee on rules, and payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

Included in the above appropriation for House of Delegates (fund 0170, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

3 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2020 Org 2300

Joint Committee on Government and Finance (R)	10400	\$	6,725,138
Legislative Printing (R).....	10500		260,000
Legislative Rule-Making Review Committee (R)	10600		147,250
Legislative Computer System (R)	10700		1,447,500
Legislative Fees and Dues (R)	xxxxx		600,000
BRIM Premium (R)	91300		<u>60,569</u>
Total.....		\$	9,240,457

The appropriations for the Joint Expenses for the fiscal year 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances reappropriated may be transferred and credited to the fiscal year 2019 accounts.

Upon the written request of the Clerk of the Senate, with the approval of the President of the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

JUDICIAL

4 - Supreme Court –

General Judicial

Fund 0180 FY 2020 Org 2400

Personal Services and Employee Benefits (R).....	00100		
Pers Serv Perm Pos(W/ Pr Deduc.....	1200	\$	82,744,330
Pers Serv Temp Pos(W/O Pr Deduct)	1201		65,000
Annual Increment	1206		804,355
Social Security Matching	2202		6,305,791
Public Employees Ins.....	2203		6,892,244
Workers Compensation.....	2205		150,000
Pension And Retirement	2207		8,383,002
WV Opeb Contribution	2208		2,348,573
Unemployment Compensation	2206		<u>156,705</u>
Appropriation	00100		
Total.....		\$	107,850,000
Intermediate Court of Appeals	09001		<u>4,058,200</u>
Appropriation 09001 Total		\$	4,058,200
Mental Health and Military Service Member Court Program....	xxxxx	\$	<u>323,000</u>
Appropriation xxxxx Total		\$	323,000
Current Expenses (R)	13000		
Office Expenses	3200	\$	950,000
Utilities	3203		15,000
Telecommunications	3204		1,500,000

Contractual Services	3206	1,000,000
Travel Employee	3211	1,090,000
Computer Services Internal	3213	400,000
Rental (Machine & Misc)	3217	800,000
Assoc Dues & Prof Members	3218	120,000
Advertising & Promotional	3224	100,000
Vehicle Operating Exp.....	3225	20,000
Routine Maint Contracts.....	3229	175,000
Cellular Charges	3232	150,000
Hospitality	3233	150,000
Energy Exp Mtr Veh/Air.....	3235	30,000
Energy Expense Utilities	3238	40,000
Training & Dev - In State	3242	250,000
Postal.....	3244	200,000
Supplies-Computer	3246	165,000
Computer Equipment	3248	950,000
Misc Equipment Purchases.....	3252	35,000
Bank Costs.....	3263	121,400
Rent Exp (Real Prop) Bldg	3202	1,380,000
Printing And Binding.....	3201	6,000
Computer Services External.....	3214	1,221,216
Peia Reserve Transfer	3272	779,500
Witness Fees	8208	29,000
Professional Services.....	3207	1,200,000
Atty Legal Service Pymts	3250	3,000,000
Atty Reimbursable Expense	3251	120,000
Travel Non Employee.....	3212	340,000

2019]	HOUSE OF DELEGATES		1605
Software Licenses.....	3247		1,092,000
Other Court Expenses.....	8215		116,500
Drug Testing	8211		300,000
Internet Service.....	3205		110,000
Interpreters Fees.....	8216		100,000
Court Reporter Fees	8206		778,000
Jury Fees	8207		<u>1,150,000</u>
Appropriation 13000 Total		\$	19,983,616
Repairs and Alterations (R).....	06400		
Other Repairs And Alt	6108	\$	<u>10,000</u>
Appropriation 06400 Total		\$	10,000
Equipment (R)	07000		
Books And Periodicals	5208	\$	1,400,000
Computer Equipment	5210		<u>200,000</u>
Appropriation 07000 Total		\$	1,600,000
Judges' Retirement System (R)	11000		
Pension And Retirement	2207	\$	<u>791,000</u>
Appropriation 11000 Total		\$	791,000
Buildings (R).....	25800		
Building Improvements.....	7401	\$	1,000
Leasehold Improvements	7403		<u>19,000</u>
Appropriation 25800 Total		\$	20,000
Other Assets (R).....	69000		
Computer Software	8203	\$	<u>200,000</u>
Appropriation 69000 Total		\$	200,000
BRIM Premium (R)	91300		
Fire/Auto/Bond/ & Othr In	3219	\$	<u>776,809</u>

Appropriation 91300 Total	\$	<u>776,809</u>
Total.....	\$	135,612,625

The appropriations to the Supreme Court of Appeals for the fiscal years 2018 and 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances so reappropriated may be transferred and credited to the fiscal year 2019 accounts.

This fund shall be administered by the Administrative Director of the Supreme Court of Appeals, who shall draw requisitions for warrants in payment in the form of payrolls, making deductions there from as required by law for taxes and other items.

The appropriation for the Judges' Retirement System (fund 0180, appropriation 11000) is to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating thereto, upon requisition of the Administrative Director of the Supreme Court of Appeals.

EXECUTIVE

5 - Governor's Office

(WV Code Chapter 5)

Fund 0101 FY 2020 Org 0100

Personal Services and Employee Benefits.....	00100	\$	3,250,758
Current Expenses (R)	13000		800,000
Repairs and Alterations.....	06400		25,000
National Governors Association.....	12300		60,700
Herbert Henderson Office of Minority Affairs.....	13400		146,726
BRIM Premium	91300		<u>183,645</u>
Total.....		\$	4,466,829

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), and Current Expenses (fund 0101, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).

6 - Governor's Office –

Custodial Fund

(WV Code Chapter 5)

Fund 0102 FY 2020 Org 0100

Personal Services and Employee Benefits.....	00100	\$	381,293
Current Expenses (R)	13000		183,158
Repairs and Alterations.....	06400		<u>5,000</u>
Total.....		\$	569,451

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Appropriations are to be used for current general expenses, including compensation of employees, household maintenance, cost of official functions and additional household expenses occasioned by such official functions.

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2020 Org 0100

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia's contribution to the interstate oil compact commission.

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency or unplanned events which may occur during the fiscal year and is not to be expended for the normal day-to-day operations of the Governor's Office.

8 - Auditor's Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,797,589
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Current Expenses (R)	13000	13,429
BRIM Premium	91300	<u>12,077</u>
Total.....		\$ 2,823,095

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0116, appropriation 00100), is \$95,000 for the Salary of the Auditor.

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2020 Org 1300

Personal Services and Employee Benefits.....	00100	\$ 2,561,063
Unclassified	09900	30,415
Current Expenses (R)	13000	472,911
Abandoned Property Program	11800	41,794
Other Assets.....	69000	10,000
ABLE Program.....	69201	150,000
BRIM Premium	91300	<u>59,169</u>
Total.....		\$ 3,325,352

Any unexpended balances remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0126, appropriation 00100), is \$95,000 for the Salary of the Treasurer.

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 5,546,674
Animal Identification Program	03900	131,942

2019]	HOUSE OF DELEGATES	1609
State Farm Museum	05500	87,759
Current Expenses (R)	13000	141,960
Gypsy Moth Program (R)	11900	1,003,440
WV Farmers Market.....	12801	150,467
Black Fly Control.....	13700	453,698
Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program	36301	255,624
Predator Control (R)	47000	176,400
Bee Research.....	69100	70,634
Microbiology Program.....	78500	99,828
Moorefield Agriculture Center	78600	975,284
Chesapeake Bay Watershed	83000	112,427
Livestock Care Standards Board	84300	8,820
BRIM Premium	91300	138,905
State FFA-FHA Camp and Conference Center	94101	638,554
Threat Preparedness	94200	73,122
WV Food Banks.....	96900	126,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 10,292,373

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0131, appropriation 00100), is \$95,000 for the Salary of the Commissioner.

The above appropriation for Predator Control (fund 0131, appropriation 47000) is to be made available to the United States Department of Agriculture, Wildlife Services to administer the Predator Control Program.

A portion of the Current Expenses appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for marketing and development activities.

From the above appropriation for WV Food Banks (fund 0131, appropriation 96900), \$20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	794,191
Unclassified	09900		77,059
Current Expenses (R)	13000		317,848
Soil Conservation Projects (R)	12000		8,799,709
BRIM Premium	91300		<u>34,428</u>
Total.....		\$	10,023,235

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	668,030
Unclassified	09900		7,090
Current Expenses	13000		<u>82,605</u>
Total.....		\$	757,725

Any part or all of this appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for the above-named program.

13 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

2019] HOUSE OF DELEGATES 1611

Fund 0136 FY 2020 Org 1400

Programs and Awards for 4-H Clubs and FFA/FHA	57700	\$	15,000
Commissioner's Awards and Programs	73700		<u>39,250</u>
Total.....		\$	54,250

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	99,547
Unclassified	09900		<u>950</u>
Total.....		\$	100,497

15 - Attorney General

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2020 Org 1500

Personal Services and Employee Benefits (R).....	00100	\$	2,818,788
Unclassified (R)	09900		24,428
Current Expenses (R)	13000		762,097
Repairs and Alterations.....	06400		1,000
Equipment	07000		1,000
Criminal Convictions and Habeas Corpus Appeals (R)	26000		946,078
Better Government Bureau	74000		279,412
BRIM Premium	91300		<u>120,654</u>
Total.....		\$	4,953,457

Any unexpended balances remaining in the above appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus

Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0150, appropriation 00100), is \$95,000 for the Salary of the Attorney General.

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

16 - Secretary of State

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2020 Org 1600

Personal Services and Employee Benefits.....	00100	\$	118,794
Unclassified (R)	09900		9,555
Current Expenses (R)	13000		805,948
BRIM Premium	91300		<u>23,297</u>
Total.....		\$	957,594

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0155, appropriation 00100), is \$95,000 for the Salary of the Secretary of State.

17 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2020 Org 1601

Personal Services and Employee Benefits.....	00100	\$	2,477
Unclassified	09900		75

2019]	HOUSE OF DELEGATES		1613
Current Expenses	13000	<u> </u>	4,956
Total.....		\$	7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2020 Org 0201

Personal Services and Employee Benefits.....	00100	\$	606,584
Unclassified	09900		9,177
Current Expenses	13000		85,009
Repairs and Alterations.....	06400		100
Equipment	07000		1,000
Financial Advisor (R)	30400		27,546
Lease Rental Payments.....	51600		15,000,000
Design-Build Board.....	54000		4,000
Other Assets.....	69000		100
BRIM Premium	91300	<u> </u>	6,736
Total.....		\$	15,740,252

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The appropriation for Lease Rental Payments (fund 0186, appropriation 51600) shall be disbursed as provided by W.Va. Code §31-15-6b.

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2020 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When

specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2020 Org 0209

Personal Services and Employee Benefits.....	00100	\$	64,696
Unclassified	09900		1,400
Current Expenses	13000		66,721
GAAP Project (R).....	12500		612,666
BRIM Premium	91300		<u>7,517</u>
Total.....		\$	753,000

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2020 Org 0211

Personal Services and Employee Benefits.....	00100	\$	2,722,499
Unclassified	09900		20,000
Current Expenses	13000		728,849
Repairs and Alterations.....	06400		500
Equipment	07000		5,000
Fire Service Fee	12600		14,000
Buildings (R)	25800		500
Preservation and Maintenance of Statues and Monuments on Capitol Grounds	37100		68,000

2019]	HOUSE OF DELEGATES		1615
Capital Outlay, Repairs and Equipment (R)	58900		27,078,888
Other Assets.....	69000		500
Land (R)	73000		500
BRIM Premium	91300		<u>129,983</u>
Total.....		\$	30,769,219

Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Preservation and Maintenance of Statues and Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the Division of Culture and History and Capitol Building Commission in all aspects of planning, assessment, maintenance and restoration.

The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) shall be expended for capital improvements, maintenance, repairs and equipment for state-owned buildings.

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2020 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,055,926
Unclassified	09900		144
Current Expenses	13000		1,285
Repairs and Alterations.....	06400		200
BRIM Premium	91300		<u>6,922</u>
Total.....		\$	1,064,477

The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for all actual expenses incurred pursuant to the provisions of W.Va. Code §17-2A-13.

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2020 Org 0215

Personal Services and Employee Benefits.....	00100	\$	802,363
Unclassified	09900		12,032
Current Expenses	13000		440,247
Repairs and Alterations.....	06400		1,000
Equipment	07000		5,000
Buildings (R).....	25800		100
Other Assets.....	69000		<u>100</u>
Total.....		\$	1,260,842

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2020 Org 0217

Current Expenses	13000	\$	45,550
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To pay expenses for members of the commission on uniform state laws.

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2020 Org 0219

Personal Services and Employee Benefits.....	00100	\$	969,627
Unclassified	09900		1,000
Current Expenses	13000		143,754
Equipment	07000		50
BRIM Premium	91300		<u>10,281</u>
Total.....		\$	1,124,712

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2020 Org 0220

Personal Services and Employee Benefits.....	00100	\$	606,969
Unclassified	09900		2,200
Current Expenses	13000		104,501
Repairs and Alterations.....	06400		500
Other Assets.....	69000		100
BRIM Premium	91300		<u>5,574</u>
Total.....		\$	719,844

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2020 Org 0221

Personal Services and Employee Benefits.....	00100	\$	1,711,081
Unclassified	09900		314,700
Current Expenses	13000		12,740
Public Defender Corporations	35200		19,213,435
Appointed Counsel Fees (R).....	78800		13,223,115
BRIM Premium	91300		<u>10,575</u>
Total.....		\$	34,485,646

Any unexpended balance remaining in the above appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, appropriation 78800).

*28 - Committee for the Purchase of
Commodities and Services from the Handicapped*
(WV Code Chapter 5A)
Fund 0233 FY 2020 Org 0224

Personal Services and Employee Benefits.....	00100	\$	3,187
Current Expenses	13000		868
Total.....		\$	4,055

29 - Public Employees Insurance Agency
(WV Code Chapter 5)
Fund 0200 FY 2020 Org 0225

PEIA Subsidy.....	80100	\$	21,000,000
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The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the public employees health insurance cost for their respective divisions.

The above appropriation for PEIA Subsidy (fund 0200, appropriation 80100) may be transferred to a special revenue fund and shall be utilized by the West Virginia Public Employees Insurance Agency for the purposes of offsetting benefit changes to offset the aggregate premium cost-sharing percentage requirements between employers and employees. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

30 - West Virginia Prosecuting Attorneys Institute
(WV Code Chapter 7)
Fund 0557 FY 2020 Org 0228

Forensic Medical Examinations (R).....	68300	\$	141,579
Federal Funds/Grant Match (R)	74900		105,074
Total.....		\$	246,653

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2020 Org 0233

Personal Services and Employee Benefits.....	00100	\$	681,101
Unclassified	09900		1,000
Current Expenses	13000		138,631
Repairs and Alterations.....	06400		100
Equipment	07000		2,500
BRIM Premium	91300		<u>8,534</u>
Total.....		\$	831,866

DEPARTMENT OF COMMERCE

32 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

Tourism – Brand Promotion	61803	\$	5,000,000
Tourism – Public Relations	61804		750,000
Tourism – Events and Sponsorships.....	61805		250,000
Tourism – Industry Development	61806		250,000
State Parks and Recreation Advertising.....	61900		<u>750,000</u>
Total.....		\$	7,000,000

The Executive Director of the West Virginia Tourism Office, with approval from the Secretary of Commerce, shall have the authority to transfer between the above items of appropriation.

33 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	2,881,455
Unclassified	09900		21,435
Current Expenses	13000		338,953
Repairs and Alterations.....	06400		80,000
Equipment (R)	07000		2,061
BRIM Premium	91300		<u>98,754</u>
Total.....		\$	3,422,658

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Out of the above appropriations a sum may be used to match federal funds for cooperative studies or other funds for similar purposes.

34 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2020 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,678,448
Unclassified	09900		27,678
Current Expenses	13000		51,524
Repairs and Alterations.....	06400		968
Mineral Mapping System (R).....	20700		1,134,143
BRIM Premium	91300		<u>24,486</u>
Total.....		\$	2,917,247

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The above Unclassified and Current Expense appropriations include funding to secure federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the purpose of providing advance funding for such contracts.

35 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,400,420
Unclassified	09900		108,055
Current Expenses	13000		3,765,277
National Youth Science Camp	13200		241,570
Local Economic Development Partnerships (R)	13300		1,250,000
ARC Assessment.....	13600		152,585
Guaranteed Work Force Grant (R).....	24200		976,579
Mainstreet Program	79400		167,467
BRIM Premium	91300		3,157
Hatfield McCoy Recreational Trail.....	96000		<u>198,415</u>
Total.....		\$	11,263,525

Any unexpended balances remaining in the appropriations for Sales and Marketing Enhancement – Surplus (fund 0256, appropriation 05099), Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), and Local Economic Development Assistance (fund 0256, appropriation 81900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the West Virginia Development Office for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.Va. Code §5B-2-14. The West Virginia Development Office shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$34,000 per county served by an economic development or redevelopment corporation or authority.

36 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 0260 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,564,676
Current Expenses	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment	07000		15,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	1,843,176

37 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	16,956,925
Unclassified	09900		184,711
Current Expenses	13000		196,302
Repairs and Alterations.....	06400		100
Equipment	07000		100
Buildings	25800		100
Capital Outlay – Parks (R)	28800		3,000,000
Litter Control Conservation Officers	56400		146,986
Upper Mud River Flood Control	65400		164,791
Other Assets.....	69000		100
Land (R)	73000		100
Law Enforcement.....	80600		2,552,994
BRIM Premium	91300		<u>45,141</u>
Total.....		\$	23,248,350

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Any revenue derived from mineral extraction at any state park shall be deposited in a special revenue account of the Division of Natural Resources, first for bond debt payment purposes and with any remainder to be for park operation and improvement purposes.

38 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2020 Org 0314

Personal Services and Employee Benefits.....	00100	\$	9,550,243
Unclassified	09900		111,016
Current Expenses	13000		1,396,141
Coal Dust and Rock Dust Sampling	27000		487,752
BRIM Premium	91300		<u>80,668</u>
Total.....		\$	11,625,820

Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is \$500,000 to be used for coal mine training activities at an established mine training facility in southern West Virginia.

39 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2020 Org 0319

Personal Services and Employee Benefits.....	00100	\$	233,981
Unclassified	09900		3,480
Current Expenses	13000		<u>118,138</u>
Total.....		\$	355,599

Included in the above appropriation for Current Expenses (fund 0280, appropriation 13000) up to \$29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

40 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2020 Org 0323

Personal Services and Employee Benefits.....	00100	\$	51,433
Unclassified	09900		593
Current Expenses	13000		<u>7,337</u>
Total.....		\$	59,363

*41 - Department of Commerce –**Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2020 Org 0327

Personal Services and Employee Benefits.....	00100	\$	588,872
Unclassified	09900		1,490
Current Expenses	13000		<u>17,099</u>
Total.....		\$	607,461

42 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2020 Org 0328

Personal Services and Employee Benefits.....	00100	\$	198,299
Unclassified	09900		12,395
Current Expenses	13000		1,029,679
BRIM Premium	91300		<u>3,894</u>
Total.....		\$	1,244,267

From the above appropriation for Current Expenses (fund 0612, appropriation 13000) \$558,247 is for West Virginia University and \$308,247 is for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

43 - State Board of Rehabilitation –
Division of Rehabilitation Services
 (WV Code Chapter 18)
 Fund 0310 FY 2020 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,459,977
Independent Living Services	00900		429,418
Current Expenses	13000		558,815
Workshop Development.....	16300		1,817,427
Supported Employment Extended Services	20600		77,960
Ron Yost Personal Assistance Fund.....	40700		333,828
Employment Attendant Care Program	59800		131,575
BRIM Premium	91300		<u>77,464</u>
Total.....		\$	14,886,464

From the above appropriation for Workshop Development (fund 0310, appropriation 16300), fund shall be used exclusively with the private nonprofit community rehabilitation program organizations known as work centers or sheltered workshops. The appropriation shall also be used to continue the support of the program, services, and individuals with disabilities currently in place at those organizations.

DEPARTMENT OF EDUCATION

44 - State Board of Education –
School Lunch Program
 (WV Code Chapters 18 and 18A)
 Fund 0303 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	348,042
Current Expenses	13000		<u>2,118,865</u>
Total.....		\$	2,466,907

45 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,598,523
Teachers' Retirement Savings Realized	09500		42,954,000
Unclassified (R)	09900		300,000
Current Expenses (R)	13000		2,572,000
Equipment	07000		5,000
Center for Professional Development (R).....	11500		150,000
Increased Enrollment.....	14000		3,060,000
Safe Schools	14300		4,781,026
National Teacher Certification (R).....	16100		300,000
Jim's Dream – Childhood Drug Prevention Education.....	21901		3,000,000
Buildings (R).....	25800		1,000
Allowance for County Transfer.....	26400		476,348
Technology Repair and Modernization.....	29800		951,003
HVAC Technicians.....	35500		516,791
Early Retirement Notification Incentive	36600		300,000
MATH Program.....	36800		336,532
Assessment Programs.....	39600		1,339,588
Benedum Professional Development Collaborative	42700		429,775
Governor's Honors Academy	47800		1,059,270
21 st Century Fellows	50700		274,899
English as a Second Language	52800		96,000
Teacher Reimbursement	57300		297,188
Hospitality Training	60000		272,775

2019]	HOUSE OF DELEGATES	1627
Hi-Y Youth in Government	61600	100,000
High Acuity Special Needs (R).....	63400	1,500,000
Foreign Student Education	63600	100,294
State Board of Education Administrative Costs.....	68400	277,403
Other Assets.....	69000	1,000
IT Academy (R).....	72100	500,000
Land (R)	73000	1,000
Early Literacy Program	75600	5,705,624
School Based Truancy Prevention (R).....	78101	2,032,238
Communities in Schools (R).....	78103	400,000
21 st Century Learners (R)	88600	1,756,470
BRIM Premium	91300	342,859
21 st Century Assessment and Professional Development.....	93100	2,006,978
21 st Century Technology Infrastructure Network		
Tools and Support.....	93300	7,636,586
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total.....		\$ 90,973,420

The above appropriations include funding for the state board of education and their executive office.

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), National Teacher Certification (fund 0313, appropriation 16100), Buildings (fund 0313, appropriation 25800), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), Land (fund 0313, appropriation 73000), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), and 21st Century Learners (fund 0313, appropriation 88600) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Teachers' Retirement Savings Realized (fund 0313, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044).

From the above appropriation for Jim’s Dream – Childhood Drug Prevention Education (fund 0313, appropriation 21901) funds are to be used for childhood drug prevention education programs.

The above appropriation for Hospitality Training (fund 0313, appropriation 60000), shall be allocated only to entities that have a plan approved for funding by the Department of Education, at the funding level determined by the State Superintendent of Schools. Plans shall be submitted to the State Superintendent of Schools to be considered for funding.

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project Based Learning in STEM fields.

46 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2020 Org 0402

Special Education – Counties	15900	\$	7,271,757
Special Education – Institutions	16000		3,968,631
Education of Juveniles Held in Predispositional			
Juvenile Detention Centers	30200		649,758
Education of Institutionalized Juveniles and Adults (R)	47200		<u>20,474,233</u>
Total.....		\$	32,364,379

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriations, the superintendent shall have authority to expend funds for the costs of special education for those children residing in out-of-state placements.

47 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2020 Org 0402

2019]	HOUSE OF DELEGATES		1629
Other Current Expenses	02200	\$	154,673,629
Advanced Placement.....	05300		644,087
Professional Educators.....	15100		859,967,087
Service Personnel.....	15200		292,256,552
Fixed Charges	15300		101,346,432
Transportation	15400		75,457,864
Professional Student Support Services.....	65500		38,686,260
Improved Instructional Programs	15600		51,050,264
21 st Century Strategic Technology Learning Growth	93600		24,595,292
Teacher and Leader Induction	93601		<u>3,630,411</u>
Basic Foundation Allowances			1,602,307,878
Less Local Share			(472,845,214)
Adjustments.....			<u>(2,681,318)</u>
Total Basic State Aid			1,126,781,346
Public Employees' Insurance Matching.....	01200		223,979,027
Teachers' Retirement System.....	01900		65,201,000
School Building Authority	45300		24,000,000
Retirement Systems – Unfunded Liability.....	77500		<u>323,992,000</u>
Total.....		\$	1,763,953,373

48 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,339,713
Unclassified	09900		268,800
Current Expenses	13000		883,106

Wood Products – Forestry Vocational Program	14600	78,691
Albert Yanni Vocational Program	14700	132,123
Vocational Aid.....	14800	23,997,756
Adult Basic Education	14900	5,195,128
Jim’s Dream.....	14901	6,000,000
Program Modernization.....	30500	884,313
High School Equivalency Diploma Testing (R).....	72600	803,397
FFA Grant Awards	83900	11,496
Pre-Engineering Academy Program.....	84000	<u>265,294</u>
Total.....		\$ 39,859,817

Any unexpended balance remaining in the appropriation for High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Jim’s Dream (fund 0390, appropriation 14901) funds are to be used for rehabilitation and workforce readiness transition programs.

*49 - State Board of Education –
West Virginia Schools for the Deaf and the Blind
(WV Code Chapters 18 and 18A)
Fund 0320 FY 2020 Org 0403*

Personal Services and Employee Benefits.....	00100	\$ 11,379,675
Unclassified	09900	110,000
Current Expenses	13000	2,240,696
Repairs and Alterations.....	06400	164,675
Equipment	07000	77,000
Buildings (R)	25800	45,000
Capital Outlay and Maintenance (R)	75500	520,000
BRIM Premium	91300	<u>140,842</u>

Total..... \$ 14,677,888

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$	3,463,493
Current Expenses	13000		610,843
Repairs and Alterations.....	06400		1,000
Equipment	07000		1
Unclassified (R)	09900		28,483
WV Humanities Council	16800		250,000
Buildings (R)	25800		1
Other Assets.....	69000		1
Educational Enhancements	69500		73,500
Land (R)	73000		1
Culture and History Programming.....	73200		231,573
Capital Outlay and Maintenance (R)	75500		19,600
Historical Highway Marker Program.....	84400		57,548
BRIM Premium	91300		<u>39,337</u>
Total.....		\$	4,775,381

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The Current Expense appropriation includes funding for the arts funds, department programming funds, grants, fairs and festivals and Camp Washington Carver and shall be expended only upon authorization of the Division of Culture and History and in accordance with the provisions of Chapter 5A, Article 3, and Chapter 12 of the Code.

From the above appropriation for Educational Enhancements (fund 0293, appropriation 69500), \$73,500 shall be used for the Clay Center.

51 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2020 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,314,744
Current Expenses	13000		139,624
Repairs and Alterations.....	06400		6,500
Services to Blind & Handicapped.....	18100		161,717
BRIM Premium	91300		<u>18,205</u>
Total.....		\$	1,640,790

52 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2020 Org 0439

Personal Services and Employee Benefits.....	00100	\$	1,840,433
Current Expenses	13000		1,591,805
Mountain Stage.....	24900		300,000
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium	91300		<u>48,453</u>
Total.....		\$	3,830,691

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

2019] HOUSE OF DELEGATES 1633

(WV Code Chapter 20)

Fund 0270 FY 2020 Org 0311

Personal Services and Employee Benefits.....	00100	\$	82,539
Current Expenses	13000		28,453
Repairs and Alterations.....	06400		800
Equipment	07000		500
Other Assets.....	69000		400
BRIM Premium	91300		<u>791</u>
Total.....		\$	113,483

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	4,196,400
Water Resources Protection and Management.....	06800		576,278
Current Expenses	13000		96,916
Repairs and Alterations.....	06400		1,500
Unclassified	09900		14,825
Dam Safety.....	60700		237,824
West Virginia Stream Partners Program	63700		77,396
Meth Lab Cleanup	65600		139,000
WV Contributions to River Commissions.....	77600		148,485
Office of Water Resources Non-Enforcement Activity	85500		<u>1,009,855</u>
Total.....		\$	6,498,479

A portion of the appropriations for Current Expense (fund 0273, appropriation 13000) and Dam Safety (fund 0273, appropriation 60700) may be transferred to the special revenue fund Dam Safety

Rehabilitation Revolving Fund (fund 3025) for the state deficient dams rehabilitation assistance program.

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2020 Org 0325

Personal Services and Employee Benefits.....	00100	\$	60,737
Current Expenses	13000		11,612
Repairs and Alterations.....	06400		800
Equipment	07000		400
Other Assets.....	69000		200
BRIM Premium	91300		<u>2,304</u>
Total.....		\$	76,053

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2020 Org 0501

Personal Services and Employee Benefits.....	00100	\$	384,638
Unclassified	09900		6,459
Current Expenses	13000		50,613
Commission for the Deaf and Hard of Hearing.....	70400		<u>225,534</u>
Total.....		\$	667,244

Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	12,946,328
Chief Medical Examiner.....	04500		9,666,347
Unclassified.....	09900		671,795
Current Expenses.....	13000		4,677,059
State Aid for Local and Basic Public Health Services.....	18400		13,660,490
Safe Drinking Water Program (R).....	18700		2,211,323
Women, Infants and Children.....	21000		38,621
Early Intervention.....	22300		8,134,060
Cancer Registry.....	22500		206,306
Office of Drug Control Policy (R).....	35401		567,953
Statewide EMS Program Support (R).....	38300		1,845,271
Office of Medical Cannabis.....	42001		2,380,489
Black Lung Clinics.....	46700		170,885
Vaccine for Children.....	55100		338,235
Tuberculosis Control.....	55300		379,256
Maternal and Child Health Clinics, Clinicians			
Medical Contracts and Fees (R).....	57500		6,342,707
Epidemiology Support.....	62600		1,547,192
Primary Care Support.....	62800		4,263,706
Sexual Assault Intervention and Prevention.....	72300		125,000
Health Right Free Clinics.....	72700		3,750,000
Capital Outlay and Maintenance (R).....	75500		100,000
Healthy Lifestyles.....	77800		2,000,000
Maternal Mortality Review.....	83400		49,933
Diabetes Education and Prevention.....	87300		97,125
BRIM Premium.....	91300		169,791

State Trauma and Emergency Care System.....	91800	2,021,322
WVU Charleston Poison Control Hotline.....	91800	<u>712,942</u>
Total.....		\$ 79,074,136

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; and \$50,000 is for Hospital Hospitality House of Huntington.

From the above appropriation for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) up to \$400,000 may be transferred to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and \$11,000 is for the Marshall County Health Department for dental services.

57 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 1,632,588
Current Expenses.....	13000	14,113
Behavioral Health Program (R).....	21900	71,843,953
Jim's Dream.....	14901	6,000,000
Family Support Act.....	22100	251,226
Institutional Facilities Operations (R).....	33500	137,929,180
Substance Abuse Continuum of Care (R).....	35400	5,000,000
Capital Outlay and Maintenance (R).....	75500	950,000
Renaissance Program.....	80400	165,996
BRIM Premium.....	91300	<u>1,296,098</u>

Total.....	\$	225,083,154
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Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

From the above appropriation for Jim’s Dream (fund 0525, appropriation 14901) funds are to be used for substance abuse treatment programs.

Included in the above appropriation for Behavioral Health Program (fund 0525, appropriation 21900) is \$100,000 for the Healing Place of Huntington.

The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) contains prior year salary increases due to the Hartley court order in the amount of \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for Mildred Mitchel-Bateman Hospital.

From the above appropriation for Substance Abuse Continuum of Care (fund 0525, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

Additional funds have been appropriated in fund 5156, fiscal year 2020, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

58 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2020 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund-Transfer.....	68900	\$	647,500
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The above appropriation for Drinking Water Treatment Revolving Fund – Transfer shall be transferred to the West Virginia Drinking Water Treatment Revolving Fund or appropriate bank depository and the Drinking Water Treatment Revolving – Administrative Expense Fund as provided by Chapter 16 of the Code.

59 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2020 Org 0510

Personal Services and Employee Benefits.....	00100	\$	1,073,553
Unclassified	09900		4,024
Current Expenses	13000		331,304
BRIM Premium	91300		<u>10,764</u>
Total.....		\$	1,419,645

60 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	48,078,212
Unclassified	09900		5,688,944
Current Expenses	13000		11,404,008
Child Care Development.....	14400		4,102,718
Medical Services.....	18900		465,409,605
Social Services	19500		196,114,014
Family Preservation Program.....	19600		1,565,000
Family Resource Networks	27400		1,762,464
Domestic Violence Legal Services Fund.....	38400		400,000
James "Tiger" Morton Catastrophic Illness Fund.....	45500		105,695
I/DD Waiver	46600		88,753,483
Child Protective Services Case Workers.....	46800		24,917,075
OSCAR and RAPIDS.....	51500		6,493,207
Title XIX Waiver for Seniors	53300		13,593,620

2019]	HOUSE OF DELEGATES	1639
WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
Child Welfare System	60300	1,334,615
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	935,000
Child Support Enforcement.....	70500	6,758,806
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	25,819,096
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
Medical Services Administrative Costs	78900	38,234,761
Traumatic Brain Injury Waiver.....	83500	800,000
Indigent Burials (R)	85100	2,050,000
BRIM Premium	91300	892,642
Rural Hospitals Under 150 Beds.....	94000	2,596,000
Children’s Trust Fund – Transfer	95100	<u>220,000</u>
Total.....		\$ 964,590,583

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

The secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

Included in the above appropriation for Social Services (fund 0403, appropriation 19500) is funding for continuing education requirements relating to the practice of social work.

The above appropriation for Domestic Violence Legal Services Fund (fund 0403, appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund 5455).

The above appropriation for James “Tiger” Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James “Tiger” Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467), and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the secretary of the Department of Health and Human Resources.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500) an amount not to exceed \$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), 50% of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

The above appropriation for Children’s Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children’s Trust Fund (fund 5469, org 0511).

DEPARTMENT OF MILITARY AFFAIRS

AND PUBLIC SAFETY

61 - Department of Military Affairs and Public Safety –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2020 Org 0601

Personal Services and Employee Benefits.....	00100	\$	672,826
Unclassified (R)	09900		18,949
Current Expenses	13000		137,480
Repairs and Alterations.....	06400		1,500
Equipment	07000		1,500

2019]	HOUSE OF DELEGATES		1641
Fusion Center (R)	46900		553,678
Other Assets	69000		2,500
Directed Transfer	70000		32,000
BRIM Premium	91300		18,190
WV Fire and EMS Survivor Benefit (R)	93900		200,000
Homeland State Security Administrative Agency (R)	95300		<u>315,220</u>
Total.....		\$	1,953,843

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund (fund 6003).

62 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2020 Org 0603

Unclassified (R)	09900	\$	106,798
College Education Fund.....	23200		4,000,000
Civil Air Patrol	23400		249,664
Mountaineer ChalleNGe Academy.....	70900		1,500,000
Armory Board Transfer	70015		2,317,555
Military Authority (R)	74800		6,260,251
Drug Enforcement and Support	74801		<u>1,500,000</u>
Total.....		\$	15,934,268

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), and Military Authority –

Surplus (fund 0433, appropriation 74899) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriations an amount approved by the Adjutant General and the secretary of Military Affairs and Public Safety may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

The adjutant general shall have the authority to transfer between appropriations.

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$4,500,000 to the Mountaineer Challenge Academy to meet anticipated program demand.

63 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2020 Org 0603

Personal Services and Employee Benefits.....	00100	\$	100,000
Current Expenses	13000		<u>57,775</u>
Total.....		\$	157,775

64 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2020 Org 0605

Personal Services and Employee Benefits.....	00100	\$	405,066
Current Expenses	13000		355,234
Unclassified	09900		10,000
Salaries of Members of West Virginia Parole Board.....	22700		609,833
BRIM Premium	91300		<u>6,149</u>
Total.....		\$	1,386,282

The above appropriation for Salaries of Members of West Virginia Parole Board (fund 0440, appropriation 22700) includes funding for salary, annual increment (as provided for in W.Va. Code §5-5-1), and related employee benefits of board members.

*65 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2020 Org 0606

Personal Services and Employee Benefits.....	00100	\$	1,572,931
Unclassified	09900		25,022
Current Expenses	13000		57,314
Repairs and Alterations.....	06400		600
Radiological Emergency Preparedness	55400		17,052
SIRN.....	55401		600,000
Federal Funds/Grant Match (R)	74900		1,009,145
Mine and Industrial Accident Rapid			
Response Call Center	78100		469,911
Early Warning Flood System (R).....	87700		484,448
BRIM Premium	91300		<u>96,529</u>
Total.....		\$	4,332,952

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

*66 - Division of Corrections and Rehabilitation –**Central Office*

(WV Code Chapter 15A)

Fund 0446 FY 2020 Org 0608

Personal Services and Employee Benefits.....	00100	\$	559,966
Current Expenses	13000		<u>2,400</u>

Total.....		\$	562,366
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67 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2020 Org 0608

Employee Benefits.....	01000	\$	1,258,136
Children's Protection Act (R).....	09000		838,437
Unclassified	09900		1,578,800
Current Expenses (R)	13000		52,016,936
Facilities Planning and Administration (R).....	38600		1,274,200
Charleston Correctional Center	45600		3,281,752
Beckley Correctional Center	49000		2,228,700
Anthony Correctional Center.....	50400		5,909,312
Huttonsville Correctional Center	51400		22,397,941
Northern Correctional Center	53400		7,769,520
Inmate Medical Expenses (R).....	53500		21,226,064
Pruntytown Correctional Center	54300		8,303,659
Corrections Academy.....	56900		1,776,147
Information Technology Services	59901		2,259,052
Martinsburg Correctional Center	66300		4,201,864
Parole Services.....	68600		5,641,740
Special Services	68700		6,230,985
Investigative Services	71600		3,301,523
Capital Outlay and Maintenance (R)	75500		7,000,000
Salem Correctional Center.....	77400		11,108,923
McDowell County Correctional Center	79000		2,542,590

2019]	HOUSE OF DELEGATES		1645
Stevens Correctional Center	79100		7,863,195
Parkersburg Correctional Center	82800		3,742,751
St. Mary's Correctional Center	88100		14,006,323
Denmar Correctional Center	88200		5,039,544
Ohio County Correctional Center	88300		2,003,675
Mt. Olive Correctional Complex	88800		21,709,603
Lakin Correctional Center	89600		10,346,422
BRIM Premium	91300		<u>2,527,657</u>
Total.....		\$	239,385,451

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The Commissioner of Corrections and Rehabilitation shall have the authority to transfer between appropriations to the individual correctional units above and may transfer funds from the individual correctional units to Current Expenses (fund 0450, appropriation 13000) or Inmate Medical Expenses (fund 0450, appropriation 53500).

From the above appropriation to Current Expenses (fund 0450, appropriation 13000) payment shall be made to house Division of Corrections and Rehabilitation inmates in federal, county, and /or regional jails.

Any realized savings from Energy Savings Contract may be transferred to Facilities Planning and Administration (fund 0450, appropriation 38600).

68 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2020 Org 0608

Statewide Reporting Centers	26200	\$	7,233,094
Robert L. Shell Juvenile Center	26700		2,417,029

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Resident Medical Expenses (R).....	53501	3,604,999
Central Office.....	70100	2,086,638
Capital Outlay and Maintenance (R)	75500	250,000
Gene Spadaro Juvenile Center.....	79300	2,595,691
BRIM Premium	91300	115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000	5,654,445
Vicki Douglas Juvenile Center	98100	2,292,201
Northern Regional Juvenile Center	98200	2,876,302
Lorrie Yeager Jr. Juvenile Center	98300	2,330,333
Sam Perdue Juvenile Center	98400	2,455,085
Tiger Morton Center.....	98500	2,545,259
Donald R. Kuhn Juvenile Center.....	98600	4,877,936
J.M. "Chick" Buckbee Juvenile Center	98700	<u>2,439,816</u>
Total.....		\$ 43,774,795

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above including statewide reporting centers and central office and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

69 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2020 Org 0612

Personal Services and Employee Benefits.....	00100	\$	62,969,384
Children's Protection Act.....	09000		1,009,529
Current Expenses	13000		10,504,366

2019]	HOUSE OF DELEGATES		1647
Repairs and Alterations.....	06400		450,523
Trooper Class (R)	52100		3,207,832
Barracks Lease Payments	55600		237,898
Communications and Other Equipment (R).....	55800		570,968
Trooper Retirement Fund.....	60500		4,574,590
Handgun Administration Expense	74700		77,892
Capital Outlay and Maintenance (R)	75500		250,000
Retirement Systems – Unfunded Liability.....	77500		15,621,000
Automated Fingerprint Identification System.....	89800		2,211,693
BRIM Premium	91300		<u>5,743,921</u>
Total.....		\$	107,429,596

Any unexpended balances remaining in the appropriations for Trooper Class (fund 0453, appropriation 52100), Communications and Other Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Personal Services and Employee Benefits (fund 0453, appropriation 00100), an amount not less than \$25,000 shall be expended to offset the costs associated with providing police services for the West Virginia State Fair.

70 - Fire Commission
(WV Code Chapter 29)
Fund 0436 FY 2020 Org 0619

Current Expenses	13000	\$	64,021
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71 - Division of Protective Services
(WV Code Chapter 5F)
Fund 0585 FY 2020 Org 0622

Personal Services and Employee Benefits.....	00100	\$	3,029,459
Unclassified (R)	09900		21,991

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Current Expenses	13000	443,357
Repairs and Alterations.....	06400	8,500
Equipment (R)	07000	64,171
BRIM Premium	91300	<u>12,226</u>
Total.....		\$ 3,579,704

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

72 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2020 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 2,877,231
Current Expenses	13000	163,360
Repairs and Alterations.....	06400	1,804
Child Advocacy Centers (R).....	45800	1,706,954
Community Corrections (R)	56100	6,927,323
Statistical Analysis Program.....	59700	49,819
Sexual Assault Forensic Examination Commission (R).....	71400	77,525
Qualitative Analysis and Training for Youth Services (R)	76200	332,446
Law Enforcement Professional Standards	83800	164,272
BRIM Premium	91300	<u>2,123</u>
Total.....		\$ 12,302,860

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0619, appropriation 45800), Community Corrections (fund 0619, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0619 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0619, appropriation 76200), and Law Enforcement Professional Standards – Surplus (fund 0619, appropriation 83899) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Child Advocacy Centers (fund 0619, appropriation 45800), the division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

DEPARTMENT OF REVENUE

73 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2020 Org 0701

Personal Services and Employee Benefits.....	00100	\$	516,906
Unclassified	09900		5,837
Current Expenses	13000		81,594
Repairs and Alterations.....	06400		1,262
Equipment	07000		8,000
Other Assets.....	69000		<u>500</u>
Total.....		\$	614,099

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

74 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2020 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$	19,282,541
Unclassified (R)	09900		224,578
Current Expenses (R)	13000		5,902,635
Repairs and Alterations.....	06400		10,150
Equipment	07000		154,850
Tax Technology Upgrade.....	09400		3,700,000
Multi State Tax Commission	65300		77,958

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Other Assets.....	69000	10,000
BRIM Premium	91300	<u>15,579</u>
Total.....	\$	29,378,291

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

75 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2020 Org 0703

Personal Services and Employee Benefits.....	00100	\$	694,942
Unclassified (R)	09900		<u>1,199</u>
Total.....		\$	696,141

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

76 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2020 Org 0709

Personal Services and Employee Benefits.....	00100	\$	452,106
Current Expenses (R)	13000		93,022
Unclassified	09900		5,255
BRIM Premium	91300		<u>3,062</u>
Total.....		\$	553,445

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

*77 - Division of Professional and Occupational Licenses –**State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2020 Org 0933

Personal Services and Employee Benefits.....	00100	\$	7,200
Current Expenses	13000		<u>29,611</u>
Total.....		\$	36,811

DEPARTMENT OF TRANSPORTATION*78 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2020 Org 0804

Personal Services and Employee Benefits.....	00100	\$	328,369
Current Expenses	13000		287,707
Other Assets (R)	69000		1,303,277
BRIM Premium	91300		<u>201,541</u>
Total.....		\$	2,120,894

Any unexpended balance remaining in the appropriation Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

79 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2020 Org 0805

Equipment (R)	07000	\$	89,710
Current Expenses (R)	13000		<u>2,173,279</u>
Total.....		\$	2,262,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

80 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2020 Org 0807

Personal Services and Employee Benefits.....	00100	\$	178,740
Current Expenses (R)	13000		591,839
Repairs and Alterations.....	06400		100
BRIM Premium	91300		<u>4,438</u>
Total.....		\$	775,117

Any unexpended balances remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

81 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund XXXX FY 2020 Org 0803

Directed Transfer	70000	\$	110,000,000
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The above appropriation for Directed Transfer (fund XXXX, appropriation 70000) shall be transferred to the Special Road Repair Fund (fund XXXX, org 0803) established by W.Va. Code §17-3-11.

DEPARTMENT OF VETERANS' ASSISTANCE

82 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2020 Org 0613

Personal Services and Employee Benefits.....	00100	\$	1,987,212
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2019]	HOUSE OF DELEGATES		1653
Unclassified	09900		20,000
Current Expenses	13000		427,767
Repairs and Alterations.....	06400		5,000
Veterans' Field Offices.....	22800		292,206
Veterans' Nursing Home (R)	28600		6,801,772
Veterans' Toll Free Assistance Line.....	32800		2,015
Veterans' Reeducation Assistance (R).....	32900		29,502
Veterans' Grant Program (R)	34200		560,000
Veterans' Grave Markers	47300		10,254
Veterans Outreach Programs	61700		175,190
Memorial Day Patriotic Exercise	69700		20,000
Veterans Cemetery	80800		391,646
BRIM Premium	91300		<u>25,530</u>
Total.....		\$	10,748,094

Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

83 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2020 Org 0618

Personal Services and Employee Benefits.....	00100	\$	1,217,096
Current Expenses	13000		<u>46,759</u>
Total.....		\$	1,263,855

BUREAU OF SENIOR SERVICES

84 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2020 Org 0508

Transfer to Division of Human Services for Health Care

and Title XIX Waiver for Senior Citizens.....	53900	\$	29,950,955
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The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

The above appropriation is in addition to funding provided in fund 5405 for this program.

WEST VIRGINIA COUNCIL FOR COMMUNITY

AND TECHNICAL COLLEGE EDUCATION

85 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2020 Org 0420

West Virginia Council for Community

and Technical Education (R)	39200	\$	738,955
Transit Training Partnership.....	78300		34,293
Community College Workforce Development (R).....	87800		2,786,925
College Transition Program	88700		278,222
West Virginia Advance Workforce Development (R)	89300		3,118,960
Technical Program Development (R)	89400		1,800,735
West Virginia Invest (R)	xxxxx		<u>7,677,294</u>
Total.....		\$	16,435,384

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596,

appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), Technical Program Development (fund 0596, appropriation 89400), and West Virginia Invest (fund 0596, appropriation xxxxx) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for the Community College Workforce Development (fund 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West Virginia.

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

86 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2020 Org 0444

Mountwest Community and Technical College 48700 \$ 5,689,307

87 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2020 Org 0445

New River Community and Technical College 35800 \$ 5,714,886

88 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2020 Org 0446

Pierpont Community and Technical College 93000 \$ 7,520,129

89 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2020 Org 0447

Blue Ridge Community and Technical College 88500 \$ 5,330,842

90 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2020 Org 0464

West Virginia University – Parkersburg..... 47100 \$ 9,919,284

91 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2020 Org 0487

Southern West Virginia Community and Technical College 44600 \$ 8,241,823

92 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2020 Org 0489

West Virginia Northern Community and Technical College 44700 \$ 7,135,825

93 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2020 Org 0492

Eastern West Virginia Community and Technical College..... 41200 \$ 1,879,912

94 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2020 Org 0493

BridgeValley Community and Technical College..... 71700 \$ 7,698,811

HIGHER EDUCATION POLICY COMMISSION

95 - Higher Education Policy Commission –

*Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2020 Org 0441

Personal Services and Employee Benefits.....	00100	\$	2,708,695
Current Expenses	13000		1,113,606
Higher Education Grant Program.....	16400		40,619,864
Tuition Contract Program (R)	16500		1,225,120
Underwood-Smith Scholarship Program-Student Awards	16700		328,349
Facilities Planning and Administration.....	38600		1,760,254
Higher Education System Initiatives.....	48801		1,630,000
PROMISE Scholarship – Transfer	80000		18,500,000
HEAPS Grant Program (R)	86700		5,014,728
BRIM Premium	91300		<u>17,817</u>
Total.....		\$	72,918,433

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Education, Research and Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established by W.Va. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

96 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B9)

Fund 0551 FY 2020 Org 0495

WVNET	16900	\$	1,747,826
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97 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2020 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,235,352
WVU – School of Health Sciences	17400		15,056,370
WVU – School of Health Sciences – Charleston Division.....	17500		2,286,711
Rural Health Outreach Programs	37700		164,517
West Virginia University School of Medicine			
BRIM Subsidy	46000		1,203,087
Total.....		\$	20,946,037

The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

98 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2020 Org 0463

West Virginia University	45900	\$	88,954,395
West Virginia University Land Grant Match.....	XXXXX		8,063,565
Jackson's Mill	46100		491,458
West Virginia University Institute of Technology.....	47900		8,020,938
State Priorities – Brownfield Professional Development.....	53100		316,556
Energy Express	86100		382,935
West Virginia University – Potomac State	99400		4,012,711
The Center of Excellence in Women's Health.....	XXXXX		<u>250,000</u>
Total.....		\$	110,924,136

From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100) \$250,000 shall be used for the West Virginia State Fire Training Academy.

From the above appropriation for West Virginia University (fund 0344, appropriation 45900) of that amount \$1,000,000 is for the administration of the tele-stroke program.

*99 - Marshall University –**School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2020 Org 0471

Marshall Medical School.....	17300	\$	12,235,068
Rural Health Outreach Programs (R)	37700		156,022
Forensic Lab.....	37701		227,415
Center for Rural Health	37702		157,096
Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>
Total.....		\$	13,648,213

Any unexpended balance remaining in the appropriation for Rural Health Outreach Program (fund 0347, appropriation 37700) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347, appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

*100 - Marshall University –
General Administration Fund
(WV Code Chapter 18B)
Fund 0348 FY 2020 Org 0471*

Marshall University	44800	\$	45,761,199
Luke Lee Listening Language and Learning Lab.....	44801		99,015
Vista E-Learning (R)	51900		229,019
State Priorities – Brownfield Professional Development (R)....	53100		309,606
Marshall University Graduate College Writing Project (R)	80700		25,412
WV Autism Training Center (R).....	93200		<u>1,808,381</u>
Total.....		\$	48,232,632

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

*101 - West Virginia School of Osteopathic Medicine
(WV Code Chapter 18B)
Fund 0336 FY 2020 Org 0476*

West Virginia School of Osteopathic Medicine	17200	\$	8,879,296
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2019]	HOUSE OF DELEGATES		1661
Rural Health Outreach Programs (R)	37700		166,111
West Virginia School of Osteopathic Medicine			
BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support.....	58100		<u>397,592</u>
Total.....		\$	9,596,404

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

102 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2020 Org 0482

Bluefield State College.....	40800	\$	5,830,221
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103 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2020 Org 0483

Concord University	41000	\$	8,851,415
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104 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2020 Org 0484

Fairmont State University.....	41400	\$	15,600,341
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105 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2020 Org 0485

Glenville State College.....	42800	\$	6,199,942
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106 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2020 Org 0486

Shepherd University	43200	\$	9,983,829
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107 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2020 Org 0488

West Liberty University	43900	\$	8,087,662
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108 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2020 Org 0490

West Virginia State University.....	44100	\$	10,182,512
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West Virginia State University Land Grant Match.....	95600		<u>2,948,786</u>
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Total.....		\$	13,131,298
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Total TITLE II, Section 1 – General Revenue

(Including claims against the state)		\$	<u>4,659,296,272</u>
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Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2020.

DEPARTMENT OF TRANSPORTATION

109 - Division of Motor Vehicles

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2020 Org 0802

	Appro-		State
	priation		Road
			Fund
Personal Services and Employee Benefits.....	00100	\$	25,977,939
Current Expenses	13000		16,187,194
Repairs and Alterations.....	06400		144,000
Equipment	07000		1,080,000
Buildings.....	25800		10,000
Other Assets.....	69000		2,600,000
BRIM Premium	91300		<u>78,586</u>
Total.....		\$	46,077,719

110 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2020 Org 0803

Debt Service	04000	\$	89,000,000
Maintenance	23700		336,386,000
Nonfederal Improvements.....	23701		221,500,000
Inventory Revolving	27500		4,000,000
Equipment Revolving.....	27600		22,500,000
General Operations	27700		91,663,229
Interstate Construction.....	27800		90,000,000

Other Federal Aid Programs	27900	370,000,000
Appalachian Programs.....	28000	100,000,000
Highway Litter Control.....	28200	1,719,000
Courtesy Patrol.....	28201	<u>5,000,000</u>
Total.....		\$ 1,331,768,229

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

111 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2019 Org 0808

Personal Services and Employee Benefits.....	00100	\$ 1,698,752
Current Expenses	13000	338,278
Repairs and Alterations.....	06400	3,000
Equipment	07000	15,500
BRIM Premium	91300	<u>10,000</u>
Total.....		\$ 2,065,530

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state) \$ 1,384,161,478

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2020.

LEGISLATIVE

112 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2020 Org 2300

	Appro- piation		Other Funds
Personal Services and Employee Benefits.....	00100	\$	498,020
Current Expenses	13000		133,903
Repairs and Alterations.....	06400		1,000
Economic Loss Claim Payment Fund	33400		2,000,000
Other Assets.....	69000		<u>3,700</u>
Total.....		\$	2,636,623

JUDICIAL

113 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2020 Org 2400

Current Expenses	13000	\$	1,050,000
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114 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2020 Org 2400

Current Expenses 13000 \$ 100,000

*115 - Supreme Court –
Adult Drug Court Participation Fund
(WV Code Chapter 62)
Fund 1705 FY 2020 Org 2400*

Current Expenses 13000 \$ 200,000

EXECUTIVE

*116 - Governor's Office –
Minority Affairs Fund
(WV Code Chapter 5)
Fund 1058 FY 2020 Org 0100*

Personal Services and Employee Benefits..... 00100 \$ 177,737

Current Expenses 13000 503,200

Martin Luther King, Jr. Holiday Celebration..... 03100 8,926

Total..... \$ 689,863

*117 - Auditor's Office –
Land Operating Fund
(WV Code Chapters 11A, 12 and 36)
Fund 1206 FY 2020 Org 1200*

Personal Services and Employee Benefits..... 00100 \$ 799,211

Unclassified 09900 15,139

Current Expenses 13000 715,291

Repairs and Alterations..... 06400 2,600

Equipment 07000 426,741

Cost of Delinquent Land Sales.....	76800	<u>1,341,168</u>
Total.....		\$ 3,300,150

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

118 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$ 627,779
Current Expenses	13000	282,030
Repairs and Alterations.....	06400	6,000
Equipment	07000	10,805
Other Assets.....	69000	50,000
Statutory Revenue Distribution	74100	<u>3,500,000</u>
Total.....		\$ 4,476,614

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.Va. Code §6-9-2b.

119 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$ 2,487,017
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Unclassified	09900		31,866
Current Expenses	13000		1,463,830
Repairs and Alterations.....	06400		12,400
Equipment	07000		394,700
Other Assets.....	69000		<u>900,000</u>
Total.....		\$	5,289,813

120 - Auditor's Office – Technology Support and Acquisition Fund

(WV Code Chapter 12)

Fund 1233 FY 2020 Org 1200

Current Expenses	13000	\$	10,000
Other Assets.....	69000		<u>5,000</u>
Total.....		\$	15,000

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the purposes described in W.Va. Code §12-3-10c.

121 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,824,837
Current Expenses	13000		2,303,622
Repairs and Alterations.....	06400		5,500
Equipment	07000		650,000
Other Assets.....	69000		308,886
Statutory Revenue Distribution	74100		<u>8,000,000</u>
Total.....		\$	14,092,845

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

122 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,583,096
Current Expenses	13000		765,915
Equipment	07000		<u>50,000</u>
Total.....		\$	4,399,011

123 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2020 Org 1200

Volunteer Fire Department

Workers' Compensation Subsidy	83200	\$	2,500,000
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124 - Treasurer's Office

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2020 Org 1300

Personal Services and Employee Benefits.....	00100	\$	810,372
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Unclassified	09900	14,000
Current Expenses	13000	<u>619,559</u>
Total.....		\$ 1,443,931

*125 - Department of Agriculture –
 Agriculture Fees Fund
 (WV Code Chapter 19)
 Fund 1401 FY 2020 Org 1400*

Personal Services and Employee Benefits.....	00100	\$ 2,425,446
Unclassified	09900	37,425
Current Expenses	13000	1,856,184
Repairs and Alterations.....	06400	158,500
Equipment	07000	436,209
Other Assets.....	69000	<u>10,000</u>
Total.....		\$ 4,923,764

*126 - Department of Agriculture –
 West Virginia Rural Rehabilitation Program
 (WV Code Chapter 19)
 Fund 1408 FY 2020 Org 1400*

Personal Services and Employee Benefits.....	00100	\$ 78,251
Unclassified	09900	10,476
Current Expenses	13000	<u>963,404</u>
Total.....		\$ 1,052,131

*127 - Department of Agriculture –
 General John McCausland Memorial Farm Fund
 (WV Code Chapter 19)*

Fund 1409 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	71,937
Unclassified	09900		2,100
Current Expenses	13000		89,500
Repairs and Alterations.....	06400		36,400
Equipment	07000		<u>15,000</u>
Total.....		\$	214,937

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of the Code.

128 - Department of Agriculture –

Farm Operating Fund

(WV Code Chapter 19)

Fund 1412 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	868,492
Unclassified	09900		15,173
Current Expenses	13000		1,367,464
Repairs and Alterations.....	06400		388,722
Equipment	07000		399,393
Other Assets.....	69000		<u>20,000</u>
Total.....		\$	3,059,244

129 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2020 Org 1400

1672	JOURNAL OF THE		[MARCH 7
Personal Services and Employee Benefits.....	00100	\$	1,030,451
Unclassified	09900		45,807
Current Expenses	13000		3,410,542
Repairs and Alterations.....	06400		128,500
Equipment	07000		10,000
Other Assets.....	69000		<u>27,000</u>
Total.....		\$	4,652,300

*130 - Department of Agriculture –
 Integrated Predation Management Fund
 (WV Code Chapter 7)
 Fund 1465 FY 2020 Org 1400*

Current Expenses	13000	\$	112,500
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*131 - Department of Agriculture –
 West Virginia Spay Neuter Assistance Fund
 (WV Code Chapter 19)
 Fund 1481 FY 2020 Org 1400*

Current Expenses	13000	\$	500,000
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*132 - Department of Agriculture –
 Veterans and Warriors to Agriculture Fund
 (WV Code Chapter 19)
 Fund 1483 FY 2020 Org 1400*

Current Expenses	13000	\$	7,500
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*133 - Department of Agriculture –
 State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	1,218,564
Unclassified	09900		17,000
Current Expenses	13000		1,143,306
Repairs and Alterations.....	06400		82,500
Equipment	07000		76,000
Buildings	25800		1,000
Other Assets.....	69000		10,000
Land	73000		<u>1,000</u>
Total.....		\$	2,549,370

134 - Attorney General –

Antitrust Enforcement Fund

(WV Code Chapter 47)

Fund 1507 FY 2020 Org 1500

Personal Services and Employee Benefits.....	00100	\$	363,466
Current Expenses	13000		148,803
Repairs and Alterations.....	06400		1,000
Equipment	07000		<u>1,000</u>
Total.....		\$	514,269

135 - Attorney General –

Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

Fund 1513 FY 2020 Org 1500

1674	JOURNAL OF THE		[MARCH 7
Personal Services and Employee Benefits.....	00100	\$	222,569
Current Expenses	13000		54,615
Repairs and Alterations.....	06400		1,000
Equipment	07000		<u>1,000</u>
Total.....		\$	279,184

136 - Attorney General –
Preneed Funeral Guarantee Fund
 (WV Code Chapter 47)
 Fund 1514 FY 2020 Org 1500

Current Expenses	13000	\$	901,135
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137 - Secretary of State –
Service Fees and Collection Account
 (WV Code Chapters 3, 5, and 59)
 Fund 1612 FY 2020 Org 1600

Personal Services and Employee Benefits.....	00100	\$	1,065,106
Unclassified	09900		4,524
Current Expenses	13000		<u>8,036</u>
Total.....		\$	1,077,666

138 - Secretary of State –
General Administrative Fees Account
 (WV Code Chapters 3, 5, and 59)
 Fund 1617 FY 2020 Org 1600

Personal Services and Employee Benefits.....	00100	\$	2,947,630
Unclassified	09900		25,529

2019]	HOUSE OF DELEGATES		1675
Current Expenses	13000		976,716
Technology Improvements.....	59900		<u>570,000</u>
Total.....		\$	4,519,875

DEPARTMENT OF ADMINISTRATION

139 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2020 Org 0201

Tobacco Settlement Securitization Trustee Pass Thru.....	65000	\$	80,000,000
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140 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2020 Org 0201

Current Expenses	13000	\$	42,954,000
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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund 2600).

141 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund 2020 FY 2020 Org 0209

Personal Services and Employee Benefits.....	00100	\$	1,500,000
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Current Expenses	13000	<u>500,000</u>
Total.....		\$ 2,000,000

142 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2020 Org 0210

Personal Services and Employee Benefits.....	00100	\$ 22,464,463
Unclassified	09900	382,354
Current Expenses	13000	13,378,766
Repairs and Alterations.....	06400	1,000
Equipment	07000	2,050,000
Other Assets.....	69000	<u>1,045,000</u>
Total.....		\$ 39,321,583

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

143 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2020 Org 0213

Personal Services and Employee Benefits.....	00100	\$ 741,589
Unclassified	09900	2,382
Current Expenses	13000	208,115
Repairs and Alterations.....	06400	5,000
Equipment	07000	2,500

2019]	HOUSE OF DELEGATES		1677
Other Assets	69000		2,500
BRIM Premium	91300		<u>810</u>
Total.....		\$	962,896

*144 - Division of Purchasing –
 Purchasing Improvement Fund
 (WV Code Chapter 5A)
 Fund 2264 FY 2020 Org 0213*

Personal Services and Employee Benefits.....	00100	\$	778,176
Unclassified	09900		5,562
Current Expenses	13000		393,066
Repairs and Alterations.....	06400		500
Equipment	07000		500
Other Assets.....	69000		500
BRIM Premium	91300		<u>850</u>
Total.....		\$	1,179,154

*145 - Travel Management –
 Aviation Fund
 (WV Code Chapter 5A)
 Fund 2302 FY 2020 Org 0215*

Unclassified	09900	\$	1,000
Current Expenses	13000		149,700
Repairs and Alterations.....	06400		1,175,237
Equipment	07000		1,000
Buildings.....	25800		100
Other Assets.....	69000		100

Land	73000		<u>100</u>
Total.....		\$	1,327,237

146 - Fleet Management Division Fund
 (WV Code Chapter 5A)
 Fund 2301 FY 2020 Org 0216

Personal Services and Employee Benefits.....	00100	\$	757,145
Unclassified	09900		4,000
Current Expenses	13000		8,130,614
Repairs and Alterations.....	06400		12,000
Equipment	07000		800,000
Other Assets.....	69000		<u>2,000</u>
Total.....		\$	9,705,759

147 - Division of Personnel
 (WV Code Chapter 29)
 Fund 2440 FY 2020 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,760,683
Unclassified	09900		51,418
Current Expenses	13000		1,262,813
Repairs and Alterations.....	06400		5,000
Equipment	07000		20,000
Other Assets.....	69000		<u>60,000</u>
Total.....		\$	6,159,914

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Personnel.

148 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2020 Org 0228

Personal Services and Employee Benefits.....	00100	\$	251,663
Unclassified	09900		4,023
Current Expenses	13000		297,528
Repairs and Alterations.....	06400		600
Equipment	07000		500
Other Assets.....	69000		<u>500</u>
Total.....		\$	554,814

149 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2020 Org 0231

Personal Services and Employee Benefits.....	00100	\$	414,722
Unclassified	09900		6,949
Current Expenses	13000		227,116
Repairs and Alterations.....	06400		1,000
Equipment	07000		50,000
Other Assets.....	69000		<u>10,000</u>
Total.....		\$	709,787

From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

150 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,574,177
Current Expenses	13000		282,202
Repairs and Alterations.....	06400		53,000
Equipment	07000		<u>300,000</u>
Total.....		\$	2,209,379

151 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	239,244
Current Expenses	13000		87,036
Repairs and Alterations.....	06400		<u>11,250</u>
Total.....		\$	337,530

152 - Division of Forestry –

Severance Tax Operations

(WV Code Chapter 11)

Fund 3084 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	859,626
Current Expenses	13000		<u>435,339</u>
Total.....		\$	1,294,965

153 - Geological and Economic Survey –

Geological and Analytical Services Fund

2019]

HOUSE OF DELEGATES

1681

(WV Code Chapter 29)

Fund 3100 FY 2020 Org 0306

Personal Services and Employee Benefits.....	00100	\$	37,966
Unclassified	09900		2,182
Current Expenses	13000		141,631
Repairs and Alterations.....	06400		50,000
Equipment	07000		20,000
Other Assets.....	69000		<u>10,000</u>
Total.....		\$	261,779

The above appropriations shall be used in accordance with W.Va. Code §29-2-4.

154 - West Virginia Development Office –

Department of Commerce –

Marketing and Communications Operating Fund

(WV Code Chapter 5B)

Fund 3002 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,592,400
Equipment	07000		36,000
Unclassified	09900		30,000
Current Expenses	13000		<u>1,446,760</u>
Total.....		\$	3,105,160

155 - West Virginia Development Office –

Office of Coalfield Community Development

(WV Code Chapter 5B)

Fund 3162 FY 2020 Org 0307

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Personal Services and Employee Benefits.....	00100	\$	435,661
Unclassified	09900		8,300
Current Expenses	13000		<u>399,191</u>
Total.....		\$	843,152

*156 - Division of Labor –
 HVAC Fund
 (WV Code Chapter 21)
 Fund 3186 FY 2020 Org 0308*

Personal Services and Employee Benefits.....	00100	\$	300,000
Unclassified	09900		4,000
Current Expenses	13000		85,000
Repairs and Alterations.....	06400		1,500
Buildings.....	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	400,000

*157 - Division of Labor –
 Contractor Licensing Board Fund
 (WV Code Chapter 21)
 Fund 3187 FY 2020 Org 0308*

Personal Services and Employee Benefits.....	00100	\$	3,182,000
Unclassified	09900		21,589
Current Expenses	13000		597,995
Repairs and Alterations.....	06400		15,000
Buildings.....	25800		5,000
BRIM Premium	91300		<u>8,500</u>

2019] HOUSE OF DELEGATES 1683

Total..... \$ 3,830,084

158 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	397,862
Unclassified	09900		2,261
Current Expenses	13000		44,112
Repairs and Alterations.....	06400		2,000
Buildings.....	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	455,735

159 - Division of Labor –

Steam Boiler Fund

(WV Code Chapter 21)

Fund 3189 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	82,716
Unclassified	09900		1,000
Current Expenses	13000		15,000
Repairs and Alterations.....	06400		2,000
Buildings.....	25800		1,000
BRIM Premium	91300		<u>1,000</u>
Total.....		\$	102,716

160 - Division of Labor –

Crane Operator Certification Fund

(WV Code Chapter 21)

Fund 3191 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	191,899
Unclassified	09900		1,380
Current Expenses	13000		49,765
Repairs and Alterations.....	06400		1,500
Buildings.....	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	254,044

161 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	187,462
Unclassified	09900		1,281
Current Expenses	13000		44,520
Repairs and Alterations.....	06400		2,000
Buildings.....	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	244,763

162 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2020 Org 0308

2019]	HOUSE OF DELEGATES		1685
Personal Services and Employee Benefits.....	00100	\$	289,199
Unclassified	09900		1,847
Current Expenses	13000		43,700
Repairs and Alterations.....	06400		1,000
Buildings.....	25800		1,000
BRIM Premium	91300		<u>3,404</u>
Total.....		\$	340,150

163 - Division of Labor –

Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,500,000
Current Expenses	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment	07000		15,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	1,778,500

164 - Division of Labor –

Bedding and Upholstery Fund

(WV Code Chapter 21)

Fund 3198 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	150,000
Unclassified	09900		2,000
Current Expenses	13000		43,000
Repairs and Alterations.....	06400		2,000

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Buildings		25800	1,000
BRIM Premium		91300	<u>2,000</u>
Total.....		\$	200,000

165 - Division of Labor –
Psychophysiological Examiners Fund
 (WV Code Chapter 21)
 Fund 3199 FY 2020 Org 0308

Current Expenses		13000	\$	4,000
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166 - Division of Natural Resources –
License Fund – Wildlife Resources
 (WV Code Chapter 20)
 Fund 3200 FY 2020 Org 0310

Wildlife Resources		02300	\$	7,090,036
Administration		15500		1,694,974
Capital Improvements and Land Purchase (R)		24800		1,695,961
Law Enforcement.....		80600		<u>7,027,929</u>
Total.....			\$	17,508,900

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Natural Resources.

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

167 - Division of Natural Resources –
Natural Resources Game Fish and Aquatic Life Fund
 (WV Code Chapter 22)
 Fund 3202 FY 2020 Org 0310

Current Expenses	13000	\$	125,000
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168 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	688,103
Current Expenses	13000		201,810
Equipment	07000		<u>106,615</u>
Total.....		\$	996,528

169 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	457,738
Current Expenses	13000		157,864
Repairs and Alterations.....	06400		15,016
Equipment	07000		8,300
Buildings.....	25800		8,300
Other Assets.....	69000		2,000,000
Land	73000		<u>31,700</u>
Total.....		\$	2,678,918

170 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	67,641
Current Expenses	13000		64,778
Equipment	07000		1,297
Buildings.....	25800		<u>6,969</u>
Total.....		\$	140,685

171 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2020 Org 0310

Unclassified	09900	\$	200
Current Expenses	13000		<u>19,800</u>
Total.....		\$	20,000

172 - Division of Miners' Health, Safety and Training –

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2020 Org 0314

Personal Services and Employee Benefits.....	00100	\$	501,228
WV Mining Extension Service	02600		150,000
Unclassified	09900		40,985
Current Expenses	13000		1,954,557
Buildings.....	25800		481,358
Land	73000		<u>1,000,000</u>
Total.....		\$	4,128,128

2019]

HOUSE OF DELEGATES

1689

173 - Department of Commerce –

Office of the Secretary –

Broadband Enhancement Fund

Fund 3013 FY 2020 Org 0327

Current Expenses 13000 \$ 1,280,000

174 - Office of Energy –

Energy Assistance

(WV Code Chapter 5B)

Fund 3010 FY 2020 Org 0328

Energy Assistance – Total 64700 \$ 7,211

175 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(WV Code Chapter 18)

Fund 8664 FY 2020 Org 0932

Personal Services and Employee Benefits..... 00100 \$ 119,738

Current Expenses 13000 2,180,122

Repairs and Alterations..... 06400 85,500

Equipment 07000 220,000

Buildings..... 25800 150,000

Other Assets..... 69000 150,000

Total..... \$ 2,905,360

DEPARTMENT OF EDUCATION

176 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	134,000
Unclassified	09900		1,000
Current Expenses	13000		<u>765,000</u>
Total.....		\$	900,000

177 - State Board of Education –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

SBA Construction Grants.....	24000	\$	35,845,818
Directed Transfer	70000		<u>1,371,182</u>
Total.....		\$	37,217,000

The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be transferred to the School Building Authority Fund (3959) for the administrative expenses of the School Building Authority.

178 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,134,522
Current Expenses	13000		244,100
Repairs and Alterations.....	06400		13,150
Equipment	07000		<u>26,000</u>
Total.....		\$	1,417,772

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*179 - Division of Culture and History –**Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$	226,624
Current Expenses	13000		862,241
Equipment	07000		75,000
Buildings.....	25800		1,000
Other Assets.....	69000		52,328
Land	73000		<u>1,000</u>
Total.....		\$	1,218,193

DEPARTMENT OF ENVIRONMENTAL PROTECTION*180 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2020 Org 0312

Personal Services and Employee Benefits.....	00100	\$	842,305
Current Expenses	13000		2,060,457
Repairs and Alterations.....	06400		1,000
Equipment	07000		5,000
Other Assets.....	69000		<u>4,403</u>
Total.....		\$	2,913,165

*181 - Division of Environmental Protection –**Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	779,766
Current Expenses	13000		155,969
Repairs and Alterations.....	06400		500
Equipment	07000		1,505
Unclassified	09900		8,072
Other Assets.....	69000		<u>2,000</u>
Total.....		\$	947,812

*182 - Division of Environmental Protection –
Air Pollution Education and Environment Fund
(WV Code Chapter 22)*

Fund 3024 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	950,135
Current Expenses	13000		1,026,863
Repairs and Alterations.....	06400		13,000
Equipment	07000		53,105
Unclassified	09900		14,647
Other Assets.....	69000		<u>20,000</u>
Total.....		\$	2,077,750

*183 - Division of Environmental Protection –
Special Reclamation Fund
(WV Code Chapter 22)*

Fund 3321 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,627,573
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2019]	HOUSE OF DELEGATES		1693
Current Expenses	13000		16,185,006
Repairs and Alterations.....	06400		79,950
Equipment	07000		130,192
Other Assets.....	69000		<u>32,000</u>
Total.....		\$	18,054,721

184 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	143,906
Current Expenses	13000		<u>356,094</u>
Total.....		\$	500,000

185 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,498,896
Current Expenses	13000		1,237,758
Repairs and Alterations.....	06400		40,600
Equipment	07000		8,000
Unclassified	09900		44,700
Other Assets.....	69000		<u>15,000</u>
Total.....		\$	4,844,954

186 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,566,280
Current Expenses	13000		2,202,231
Repairs and Alterations.....	06400		60,260
Equipment	07000		83,000
Unclassified	09900		920
Other Assets.....	69000		<u>57,500</u>
Total.....		\$	5,970,191

*187 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	476,417
Current Expenses	13000		318,420
Repairs and Alterations.....	06400		5,350
Equipment	07000		3,610
Unclassified	09900		7,520
Other Assets.....	69000		<u>3,500</u>
Total.....		\$	814,817

*188 - Division of Environmental Protection –**Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	598,154
Current Expenses	13000		767,905
Repairs and Alterations.....	06400		7,014
Equipment	07000		9,000
Unclassified	09900		10,616
Other Assets.....	69000		<u>3,500</u>
Total.....		\$	1,396,189

*189 - Division of Environmental Protection –**Solid Waste Reclamation and**Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	825,811
Current Expenses	13000		3,604,737
Repairs and Alterations.....	06400		25,000
Equipment	07000		31,500
Unclassified	09900		22,900
Buildings.....	25800		500
Other Assets.....	69000		<u>1,000</u>
Total.....		\$	4,511,448

*190 - Division of Environmental Protection –**Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,238,054
Current Expenses	13000		970,229
Repairs and Alterations.....	06400		30,930
Equipment	07000		23,356
Unclassified	09900		37,145
Other Assets.....	69000		<u>25,554</u>
Total.....		\$	4,325,268

191 - Division of Environmental Protection –

Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	5,934,859
Current Expenses	13000		1,469,467
Repairs and Alterations.....	06400		84,045
Equipment	07000		103,601
Unclassified	09900		70,572
Other Assets.....	69000		<u>52,951</u>
Total.....		\$	7,715,495

192 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	344,792
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2019]	HOUSE OF DELEGATES		1697
Current Expenses	13000		208,188
Repairs and Alterations.....	06400		1,000
Equipment	07000		1,000
Unclassified	09900		1,120
Other Assets.....	69000		<u>163,000</u>
Total.....		\$	719,100

193 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2020 Org 0313

Current Expenses	13000	\$	5,182,076
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194 - Division of Environmental Protection –

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2020 Org 0313

Current Expenses	13000	\$	60,000
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195 - Division of Environmental Protection –

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	679,721
Current Expenses	13000		2,735,112
Repairs and Alterations.....	06400		800
Equipment	07000		500

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Unclassified	09900	400
Other Assets	69000	<u>2,500</u>
Total		\$ 3,419,033

*196 - Division of Environmental Protection –
 Mountaintop Removal Fund
 (WV Code Chapter 22)
 Fund 3490 FY 2020 Org 0313*

Personal Services and Employee Benefits.....	00100	\$ 1,250,562
Current Expenses	13000	642,934
Repairs and Alterations.....	06400	30,112
Equipment	07000	23,500
Unclassified	09900	1,180
Other Assets	69000	<u>11,520</u>
Total		\$ 1,959,808

*197 - Oil and Gas Conservation Commission –
 Special Oil and Gas Conservation Fund
 (WV Code Chapter 22C)
 Fund 3371 FY 2020 Org 0315*

Personal Services and Employee Benefits.....	00100	\$ 162,161
Current Expenses	13000	161,225
Repairs and Alterations.....	06400	1,000
Equipment	07000	9,481
Other Assets	69000	<u>1,500</u>
Total		\$ 335,367

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

198 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2020 Org 0506

Current Expenses	13000	\$	13,588,654
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199 -

200 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	938,484
Unclassified	09900		15,500
Current Expenses	13000		<u>2,757,788</u>
Total.....		\$	3,711,772

201 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2020 Org 0506

Institutional Facilities Operations	33500	\$	35,555,221
Medical Services Trust Fund – Transfer	51200		<u>27,800,000</u>
Total.....		\$	63,355,221

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2020, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation may be used for medical facilities operations, either in connection with this fund or in connection with the appropriation designated Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525, organization 0506).

202 - Division of Health –

Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	936,712
Unclassified	09900		18,114
Current Expenses	13000		<u>1,803,327</u>
Total.....		\$	2,758,153

203 - Division of Health –

The Health Facility Licensing Account

(WV Code Chapter 16)

Fund 5172 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	645,446
Unclassified	09900		7,113
Current Expenses	13000		<u>98,247</u>
Total.....		\$	750,806

204 - Division of Health –

Hepatitis B Vaccine

2019] HOUSE OF DELEGATES 1701

(WV Code Chapter 16)

Fund 5183 FY 2020 Org 0506

Current Expenses 13000 \$ 9,740

205 - Division of Health –

Lead Abatement Account

(WV Code Chapter 16)

Fund 5204 FY 2020 Org 0506

Personal Services and Employee Benefits..... 00100 \$ 19,100

Unclassified 09900 373

Current Expenses 13000 17,875

Total..... \$ 37,348

206 - Division of Health –

West Virginia Birth-to-Three Fund

(WV Code Chapter 16)

Fund 5214 FY 2020 Org 0506

Personal Services and Employee Benefits..... 00100 \$ 691,978

Unclassified 09900 223,999

Current Expenses 13000 28,053,549

Total..... \$ 28,969,526

207 - Division of Health –

Tobacco Control Special Fund

(WV Code Chapter 16)

Fund 5218 FY 2020 Org 0506

Current Expenses 13000 \$ 7,579

*208 - Division of Health –
 Medical Cannabis Program Fund
 (WV Code Chapter 16A)
 Fund 5420 FY 2020 Org 0506*

Personal Services and Employee Benefits..... 00100 \$ 509,658
 Current Expenses 13000 1,151,040
 Other Assets 69000 895,000
 Total..... \$ 2,555,698

*209 - West Virginia Health Care Authority –
 Health Care Cost Review Fund
 (WV Code Chapter 16)
 Fund 5375 FY 2020 Org 0507*

Personal Services and Employee Benefits..... 00100 \$ 1,345,380
 Hospital Assistance 02500 50,000
 Unclassified 09900 100
 Current Expenses 13000 754,645
 Repairs and Alterations..... 06400 500
 Equipment 07000 300
 Total..... \$ 2,150,925

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

*210 - West Virginia Health Care Authority –
 Certificate of Need Program Fund
 (WV Code Chapter 16)*

Fund 5377 FY 2020 Org 0507

Personal Services and Employee Benefits.....	00100	\$	829,798
Current Expenses	13000		<u>474,967</u>
Total.....		\$	1,304,765

211 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2020 Org 0511

Medical Services.....	18900	\$	213,594,315
Medical Services Administrative Costs	78900		<u>242,287</u>
Total.....		\$	213,836,602

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the West Virginia Medical Services Fund (fund 5084).

212 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified	09900		380,000
Current Expenses	13000		<u>12,810,491</u>
Total.....		\$	38,000,000

213 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2020 Org 0511

Medical Services.....	18900	\$	73,477,905
Medical Services Administrative Costs	78900		<u>602,486</u>
Total.....		\$	74,080,391

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Division of Human Services accounts.

214 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2020 Org 0511

Unclassified	09900	\$	7,000
Current Expenses	13000		<u>693,000</u>
Total.....		\$	700,000

215 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2020 Org 0511

Current Expenses	13000	\$	900,000
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216 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2020 Org 0511

Current Expenses	13000	\$	500,000
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217 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2020 Org 0511

Current Expenses	13000	\$	1,500,000
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218 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	10,000
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Current Expenses	13000		<u>25,000</u>
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Total.....		\$	35,000
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DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

219 - Department of Military Affairs and Public Safety –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2020 Org 0601

Current Expenses	13000	\$	32,000
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220 - State Armory Board –
 General Armory Fund
 (WV Code Chapter 15)
 Fund 6057 FY 2020 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,681,247
Current Expenses	13000		650,000
Repairs and Alterations.....	06400		385,652
Equipment	07000		250,000
Buildings.....	25800		770,820
Other Assets.....	69000		100,000
Land	73000		<u>200,000</u>
Total.....		\$	4,037,719

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

221 - Division of Homeland Security
 And Emergency Management –
 Statewide Interoperable Radio Network Account
 (WV Code Chapter 15)
 Fund 6208 FY 2020 Org 0606

Current Expenses	13000	\$	80,000
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222 - Division of Homeland Security and
 Emergency Management –

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2020 Org 0606

Current Expenses	13000	\$	2,000,000
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Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

223 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(WV Code Chapter 15A)

Fund 6362 FY 2020 Org 0608

Personal Services and Employee Benefits.....	00100	\$	1,087,848
Unclassified	09900		9,804
Current Expenses	13000		758,480
Equipment	07000		30,000
Other Assets.....	69000		<u>40,129</u>
Total.....		\$	1,926,261

224 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(WV Code Chapter 15A)

Fund 6675 FY 2020 Org 0608

Personal Services and Employee Benefits.....	00100	\$	506,450
Debt Service	04000		9,000,000
Current Expenses	91300		<u>245,852</u>
Total.....		\$	9,752,302

*225 - West Virginia State Police –
Motor Vehicle Inspection Fund
(WV Code Chapter 17C)
Fund 6501 FY 2020 Org 0612*

Personal Services and Employee Benefits.....	00100	\$	1,907,726
Current Expenses	13000		1,488,211
Repairs and Alterations.....	06400		204,500
Equipment	07000		3,770,751
Buildings.....	25800		534,000
Other Assets.....	69000		5,000
BRIM Premium	91300		<u>302,432</u>
Total.....		\$	8,212,620

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

*226 - West Virginia State Police –
Forensic Laboratory Fund
(WV Code Chapter 15)
Fund 6511 FY 2020 Org 0612*

Personal Services and Employee Benefits.....	00100	\$	100,000
Current Expenses	13000		90,000
Repairs and Alterations.....	06400		5,000
Equipment	07000		<u>45,000</u>
Total.....		\$	240,000

*227 - West Virginia State Police –
Drunk Driving Prevention Fund*

2019]

HOUSE OF DELEGATES

1709

(WV Code Chapter 15)

Fund 6513 FY 2020 Org 0612

Current Expenses	13000	\$	1,327,000
Equipment	07000		3,491,895
BRIM Premium	91300		<u>154,452</u>
Total.....		\$	4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

228 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2020 Org 0612

Buildings.....	25800	\$	1,022,778
Land	73000		1,000
BRIM Premium	91300		<u>77,222</u>
Total.....		\$	1,101,000

229 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2020 Org 0612

Current Expenses	13000	\$	225,000
Repairs and Alterations.....	06400		20,000
Equipment	07000		250,000
Buildings.....	25800		40,000

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Other Assets.....	69000		45,000
BRIM Premium	91300		<u>5,000</u>
Total.....		\$	585,000

*230 - West Virginia State Police –
 Central Abuse Registry Fund
 (WV Code Chapter 15)
 Fund 6527 FY 2020 Org 0612*

Personal Services and Employee Benefits.....	00100	\$	256,629
Current Expenses	13000		51,443
Repairs and Alterations.....	06400		500
Equipment	07000		300,500
Other Assets.....	69000		300,500
BRIM Premium	91300		<u>18,524</u>
Total.....		\$	928,096

*231 - West Virginia State Police –
 Bail Bond Enforcer Account
 (WV Code Chapter 15)
 Fund 6532 FY 2020 Org 0612*

Current Expenses	13000	\$	8,300
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*232 - West Virginia State Police –
 State Police Academy Post Exchange
 (WV Code Chapter 15)
 Fund 6544 FY 2020 Org 0612*

Current Expenses	13000	\$	160,000
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2019]	HOUSE OF DELEGATES		1711
Repairs and Alterations.....	06400		<u>40,000</u>
Total.....		\$	200,000

233 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2020 Org 0619

Personal Services and Employee Benefits.....	00100	\$	3,480,533
Unclassified	09900		3,800
Current Expenses	13000		1,249,550
Repairs and Alterations.....	06400		58,500
Equipment	07000		140,800
BRIM Premium	91300		<u>62,000</u>
Total.....		\$	4,995,183

234 - Division of Justice and Community Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2020 Org 0620

Personal Services and Employee Benefits.....	00100	\$	161,923
Unclassified	09900		750
Current Expenses	13000		1,846,250
Repairs and Alterations.....	06400		<u>1,000</u>
Total.....		\$	2,009,923

235 - Division of Justice and Community Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2020 Org 0620

Personal Services and Employee Benefits.....	00100	\$	23,840
Current Expenses	13000		<u>1,478,135</u>
Total.....		\$	1,501,975

*236 - Division of Justice and Community Services –
 Second Chance Driver’s License Program Account
 (WV Code Chapter 17B)*

Fund 6810 FY 2020 Org 0620

Current Expenses	13000	\$	25,000
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DEPARTMENT OF REVENUE

*237 - Division of Financial Institutions
 (WV Code Chapter 31A)*

Fund 3041 FY 2020 Org 0303

Personal Services and Employee Benefits.....	00100	\$	2,703,057
Current Expenses	13000		614,775
Equipment	07000		<u>44,200</u>
Total.....		\$	3,362,032

*238 - Office of the Secretary –
 State Debt Reduction Fund
 (WV Code Chapter 29)*

Fund 7007 FY 2020 Org 0701

Directed Transfer	70000	\$	20,000,000
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The above appropriation for Directed Transfer shall be transferred to the Consolidated Public Retirement Board – West Virginia Public Employees Retirement System Employers Accumulation Fund (fund 2510).

239 - Tax Division –

Cemetery Company Account

(WV Code Chapter 35)

Fund 7071 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$	25,928
Current Expenses	13000		<u>7,717</u>
Total.....		\$	33,645

240 - Tax Division –

Special Audit and Investigative Unit

(WV Code Chapter 11)

Fund 7073 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$	696,428
Unclassified	09900		9,500
Current Expenses	13000		273,297
Repairs and Alterations.....	06400		7,000
Equipment	07000		<u>5,000</u>
Total.....		\$	991,225

241 - Tax Division –

Wine Tax Administration Fund

(WV Code Chapter 60)

Fund 7087 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$	268,973
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Current Expenses	13000	<u>5,406</u>
Total.....		\$ 274,379

242 - Tax Division –
 Reduced Cigarette Ignition Propensity
 Standard and Fire Prevention Act Fund
 (WV Code Chapter 47)
 Fund 7092 FY 2020 Org 0702

Current Expenses	13000	\$ 35,000
Equipment	07000	<u>15,000</u>
Total.....		\$ 50,000

243 - Tax Division –
 Local Sales Tax and Excise Tax
 Administration Fund
 (WV Code Chapter 11)
 Fund 7099 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$ 1,543,527
Unclassified	09900	10,000
Current Expenses	13000	784,563
Repairs and Alterations.....	06400	1,000
Equipment	07000	<u>5,000</u>
Total.....		\$ 2,344,090

244 - State Budget Office –
 Public Employees Insurance Reserve Fund
 (WV Code Chapter 11B)
 Fund 7400 FY 2020 Org 0703

Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
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The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

245 - State Budget Office –

Public Employees Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2020 Org 0703

Retiree Premium Offset	80101	\$	5,000,000
PEIA Reserve	80102		<u>10,000,000</u>
Total.....		\$	15,000,000

The above appropriation shall be transferred to special revenue funds to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

246 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2020 Org 0704

Personal Services and Employee Benefits.....	00100	\$	748,764
Current Expenses	13000		1,357,201
Repairs and Alterations.....	06400		3,000
Equipment	07000		81,374
Buildings.....	25800		8,289
Other Assets.....	69000		<u>11,426</u>
Total.....		\$	2,210,054

247 - Insurance Commissioner –
 Consumer Advocate
 (WV Code Chapter 33)
 Fund 7151 FY 2020 Org 0704

Personal Services and Employee Benefits.....	00100	\$	571,976
Current Expenses	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment	07000		34,225
Buildings.....	25800		4,865
Other Assets.....	69000		<u>19,460</u>
Total.....		\$	837,678

248 - Insurance Commissioner –
 Insurance Commission Fund
 (WV Code Chapter 33)
 Fund 7152 FY 2020 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,169,021
Current Expenses	13000		8,797,758
Repairs and Alterations.....	06400		68,614
Equipment	07000		1,728,240
Buildings.....	25800		25,000
Other Assets.....	69000		<u>340,661</u>
Total.....		\$	35,129,294

249 - Insurance Commissioner –
 Workers' Compensation Old Fund
 (WV Code Chapter 23)

Fund 7162 FY 2020 Org 0704

Employee Benefits.....	01000	\$	50,000
Current Expenses.....	13000		<u>250,500,000</u>
Total.....		\$	250,550,000

250 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2020 Org 0704

Current Expenses.....	13000	\$	15,000,000
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251 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2020 Org 0704

Current Expenses.....	13000	\$	9,000,000
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252 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(WV Code Chapter 23)

Fund 7165 FY 2020 Org 0704

Current Expenses.....	13000	\$	14,000,000
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253 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2020 Org 0706

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Personal Services and Employee Benefits.....	00100	\$	282,589
Current Expenses	13000		144,844
Equipment	07000		<u>100</u>
Total.....		\$	427,533

254 - Racing Commission –

Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2020 Org 0707

Medical Expenses – Total.....	24500	\$	57,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

255 - Racing Commission –

Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2020 Org 0707

Personal Services and Employee Benefits.....	00100	\$	264,564
Current Expenses	13000		93,335
Other Assets.....	69000		<u>5,000</u>
Total.....		\$	362,899

256 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2020 Org 0707

2019]	HOUSE OF DELEGATES		1719
Personal Services and Employee Benefits.....	00100	\$	2,352,306
Current Expenses	13000		566,248
Repairs and Alterations.....	06400		7,000
Other Assets.....	69000		<u>50,000</u>
Total.....		\$	2,975,554

*257 - Racing Commission –
Administration, Promotion, Education, Capital Improvement
and Greyhound Adoption Programs
to include Spaying and Neutering Account
(WV Code Chapter 19)*

Fund 7307 FY 2020 Org 0707

Personal Services and Employee Benefits.....	00100	\$	918,781
Current Expenses	13000		214,406
Other Assets.....	69000		<u>200,000</u>
Total.....		\$	1,333,187

*258 - Alcohol Beverage Control Administration –
Wine License Special Fund
(WV Code Chapter 60)*

Fund 7351 FY 2020 Org 0708

Personal Services and Employee Benefits.....	00100	\$	132,213
Current Expenses	13000		69,186
Repairs and Alterations.....	06400		7,263
Equipment	07000		10,000
Buildings.....	25800		100,000
Other Assets.....	69000		<u>100</u>

Total..... \$ 318,762

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

259 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2020 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,790,574
Current Expenses	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment	07000		108,000
Buildings.....	25800		375,100
Purchase of Supplies for Resale.....	41900		72,500,000
Transfer Liquor Profits and Taxes.....	42500		20,800,000
Other Assets.....	69000		125,100
Land	73000		<u>100</u>
Total.....		\$	102,680,451

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses and equipment of administrative offices, warehouses and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

260 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2020 Org 0933

2019]	HOUSE OF DELEGATES		1721
Personal Services and Employee Benefits.....	00100	\$	2,900
Current Expenses	13000		<u>37,100</u>
Total.....		\$	40,000

DEPARTMENT OF TRANSPORTATION

261 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2020 Org 0802

Current Expenses	13000	\$	189,000
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262 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2020 Org 0802

Personal Services and Employee Benefits.....	00100	\$	3,733,074
Current Expenses	13000		4,362,975
Repairs and Alterations.....	06400		16,000
Equipment	07000		75,000
Other Assets.....	69000		10,000
BRIM Premium	91300		<u>84,737</u>
Total.....		\$	8,281,786

263 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2020 Org 0803

Current Expenses 13000 \$ 1,650,000

DEPARTMENT OF VETERANS' ASSISTANCE

264 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2020 Org 0613

Current Expenses 13000 \$ 1,654,234

Other Assets 69000 10,000

Total \$ 1,664,234

265 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2020 Org 0618

Current Expenses 13000 \$ 700,000

Repairs and Alterations..... 06400 50,000

Total \$ 750,000

BUREAU OF SENIOR SERVICES

266 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 22)

Fund 5409 FY 2020 Org 0508

Personal Services and Employee Benefits..... 00100 \$ 160,883

Current Expenses 13000 10,348,710

Total \$ 10,509,593

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

267 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2020 Org 0442

Debt Service	04000	\$	27,713,123
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration.....	38600		<u>441,111</u>
Total.....		\$	33,154,234

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

268 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2020 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

269 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2020 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical College Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

270 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2020 Org 0463

Personal Services and Employee Benefits.....	00100	\$	10,764,347
Current Expenses	13000		4,524,300
Repairs and Alterations.....	06400		425,000
Equipment	07000		512,000
Buildings.....	25800		150,000
Other Assets.....	69000		<u>50,000</u>
Total.....		\$	16,425,647

MISCELLANEOUS BOARDS AND COMMISSIONS

271 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2020 Org 0505

Personal Services and Employee Benefits.....	00100	\$	543,993
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2019]	HOUSE OF DELEGATES		1725
Current Expenses	13000		<u>239,969</u>
Total.....		\$	783,962

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

272 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2020 Org 0509

Personal Services and Employee Benefits.....	00100	\$	93,261
Unclassified	09900		1,450
Current Expenses	13000		<u>55,397</u>
Total.....		\$	150,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

273 - WV State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2020 Org 0906

Personal Services and Employee Benefits.....	00100	\$	495,505
Current Expenses	13000		<u>107,700</u>
Total.....		\$	603,205

274 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2020 Org 0907

1726	JOURNAL OF THE		[MARCH 7
Personal Services and Employee Benefits.....	00100	\$	1,300,612
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment	07000		25,000
Other Assets.....	69000		<u>4,500</u>
Total.....		\$	1,645,767

275 - Public Service Commission
(WV Code Chapter 24)
Fund 8623 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,481,921
Unclassified	09900		147,643
Current Expenses	13000		2,572,202
Repairs and Alterations.....	06400		55,000
Equipment	07000		160,000
Buildings.....	25800		10
PSC Weight Enforcement	34500		4,605,652
Debt Payment/Capital Outlay.....	52000		350,000
Land	73000		10
BRIM Premium	91300		<u>172,216</u>
Total.....		\$	20,544,654

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

276 - Public Service Commission –
Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	294,658
Unclassified	09900		3,851
Current Expenses	13000		93,115
Repairs and Alterations.....	06400		<u>4,000</u>
Total.....		\$	395,624

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

277 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,377,514
Unclassified	09900		29,233
Current Expenses	13000		577,557
Repairs and Alterations.....	06400		23,000
Equipment	07000		<u>50,000</u>
Total.....		\$	3,057,304

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

278 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	772,994
Current Expenses	13000		276,472
Equipment	07000		9,872
BRIM Premium	91300		<u>4,660</u>
Total.....		\$	1,063,998

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

279 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2020 Org 0927

Personal Services and Employee Benefits.....	00100	\$	607,098
Current Expenses	13000		293,122
Repairs and Alterations.....	06400		2,500
Equipment	07000		<u>5,000</u>
Total.....		\$	907,720

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

280 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2020 Org 0930

Personal Services and Employee Benefits.....	00100	\$	80,251
Current Expenses	13000		<u>63,499</u>

2019] HOUSE OF DELEGATES 1729

Total..... \$ 143,750

281 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2020 Org 0935

Personal Services and Employee Benefits..... 00100 \$ 95,160

Current Expenses 13000 53,027

Repairs and Alterations..... 06400 400

Total..... \$ 148,587

282 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2020 Org 0936

Personal Services and Employee Benefits..... 00100 \$ 20,219

Current Expenses 13000 20,250

Total..... \$ 40,469

283 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2020 Org 0938

Personal Services and Employee Benefits..... 00100 \$ 109,355

Current Expenses 13000 42,648

Total..... \$ 152,003

*284 - Board of Medicine –
Medical Licensing Board Fund
(WV Code Chapter 30)
Fund 9070 FY 2020 Org 0945*

Personal Services and Employee Benefits.....	00100	\$	1,378,807
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		8,000
Total.....		\$	2,495,596

*285 - West Virginia Enterprise Resource Planning Board –
Enterprise Resource Planning System Fund
(WV Code Chapter 12)
Fund 9080 FY 2020 Org 0947*

Personal Services and Employee Benefits.....	00100	\$	6,856,239
Unclassified	09900		232,000
Current Expenses	13000		15,640,134
Repairs and Alterations.....	06400		300
Equipment	07000		2,213,000
Buildings.....	25800		2,000
Other Assets.....	69000		199,500
Total.....		\$	25,143,173

*286 - Board of Treasury Investments –
Board of Treasury Investments Fee Fund
(WV Code Chapter 12)
Fund 9152 FY 2020 Org 0950*

2019]	HOUSE OF DELEGATES		1731
Personal Services and Employee Benefits.....	00100	\$	782,889
Unclassified	09900		14,850
Current Expenses	13000		650,714
BRIM Premium	91300		36,547
Fees of Custodians, Fund Advisors and Fund Managers.....	93800		<u>3,500,000</u>
Total.....		\$	4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

Total TITLE II, Section 3 – Other Funds

(Including claims against the state) \$ 1,512,059,818

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

287 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2020 Org 0211

		Appro-	Lottery
		priation	Funds
Debt Service – Total	31000	\$	10,000,000

288 - West Virginia Development Office –

West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 3067 FY 2020 Org 0304

Tourism – Telemarketing Center.....	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R)	66200		<u>4,227,938</u>
Total.....		\$	6,732,425

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

289 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,428,178
Current Expenses	13000		26,900
Pricketts Fort State Park	32400		106,560
Non-Game Wildlife (R).....	52700		386,935
State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>
Total.....		\$	3,443,151

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

290 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

FBI Checks	37200	\$	116,548
Vocational Education Equipment Replacement	39300		800,000
Assessment Program (R).....	39600		3,016,444
Literacy Project.....	89900		350,000
21 st Century Technology Infrastructure			
Network Tools and Support (R).....	93300		<u>14,600,383</u>
Total.....		\$	18,883,375

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

291 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2020 Org 0402

Debt Service – Total	31000	\$	15,320,363
Directed Transfer	70000		<u>2,679,637</u>
Total.....		\$	18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18.

292 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2020 Org 0432

1734	JOURNAL OF THE		[MARCH 7
Huntington Symphony.....	02700	\$	59,058
Preservation WV (R).....	09200		491,921
Fairs and Festivals (R).....	12200		1,346,814
Commission for National and Community Service	19300		374,980
Archeological Curation/Capital Improvements (R).....	24600		36,276
Historic Preservation Grants (R)	31100		368,428
West Virginia Public Theater.....	31200		120,019
Greenbrier Valley Theater.....	42300		115,000
Theater Arts of West Virginia	46400		90,000
Marshall Artists Series	51800		36,005
Grants for Competitive Arts Program (R)	62400		726,000
West Virginia State Fair	65700		31,241
Save the Music	68000		24,000
Contemporary American Theater Festival.....	81100		57,281
Independence Hall.....	81200		27,277
Mountain State Forest Festival	86400		38,187
WV Symphony.....	90700		59,058
Wheeling Symphony.....	90800		59,058
Appalachian Children's Chorus.....	91600		<u>54,554</u>
Total.....		\$	4,115,157

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Any Fairs & Festivals awards shall be funded in addition to, and not in lieu of, individual grant allocations derived from the Arts Council and the Cultural Grant Program allocations.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to the A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo

(Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Harvest Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration in the Park (Wood) \$2,376, Celebration of America (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad Festival (Webster) \$2,079, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins Randolph County 4th of July Car Show (Randolph) \$1,188, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700, Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan Valley (Taylor) \$1,500, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival (Mingo)

\$2,376, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Grape Stomping Wine Festival (Nicholas) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage Days (Hampshire) \$2,376, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chillfest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion Earl Kiger Post Bluegrass Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair Association \$2,079, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485, Marshall County Fair \$4,456, Mason County Fair \$2,970, Mason Dixon Festival (Monongalia) \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, McDowell County Fair \$1,485, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival \$3,474, Mid Ohio Valley Antique Engine Festival (Wood) \$1,782, Milton Christmas in the Park (Cabell) \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral County Fair \$1,040, Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia) \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas

County Potato Festival \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Century City Fair (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910, Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684, Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach Festival (Hampshire) \$738, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267, Terra Alta VFD 4th of July Celebration (Preston) \$684, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,000, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer) \$684, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Tunnelton Depot Days (Preston) \$684, Tunnelton Volunteer Fire Department Festival (Preston) \$684, Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County 4th of July \$400, Tyler County OctoberFest \$720, Union Community Irish Festival (Barbour) \$648, Uniquely West Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke)

\$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival and Mountain Music Event (Harrison) \$2,970, Winter Festival of the Waters (Berkeley) \$2,970, Wirt County Fair \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$5,049, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program \$2,970, Scottish Heritage Society/N. Central WV (Harrison) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Tug Valley Arts Council (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

293 - Library Commission –

Lottery Education Fund

2019] HOUSE OF DELEGATES 1739

(WV Code Chapter 10)

Fund 3559 FY 2020 Org 0433

Books and Films	17900	\$	360,784
Services to Libraries	18000		550,000
Grants to Public Libraries.....	18200		9,439,571
Digital Resources.....	30900		219,992
Infomine Network.....	88400		<u>943,353</u>
Total.....		\$	11,513,700

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

294 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2020 Org 0508

Personal Services and Employee Benefits.....	00100	\$	209,640
Current Expenses	13000		332,284
Repairs and Alterations.....	06400		1,000
Local Programs Service Delivery Costs	20000		2,435,250
Silver Haired Legislature.....	20200		18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens.....	53900		4,615,503
Roger Tompkins Alzheimer’s Respite Care.....	64300		2,302,016
WV Alzheimer’s Hotline	72400		45,000
Regional Aged and Disabled Resource Center	76700		425,000
Senior Services Medicaid Transfer	87100		16,400,070

1740	JOURNAL OF THE	[MARCH 7
Legislative Initiatives for the Elderly	90400	9,671,239
Long Term Care Ombudsman	90500	297,226
BRIM Premium	91300	7,718
In-Home Services and Nutrition for Senior Citizens	91700	<u>6,595,941</u>
Total.....		\$ 43,356,387

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

*295 - Higher Education Policy Commission –
 Lottery Education –
 Higher Education Policy Commission –
 Control Account
 (WV Code Chapters 18B and 18C)
 Fund 4925 FY 2020 Org 0441*

RHI Program and Site Support (R).....	03600	\$	1,912,491
RHI Program and Site Support –			
RHEP Program Administration.....	03700		146,653
RHI Program and Site Support – Grad Med			
Ed and Fiscal Oversight (R)	03800		88,913
Minority Doctoral Fellowship (R)	16600		129,604
Health Sciences Scholarship (R)	17600		225,527
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		62,725

WV Engineering, Science, and

Technology Scholarship Program	86800		<u>452,831</u>
Total.....		\$	3,018,744

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

296 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2020 Org 0442

Debt Service – Total	31000	\$	5,000,000
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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

297 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2020 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R).....	03500	\$	1,181,728
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MA Public Health Program and

Health Science Technology (R).....	62300		52,445
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1742	JOURNAL OF THE	[MARCH 7
Health Sciences Career Opportunities Program (R).....	86900	336,987
HSTA Program (R)	87000	1,761,948
Center for Excellence in Disabilities (R)	96700	<u>313,517</u>
Total.....		\$ 3,646,625

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

*298 - Higher Education Policy Commission –
Lottery Education –
Marshall University – School of Medicine
(WV Code Chapter 18B)
Fund 4896 FY 2020 Org 0471*

Marshall Medical School –

RHI Program and Site Support (R).....	03300	\$ 427,075
Vice Chancellor for Health Sciences –		
Rural Health Residency Program (R)	60100	<u>171,361</u>
Total.....		<u>\$ 598,436</u>

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Total TITLE II, Section 4 – Lottery Revenue \$ 128,308,000

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are

sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

299 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2020 Org 0705

	Appro-		Excess
	priation		Lottery
			Funds
Directed Transfer	70000	\$	10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner’s request.

300 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2020 Org 0705

General Revenue Fund – Transfer.....	70011	\$	65,000,000
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The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

301 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2020 Org 0441

PROMISE Scholarship – Transfer	80000	\$	29,000,000
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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

*302 - Economic Development Authority –
Economic Development Project Fund
Fund 9065 FY 2020 Org 0944*

Debt Service – Total 31000 \$ 19,000,000

Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

303 -

*304 - Department of Education –
School Building Authority
Fund 3514 FY 2020 Org 0402*

Debt Service – Total 31000 \$ 19,000,000

*305 - West Virginia Infrastructure Council –
West Virginia Infrastructure Transfer Fund
Fund 3390 FY 2020 Org 0316*

Directed Transfer 70000 \$ 46,000,000

The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

*306 - Higher Education Policy Commission –
Higher Education Improvement Fund
Fund 4297 FY 2020 Org 0441*

Directed Transfer 70000 \$ 15,000,000

The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

307 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2020 Org 0310

Current Expenses (R)	13000	\$	23,300
Repairs and Alterations (R).....	06400		161,200
Equipment (R)	07000		200,000
Buildings (R)	25800		100,000
Other Assets (R)	69000		<u>1,020,500</u>
Total.....		\$	1,505,000

Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

308 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2020 Org 0944

Debt Service	04000	\$	2,032,000
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309 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2020 Org 0944

Debt Service	04000	\$	4,395,000
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310 - Racing Commission –

Fund 7308 FY 2020 Org 0707

Special Breeders Compensation

(WVC §29-22-18a, subsection (l)) 21800 \$ 2,000,000

311 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2020 Org 0705

Parking Garage Fund – Transfer 70001 \$ 500,000

2004 Capitol Complex Parking Garage Fund – Transfer..... 70002 216,478

Capitol Dome and Improvements Fund – Transfer..... 70003 1,796,256

Capitol Renovation and Improvement Fund – Transfer 70004 2,381,252

Development Office Promotion Fund – Transfer 70005 1,298,864

Research Challenge Fund – Transfer 70006 1,731,820

Tourism Promotion Fund – Transfer 70007 4,808,142

Cultural Facilities and Capitol Resources Matching

Grant Program Fund – Transfer 70008 1,250,535

State Debt Reduction Fund – Transfer..... 70010 20,000,000

General Revenue Fund – Transfer..... 70011 1,167,799

West Virginia Racing Commission Racetrack

Video Lottery Account 70012 3,463,637

Historic Resort Hotel Fund..... 70013 24,010

Licensed Racetrack Regular Purse Fund..... 70014 22,383,247

Total..... \$ 61,022,040

312 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2020 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

313 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2020 Org 0307

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

314 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2020 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

315 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2020 Org 0511

Medical Services..... 18900 \$ 16,302,960

316 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapters 15A)

Fund 6283 FY 2020 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Total TITLE II, Section 5 – Excess Lottery Funds \$ 290,257,000

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2020.

LEGISLATIVE

317 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2020 Org 2300

	Appro-		Federal
	priation		Funds
Economic Loss Claim Payment Fund	33400	\$	2,000,000

JUDICIAL

318 - Supreme Court

Fund 8867 FY 2020 Org 2400

Personal Services and Employee Benefits.....	00100	\$	1,813,000
Current Expenses	13000		2,057,000
Repairs and Alterations.....	06400		100,000
Equipment	07000		250,000
Other Assets.....	69000		<u>280,000</u>
Total.....		\$	4,500,000

EXECUTIVE

319 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,628,780
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2019]	HOUSE OF DELEGATES		1749
Unclassified	09900		50,534
Current Expenses	13000		3,828,661
Repairs and Alterations.....	06400		650,000
Equipment	07000		910,500
Buildings.....	25800		1,000,000
Other Assets.....	69000		<u>50,000</u>
Total.....		\$	9,118,475

320 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 8737 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	658,571
Unclassified	09900		8,755
Current Expenses	13000		136,012
Repairs and Alterations.....	06400		5,500
Equipment	07000		<u>114,478</u>
Total.....		\$	923,316

321 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		<u>15,599,974</u>
Total.....		\$	15,697,224

322 - Department of Agriculture –
Land Protection Authority
 Fund 8896 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	46,526
Unclassified	09900		5,004
Current Expenses	13000		<u>448,920</u>
Total.....		\$	500,450

323 - Secretary of State –
State Election Fund
 (WV Code Chapter 3)
 Fund 8854 FY 2020 Org 1600

Personal Services and Employee Benefits.....	00100	\$	210,240
Unclassified	09900		7,484
Current Expenses	13000		415,727
Repairs and Alterations.....	06400		15,000
Other Assets.....	69000		<u>100,000</u>
Total.....		\$	748,451

DEPARTMENT OF COMMERCE

324 - Division of Forestry
 (WV Code Chapter 19)
 Fund 8703 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,640,060
Unclassified	09900		51,050
Current Expenses	13000		5,232,560

2019]	HOUSE OF DELEGATES		1751
Repairs and Alterations.....	06400		155,795
Equipment	07000		100,000
Other Assets.....	69000		<u>1,808,300</u>
Total.....		\$	8,987,765

325 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2020 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
Unclassified	09900		2,803
Current Expenses	13000		195,639
Repairs and Alterations.....	06400		5,000
Equipment	07000		7,500
Other Assets.....	69000		<u>15,000</u>
Total.....		\$	280,374

326 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	789,921
Unclassified	09900		50,000
Current Expenses	13000		<u>4,504,019</u>
Total.....		\$	5,343,940

327 - West Virginia Development Office –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	497,289
Repairs and Alterations.....	06400		250
Equipment	07000		6,000
Unclassified	09900		106,795
Current Expenses	13000		<u>10,069,166</u>
Total.....		\$	10,679,500

328 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	409,251
Unclassified	09900		5,572
Current Expenses	13000		167,098
Repairs and Alterations.....	06400		<u>500</u>
Total.....		\$	582,421

329 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	8,237,073
Unclassified	09900		107,693
Current Expenses	13000		5,556,594
Repairs and Alterations.....	06400		289,400
Equipment	07000		1,815,182
Buildings.....	25800		951,000
Other Assets.....	69000		6,951,000

2019]	HOUSE OF DELEGATES		1753
Land		73000	<u>6,001,000</u>
Total.....			\$ 29,908,942

*330 - Division of Miners' Health,
Safety and Training
(WV Code Chapter 22)*

Fund 8709 FY 2020 Org 0314

Personal Services and Employee Benefits.....	00100	\$	642,799
Current Expenses	13000		<u>150,000</u>
Total.....		\$	792,799

*331 - WorkForce West Virginia
(WV Code Chapter 23)*

Fund 8835 FY 2020 Org 0323

Unclassified	09900	\$	5,127
Current Expenses	13000		507,530
Reed Act 2002 – Unemployment Compensation.....	62200		2,850,000
Reed Act 2002 – Employment Services	63000		<u>1,650,000</u>
Total.....		\$	5,012,657

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

*332 - Office of Energy
(WV Code Chapter 5B)*

Fund 8892 FY 2020 Org 0328

Personal Services and Employee Benefits.....	00100	\$	426,385
Unclassified	09900		7,350

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Current Expenses	13000	<u>2,816,076</u>
Total.....		\$ 3,249,811

333 - State Board of Rehabilitation –
 Division of Rehabilitation Services
 (WV Code Chapter 18)
 Fund 8734 FY 2020 Org 0932

Personal Services and Employee Benefits.....	00100	\$ 11,863,244
Current Expenses	13000	34,440,940
Repairs and Alterations.....	06400	350,400
Equipment	07000	<u>1,275,870</u>
Total.....		\$ 47,930,454

334 - State Board of Rehabilitation –
 Division of Rehabilitation Services –
 Disability Determination Services
 (WV Code Chapter 18)
 Fund 8890 FY 2020 Org 0932

Personal Services and Employee Benefits.....	00100	\$ 14,476,122
Current Expenses	13000	11,383,206
Repairs and Alterations.....	06400	1,100
Equipment	07000	<u>83,350</u>
Total.....		\$ 25,943,778

DEPARTMENT OF EDUCATION

335 - State Board of Education –
 State Department of Education
 (WV Code Chapters 18 and 18A)

Fund 8712 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	5,785,359
Unclassified	09900		2,000,000
Current Expenses	13000		212,367,820
Repairs and Alterations.....	06400		10,000
Equipment	07000		10,000
Other Assets.....	69000		<u>10,000</u>
Total.....		\$	220,183,179

*336 - State Board of Education –**School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,881,766
Unclassified	09900		1,150,500
Current Expenses	13000		148,281,265
Repairs and Alterations.....	06400		20,000
Equipment	07000		100,000
Other Assets.....	69000		<u>25,000</u>
Total.....		\$	151,458,531

*337 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,896,249
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1756	JOURNAL OF THE	[MARCH 7
Unclassified	09900	155,000
Current Expenses	13000	14,820,081
Repairs and Alterations.....	06400	10,000
Equipment	07000	10,000
Other Assets.....	69000	<u>10,000</u>
Total.....		\$ 16,901,330

338 - State Board of Education –
 Aid for Exceptional Children
 (WV Code Chapters 18 and 18A)
 Fund 8715 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 3,477,006
Unclassified	09900	1,000,000
Current Expenses	13000	113,346,390
Repairs and Alterations.....	06400	10,000
Equipment	07000	10,000
Other Assets.....	69000	<u>10,000</u>
Total.....		\$ 117,853,396

DEPARTMENT OF ARTS, CULTURE, AND HISTORY
 339 - Commission for National and Community Service
 (WV Code Chapter 5F)
 Fund 8841 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 437,040
Current Expenses	13000	5,587,325
Repairs and Alterations.....	06400	<u>1,000</u>
Total.....		\$ 6,025,365

340 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$	810,436
Current Expenses	13000		1,947,372
Repairs and Alterations.....	06400		1,000
Equipment	07000		1,000
Buildings.....	25800		1,000
Other Assets.....	69000		1,000
Land	73000		<u>360</u>
Total.....		\$	2,762,168

341 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2020 Org 0433

Personal Services and Employee Benefits.....	00100	\$	353,396
Current Expenses	13000		1,076,162
Equipment	07000		<u>543,406</u>
Total.....		\$	1,972,964

342 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2020 Org 0439

Equipment	07000	\$	200,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

343 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	31,404,529
Current Expenses	13000		154,302,118
Repairs and Alterations.....	06400		738,283
Equipment	07000		1,712,238
Unclassified	09900		1,923,580
Other Assets.....	69000		2,177,261
Land	73000		<u>100,000</u>
Total.....		\$	192,358,009

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

344 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,532,219
Unclassified	09900		73,307
Current Expenses	13000		<u>51,583,302</u>
Total.....		\$	53,188,828

345 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 8802 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	14,610,947
Unclassified	09900		856,614

2019]	HOUSE OF DELEGATES		1759
Current Expenses	13000		69,201,885
Equipment	07000		456,972
Buildings.....	25800		155,000
Other Assets.....	69000		<u>380,000</u>
Total.....		\$	85,661,418

346 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2020 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund – Transfer	68900	\$	16,000,000
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347 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2020 Org 0510

Personal Services and Employee Benefits.....	00100	\$	449,874
Unclassified	09900		5,050
Current Expenses	13000		<u>64,950</u>
Total.....		\$	519,874

348 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	75,747,114
Unclassified	09900		22,855,833
Current Expenses	13000		112,085,005

1760	JOURNAL OF THE	[MARCH 7
Medical Services.....	18900	3,539,265,405
Medical Services Administrative Costs	78900	132,247,536
CHIP Administrative Costs.....	85601	4,539,496
CHIP Services	85602	47,422,974
Federal Economic Stimulus	89100	<u>5,000,000</u>
Total.....		\$ 3,939,163,363

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

349 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2020 Org 0601

Unclassified	09900	\$ 30,000
Current Expenses	13000	<u>2,970,000</u>
Total.....		\$ 3,000,000

350 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2020 Org 0603

Unclassified	09900	\$ 982,705
Mountaineer ChalleNGe Academy.....	70900	4,978,680
Martinsburg Starbase.....	74200	439,622
Charleston Starbase	74300	424,685
Military Authority	74800	<u>93,601,594</u>
Total.....		\$ 100,427,286

The Adjutant General shall have the authority to transfer between appropriations.

*351 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2020 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,350,000
Current Expenses	13000		300,000
Equipment	07000		<u>350,000</u>
Total.....		\$	2,000,000

*352 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2020 Org 0606

Personal Services and Employee Benefits.....	00100	\$	721,650
Current Expenses	13000		20,429,281
Repairs and Alterations.....	06400		5,000
Equipment	07000		<u>100,000</u>
Total.....		\$	21,255,931

353 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2020 Org 0608

Unclassified	09900	\$	1,100
Current Expenses	13000		<u>108,900</u>
Total.....		\$	110,000

354 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2020 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,480,877
Current Expenses	13000		2,125,971
Repairs and Alterations.....	06400		42,000
Equipment	07000		2,502,285
Buildings.....	25800		750,500
Other Assets.....	69000		144,500
Land	73000		<u>500</u>
Total.....		\$	8,046,633

355 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2020 Org 0619

Current Expenses	13000	\$	80,000
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356 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 8803 FY 2020 Org 0620

Personal Services and Employee Benefits.....	00100	\$	1,222,258
Unclassified	09900		25,185
Current Expenses	13000		25,381,973
Repairs and Alterations.....	06400		<u>1,750</u>
Total.....		\$	26,631,166

DEPARTMENT OF REVENUE

357 - Insurance Commissioner

(WV Code Chapter 33)

Fund 8883 FY 2020 Org 0704

Current Expenses	13000	\$	3,000,000
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DEPARTMENT OF TRANSPORTATION

358 - Division of Motor Vehicles

(WV Code Chapter 17B)

Fund 8787 FY 2020 Org 0802

Personal Services and Employee Benefits.....	00100	\$	501,394
Current Expenses	13000		6,498,106
Repairs and Alterations.....	06400		<u>500</u>
Total.....		\$	7,000,000

359 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2020 Org 0805

Personal Services and Employee Benefits.....	00100	\$	922,070
Current Expenses	13000		9,163,149
Repairs and Alterations.....	06400		2,500
Equipment	07000		2,801,714
Buildings.....	25800		650,000
Other Assets.....	69000		<u>200,000</u>
Total.....		\$	13,739,433

DEPARTMENT OF VETERANS' ASSISTANCE

360 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 8858 FY 2020 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,774,248
Current Expenses	13000		3,270,000
Equipment	07000		213,000
Buildings.....	25800		<u>600,000</u>
Total.....		\$	6,857,248

361 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2020 Org 0618

Personal Services and Employee Benefits.....	00100	\$	955,426
Current Expenses	13000		844,092
Repairs and Alterations.....	06400		220,000
Equipment	07000		198,000
Buildings.....	25800		296,000
Other Assets.....	69000		20,000
Land	73000		<u>10,000</u>
Total.....		\$	2,543,518

BUREAU OF SENIOR SERVICES

362 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2020 Org 0508

2019] HOUSE OF DELEGATES 1765

Personal Services and Employee Benefits.....	00100	\$	767,364
Current Expenses	13000		13,811,853
Repairs and Alterations.....	06400		<u>3,000</u>
Total.....		\$	14,582,217

MISCELLANEOUS BOARDS AND COMMISSIONS

363 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,352,576
Current Expenses	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment	07000		<u>1,000</u>
Total.....		\$	1,761,529

364 - Public Service Commission –

Gas Pipeline Division

(WV Code Chapter 24B)

Fund 8744 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	621,039
Current Expenses	13000		124,628
Equipment	07000		3,000
Unclassified	09900		<u>4,072</u>
Total.....		\$	752,739

365 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2020 Org 0941

Personal Services and Employee Benefits.....	00100	\$	163,315
Current Expenses	13000		633,597
Repairs and Alterations.....	06400		5,000
Equipment	07000		3,000
Other Assets.....	69000		<u>2,000</u>
Total.....		\$	<u>806,912</u>
Total TITLE II, Section 6 - Federal Funds		\$	<u><u>5,189,043,394</u></u>

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2020.

366 - West Virginia Development Office –

Community Development

Fund 8746 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	10,658,978
Unclassified	09900		2,375,000
Current Expenses	13000		<u>224,476,883</u>
Total.....		\$	237,510,861

367 - Department of Commerce

West Virginia Development Office –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2020 Org 0307

2019]	HOUSE OF DELEGATES		1767
Personal Services and Employee Benefits.....	00100	\$	362,389
Unclassified	09900		125,000
Current Expenses	13000		12,002,111
Repairs and Alterations.....	06400		1,500
Equipment	07000		<u>9,000</u>
Total.....		\$	12,500,000

368 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2020 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,999,497
Unclassified	09900		23,023
Current Expenses	13000		39,263,511
Repairs and Alterations.....	06400		1,600
Equipment	07000		500
Buildings.....	25800		<u>1,100</u>
Total.....		\$	42,289,231

369 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	2,268,209
Unclassified	09900		81,439
Current Expenses	13000		<u>5,794,267</u>
Total.....		\$	8,143,915

370 - Division of Health –

Preventive Health

Fund 8753 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	268,337
Unclassified	09900		22,457
Current Expenses	13000		1,895,366
Equipment	07000		<u>165,642</u>
Total.....		\$	2,351,802

371 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	657,325
Unclassified	09900		115,924
Current Expenses	13000		<u>10,853,740</u>
Total.....		\$	11,626,989

372 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	551,368
Unclassified	09900		33,533
Current Expenses	13000		<u>4,883,307</u>
Total.....		\$	5,468,208

373 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2020 Org 0511

2019]	HOUSE OF DELEGATES		1769
Personal Services and Employee Benefits.....	00100	\$	1,856,844
Unclassified	09900		350,000
Current Expenses	13000		<u>33,181,300</u>
Total.....		\$	35,388,144

374 - Division of Human Services –

Social Services

Fund 8757 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	8,806,005
Unclassified	09900		171,982
Current Expenses	13000		<u>8,870,508</u>
Total.....		\$	17,848,495

375 - Division of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	19,913,598
Unclassified	09900		1,250,000
Current Expenses	13000		<u>105,847,136</u>
Total.....		\$	127,010,734

376 - Division of Human Services –

Child Care and Development

Fund 8817 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	2,793,496
Unclassified	09900		350,000
Current Expenses	13000		<u>46,999,456</u>

Total.....	\$ 50,142,952
Total TITLE II, Section 7 – Federal Block Grants	<u>\$ 550,281,331</u>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2020, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$2,175,000 special revenue funds in the amount of \$650,000 and state road funds in the amount of \$4,250,000 for payment of claims against the state.

Sec. 9. Appropriations from general revenue surplus accrued. - The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2020 out of surplus funds only, accrued from the fiscal year ending June 30, 2019, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus as of July 31, 2019 from the fiscal year ending June 30, 2019, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2019, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

377 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

Tourism – Brand Promotion - Surplus.....	XXXXX	\$ 5,000,000
Tourism – Public Relations - Surplus	XXXXX	750,000
Tourism – Events and Sponsorships - Surplus	XXXXX	250,000
Tourism – Industry Development - Surplus	XXXXX	250,000
State Parks and Recreation Advertising - Surplus.....	XXXXX	<u>750,000</u>
Total.....		\$ 7,000,000

The Executive Director of the West Virginia Tourism Office, with approval from the Secretary of Commerce, shall have the authority to transfer between the above items of appropriation.

378 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

Directed Transfer - Surplus..... XXXXX \$ 3,500,000

The above appropriation for Directed Transfer - Surplus (fund 0313, appropriation XXXXX) shall be transferred to the Safe Schools Fund (fund XXXX, org 0402) established by W.Va. Code §18-5-48.

379 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2020 Org 0402

Jim’s Dream - Surplus..... XXXXX \$ 4,000,000

From the above appropriation for Jim’s Dream (fund 0390, appropriation XXXX) funds are to be used for rehabilitation and workforce readiness transition programs.

380 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

Jim’s Dream - Surplus..... XXXXX \$ 4,000,000

From the above appropriation for Jim’s Dream – Surplus (fund 0525, appropriation XXXXX) funds are to be used for substance abuse treatment programs.

381 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

Jim’s Dream – Childhood Drug Prevention

Education - Surplus..... XXXXX 2,000,000

From the above appropriation for Jim’s Dream – Childhood Drug Prevention Education (fund 0313, appropriation 21901) funds are to be used for childhood drug prevention education programs.

380 - Department of Veterans’ Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2020 Org 0613

Veterans' Nursing Home - Surplus..... XXXXX 5,000,000

*381 - Division of Homeland Security and
Emergency Management
(WV Code Chapter 15)
Fund 0443 FY 2020 Org 0606*

Early Warning Flood System – Surplus XXXXX 400,000

*382 – Division of Health –
Central Office
(WV Code Chapter 16)
Fund 0407 FY 2020 Org 0506*

Sexual Assault Intervention and Prevention – Surplus ##### 125,000

*383 - Division of Health –
Central Office
(WV Code Chapter 16)
Fund 0407 FY 2020 Org 0506*

Center for End of Life - Surplus..... . XXXX \$ 350,000

CARDIAC Project – Surplus XXXX \$ 250,000

Total \$ 600,000

*384 - Division of Protective Services
(WV Code Chapter 5F)
Fund 0585 FY 2020 Org 0622*

Unclassified – Surplus XXXX \$ 30,000

Total TITLE II Section 9 – General Revenue Surplus Accrued..... \$ _____

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following item is hereby appropriated from the lottery net profits, and is to be available for expenditure during the fiscal

year 2020 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2019, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2019.

In the event that surplus revenues available from the fiscal year ending June 30, 2019, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

385 Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2020 Org 0508

Senior Services Medicaid Transfer – Lottery Surplus.....	68199	\$	16,000,000
Total TITLE II, Section 10 – Surplus Accrued.....		\$	<u>16,000,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2020 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2019, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2019.

In the event that surplus revenues available from the fiscal year ending June 30, 2019, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

386 Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2020 Org 0511

Medical Services – Lottery Surplus.....	68100	\$	17,000,000
Total TITLE II, Section 10 – Surplus Accrued.....		\$	<u>17,000,000</u>

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2020 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: *Provided*, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

- (a) An estimate of the amount and sources of all revenues accruing to such fund; and
- (b) A detailed expenditure schedule showing for what purposes the fund is to be expended.

Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2020, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2020 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.”

On motion of Delegate Summers, the House concurred in the Senate amendment with further amendment, on page by striking out everything after the enacting clause and inserting in lieu thereof the following:

“TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2020.

Sec. 2. Definitions. — For the purpose of this bill:

“Governor” shall mean the Governor of the State of West Virginia.

“Code” shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended.

“Spending unit” shall mean the department, bureau, division, office, board, commission, agency or institution to which an appropriation is made.

The “fiscal year 2020” shall mean the period from July 1, 2019, through June 30, 2020.

“General revenue fund” shall mean the general operating fund of the state and includes all moneys received or collected by the state except as provided in W.Va. Code §12-2-2 or as otherwise provided.

“Special revenue funds” shall mean specific revenue sources which by legislative enactments are not required to be accounted for as general revenue, including federal funds.

“From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collections. If the amount collected exceeds the amount designated “from collections,” the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by Article 2, Chapter 11B of the Code.

Sec. 3. Classification of appropriations. — An appropriation for:

“Personal services” shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual payments paid to consultants or to independent contractors engaged by the spending unit. “Personal services” shall include “annual increment” for “eligible employees” and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

Unless otherwise specified, appropriations for “personal services” shall include salaries of heads of spending units.

“Employee benefits” shall mean social security matching, workers’ compensation, unemployment compensation, pension and retirement contributions, public employees insurance matching, personnel fees or any other benefit normally paid by the employer as a direct cost of employment. Should the appropriation be insufficient to cover such costs, the remainder of such cost shall be paid by each spending unit from its “unclassified” appropriation, or its “current expenses” appropriation or other appropriate appropriation. Each spending unit is hereby authorized and required to make such payments in accordance with the provisions of Article 2, Chapter 11B of the Code.

Each spending unit shall be responsible for all contributions, payments or other costs related to coverage and claims of its employees for unemployment compensation and workers compensation. Such expenditures shall be considered an employee benefit.

“BRIM Premiums” shall mean the amount charged as consideration for insurance protection and includes the present value of projected losses and administrative expenses. Premiums are assessed for coverages, as defined in the applicable policies, for claims arising from, inter alia, general liability, wrongful acts, property, professional liability and automobile exposures.

Should the appropriation for “BRIM Premium” be insufficient to cover such cost, the remainder of such costs shall be paid by each spending unit from its “unclassified” appropriation, its “current expenses” appropriation or any other appropriate appropriation to the Board of Risk and Insurance Management. Each spending unit is hereby authorized and required to make such payments. If there is no appropriation for “BRIM Premium” such costs shall be paid by each spending unit from its “current expenses” appropriation, “unclassified” appropriation or other appropriate appropriation.

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

“Current expenses” shall mean operating costs other than personal services and shall not include equipment, repairs and alterations, buildings or lands. Each spending unit shall be responsible for and charged monthly for all postage meter service and shall reimburse the appropriate revolving fund monthly for all such amounts. Such expenditures shall be considered a current expense.

“Equipment” shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

“Repairs and alterations” shall mean routine maintenance and repairs to structures and minor improvements to property which do not increase the capital assets.

“Buildings” shall include new construction and major alteration of existing structures and the improvement of lands and shall include shelter, support, storage, protection or the improvement of a natural condition.

“Lands” shall mean the purchase of real property or interest in real property.

“Capital outlay” shall mean and include buildings, lands or buildings and lands, with such category or item of appropriation to remain in effect as provided by W.Va. Code §12-3-12.

From appropriations made to the spending units of state government, upon approval of the Governor there may be transferred to a special account an amount sufficient to match federal funds under any federal act.

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a “personal services and employee benefits” appropriation unless the source funds are also wholly from a “personal services and employee benefits” line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to “personal services and employee benefits,” “current expenses,” “repairs and alterations,” “equipment,” “other assets,” “land,” and “buildings” to other appropriations within the same account and no funds from other appropriations shall be transferred to the “personal services and employee benefits” or the “unclassified” appropriation: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies, boards or functions, the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit

the spending unit the freedom to spend an appropriation for more than one of the above classifications.

Sec. 4. Method of expenditure. — Money appropriated by this bill, unless otherwise specifically directed, shall be appropriated and expended according to the provisions of Article 3, Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

Sec. 5. Maximum expenditures. — No authority or requirement of law shall be interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2020.

LEGISLATIVE

382 - Senate

Fund 0165 FY 2020 Org 2100

	Appro- piation	General Revenue Fund
Compensation of Members (R)	00300	\$ 1,010,000
Compensation and Per Diem of Officers and Employees (R)	00500	4,011,332
Current Expenses and Contingent Fund (R)	02100	276,392
Repairs and Alterations (R)	06400	50,000
Computer Supplies (R)	10100	20,000
Computer Systems (R)	10200	60,000
Printing Blue Book (R)	10300	125,000
Expenses of Members (R)	39900	370,000
BRIM Premium (R)	91300	<u>29,482</u>
Total.....		\$ 5,952,206

The appropriations for the Senate for the fiscal year 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances so reappropriated may be transferred and credited to the fiscal year 2019 accounts.

Upon the written request of the Clerk of the Senate, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the Senate, with the approval of the President, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of the business and after adjournment of any regular or extraordinary session, and for the necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by the Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is hereby authorized to draw his or her requisitions upon the Auditor for the payment of all such staff personnel for such services, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

For duties imposed by law and by the Senate, the Clerk of the Senate shall be paid a monthly salary as provided by the Senate resolution, unless increased between sessions under the authority of the President, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

The distribution of the blue book shall be by the office of the Clerk of the Senate and shall include 75 copies for each member of the Legislature and two copies for each classified and approved high school and junior high or middle school and one copy for each elementary school within the state.

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

383 - House of Delegates

Fund 0170 FY 2020 Org 2200

Compensation of Members (R)	00300	\$	3,000,000
Compensation and Per Diem of Officers			
and Employees (R)	00500		575,000
Current Expenses and Contingent Fund (R)	02100		4,399,031
Expenses of Members (R)	39900		1,350,000
BRIM Premium (R)	91300		<u>80,000</u>
Total.....		\$	9,404,031

The appropriations for the House of Delegates for the fiscal year 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances so reappropriated may be transferred and credited to the fiscal year 2019 accounts.

Upon the written request of the Clerk of the House of Delegates, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the House of Delegates, with the approval of the Speaker, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the House of Delegates, for any bills for supplies and services that may have been incurred by the House of Delegates and not included in the appropriation bill, for bills for services and supplies incurred in preparation for the opening of the session and after adjournment, and for the necessary operation of the House of Delegates' offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Speaker of the House of Delegates shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, in addition to personnel designated in the House resolution, and the compensation of all personnel shall be as fixed in such House resolution for the session, or fixed by the Speaker during and between sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

For duties imposed by law and by the House of Delegates, including salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as provided in the House resolution, unless increased between sessions under the authority of the Speaker and payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

Included in the above appropriation for House of Delegates (fund 0170, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

384 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2020 Org 2300

Joint Committee on Government and Finance (R)	10400	\$	6,725,138
Legislative Printing (R).....	10500		260,000
Legislative Rule-Making Review Committee (R)	10600		147,250
Legislative Computer System (R)	10700		1,447,500
Legislative Fees & Dues (R)	#####		600,000
BRIM Premium (R)	91300		<u>60,569</u>
Total.....		\$	9,240,457

The appropriations for the Joint Expenses for the fiscal year 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances reappropriated may be transferred and credited to the fiscal year 2019 accounts.

Upon the written request of the Clerk of the Senate, with the approval of the President of the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

JUDICIAL

385 - Supreme Court –

General Judicial

Fund 0180 FY 2020 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$	110,767,344
Intermediate Court of Appeals	09001		0
Military Service Members Court (R)	#####		300,000
Current Expenses (R)	13000		9,943,616
Repairs and Alterations (R).....	06400		10,000
Equipment (R)	07000		1,600,000
Judges' Retirement System (R)	11000		791,000
Buildings (R).....	25800		20,000
Other Assets (R).....	69000		200,000
BRIM Premium (R)	91300		<u>690,384</u>
Total.....		\$	124,322,344

The appropriations to the Supreme Court of Appeals for the fiscal years 2017, 2018 and 2019 are to remain in full force and effect and are hereby reappropriated to June 30, 2020. Any balances so reappropriated may be transferred and credited to the fiscal year 2019 accounts.

This fund shall be administered by the Administrative Director of the Supreme Court of Appeals, who shall draw requisitions for warrants in payment in the form of payrolls, making deductions there from as required by law for taxes and other items.

The appropriation for the Judges' Retirement System (fund 0180, appropriation 11000) is to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating thereto, upon requisition of the Administrative Director of the Supreme Court of Appeals.

EXECUTIVE

386 - Governor's Office

(WV Code Chapter 5)

Fund 0101 FY 2020 Org 0100

Personal Services and Employee Benefits.....	00100	\$	3,250,758
Current Expenses (R)	13000		800,000
Repairs and Alterations.....	06400		25,000
National Governors Association.....	12300		60,700
Herbert Henderson Office of Minority Affairs.....	13400		146,726
BRIM Premium	91300		<u>183,645</u>
Total.....		\$	4,466,829

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), and Current Expenses (fund 0101, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).

*387 - Governor's Office –**Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2020 Org 0100

Personal Services and Employee Benefits.....	00100	\$	381,293
Current Expenses (R)	13000		183,158
Repairs and Alterations.....	06400		<u>5,000</u>
Total.....		\$	569,451

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Appropriations are to be used for current general expenses, including compensation of employees, household maintenance, cost of official functions and additional household expenses occasioned by such official functions.

*388 - Governor's Office –**Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2020 Org 0100

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia’s contribution to the interstate oil compact commission.

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency or unplanned events which may occur during the fiscal year and is not to be expended for the normal day-to-day operations of the Governor’s Office.

389 - Auditor’s Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,797,589
Current Expenses (R)	13000		13,429
BRIM Premium	91300		<u>12,077</u>
Total.....		\$	2,823,095

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0116, appropriation 00100), is \$95,000 for the Salary of the Auditor.

390 - Treasurer’s Office

(WV Code Chapter 12)

Fund 0126 FY 2020 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,561,063
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2019]	HOUSE OF DELEGATES		1785
Unclassified	09900		30,415
Current Expenses (R)	13000		782,911
Abandoned Property Program	11800		41,794
Other Assets	69000		10,000
ABLE Program	69201		150,000
BRIM Premium	91300		<u>59,169</u>
Total		\$	3,635,352

Any unexpended balances remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0126, appropriation 00100), is \$95,000 for the Salary of the Treasurer.

391 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	6,346,674
Animal Identification Program	03900		131,942
State Farm Museum	05500		87,759
Current Expenses (R)	13000		141,960
Gypsy Moth Program (R)	11900		1,003,440
WV Farmers Market.....	12801		150,467
Black Fly Control.....	13700		453,698
Donated Foods Program.....	36300		45,000
Veterans to Agriculture Program (R)	36301		255,624
Predator Control (R)	47000		176,400
Bee Research.....	69100		70,634
Microbiology Program.....	78500		99,828
Moorefield Agriculture Center	78600		975,284

Chesapeake Bay Watershed	83000	112,427
Livestock Care Standards Board	84300	8,820
BRIM Premium	91300	138,905
State FFA-FHA Camp and Conference Center	94101	638,554
Threat Preparedness	94200	73,122
WV Food Banks	96900	126,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 11,092,373

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Veterans to Agriculture Program (fund 0131, appropriation 36301), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0131, appropriation 00100), is \$95,000 for the Salary of the Commissioner.

The above appropriation for Predator Control (fund 0131, appropriation 47000) is to be made available to the United States Department of Agriculture, Wildlife Services to administer the Predator Control Program.

A portion of the Current Expenses appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for marketing and development activities.

From the above appropriation for WV Food Banks (fund 0131, appropriation 96900), \$20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

392 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 794,191
Unclassified	09900	77,059
Current Expenses (R)	13000	317,848
Soil Conservation Projects (R)	12000	9,799,709
BRIM Premium	91300	<u>34,428</u>
Total.....		\$ 11,023,235

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

393 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	668,030
Unclassified	09900		7,090
Current Expenses	13000		<u>82,605</u>
Total.....		\$	757,725

Any part or all of this appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for the above-named program.

394 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

Fund 0136 FY 2020 Org 1400

Programs and Awards for 4-H Clubs and FFA/FHA.....	57700	\$	15,000
Commissioner’s Awards and Programs	73700		<u>39,250</u>
Total.....		\$	54,250

395 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	99,547
Unclassified	09900		<u>950</u>
Total.....		\$	100,497

396 - Attorney General

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2020 Org 1500

Personal Services and Employee Benefits (R).....	00100	\$	2,818,788
Unclassified (R)	09900		24,428
Current Expenses (R)	13000		762,097
Repairs and Alterations.....	06400		1,000
Equipment	07000		1,000
Criminal Convictions and Habeas Corpus Appeals (R)	26000		946,078
Better Government Bureau	74000		279,412
BRIM Premium	91300		<u>120,654</u>
Total.....		\$	4,953,457

Any unexpended balances remaining in the above appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020, with the exception of fund 0150, fiscal year 2016, appropriation 00100 (\$208,241.14), and fund 0150, fiscal year 2017, appropriation 00100 (\$1,474,457.07) which shall expire on June 30, 2019.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0150, appropriation 00100), is \$95,000 for the Salary of the Attorney General.

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

397 - Secretary of State

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2020 Org 1600

2019]	HOUSE OF DELEGATES		1789
Personal Services and Employee Benefits.....	00100	\$	118,794
Unclassified (R)	09900		9,555
Current Expenses (R)	13000		805,948
BRIM Premium	91300		<u>23,297</u>
Total.....		\$	957,594

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0155, appropriation 00100), is \$95,000 for the Salary of the Secretary of State.

398 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2020 Org 1601

Personal Services and Employee Benefits.....	00100	\$	2,477
Unclassified	09900		75
Current Expenses	13000		<u>4,956</u>
Total.....		\$	7,508

DEPARTMENT OF ADMINISTRATION

399 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2020 Org 0201

Personal Services and Employee Benefits.....	00100	\$	606,584
Unclassified	09900		9,177
Current Expenses	13000		85,009
Repairs and Alterations.....	06400		100
Equipment	07000		1,000

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Financial Advisor (R)	30400	27,546
Lease Rental Payments.....	51600	15,000,000
Design-Build Board.....	54000	4,000
Other Assets.....	69000	100
BRIM Premium	91300	<u>6,736</u>
Total.....		\$ 15,740,252

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The appropriation for Lease Rental Payments (fund 0186, appropriation 51600) shall be disbursed as provided by W.Va. Code §31-15-6b.

400 - Consolidated Public Retirement Board
(WV Code Chapter 5)

Fund 0195 FY 2020 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

401 - Division of Finance
(WV Code Chapter 5A)

Fund 0203 FY 2020 Org 0209

Personal Services and Employee Benefits.....	00100	\$	64,696
Unclassified	09900		1,400
Current Expenses	13000		66,721
GAAP Project (R).....	12500		612,666
BRIM Premium	91300		<u>7,517</u>
Total.....		\$	753,000

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

402 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2020 Org 0211

Personal Services and Employee Benefits.....	00100	\$	2,722,499
Unclassified	09900		20,000
Current Expenses	13000		728,849
Repairs and Alterations.....	06400		500
Equipment	07000		5,000
Fire Service Fee	12600		14,000
Buildings (R)	25800		500
Preservation and Maintenance of Statues and Monuments			
on Capitol Grounds	37100		68,000
Capital Outlay, Repairs and Equipment (R)	58900		27,078,888
Other Assets.....	69000		500
Land (R)	73000		500
BRIM Premium	91300		<u>129,983</u>
Total.....		\$	30,769,219

Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Preservation and Maintenance of Statues and Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the Division of Culture and History and Capitol Building Commission in all aspects of planning, assessment, maintenance and restoration.

The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) shall be expended for capital improvements, maintenance, repairs and equipment for state-owned buildings.

403 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2020 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,055,926
Unclassified	09900		144
Current Expenses	13000		1,285
Repairs and Alterations.....	06400		200
BRIM Premium	91300		<u>6,922</u>
Total.....		\$	1,064,477

The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for all actual expenses incurred pursuant to the provisions of W.Va. Code §17-2A-13.

404 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2020 Org 0215

Personal Services and Employee Benefits.....	00100	\$	802,363
Unclassified	09900		12,032
Current Expenses	13000		440,247
Repairs and Alterations.....	06400		1,000
Equipment	07000		5,000
Buildings (R).....	25800		100
Other Assets.....	69000		<u>100</u>
Total.....		\$	1,260,842

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

405 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2020 Org 0217

Current Expenses	13000	\$	45,550
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To pay expenses for members of the commission on uniform state laws.

406 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2020 Org 0219

Personal Services and Employee Benefits.....	00100	\$	969,627
Unclassified	09900		1,000
Current Expenses	13000		143,754
Equipment	07000		50
BRIM Premium	91300		<u>10,281</u>
Total.....		\$	1,124,712

407 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2020 Org 0220

Personal Services and Employee Benefits.....	00100	\$	606,969
Unclassified	09900		2,200
Current Expenses	13000		104,501
Repairs and Alterations.....	06400		500
Other Assets.....	69000		100

BRIM Premium	91300		<u>5,574</u>
Total.....		\$	719,844

408 - Public Defender Services
(WV Code Chapter 29)
Fund 0226 FY 2020 Org 0221

Personal Services and Employee Benefits.....	00100	\$	1,711,081
Unclassified	09900		314,700
Current Expenses	13000		12,740
Public Defender Corporations	35200		19,538,435
Appointed Counsel Fees (R).....	78800		12,898,115
BRIM Premium	91300		<u>10,575</u>
Total.....		\$	34,485,646

Any unexpended balance remaining in the above appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, appropriation 78800).

409 - Committee for the Purchase of
Commodities and Services from the Handicapped
(WV Code Chapter 5A)
Fund 0233 FY 2020 Org 0224

Personal Services and Employee Benefits.....	00100	\$	3,187
Current Expenses	13000		<u>868</u>
Total.....		\$	4,055

410 - Public Employees Insurance Agency
(WV Code Chapter 5)

Fund 0200 FY 2020 Org 0225

PEIA Subsidy.....	80100	\$	21,000,000
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The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the public employees health insurance cost for their respective divisions.

The above appropriation for PEIA Subsidy (fund 0200, appropriation 80100) may be transferred to a special revenue fund and shall be utilized by the West Virginia Public Employees Insurance Agency for the purposes of offsetting benefit changes to offset the aggregate premium cost-sharing percentage requirements between employers and employees. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

411 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2020 Org 0228

Forensic Medical Examinations (R).....	68300	\$	141,579
Federal Funds/Grant Match (R)	74900		<u>105,074</u>
Total.....		\$	246,653

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

412 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2020 Org 0233

Personal Services and Employee Benefits.....	00100	\$	681,101
Unclassified	09900		1,000
Current Expenses	13000		138,631
Repairs and Alterations.....	06400		100

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Equipment	07000	2,500
BRIM Premium	91300	<u>8,534</u>
Total.....		\$ 831,866

DEPARTMENT OF COMMERCE

413 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

Tourism – Brand Promotion	61803	\$ 5,000,000
Tourism – Public Relations	61804	750,000
Tourism – Events and Sponsorships.....	61805	250,000
Tourism – Industry Development	61806	250,000
State Parks and Recreation Advertising.....	61900	<u>750,000</u>
Total.....		\$ 7,000,000

The Executive Director of the West Virginia Tourism Office, with approval from the Secretary of Commerce, shall have the authority to transfer between the above items of appropriation.

414 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$ 2,881,455
Unclassified	09900	21,435
Current Expenses	13000	338,953
Repairs and Alterations.....	06400	80,000
Equipment (R)	07000	2,061
BRIM Premium	91300	<u>98,754</u>
Total.....		\$ 3,422,658

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Out of the above appropriations a sum may be used to match federal funds for cooperative studies or other funds for similar purposes.

415 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2020 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,678,448
Unclassified	09900		27,678
Current Expenses	13000		51,524
Repairs and Alterations.....	06400		968
Mineral Mapping System (R).....	20700		1,134,143
BRIM Premium	91300		<u>24,486</u>
Total.....		\$	2,917,247

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The above Unclassified and Current Expense appropriations include funding to secure federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the purpose of providing advance funding for such contracts.

416 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,400,420
Unclassified	09900		108,055
Current Expenses	13000		3,765,277
National Youth Science Camp	13200		241,570

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Local Economic Development Partnerships (R)	13300	1,250,000
ARC Assessment.....	13600	152,585
Guaranteed Work Force Grant (R).....	24200	976,579
Mainstreet Program	79400	167,467
BRIM Premium	91300	3,157
Hatfield McCoy Recreational Trail.....	96000	<u>198,415</u>
Total.....		\$ 11,263,525

Any unexpended balances remaining in the appropriations for Sales and Marketing Enhancement – Surplus (fund 0256, appropriation 05099), Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), and Local Economic Development Assistance (fund 0256, appropriation 81900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the West Virginia Development Office for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.Va. Code §5B-2-14. The West Virginia Development Office shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$34,000 per county served by an economic development or redevelopment corporation or authority.

417 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 0260 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 1,564,676
Current Expenses	13000	227,000
Repairs and Alterations.....	06400	28,000
Equipment	07000	15,000
BRIM Premium	91300	<u>8,500</u>
Total.....		\$ 1,843,176

418 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	16,956,925
Unclassified	09900		184,711
Current Expenses	13000		196,302
Repairs and Alterations.....	06400		100
Equipment	07000		100
Buildings.....	25800		100
Capital Outlay – Parks (R)	28800		3,000,000
Litter Control Conservation Officers	56400		146,986
Upper Mud River Flood Control	65400		164,791
Other Assets.....	69000		100
Land (R)	73000		100
Law Enforcement.....	80600		2,552,994
BRIM Premium	91300		<u>45,141</u>
Total.....		\$	23,248,350

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Any revenue derived from mineral extraction at any state park shall be deposited in a special revenue account of the Division of Natural Resources, first for bond debt payment purposes and with any remainder to be for park operation and improvement purposes.

419 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2020 Org 0314

Personal Services and Employee Benefits.....	00100	\$	9,550,243
Unclassified	09900		111,016

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Current Expenses		13000	1,396,141
Coal Dust and Rock Dust Sampling		27000	487,752
BRIM Premium		91300	<u>80,668</u>
Total.....			\$ 11,625,820

Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is \$500,000 to be used for coal mine training activities at an established mine training facility in southern West Virginia.

420 - Board of Coal Mine Health and Safety
(WV Code Chapter 22)
Fund 0280 FY 2020 Org 0319

Personal Services and Employee Benefits.....	00100	\$	233,981
Unclassified	09900		3,480
Current Expenses	13000		<u>118,138</u>
Total.....		\$	355,599

Included in the above appropriation for Current Expenses (fund 0280, appropriation 13000) up to \$29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

421 - WorkForce West Virginia
(WV Code Chapter 23)
Fund 0572 FY 2020 Org 0323

Personal Services and Employee Benefits.....	00100	\$	51,433
Unclassified	09900		593
Current Expenses	13000		<u>7,337</u>
Total.....		\$	59,363

422 - Department of Commerce –
Office of the Secretary
(WV Code Chapter 19)

Fund 0606 FY 2020 Org 0327

Personal Services and Employee Benefits.....	00100	\$	588,872
Unclassified	09900		501,490
Current Expenses	13000		<u>17,099</u>
Total.....		\$	1,107,461

From the above appropriation for Unclassified (fund 0606, appropriation 09900), \$500,000 shall be transferred to the Broadband Enhancement Fund (fund 3013).

423 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2020 Org 0328

Personal Services and Employee Benefits.....	00100	\$	198,299
Unclassified	09900		12,395
Current Expenses	13000		1,029,679
BRIM Premium	91300		<u>3,894</u>
Total.....		\$	1,244,267

From the above appropriation for Current Expenses (fund 0612, appropriation 13000) \$558,247 is for West Virginia University and \$308,247 is for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

424 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2020 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,459,977
Independent Living Services	00900		429,418
Current Expenses	13000		558,815

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Workshop Development.....	16300	1,817,427
Supported Employment Extended Services	20600	77,960
Ron Yost Personal Assistance Fund.....	40700	333,828
Employment Attendant Care Program	59800	131,575
BRIM Premium	91300	<u>77,464</u>
Total.....		\$ 14,886,464

From the above appropriation for Workshop Development (fund 0310, appropriation 16300), fund shall be used exclusively with the private nonprofit community rehabilitation program organizations known as work centers or sheltered workshops. The appropriation shall also be used to continue the support of the program, services, and individuals with disabilities currently in place at those organizations.

DEPARTMENT OF EDUCATION

425 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 348,042
Current Expenses	13000	<u>2,118,865</u>
Total.....		\$ 2,466,907

426 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 4,598,523
Teachers' Retirement Savings Realized	09500	42,954,000
Unclassified (R)	09900	420,000
Current Expenses (R)	13000	2,572,000

2019]	HOUSE OF DELEGATES	1803
Equipment	07000	5,000
Center for Professional Development (R).....	11500	150,000
Increased Enrollment.....	14000	3,060,000
Safe Schools	14300	4,781,026
National Teacher Certification (R).....	16100	300,000
Jim’s Dream – Childhood Drug Prevention Education.....	21901	5,000,000
Buildings (R).....	25800	1,000
Allowance for County Transfer.....	26400	476,348
Technology Repair and Modernization.....	29800	951,003
HVAC Technicians.....	35500	516,791
Early Retirement Notification Incentive	36600	300,000
MATH Program.....	36800	336,532
Assessment Programs.....	39600	1,339,588
Benedum Professional Development Collaborative	42700	429,775
Governor’s Honors Academy	47800	1,059,270
21 st Century Fellows	50700	274,899
English as a Second Language	52800	96,000
Teacher Reimbursement	57300	297,188
Hospitality Training	60000	272,775
Hi-Y Youth in Government.....	61600	100,000
High Acuity Special Needs (R).....	63400	1,500,000
Foreign Student Education	63600	100,294
State Board of Education Administrative Costs.....	68400	277,403
Other Assets.....	69000	1,000
IT Academy (R).....	72100	500,000
Land (R)	73000	1,000
Early Literacy Program	75600	5,705,624

1804	JOURNAL OF THE	[MARCH 7
School Based Truancy Prevention (R)	78101	2,032,238
Mastery Based Education	#####	125,000
Communities in Schools (R).....	78103	400,000
21 st Century Learners (R)	88600	1,756,470
BRIM Premium	91300	342,859
21 st Century Assessment and Professional Development	93100	2,006,978
21 st Century Technology Infrastructure Network		
Tools and Support.....	93300	7,636,586
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total.....		\$ 93,218,420

The above appropriations include funding for the state board of education and their executive office.

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), National Teacher Certification (fund 0313, appropriation 16100), Buildings (fund 0313, appropriation 25800), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), Land (fund 0313, appropriation 73000), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), and 21st Century Learners (fund 0313, appropriation 88600) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Teachers' Retirement Savings Realized (fund 0313, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044).

From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000 shall be for assisting low income students with AP exam fees.

The above appropriation for Hospitality Training (fund 0313, appropriation 60000), shall be allocated only to entities that have a plan approved for funding by the Department of Education, at the funding level determined by the State Superintendent of Schools. Plans shall be submitted to the State Superintendent of Schools to be considered for funding.

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project Based Learning in STEM fields.

427 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2020 Org 0402

Special Education – Counties	15900	\$	7,271,757
Special Education – Institutions	16000		3,968,631
Education of Juveniles Held in Predispositional			
Juvenile Detention Centers	30200		649,758
Education of Institutionalized Juveniles and Adults (R)	47200		<u>20,474,233</u>
Total.....		\$	32,364,379

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriations, the superintendent shall have authority to expend funds for the costs of special education for those children residing in out-of-state placements.

428 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2020 Org 0402

Other Current Expenses	02200	\$	156,065,940
Advanced Placement.....	05300		644,087
Professional Educators	15100		901,230,362
Service Personnel.....	15200		304,858,302
Fixed Charges	15300		106,085,858
Transportation	15400		75,457,864
Professional Student Support Services.....	65500		40,513,635

1806	JOURNAL OF THE	[MARCH 7
Improved Instructional Programs	15600	51,527,411
21 st Century Strategic Technology Learning Growth	93600	25,549,588
Teacher and Leader Induction	93601	<u>4,584,707</u>
Basic Foundation Allowances		1,666,517,754
Less Local Share		(478,449,993)
Adjustments		<u>(2,681,318)</u>
Total Basic State Aid		1,185,386,443
Public Employees' Insurance Matching.....	01200	223,979,027
Teachers' Retirement System.....	01900	65,201,000
School Building Authority	45300	24,000,000
Retirement Systems – Unfunded Liability.....	77500	<u>345,517,000</u>
Total.....		\$ 1,844,083,470

429 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,339,713
Unclassified	09900		268,800
Current Expenses	13000		883,106
Wood Products – Forestry Vocational Program	14600		78,691
Albert Yanni Vocational Program	14700		132,123
Vocational Aid.....	14800		23,997,756
Adult Basic Education	14900		5,195,128
Jim's Dream.....	14901		6,000,000
Program Modernization.....	30500		884,313
High School Equivalency Diploma Testing (R).....	72600		803,397

2019]	HOUSE OF DELEGATES		1807
FFA Grant Awards	83900		11,496
Pre-Engineering Academy Program.....	84000		<u>265,294</u>
Total.....		\$	39,859,817

Any unexpended balance remaining in the appropriation for High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

430 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2020 Org 0403

Personal Services and Employee Benefits.....	00100	\$	11,379,675
Unclassified	09900		110,000
Current Expenses	13000		2,240,696
Repairs and Alterations.....	06400		164,675
Equipment	07000		77,000
Buildings (R)	25800		45,000
Capital Outlay and Maintenance (R)	75500		520,000
BRIM Premium	91300		<u>140,842</u>
Total.....		\$	14,677,888

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

431 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$	3,463,493
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1808	JOURNAL OF THE		[MARCH 7
Current Expenses	13000		610,843
Repairs and Alterations.....	06400		1,000
Equipment	07000		1
Unclassified (R)	09900		28,483
WV Humanities Council	16800		250,000
Buildings (R).....	25800		1
Other Assets.....	69000		1
Educational Enhancements	69500		573,500
Land (R)	73000		1
Culture and History Programming.....	73200		231,573
Capital Outlay and Maintenance (R)	75500		19,600
Historical Highway Marker Program.....	84400		57,548
BRIM Premium	91300		<u>39,337</u>
Total.....		\$	5,275,381

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The Current Expense appropriation includes funding for the arts funds, department programming funds, grants, fairs and festivals and Camp Washington Carver and shall be expended only upon authorization of the Division of Culture and History and in accordance with the provisions of Chapter 5A, Article 3, and Chapter 12 of the Code.

From the above appropriation for Educational Enhancements (fund 0293, appropriation 69500), \$500,000 shall be used for Save the Children and \$73,500 shall be used for the Clay Center.

432 - Library Commission
(WV Code Chapter 10)
Fund 0296 FY 2020 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,314,744
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2019]	HOUSE OF DELEGATES		1809
Current Expenses	13000		139,624
Repairs and Alterations.....	06400		6,500
Services to Blind & Handicapped.....	18100		161,717
BRIM Premium	91300		<u>18,205</u>
Total.....		\$	1,640,790

433 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2020 Org 0439

Personal Services and Employee Benefits.....	00100	\$	1,840,433
Current Expenses	13000		1,591,805
Mountain Stage.....	24900		300,000
Capital Outlay and Maintenance (R)	75500		50,000
BRIM Premium	91300		<u>48,453</u>
Total.....		\$	3,830,691

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

434 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2020 Org 0311

Personal Services and Employee Benefits.....	00100	\$	82,539
Current Expenses	13000		28,453
Repairs and Alterations.....	06400		800
Equipment	07000		500
Other Assets.....	69000		400
BRIM Premium	91300		<u>791</u>

Total.....		\$	113,483
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435 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	4,196,400
Water Resources Protection and Management.....	06800		576,278
Current Expenses	13000		96,916
Repairs and Alterations.....	06400		1,500
Unclassified	09900		14,825
Dam Safety.....	60700		237,824
West Virginia Stream Partners Program	63700		77,396
Meth Lab Cleanup	65600		139,000
WV Contributions to River Commissions.....	77600		148,485
Office of Water Resources Non-Enforcement Activity	85500		<u>1,009,855</u>
Total.....		\$	6,498,479

A portion of the appropriations for Current Expense (fund 0273, appropriation 13000) and Dam Safety (fund 0273, appropriation 60700) may be transferred to the special revenue fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for the state deficient dams rehabilitation assistance program.

436 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2020 Org 0325

Personal Services and Employee Benefits.....	00100	\$	60,737
Current Expenses	13000		11,612
Repairs and Alterations.....	06400		800
Equipment	07000		400

2019]	HOUSE OF DELEGATES		1811
Other Assets.....	69000		200
BRIM Premium	91300		<u>2,304</u>
Total.....		\$	76,053

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

437 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2020 Org 0501

Personal Services and Employee Benefits.....	00100	\$	384,638
Unclassified	09900		6,459
Current Expenses	13000		50,613
Commission for the Deaf and Hard of Hearing.....	70400		<u>225,534</u>
Total.....		\$	667,244

Any unexpended balance remaining in the appropriation for the Women’s Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

438 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	12,946,328
Chief Medical Examiner	04500		9,666,347
Unclassified	09900		671,795
Current Expenses	13000		4,877,059
State Aid for Local and Basic Public Health Services.....	18400		14,160,490
Safe Drinking Water Program (R)	18700		2,211,323

1812	JOURNAL OF THE	[MARCH 7
Women, Infants and Children.....	21000	38,621
Early Intervention.....	22300	8,134,060
Cancer Registry.....	22500	206,306
Office of Drug Control Policy (R).....	35401	567,953
Statewide EMS Program Support (R).....	38300	1,845,271
Office of Medical Cannabis.....	42001	2,380,489
Black Lung Clinics.....	46700	170,885
Vaccine for Children.....	55100	338,235
Tuberculosis Control.....	55300	379,256
Maternal and Child Health Clinics, Clinicians		
Medical Contracts and Fees (R).....	57500	6,342,707
Epidemiology Support.....	62600	1,547,192
Primary Care Support.....	62800	4,263,706
Sexual Assault Intervention and Prevention.....	72300	125,000
Health Right Free Clinics.....	72700	3,750,000
Capital Outlay and Maintenance (R).....	75500	100,000
Healthy Lifestyles.....	77800	1,000,000
Maternal Mortality Review.....	83400	49,933
Diabetes Education and Prevention.....	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System.....	91800	2,021,322
WVU Charleston Poison Control Hotline.....	91800	<u>712,942</u>
Total.....		\$ 78,774,136

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation

82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; \$50,000 is for Hospital Hospitality House of Huntington; and \$200,000 is for Potomac Center Inc. of Romney, West Virginia.

From the above appropriation for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) up to \$400,000 may be transferred to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and \$11,000 is for the Marshall County Health Department for dental services.

439 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,632,588
Current Expenses	13000		14,113
Behavioral Health Program (R)	21900		71,843,953
Jim’s Dream.....	14901		9,000,000
Family Support Act	22100		251,226
Institutional Facilities Operations (R).....	33500		137,929,180
Substance Abuse Continuum of Care (R)	35400		5,000,000
Capital Outlay and Maintenance (R)	75500		950,000
Renaissance Program	80400		165,996
BRIM Premium	91300		<u>1,296,098</u>
Total.....		\$	228,083,154

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one

appropriation may be transferred to other appropriations: *Provided, however,* That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

Included in the above appropriation for Behavioral Health Program (fund 0525, appropriation 21900) is \$100,000 for the Healing Place of Huntington.

The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) contains prior year salary increases due to the Hartley court order in the amount of \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for Mildred Mitchel-Bateman Hospital.

From the above appropriation for Substance Abuse Continuum of Care (fund 0525, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

Additional funds have been appropriated in fund 5156, fiscal year 2020, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

440 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2020 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund-Transfer.....	68900	\$	647,500
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The above appropriation for Drinking Water Treatment Revolving Fund – Transfer shall be transferred to the West Virginia Drinking Water Treatment Revolving Fund or appropriate bank depository and the Drinking Water Treatment Revolving – Administrative Expense Fund as provided by Chapter 16 of the Code.

441 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2020 Org 0510

Personal Services and Employee Benefits.....	00100	\$	1,073,553
Unclassified	09900		4,024
Current Expenses	13000		331,304

2019]	HOUSE OF DELEGATES	1815
BRIM Premium	91300	<u>10,764</u>
Total.....		\$ 1,419,645

442 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 48,078,212
Unclassified	09900	5,688,944
Current Expenses	13000	11,404,008
Child Care Development.....	14400	4,102,718
Medical Services.....	18900	456,659,803
Social Services	19500	196,114,014
Family Preservation Program.....	19600	1,565,000
Family Resource Networks	27400	1,762,464
Domestic Violence Legal Services Fund.....	38400	400,000
James "Tiger" Morton Catastrophic Illness Fund.....	45500	105,695
I/DD Waiver	46600	88,753,483
Child Protective Services Case Workers.....	46800	24,917,075
OSCAR and RAPIDS.....	51500	6,493,207
Title XIX Waiver for Seniors	53300	13,593,620
WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
Child Welfare System	60300	1,334,615
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	935,000
Child Support Enforcement.....	70500	6,758,806
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	25,819,096

1816	JOURNAL OF THE	[MARCH 7
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Grants for Licensed Domestic Violence		
Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
Medical Services Administrative Costs	78900	38,234,761
Traumatic Brain Injury Waiver	83500	800,000
Indigent Burials (R)	85100	2,050,000
BRIM Premium	91300	892,642
Rural Hospitals Under 150 Beds.....	94000	2,596,000
Children’s Trust Fund – Transfer	95100	<u>220,000</u>
Total.....		\$ 955,840,781

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

The secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

Included in the above appropriation for Social Services (fund 0403, appropriation 19500) is funding for continuing education requirements relating to the practice of social work.

The above appropriation for Domestic Violence Legal Services Fund (fund 0403, appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund 5455).

The above appropriation for James “Tiger” Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James “Tiger” Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467), and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the secretary of the Department of Health and Human Resources.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500) an amount not to exceed \$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), 50% of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

The above appropriation for Children’s Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children’s Trust Fund (fund 5469, org 0511).

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

443 - Department of Military Affairs and Public Safety –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2020 Org 0601

Personal Services and Employee Benefits.....	00100	\$	672,826
Unclassified (R)	09900		18,949
Current Expenses	13000		137,480
Repairs and Alterations.....	06400		1,500
Equipment	07000		1,500
Fusion Center (R)	46900		553,678
Other Assets.....	69000		2,500
Directed Transfer	70000		32,000
BRIM Premium	91300		18,190
WV Fire and EMS Survivor Benefit (R)	93900		200,000
Homeland State Security Administrative Agency (R)	95300		<u>315,220</u>
Total.....		\$	1,953,843

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund (fund 6003).

444 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2020 Org 0603

Unclassified (R)	09900	\$	106,798
College Education Fund.....	23200		4,000,000
Civil Air Patrol	23400		249,664
Mountaineer ChalleNGe Academy.....	70900		1,500,000
Armory Board Transfer	70015		2,317,555
Military Authority (R)	74800		6,260,251
Drug Enforcement and Support	74801		<u>1,500,000</u>
Total.....		\$	15,934,268

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), and Military Authority – Surplus (fund 0433, appropriation 74899) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriations an amount approved by the Adjutant General and the secretary of Military Affairs and Public Safety may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

The adjutant general shall have the authority to transfer between appropriations.

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$4,500,000 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

445 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2020 Org 0603

Personal Services and Employee Benefits.....	00100	\$	100,000
Current Expenses	13000		<u>57,775</u>
Total.....		\$	157,775

446 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2020 Org 0605

Personal Services and Employee Benefits.....	00100	\$	405,066
Current Expenses	13000		355,234
Unclassified	09900		10,000
Salaries of Members of West Virginia Parole Board.....	22700		609,833
BRIM Premium	91300		<u>6,149</u>
Total.....		\$	1,386,282

The above appropriation for Salaries of Members of West Virginia Parole Board (fund 0440, appropriation 22700) includes funding for salary, annual increment (as provided for in W.Va. Code §5-5-1), and related employee benefits of board members.

*447 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2020 Org 0606

Personal Services and Employee Benefits.....	00100	\$	1,572,931
Unclassified	09900		25,022
Current Expenses	13000		57,314

Repairs and Alterations.....	06400	600
Radiological Emergency Preparedness	55400	17,052
SIRN.....	55401	600,000
Federal Funds/Grant Match (R)	74900	1,009,145
Mine and Industrial Accident Rapid		
Response Call Center	78100	469,911
Early Warning Flood System (R).....	87700	484,448
BRIM Premium	91300	<u>96,529</u>
Total.....		\$ 4,332,952

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

448 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2020 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 559,966
Current Expenses	13000	<u>2,400</u>
Total.....		\$ 562,366

449 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2020 Org 0608

Employee Benefits.....	01000	\$ 1,258,136
Children’s Protection Act (R).....	09000	838,437

2019]	HOUSE OF DELEGATES	1821
Unclassified	09900	1,578,800
Current Expenses (R)	13000	52,016,936
Facilities Planning and Administration (R).....	38600	1,274,200
Charleston Correctional Center	45600	3,281,752
Beckley Correctional Center	49000	2,228,700
Anthony Correctional Center.....	50400	5,909,312
Huttonsville Correctional Center	51400	22,397,941
Northern Correctional Center	53400	7,769,520
Inmate Medical Expenses (R)	53500	21,226,064
Pruntytown Correctional Center	54300	8,303,659
Corrections Academy.....	56900	1,776,147
Information Technology Services	59901	2,259,052
Martinsburg Correctional Center	66300	4,201,864
Parole Services.....	68600	5,641,740
Special Services	68700	6,230,985
Investigative Services	71600	3,301,523
Capital Outlay and Maintenance (R)	75500	7,000,000
Salem Correctional Center.....	77400	11,108,923
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center	82800	3,742,751
St. Mary's Correctional Center	88100	14,006,323
Denmar Correctional Center	88200	5,039,544
Ohio County Correctional Center	88300	2,003,675
Mt. Olive Correctional Complex	88800	21,709,603
Lakin Correctional Center	89600	10,346,422
BRIM Premium	91300	<u>2,527,657</u>

Total..... \$ 239,385,451

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The Commissioner of Corrections and Rehabilitation shall have the authority to transfer between appropriations to the individual correctional units above and may transfer funds from the individual correctional units to Current Expenses (fund 0450, appropriation 13000) or Inmate Medical Expenses (fund 0450, appropriation 53500).

From the above appropriation to Current Expenses (fund 0450, appropriation 13000) payment shall be made to house Division of Corrections and Rehabilitation inmates in federal, county, and /or regional jails.

Any realized savings from Energy Savings Contract may be transferred to Facilities Planning and Administration (fund 0450, appropriation 38600).

450 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2020 Org 0608

Statewide Reporting Centers	26200	\$	7,233,094
Robert L. Shell Juvenile Center	26700		2,417,029
Resident Medical Expenses (R).....	53501		3,604,999
Central Office.....	70100		2,086,638
Capital Outlay and Maintenance (R)	75500		250,000
Gene Spadaro Juvenile Center	79300		2,595,691
BRIM Premium	91300		115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000		5,654,445
Vicki Douglas Juvenile Center	98100		2,292,201
Northern Regional Juvenile Center	98200		2,876,302

2019]	HOUSE OF DELEGATES	1823
Lorrie Yeager Jr. Juvenile Center	98300	2,330,333
Sam Perdue Juvenile Center	98400	2,455,085
Tiger Morton Center.....	98500	2,545,259
Donald R. Kuhn Juvenile Center.....	98600	4,877,936
J.M. "Chick" Buckbee Juvenile Center	98700	<u>2,439,816</u>
Total.....		\$ 43,774,795

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above including statewide reporting centers and central office and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

451 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2020 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 62,755,235
Children's Protection Act.....	09000	1,009,529
Current Expenses	13000	10,384,394
Repairs and Alterations.....	06400	450,523
Trooper Class (R)	52100	3,207,832
Barracks Lease Payments	55600	237,898
Communications and Other Equipment (R).....	55800	570,968
Trooper Retirement Fund.....	60500	7,004,590
Handgun Administration Expense	74700	77,892
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded Liability.....	77500	13,187,000

Automated Fingerprint Identification System.....	89800		2,211,693
BRIM Premium	91300		<u>5,743,921</u>
Total.....		\$	107,091,475

Any unexpended balances remaining in the appropriations for Trooper Class (fund 0453, appropriation 52100), Communications and Other Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Personal Services and Employee Benefits (fund 0453, appropriation 00100), an amount not less than \$25,000 shall be expended to offset the costs associated with providing police services for the West Virginia State Fair.

452 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2020 Org 0619

Current Expenses	13000	\$	64,021
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453 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 0546 FY 2020 Org 0620

Personal Services and Employee Benefits.....	00100	\$	570,979
Current Expenses	13000		133,360
Repairs and Alterations.....	06400		1,804
Child Advocacy Centers (R).....	45800		2,206,954
Community Corrections (R)	56100		6,927,323
Statistical Analysis Program.....	59700		49,819
Sexual Assault Forensic Examination Commission (R).....	71400		77,525
Qualitative Analysis and Training for Youth Services (R)	76200		332,446
Law Enforcement Professional Standards	83800		164,272
BRIM Premium	91300		<u>2,123</u>

Total.....		\$	10,466,605
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Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), and Law Enforcement Professional Standards – Surplus (fund 0546, appropriation 83899) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for Child Advocacy Centers (fund 0546, appropriation 45800), the division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

454 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2020 Org 0622

Personal Services and Employee Benefits.....	00100	\$	3,029,459
Unclassified (R)	09900		21,991
Current Expenses	13000		443,357
Repairs and Alterations.....	06400		8,500
Equipment (R)	07000		64,171
BRIM Premium	91300		<u>12,226</u>
Total.....		\$	3,579,704

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

455 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2020 Org 0623

Personal Services and Employee Benefits.....	00100	\$	2,306,255
Current Expenses	13000		<u>30,000</u>
Total.....		\$	2,336,255

DEPARTMENT OF REVENUE*456 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2020 Org 0701

Personal Services and Employee Benefits.....	00100	\$	516,906
Unclassified (R)	09900		5,837
Current Expenses	13000		81,594
Repairs and Alterations.....	06400		1,262
Equipment	07000		8,000
Other Assets.....	69000		<u>500</u>
Total.....		\$	614,099

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09900) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

457 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2020 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$	19,272,541
Unclassified (R)	09900		224,578
Current Expenses (R)	13000		5,888,635
Repairs and Alterations.....	06400		10,150
Equipment	07000		154,850
Tax Technology Upgrade.....	09400		3,700,000
Multi State Tax Commission	65300		77,958
Other Assets.....	69000		10,000
BRIM Premium	91300		<u>15,579</u>

Total.....		\$	29,354,291
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Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

458 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2020 Org 0703

Personal Services and Employee Benefits.....	00100	\$	694,942
Unclassified (R)	09900		<u>1,199</u>
Total.....		\$	696,141

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

459 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2020 Org 0709

Personal Services and Employee Benefits.....	00100	\$	452,106
Current Expenses (R)	13000		93,022
Unclassified	09900		5,255
BRIM Premium	91300		<u>3,062</u>
Total.....		\$	553,445

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

460 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2020 Org 0933

Personal Services and Employee Benefits.....	00100	\$	7,200
Current Expenses	13000		<u>29,611</u>
Total.....		\$	36,811

DEPARTMENT OF TRANSPORTATION

461 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2020 Org 0804

Personal Services and Employee Benefits.....	00100	\$	328,369
Current Expenses	13000		287,707
Other Assets (R)	69000		1,303,277
BRIM Premium	91300		<u>201,541</u>
Total.....		\$	2,120,894

Any unexpended balance remaining in the appropriation Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

462 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2020 Org 0805

Equipment (R)	07000	\$	89,710
Current Expenses (R)	13000		<u>2,173,279</u>
Total.....		\$	2,262,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

463 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2020 Org 0807

Personal Services and Employee Benefits.....	00100	\$	178,740
Current Expenses (R)	13000		591,839
Repairs and Alterations.....	06400		100
BRIM Premium	91300		<u>4,438</u>
Total.....		\$	775,117

Any unexpended balances remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

DEPARTMENT OF VETERANS' ASSISTANCE*464 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2020 Org 0613

Personal Services and Employee Benefits.....	00100	\$	1,987,212
Unclassified	09900		20,000
Current Expenses	13000		427,767
Repairs and Alterations.....	06400		5,000
Veterans' Field Offices.....	22800		292,206
Veterans' Nursing Home (R)	28600		6,801,772
Veterans' Toll Free Assistance Line.....	32800		2,015
Veterans' Reeducation Assistance (R).....	32900		29,502
Veterans' Grant Program (R)	34200		560,000
Veterans' Grave Markers	47300		10,254
Veterans Outreach Programs	61700		175,190

1830	JOURNAL OF THE	[MARCH 7
Memorial Day Patriotic Exercise	69700	20,000
Veterans Cemetery	80800	391,646
BRIM Premium	91300	<u>25,530</u>
Total.....		\$ 10,748,094

Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

465 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2020 Org 0618

Personal Services and Employee Benefits.....	00100	\$ 1,217,096
Current Expenses	13000	<u>46,759</u>
Total.....		\$ 1,263,855

BUREAU OF SENIOR SERVICES

466 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2020 Org 0508

Transfer to Division of Human Services for Health Care

and Title XIX Waiver for Senior Citizens.....	53900	\$ 29,950,955
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The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

The above appropriation is in addition to funding provided in fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

467 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2020 Org 0420

West Virginia Council for Community

and Technical Education (R)	39200	\$	738,955
Transit Training Partnership.....	78300		34,293
Community College Workforce Development (R).....	87800		2,786,925
College Transition Program	88700		278,222
West Virginia Advance Workforce Development (R)	89300		3,118,960
Technical Program Development (R)	89400		1,800,735
WV Invests Grant Program	#####		<u>10,034,748</u>
Total.....		\$	18,792,838

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

From the above appropriation for the Community College Workforce Development (fund 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West Virginia.

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

468 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2020 Org 0444

1832	JOURNAL OF THE		[MARCH 7
Mountwest Community and Technical College	48700	\$	6,489,307
<i>469 - New River Community and Technical College</i>			
(WV Code Chapter 18B)			
Fund <u>0600</u> FY <u>2020</u> Org <u>0445</u>			
New River Community and Technical College	35800	\$	5,864,886
<i>470 - Pierpont Community and Technical College</i>			
(WV Code Chapter 18B)			
Fund <u>0597</u> FY <u>2020</u> Org <u>0446</u>			
Pierpont Community and Technical College	93000	\$	7,820,129
<i>471 - Blue Ridge Community and Technical College</i>			
(WV Code Chapter 18B)			
Fund <u>0601</u> FY <u>2020</u> Org <u>0447</u>			
Blue Ridge Community and Technical College	88500	\$	7,830,842
<i>472 - West Virginia University at Parkersburg</i>			
(WV Code Chapter 18B)			
Fund <u>0351</u> FY <u>2020</u> Org <u>0464</u>			
West Virginia University – Parkersburg	47100	\$	10,319,284
<i>473 - Southern West Virginia Community and Technical College</i>			
(WV Code Chapter 18B)			
Fund <u>0380</u> FY <u>2020</u> Org <u>0487</u>			
Southern West Virginia Community and Technical College	44600	\$	8,241,823
<i>474 - West Virginia Northern Community and Technical College</i>			

2019] HOUSE OF DELEGATES 1833

(WV Code Chapter 18B)

Fund 0383 FY 2020 Org 0489

West Virginia Northern Community and Technical College 44700 \$ 7,285,825

475 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2020 Org 0492

Eastern West Virginia Community and Technical College..... 41200 \$ 2,179,912

476 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2020 Org 0493

BridgeValley Community and Technical College..... 71700 \$ 8,098,811

HIGHER EDUCATION POLICY COMMISSION

477 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2020 Org 0441

Personal Services and Employee Benefits..... 00100 \$ 2,708,695

Current Expenses 13000 1,113,606

Higher Education Grant Program 16400 40,619,864

Tuition Contract Program (R) 16500 1,225,120

Underwood-Smith Scholarship Program-Student Awards 16700 328,349

Facilities Planning and Administration..... 38600 1,760,254

1834	JOURNAL OF THE		[MARCH 7
Higher Education System Initiatives.....	48801		1,630,000
PROMISE Scholarship – Transfer	80000		18,500,000
HEAPS Grant Program (R)	86700		5,014,728
Health Professionals’ Student Loan Program.....	#####		182,000
BRIM Premium	91300		<u>17,817</u>
Total.....		\$	73,100,433

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Education, Research and Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established by W.Va. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

478 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B9)

Fund 0551 FY 2020 Org 0495

WVNET	16900	\$	1,747,826
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479 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2020 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,235,352
WVU – School of Health Sciences	17400		15,056,370
WVU – School of Health Sciences – Charleston Division.....	17500		2,286,711
Rural Health Outreach Programs	37700		164,517
West Virginia University School of Medicine			
BRIM Subsidy	46000		<u>1,203,087</u>
Total.....		\$	20,946,037

The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

*480 - West Virginia University –**General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2020 Org 0463

West Virginia University	45900	\$	97,017,960
Jackson's Mill	46100		491,458
West Virginia University Institute of Technology.....	47900		8,020,938
State Priorities – Brownfield Professional Development.....	53100		316,556
Energy Express	86100		382,935
West Virginia University – Potomac State	99400		<u>4,512,711</u>
Total.....		\$	110,742,558

From the above appropriation for Jackson’s Mill (fund 0344, appropriation 46100) \$250,000 shall be used for the West Virginia State Fire Training Academy.

*481 - Marshall University –
School of Medicine
(WV Code Chapter 18B)
Fund 0347 FY 2020 Org 0471*

Marshall Medical School.....	17300	\$	12,235,068
Rural Health Outreach Programs (R).....	37700		156,022
Forensic Lab.....	37701		227,415
Center for Rural Health.....	37702		157,096
Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>
Total.....		\$	13,648,213

Any unexpended balance remaining in the appropriation for Rural Health Outreach Program (fund 0347, appropriation 37700) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347, appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

*482 - Marshall University –
General Administration Fund
(WV Code Chapter 18B)
Fund 0348 FY 2020 Org 0471*

Marshall University	44800	\$	46,761,199
Luke Lee Listening Language and Learning Lab.....	44801		99,015
Vista E-Learning (R)	51900		229,019

2019]	HOUSE OF DELEGATES		1837
State Priorities – Brownfield Professional Development (R)....	53100		309,606
Marshall University Graduate College Writing Project (R)	80700		25,412
WV Autism Training Center (R).....	93200		<u>1,808,381</u>
Total.....		\$	49,232,632

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

483 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2020 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$	8,879,296
Rural Health Outreach Programs (R)	37700		166,111
West Virginia School of Osteopathic Medicine			
BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support.....	58100		<u>397,592</u>
Total.....		\$	9,596,404

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

484 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2020 Org 0482

Bluefield State College.....	40800	\$	6,383,221
<i>485 - Concord University</i> (WV Code Chapter 18B) Fund <u>0357</u> FY <u>2020</u> Org <u>0483</u>			
Concord University	41000	\$	10,476,415
<i>486 - Fairmont State University</i> (WV Code Chapter 18B) Fund <u>0360</u> FY <u>2020</u> Org <u>0484</u>			
Fairmont State University.....	41400	\$	18,600,341
<i>487 - Glenville State College</i> (WV Code Chapter 18B) Fund <u>0363</u> FY <u>2020</u> Org <u>0485</u>			
Glenville State College.....	42800	\$	6,446,942
<i>488 - Shepherd University</i> (WV Code Chapter 18B) Fund <u>0366</u> FY <u>2020</u> Org <u>0486</u>			
Shepherd University	43200	\$	12,683,829
<i>489 - West Liberty University</i> (WV Code Chapter 18B) Fund <u>0370</u> FY <u>2020</u> Org <u>0488</u>			
West Liberty University	43900	\$	9,102,662

490 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2020 Org 0490

West Virginia State University.....	44100	\$	11,342,512
West Virginia State University Land Grant Match.....	95600		<u>2,950,192</u>
Total.....		\$	14,292,704

From the above appropriation for West Virginia State University (fund 0373, appropriation 44100), \$300,000 shall be for the Healthy Grandfamilies program.

Total TITLE II, Section 1 – General Revenue

(Including claims against the state) \$ 4,635,887,842

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2020.

DEPARTMENT OF TRANSPORTATION

491 - Division of Motor Vehicles

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2020 Org 0802

			State
			Road
			Fund
	Appro-		
	priation		
Personal Services and Employee Benefits.....	00100	\$	25,977,939
Current Expenses	13000		16,187,194
Repairs and Alterations.....	06400		144,000
Equipment	07000		1,080,000
Buildings.....	25800		10,000
Other Assets.....	69000		2,600,000

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BRIM Premium	91300	<u>78,586</u>
Total.....		\$ 46,077,719

492 - Division of Highways
 (WV Code Chapters 17 and 17C)
 Fund 9017 FY 2020 Org 0803

Debt Service	04000	\$ 89,000,000
Maintenance	23700	336,386,000
Nonfederal Improvements.....	23701	224,046,854
Inventory Revolving	27500	4,000,000
Equipment Revolving.....	27600	22,500,000
General Operations	27700	91,663,229
Interstate Construction.....	27800	90,000,000
Other Federal Aid Programs	27900	370,000,000
Appalachian Programs.....	28000	100,000,000
Highway Litter Control.....	28200	1,719,000
Courtesy Patrol.....	28201	<u>5,000,000</u>
Total.....		\$ 1,334,315,083

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by

appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

493 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2020 Org 0808

Personal Services and Employee Benefits.....	00100	\$	1,698,752
Current Expenses	13000		338,278
Repairs and Alterations.....	06400		3,000
Equipment	07000		15,500
BRIM Premium	91300		<u>10,000</u>
Total.....		\$	2,065,530

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state) \$ 1,384,161,478

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2020.

LEGISLATIVE

494 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2020 Org 2300

		Appro-	Other
		priation	Funds
Personal Services and Employee Benefits.....	00100	\$	498,020
Current Expenses	13000		133,903
Repairs and Alterations.....	06400		1,000

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Economic Loss Claim Payment Fund		33400	2,000,000
Other Assets		69000	<u>3,700</u>
Total			\$ 2,636,623

JUDICIAL

495 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2020 Org 2400

Current Expenses		13000	\$ 1,050,000
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496 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2020 Org 2400

Current Expenses		13000	\$ 100,000
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497 - Supreme Court –

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2020 Org 2400

Current Expenses		13000	\$ 200,000
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EXECUTIVE

498 - Governor's Office –

Minority Affairs Fund

(WV Code Chapter 5)

Fund 1058 FY 2020 Org 0100

2019]	HOUSE OF DELEGATES		1843
Personal Services and Employee Benefits.....	00100	\$	177,737
Current Expenses	13000		503,200
Martin Luther King, Jr. Holiday Celebration.....	03100		<u>8,926</u>
Total.....		\$	689,863

499 - Auditor's Office –

Land Operating Fund

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	799,211
Unclassified	09900		15,139
Current Expenses	13000		715,291
Repairs and Alterations.....	06400		2,600
Equipment	07000		426,741
Cost of Delinquent Land Sales.....	76800		<u>1,341,168</u>
Total.....		\$	3,300,150

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

500 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	627,779
Current Expenses	13000		282,030

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Repairs and Alterations.....	06400	6,000
Equipment	07000	10,805
Other Assets.....	69000	50,000
Statutory Revenue Distribution	74100	<u>3,500,000</u>
Total.....		\$ 4,476,614

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.Va. Code §6-9-2b.

501 - Auditor's Office –
Securities Regulation Fund
 (WV Code Chapter 32)
 Fund 1225 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,487,017
Unclassified	09900		31,866
Current Expenses	13000		1,463,830
Repairs and Alterations.....	06400		12,400
Equipment	07000		394,700
Other Assets.....	69000		<u>900,000</u>
Total.....		\$	5,289,813

502 - Auditor's Office – Technology Support and Acquisition Fund
 (WV Code Chapter 12)
 Fund 1233 FY 2020 Org 1200

Current Expenses	13000	\$	10,000
Other Assets.....	69000		<u>5,000</u>
Total.....		\$	15,000

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer’s Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the purposes described in W.Va. Code §12-3-10c.

503 - Auditor’s Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,824,837
Current Expenses	13000		2,303,622
Repairs and Alterations.....	06400		5,500
Equipment	07000		650,000
Other Assets.....	69000		308,886
Statutory Revenue Distribution	74100		<u>8,000,000</u>
Total.....		\$	14,092,845

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

504 - Auditor’s Office –

Chief Inspector’s Fund

(WV Code Chapter 6)

Fund 1235 FY 2020 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,583,096
Current Expenses	13000		765,915
Equipment	07000		<u>50,000</u>
Total.....		\$	4,399,011

505 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2020 Org 1200

Volunteer Fire Department

Workers' Compensation Subsidy	83200	\$	2,500,000
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506 - Treasurer's Office

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2020 Org 1300

Personal Services and Employee Benefits.....	00100	\$	810,372
Unclassified	09900		14,000
Current Expenses	13000		<u>619,559</u>
Total.....		\$	1,443,931

507 - Department of Agriculture –

Agriculture Fees Fund

(WV Code Chapter 19)

Fund 1401 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,425,446
Unclassified	09900		37,425
Current Expenses	13000		1,856,184
Repairs and Alterations.....	06400		158,500

2019]	HOUSE OF DELEGATES		1847
Equipment	07000		436,209
Other Assets	69000		<u>10,000</u>
Total.....		\$	4,923,764

*508 - Department of Agriculture –
 West Virginia Rural Rehabilitation Program
 (WV Code Chapter 19)
 Fund 1408 FY 2020 Org 1400*

Personal Services and Employee Benefits.....	00100	\$	78,251
Unclassified	09900		10,476
Current Expenses	13000		<u>963,404</u>
Total.....		\$	1,052,131

*509 - Department of Agriculture –
 General John McCausland Memorial Farm Fund
 (WV Code Chapter 19)
 Fund 1409 FY 2020 Org 1400*

Personal Services and Employee Benefits.....	00100	\$	71,937
Unclassified	09900		2,100
Current Expenses	13000		89,500
Repairs and Alterations.....	06400		36,400
Equipment	07000		<u>15,000</u>
Total.....		\$	214,937

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of the Code.

*510 - Department of Agriculture –
 Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	868,492
Unclassified	09900		15,173
Current Expenses	13000		1,367,464
Repairs and Alterations.....	06400		388,722
Equipment	07000		399,393
Other Assets.....	69000		<u>20,000</u>
Total.....		\$	3,059,244

*511 - Department of Agriculture –**Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	1,030,451
Unclassified	09900		45,807
Current Expenses	13000		3,410,542
Repairs and Alterations.....	06400		128,500
Equipment	07000		10,000
Other Assets.....	69000		27,000
Land	73000		<u>250,000</u>
Total.....		\$	4,902,300

*512 - Department of Agriculture –**Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2020 Org 1400

Current Expenses 13000 \$ 112,500

*513 - Department of Agriculture –
West Virginia Spay Neuter Assistance Fund
(WV Code Chapter 19)
Fund 1481 FY 2020 Org 1400*

Current Expenses 13000 \$ 500,000

*514 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund
(WV Code Chapter 19)
Fund 1483 FY 2020 Org 1400*

Current Expenses 13000 \$ 7,500

*515 - Department of Agriculture –
State FFA-FHA Camp and Conference Center
(WV Code Chapters 18 and 18A)
Fund 1484 FY 2020 Org 1400*

Personal Services and Employee Benefits..... 00100 \$ 1,218,564

Unclassified 09900 17,000

Current Expenses 13000 1,143,306

Repairs and Alterations..... 06400 82,500

Equipment 07000 76,000

Buildings..... 25800 1,000

Other Assets..... 69000 10,000

Land 73000 1,000

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Total..... \$ 2,549,370

516 - Attorney General –
Antitrust Enforcement Fund
(WV Code Chapter 47)
Fund 1507 FY 2020 Org 1500

Personal Services and Employee Benefits.....	00100	\$	363,466
Current Expenses	13000		148,803
Repairs and Alterations.....	06400		1,000
Equipment	07000		<u>1,000</u>
Total.....		\$	514,269

517 - Attorney General –
Preneed Burial Contract Regulation Fund
(WV Code Chapter 47)
Fund 1513 FY 2020 Org 1500

Personal Services and Employee Benefits.....	00100	\$	222,569
Current Expenses	13000		54,615
Repairs and Alterations.....	06400		1,000
Equipment	07000		<u>1,000</u>
Total.....		\$	279,184

518 - Attorney General –
Preneed Funeral Guarantee Fund
(WV Code Chapter 47)
Fund 1514 FY 2020 Org 1500

Current Expenses 13000 \$ 901,135

519 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2020 Org 1600

Personal Services and Employee Benefits.....	00100	\$	1,065,106
Unclassified	09900		4,524
Current Expenses	13000		<u>8,036</u>
Total.....		\$	1,077,666

520 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2020 Org 1600

Personal Services and Employee Benefits.....	00100	\$	2,947,630
Unclassified	09900		25,529
Current Expenses	13000		976,716
Technology Improvements.....	59900		<u>570,000</u>
Total.....		\$	4,519,875

DEPARTMENT OF ADMINISTRATION

521 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2020 Org 0201

Tobacco Settlement Securitization Trustee Pass Thru.....	65000	\$	80,000,000
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522 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2020 Org 0201

Current Expenses	13000	\$	42,954,000
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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund 2600).

523 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund 2020 FY 2020 Org 0209

Personal Services and Employee Benefits.....	00100	\$	1,500,000
Current Expenses	13000		<u>500,000</u>
Total.....		\$	2,000,000

524 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2020 Org 0210

Personal Services and Employee Benefits.....	00100	\$	22,464,463
Unclassified	09900		382,354
Current Expenses	13000		13,378,766
Repairs and Alterations.....	06400		1,000
Equipment	07000		2,050,000

Other Assets.....	69000	<u>1,045,000</u>
Total.....		\$ 39,321,583

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

525 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2020 Org 0213

Personal Services and Employee Benefits.....	00100	\$ 741,589
Unclassified	09900	2,382
Current Expenses	13000	208,115
Repairs and Alterations.....	06400	5,000
Equipment	07000	2,500
Other Assets.....	69000	2,500
BRIM Premium	91300	<u>810</u>
Total.....		\$ 962,896

526 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2020 Org 0213

Personal Services and Employee Benefits.....	00100	\$ 778,176
Unclassified	09900	5,562
Current Expenses	13000	393,066

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Repairs and Alterations.....	06400	500
Equipment	07000	500
Other Assets.....	69000	500
BRIM Premium	91300	<u>850</u>
Total.....		\$ 1,179,154

527 - Travel Management –

Aviation Fund

(WV Code Chapter 5A)

Fund 2302 FY 2020 Org 0215

Unclassified	09900	\$ 1,000
Current Expenses	13000	149,700
Repairs and Alterations.....	06400	1,175,237
Equipment	07000	1,000
Buildings.....	25800	100
Other Assets.....	69000	100
Land	73000	<u>100</u>
Total.....		\$ 1,327,237

528 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2020 Org 0216

Personal Services and Employee Benefits.....	00100	\$ 757,145
Unclassified	09900	4,000
Current Expenses	13000	8,130,614
Repairs and Alterations.....	06400	12,000
Equipment	07000	800,000

2019]	HOUSE OF DELEGATES		1855
Other Assets.....	69000		<u>2,000</u>
Total.....		\$	9,705,759

529 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2020 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,760,683
Unclassified	09900		51,418
Current Expenses	13000		1,262,813
Repairs and Alterations.....	06400		5,000
Equipment	07000		20,000
Other Assets.....	69000		<u>60,000</u>
Total.....		\$	6,159,914

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Personnel.

530 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2020 Org 0228

Personal Services and Employee Benefits.....	00100	\$	251,663
Unclassified	09900		4,023
Current Expenses	13000		297,528
Repairs and Alterations.....	06400		600
Equipment	07000		500
Other Assets.....	69000		<u>500</u>
Total.....		\$	554,814

531 - Office of Technology –
Chief Technology Officer Administration Fund
 (WV Code Chapter 5A)
 Fund 2531 FY 2020 Org 0231

Personal Services and Employee Benefits.....	00100	\$	414,722
Unclassified	09900		6,949
Current Expenses	13000		227,116
Repairs and Alterations.....	06400		1,000
Equipment	07000		50,000
Other Assets.....	69000		<u>10,000</u>
Total.....		\$	709,787

From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

532 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,574,177
Current Expenses	13000		282,202
Repairs and Alterations.....	06400		53,000
Equipment	07000		<u>300,000</u>
Total.....		\$	2,209,379

533 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	239,244
Current Expenses	13000		87,036
Repairs and Alterations.....	06400		<u>11,250</u>
Total.....		\$	337,530

*534 - Division of Forestry –
Severance Tax Operations
(WV Code Chapter 11)*

Fund 3084 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	859,626
Current Expenses	13000		<u>435,339</u>
Total.....		\$	1,294,965

*535 - Geological and Economic Survey –
Geological and Analytical Services Fund
(WV Code Chapter 29)*

Fund 3100 FY 2020 Org 0306

Personal Services and Employee Benefits.....	00100	\$	37,966
Unclassified	09900		2,182
Current Expenses	13000		141,631
Repairs and Alterations.....	06400		50,000
Equipment	07000		20,000
Other Assets.....	69000		<u>10,000</u>
Total.....		\$	261,779

The above appropriations shall be used in accordance with W.Va. Code §29-2-4.

536 - West Virginia Development Office –
 Department of Commerce –
 Marketing and Communications Operating Fund
 (WV Code Chapter 5B)
 Fund 3002 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,592,400
Equipment	07000		36,000
Unclassified	09900		30,000
Current Expenses	13000		<u>1,446,760</u>
Total.....		\$	3,105,160

537 - West Virginia Development Office –
 Office of Coalfield Community Development
 (WV Code Chapter 5B)
 Fund 3162 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	435,661
Unclassified	09900		8,300
Current Expenses	13000		<u>399,191</u>
Total.....		\$	843,152

538 - West Virginia Development Office
 Entrepreneurship and Innovation Investment Fund
 (WV Code Chapter 5B)
 Fund 3014 FY 2020 Org 0307

Entrepreneurship and Innovation Investment Fund.....	#####	\$	500,000
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2019]

HOUSE OF DELEGATES

1859

540 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund 3186 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	300,000
Unclassified	09900		4,000
Current Expenses	13000		85,000
Repairs and Alterations.....	06400		1,500
Buildings.....	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	400,000

541 - Division of Labor –

Contractor Licensing Board Fund

(WV Code Chapter 21)

Fund 3187 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	3,182,000
Unclassified	09900		21,589
Current Expenses	13000		597,995
Repairs and Alterations.....	06400		15,000
Buildings.....	25800		5,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	3,830,084

542 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	397,862
Unclassified	09900		2,261
Current Expenses	13000		44,112
Repairs and Alterations.....	06400		2,000
Buildings.....	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	455,735

*543 - Division of Labor –**Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	82,716
Unclassified	09900		1,000
Current Expenses	13000		15,000
Repairs and Alterations.....	06400		2,000
Buildings.....	25800		1,000
BRIM Premium	91300		<u>1,000</u>
Total.....		\$	102,716

*544 - Division of Labor –**Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	191,899
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2019]	HOUSE OF DELEGATES		1861
Unclassified	09900		1,380
Current Expenses	13000		49,765
Repairs and Alterations.....	06400		1,500
Buildings	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	254,044

545 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	187,462
Unclassified	09900		1,281
Current Expenses	13000		44,520
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total.....		\$	244,763

546 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	289,199
Unclassified	09900		1,847
Current Expenses	13000		43,700
Repairs and Alterations.....	06400		1,000

Buildings.....	25800	1,000
BRIM Premium	91300	<u>3,404</u>
Total.....		\$ 340,150

*547 - Division of Labor –
Weights and Measures Fund
(WV Code Chapter 47)
Fund 3196 FY 2020 Org 0308*

Personal Services and Employee Benefits.....	00100	\$ 1,500,000
Current Expenses	13000	227,000
Repairs and Alterations.....	06400	28,000
Equipment	07000	15,000
BRIM Premium	91300	<u>8,500</u>
Total.....		\$ 1,778,500

*548 - Division of Labor –
Bedding and Upholstery Fund
(WV Code Chapter 21)
Fund 3198 FY 2020 Org 0308*

Personal Services and Employee Benefits.....	00100	\$ 150,000
Unclassified	09900	2,000
Current Expenses	13000	43,000
Repairs and Alterations.....	06400	2,000
Buildings.....	25800	1,000
BRIM Premium	91300	<u>2,000</u>
Total.....		\$ 200,000

549 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2020 Org 0308

Current Expenses 13000 \$ 4,000

550 - Division of Natural Resources –

License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2020 Org 0310

Wildlife Resources 02300 \$ 7,090,036

Administration 15500 1,694,974

Capital Improvements and Land Purchase (R) 24800 1,695,961

Law Enforcement 80600 7,027,929

Total \$ 17,508,900

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Natural Resources.

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

551 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2020 Org 0310

Current Expenses 13000 \$ 125,000

552 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	688,103
Current Expenses	13000		201,810
Equipment	07000		<u>106,615</u>
Total.....		\$	996,528

553 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	457,738
Current Expenses	13000		157,864
Repairs and Alterations.....	06400		15,016
Equipment	07000		8,300
Buildings.....	25800		8,300
Other Assets.....	69000		2,000,000
Land	73000		<u>31,700</u>
Total.....		\$	2,678,918

554 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	67,641
Current Expenses	13000		64,778

2019]	HOUSE OF DELEGATES		1865
Equipment	07000		1,297
Buildings.....	25800		<u>6,969</u>
Total.....		\$	140,685

*555 - Division of Natural Resources –
Whitewater Advertising and Promotion Fund
(WV Code Chapter 20)
Fund 3256 FY 2020 Org 0310*

Unclassified	09900	\$	200
Current Expenses	13000		<u>19,800</u>
Total.....		\$	20,000

*556 - Division of Miners' Health, Safety and Training –
Special Health, Safety and Training Fund
(WV Code Chapter 22A)
Fund 3355 FY 2020 Org 0314*

Personal Services and Employee Benefits.....	00100	\$	501,228
WV Mining Extension Service	02600		150,000
Unclassified	09900		40,985
Current Expenses	13000		1,954,557
Buildings.....	25800		481,358
Directed Transfer	70000		1,300,000
Land	73000		<u>1,000,000</u>
Total.....		\$	5,428,128

From the above appropriation for Directed Transfer (Fund 1509, appropriation 70000), \$1,100,000 shall be transferred to the State Rail Authority – Commuter Rail Access Fund (fund 8402) and \$200,000 shall be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (Fund 5185).

*557 - Department of Commerce –
 Office of the Secretary –
 Broadband Enhancement Fund
 Fund 3013 FY 2020 Org 0327*

Current Expenses	13000	\$	1,780,000
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*558 - Office of Energy –
 Energy Assistance
 (WV Code Chapter 5B)
 Fund 3010 FY 2020 Org 0328*

Energy Assistance – Total	64700	\$	7,211
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*559 - State Board of Rehabilitation –
 Division of Rehabilitation Services –
 West Virginia Rehabilitation Center Special Account
 (WV Code Chapter 18)
 Fund 8664 FY 2020 Org 0932*

Personal Services and Employee Benefits.....	00100	\$	119,738
Current Expenses	13000		2,180,122
Repairs and Alterations.....	06400		85,500
Equipment	07000		220,000
Buildings.....	25800		150,000
Other Assets.....	69000		<u>150,000</u>
Total.....		\$	2,905,360

DEPARTMENT OF EDUCATION

560 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	134,000
Unclassified	09900		1,000
Current Expenses	13000		<u>765,000</u>
Total.....		\$	900,000

*561 - State Board of Education –**School Construction Fund*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

SBA Construction Grants.....	24000	\$	35,845,818
Directed Transfer	70000		<u>1,371,182</u>
Total.....		\$	37,217,000

The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be transferred to the School Building Authority Fund (3959) for the administrative expenses of the School Building Authority.

562 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,134,522
Current Expenses	13000		244,100
Repairs and Alterations.....	06400		13,150
Equipment	07000		<u>26,000</u>
Total.....		\$	1,417,772

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

563 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$	226,624
Current Expenses	13000		862,241
Equipment	07000		75,000
Buildings.....	25800		1,000
Other Assets.....	69000		52,328
Land	73000		<u>1,000</u>
Total.....		\$	1,218,193

DEPARTMENT OF ENVIRONMENTAL PROTECTION

564 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2020 Org 0312

Personal Services and Employee Benefits.....	00100	\$	842,305
Current Expenses	13000		2,060,457
Repairs and Alterations.....	06400		1,000
Equipment	07000		5,000
Other Assets.....	69000		<u>4,403</u>
Total.....		\$	2,913,165

565 - Division of Environmental Protection –

Hazardous Waste Management Fund

(WV Code Chapter 22)

Fund 3023 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	779,766
Current Expenses	13000		155,969
Repairs and Alterations.....	06400		500
Equipment	07000		1,505
Unclassified	09900		8,072
Other Assets.....	69000		<u>2,000</u>
Total.....		\$	947,812

566 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(WV Code Chapter 22)

Fund 3024 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	950,135
Current Expenses	13000		1,026,863
Repairs and Alterations.....	06400		13,000
Equipment	07000		53,105
Unclassified	09900		14,647
Other Assets.....	69000		<u>20,000</u>
Total.....		\$	2,077,750

567 - Division of Environmental Protection –

Special Reclamation Fund

(WV Code Chapter 22)

Fund 3321 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,627,573
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Current Expenses		13000	16,185,006
Repairs and Alterations.....		06400	79,950
Equipment		07000	130,192
Other Assets.....		69000	<u>32,000</u>
Total.....			\$ 18,054,721

*568 - Division of Environmental Protection –
 Oil and Gas Reclamation Fund
 (WV Code Chapter 22)
 Fund 3322 FY 2020 Org 0313*

Personal Services and Employee Benefits.....	00100	\$	143,906
Current Expenses	13000		<u>356,094</u>
Total.....		\$	500,000

*569 - Division of Environmental Protection –
 Oil and Gas Operating Permit and Processing Fund
 (WV Code Chapter 22)
 Fund 3323 FY 2020 Org 0313*

Personal Services and Employee Benefits.....	00100	\$	3,498,896
Current Expenses	13000		1,237,758
Repairs and Alterations.....	06400		40,600
Equipment	07000		8,000
Unclassified	09900		44,700
Other Assets.....	69000		<u>15,000</u>
Total.....		\$	4,844,954

*570 - Division of Environmental Protection –
 Mining and Reclamation Operations Fund*

2019]

HOUSE OF DELEGATES

1871

(WV Code Chapter 22)

Fund 3324 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,566,280
Current Expenses	13000		2,202,231
Repairs and Alterations.....	06400		60,260
Equipment	07000		83,000
Unclassified	09900		920
Other Assets.....	69000		<u>57,500</u>
Total.....		\$	5,970,191

571 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	476,417
Current Expenses	13000		318,420
Repairs and Alterations.....	06400		5,350
Equipment	07000		3,610
Unclassified	09900		7,520
Other Assets.....	69000		<u>3,500</u>
Total.....		\$	814,817

572 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	598,154
Current Expenses	13000		767,905
Repairs and Alterations.....	06400		7,014
Equipment	07000		9,000
Unclassified	09900		10,616
Other Assets.....	69000		<u>3,500</u>
Total.....		\$	1,396,189

573 - Division of Environmental Protection –

Solid Waste Reclamation and

Environmental Response Fund

(WV Code Chapter 22)

Fund 3332 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	825,811
Current Expenses	13000		3,604,737
Repairs and Alterations.....	06400		25,000
Equipment	07000		31,500
Unclassified	09900		22,900
Buildings.....	25800		500
Other Assets.....	69000		<u>1,000</u>
Total.....		\$	4,511,448

574 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2020 Org 0313

2019]	HOUSE OF DELEGATES		1873
Personal Services and Employee Benefits.....	00100	\$	3,238,054
Current Expenses	13000		970,229
Repairs and Alterations.....	06400		30,930
Equipment	07000		23,356
Unclassified	09900		37,145
Other Assets.....	69000		<u>25,554</u>
Total.....		\$	4,325,268

575 - Division of Environmental Protection –

Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	5,934,859
Current Expenses	13000		1,469,467
Repairs and Alterations.....	06400		84,045
Equipment	07000		103,601
Unclassified	09900		70,572
Other Assets.....	69000		<u>52,951</u>
Total.....		\$	7,715,495

576 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	344,792
Current Expenses	13000		208,188

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Repairs and Alterations.....	06400		1,000
Equipment	07000		1,000
Unclassified	09900		1,120
Other Assets.....	69000		<u>163,000</u>
Total.....		\$	719,100

*577 - Division of Environmental Protection –
 Stream Restoration Fund
 (WV Code Chapter 22)
 Fund 3349 FY 2020 Org 0313*

Current Expenses	13000	\$	5,182,076
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*578 - Division of Environmental Protection –
 Litter Control Fund
 (WV Code Chapter 22)
 Fund 3486 FY 2020 Org 0313*

Current Expenses	13000	\$	60,000
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*579 - Division of Environmental Protection –
 Recycling Assistance Fund
 (WV Code Chapter 22)
 Fund 3487 FY 2020 Org 0313*

Personal Services and Employee Benefits.....	00100	\$	679,721
Current Expenses	13000		2,735,112
Repairs and Alterations.....	06400		800
Equipment	07000		500
Unclassified	09900		400

2019]	HOUSE OF DELEGATES		1875
Other Assets.....	69000		<u>2,500</u>
Total.....		\$	3,419,033

580 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,250,562
Current Expenses.....	13000		642,934
Repairs and Alterations.....	06400		30,112
Equipment.....	07000		23,500
Unclassified.....	09900		1,180
Other Assets.....	69000		<u>11,520</u>
Total.....		\$	1,959,808

581 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2020 Org 0315

Personal Services and Employee Benefits.....	00100	\$	162,161
Current Expenses.....	13000		161,225
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		9,481
Other Assets.....	69000		<u>1,500</u>
Total.....		\$	335,367

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

582 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2020 Org 0506

Current Expenses	13000	\$	13,588,654
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583 -

584 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	938,484
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Unclassified	09900		15,500
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Current Expenses	13000		<u>2,757,788</u>
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Total.....		\$	3,711,772
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585 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2020 Org 0506

Institutional Facilities Operations	33500	\$	35,555,221
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Medical Services Trust Fund – Transfer	51200		<u>27,800,000</u>
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Total.....		\$	63,355,221
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The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2020, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation may be used for medical facilities operations, either in connection with this fund or in connection with the appropriation designated Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525, organization 0506).

586 - Division of Health –

Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	936,712
Unclassified	09900		18,114
Current Expenses	13000		<u>1,803,327</u>
Total.....		\$	2,758,153

587 - Division of Health –

The Health Facility Licensing Account

(WV Code Chapter 16)

Fund 5172 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	645,446
Unclassified	09900		7,113
Current Expenses	13000		<u>98,247</u>
Total.....		\$	750,806

588 - Division of Health –

Hepatitis B Vaccine

(WV Code Chapter 16)

Fund 5183 FY 2020 Org 0506

Current Expenses	13000	\$	9,740
<i>589 - Division of Health –</i>			
<i>Lead Abatement Account</i>			
(WV Code Chapter 16)			
Fund <u>5204</u> FY <u>2020</u> Org <u>0506</u>			

Personal Services and Employee Benefits.....	00100	\$	19,100
Unclassified	09900		373
Current Expenses	13000		<u>17,875</u>
Total.....		\$	37,348

590 - Division of Health –
West Virginia Birth-to-Three Fund
 (WV Code Chapter 16)
 Fund 5214 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	691,978
Unclassified	09900		223,999
Current Expenses	13000		<u>28,053,549</u>
Total.....		\$	28,969,526

591 - Division of Health –
Tobacco Control Special Fund
 (WV Code Chapter 16)
 Fund 5218 FY 2020 Org 0506

Current Expenses	13000	\$	7,579
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592 - Division of Health –

Medical Cannabis Program Fund

(WV Code Chapter 16A)

Fund 5420 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	509,658
Current Expenses	13000		1,151,040
Other Assets.....	69000		<u>895,000</u>
Total.....		\$	2,555,698

593 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(WV Code Chapter 16)

Fund 5375 FY 2020 Org 0507

Personal Services and Employee Benefits.....	00100	\$	1,345,380
Hospital Assistance	02500		50,000
Unclassified	09900		100
Current Expenses	13000		754,645
Repairs and Alterations.....	06400		500
Equipment	07000		<u>300</u>
Total.....		\$	2,150,925

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

594 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(WV Code Chapter 16)

Fund 5377 FY 2020 Org 0507

Personal Services and Employee Benefits.....	00100	\$	829,798
Current Expenses	13000		<u>474,967</u>
Total.....		\$	1,304,765

595 - Division of Human Services –
 Health Care Provider Tax –
 Medicaid State Share Fund
 (WV Code Chapter 11)
 Fund 5090 FY 2020 Org 0511

Medical Services.....	18900	\$	213,594,315
Medical Services Administrative Costs	78900		<u>242,287</u>
Total.....		\$	213,836,602

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the West Virginia Medical Services Fund (fund 5084).

596 - Division of Human Services –
 Child Support Enforcement Fund
 (WV Code Chapter 48A)
 Fund 5094 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified	09900		380,000
Current Expenses	13000		<u>12,810,491</u>
Total.....		\$	38,000,000

597 - Division of Human Services –
 Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2020 Org 0511

Medical Services.....	18900	\$	82,227,707
Medical Services Administrative Costs	78900		<u>602,486</u>
Total.....		\$	82,830,193

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Division of Human Services accounts.

598 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2020 Org 0511

Unclassified	09900	\$	7,000
Current Expenses	13000		<u>693,000</u>
Total.....		\$	700,000

599 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2020 Org 0511

Current Expenses	13000	\$	900,000
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600 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2020 Org 0511

Current Expenses 13000 \$ 500,000

601 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2020 Org 0511

Current Expenses 13000 \$ 1,500,000

602 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2020 Org 0511

Personal Services and Employee Benefits..... 00100 \$ 10,000

Current Expenses 13000 25,000

Total..... \$ 35,000

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

603 - Department of Military Affairs and Public Safety –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2020 Org 0601

Current Expenses 13000 \$ 32,000

604 - State Armory Board –
 General Armory Fund
 (WV Code Chapter 15)
 Fund 6057 FY 2020 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,681,247
Current Expenses	13000		650,000
Repairs and Alterations.....	06400		385,652
Equipment	07000		250,000
Buildings.....	25800		770,820
Other Assets.....	69000		100,000
Land	73000		<u>200,000</u>
Total.....		\$	4,037,719

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

605 - Division of Homeland Security
 And Emergency Management –
 Statewide Interoperable Radio Network Account
 (WV Code Chapter 15)
 Fund 6208 FY 2020 Org 0606

Current Expenses	13000	\$	80,000
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606 - Division of Homeland Security and
 Emergency Management –
 West Virginia Interoperable Radio Project
 (WV Code Chapter 24)

Fund 6295 FY 2020 Org 0606

Current Expenses	13000	\$	2,000,000
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Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

607 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(WV Code Chapter 15A)

Fund 6362 FY 2020 Org 0608

Personal Services and Employee Benefits.....	00100	\$	1,087,848
Unclassified	09900		9,804
Current Expenses	13000		758,480
Equipment	07000		30,000
Other Assets.....	69000		<u>40,129</u>
Total.....		\$	1,926,261

608 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(WV Code Chapter 15A)

Fund 6675 FY 2020 Org 0608

Personal Services and Employee Benefits.....	00100	\$	506,450
Debt Service	04000		9,000,000
Current Expenses	13000		<u>245,852</u>
Total.....		\$	9,752,302

609 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2020 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,907,726
Current Expenses	13000		1,488,211
Repairs and Alterations.....	06400		204,500
Equipment	07000		3,770,751
Buildings.....	25800		534,000
Other Assets.....	69000		5,000
BRIM Premium	91300		<u>302,432</u>
Total.....		\$	8,212,620

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

610 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2020 Org 0612

Personal Services and Employee Benefits.....	00100	\$	600,000
Current Expenses	13000		90,000
Repairs and Alterations.....	06400		5,000
Equipment	07000		<u>545,000</u>
Total.....		\$	1,240,000

611 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2020 Org 0612

Current Expenses	13000	\$	1,327,000
Equipment	07000		3,491,895
BRIM Premium	91300		<u>154,452</u>
Total.....		\$	4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

612 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2020 Org 0612

Buildings.....	25800	\$	1,022,778
Land	73000		1,000
BRIM Premium	91300		<u>77,222</u>
Total.....		\$	1,101,000

613 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2020 Org 0612

Current Expenses	13000	\$	225,000
Repairs and Alterations.....	06400		20,000
Equipment	07000		250,000
Buildings.....	25800		40,000
Other Assets.....	69000		45,000
BRIM Premium	91300		<u>5,000</u>

2019] HOUSE OF DELEGATES 1887

Total..... \$ 585,000

614 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2020 Org 0612

Personal Services and Employee Benefits.....	00100	\$	256,629
Current Expenses	13000		51,443
Repairs and Alterations.....	06400		500
Equipment	07000		300,500
Other Assets.....	69000		300,500
BRIM Premium	91300		<u>18,524</u>
Total.....		\$	928,096

615 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2020 Org 0612

Current Expenses	13000	\$	8,300
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616 - West Virginia State Police –

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2020 Org 0612

Current Expenses	13000	\$	160,000
Repairs and Alterations.....	06400		<u>40,000</u>
Total.....		\$	200,000

617 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2020 Org 0619

Personal Services and Employee Benefits.....	00100	\$	3,480,533
Unclassified	09900		3,800
Current Expenses	13000		1,249,550
Repairs and Alterations.....	06400		58,500
Equipment	07000		140,800
BRIM Premium	91300		<u>62,000</u>
Total.....		\$	4,995,183

618 - Division of Justice and Community Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2020 Org 0620

Personal Services and Employee Benefits.....	00100	\$	161,923
Unclassified	09900		750
Current Expenses	13000		1,846,250
Repairs and Alterations.....	06400		<u>1,000</u>
Total.....		\$	2,009,923

619 - Division of Justice and Community Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2020 Org 0620

2019]	HOUSE OF DELEGATES		1889
Personal Services and Employee Benefits.....	00100	\$	23,840
Current Expenses	13000		<u>1,478,135</u>
Total.....		\$	1,501,975

*620 - Division of Justice and Community Services –
 Second Chance Driver’s License Program Account
 (WV Code Chapter 17B)
 Fund 6810 FY 2020 Org 0620*

Current Expenses	13000	\$	25,000
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DEPARTMENT OF REVENUE

*621 - Division of Financial Institutions
 (WV Code Chapter 31A)
 Fund 3041 FY 2020 Org 0303*

Personal Services and Employee Benefits.....	00100	\$	2,703,057
Current Expenses	13000		614,775
Equipment	07000		<u>44,200</u>
Total.....		\$	3,362,032

*622 - Office of the Secretary –
 State Debt Reduction Fund
 (WV Code Chapter 29)
 Fund 7007 FY 2020 Org 0701*

Directed Transfer	70000	\$	20,000,000
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The above appropriation for Directed Transfer shall be transferred to the Consolidated Public Retirement Board – West Virginia Public Employees Retirement System Employers Accumulation Fund (fund 2510).

623 - Tax Division –
 Cemetery Company Account
 (WV Code Chapter 35)
 Fund 7071 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$	25,928
Current Expenses	13000		7,717
Total.....		\$	33,645

624 - Tax Division –
 Special Audit and Investigative Unit
 (WV Code Chapter 11)
 Fund 7073 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$	696,428
Unclassified	09900		9,500
Current Expenses	13000		273,297
Repairs and Alterations.....	06400		7,000
Equipment	07000		5,000
Total.....		\$	991,225

625 - Tax Division –
 Wine Tax Administration Fund
 (WV Code Chapter 60)
 Fund 7087 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$	268,973
Current Expenses	13000		5,406
Total.....		\$	274,379

626 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(WV Code Chapter 47)

Fund 7092 FY 2020 Org 0702

Current Expenses	13000	\$	35,000
Equipment	07000		<u>15,000</u>
Total.....		\$	50,000

627 - Tax Division –

Local Sales Tax and Excise Tax

Administration Fund

(WV Code Chapter 11)

Fund 7099 FY 2020 Org 0702

Personal Services and Employee Benefits.....	00100	\$	1,543,527
Unclassified	09900		10,000
Current Expenses	13000		784,563
Repairs and Alterations.....	06400		1,000
Equipment	07000		<u>5,000</u>
Total.....		\$	2,344,090

628 - State Budget Office –

Public Employees Insurance Reserve Fund

(WV Code Chapter 11B)

Fund 7400 FY 2020 Org 0703

Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
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The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

629 - State Budget Office –

Public Employees Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2020 Org 0703

Retiree Premium Offset	80101	\$	5,000,000
PEIA Reserve	80102		<u>10,000,000</u>
Total.....		\$	15,000,000

The above appropriation shall be transferred to special revenue funds to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

630 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2020 Org 0704

Personal Services and Employee Benefits.....	00100	\$	748,764
Current Expenses	13000		1,357,201
Repairs and Alterations.....	06400		3,000
Equipment	07000		81,374
Buildings.....	25800		8,289
Other Assets.....	69000		<u>11,426</u>
Total.....		\$	2,210,054

631 - Insurance Commissioner –

Consumer Advocate

2019]

HOUSE OF DELEGATES

1893

(WV Code Chapter 33)

Fund 7151 FY 2020 Org 0704

Personal Services and Employee Benefits.....	00100	\$	571,976
Current Expenses	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment	07000		34,225
Buildings.....	25800		4,865
Other Assets.....	69000		<u>19,460</u>
Total.....		\$	837,678

632 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2020 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,169,021
Current Expenses	13000		8,797,758
Repairs and Alterations.....	06400		68,614
Equipment	07000		1,728,240
Buildings.....	25800		25,000
Other Assets.....	69000		<u>340,661</u>
Total.....		\$	35,129,294

633 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2020 Org 0704

Employee Benefits.....	01000	\$	50,000
Current Expenses	13000		<u>250,500,000</u>
Total.....		\$	250,550,000

634 - Insurance Commissioner –
Workers' Compensation Uninsured Employers' Fund
 (WV Code Chapter 23)
 Fund 7163 FY 2020 Org 0704

Current Expenses	13000	\$	15,000,000
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635 - Insurance Commissioner –
Self-Insured Employer Guaranty Risk Pool
 (WV Code Chapter 23)
 Fund 7164 FY 2020 Org 0704

Current Expenses	13000	\$	9,000,000
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636 - Insurance Commissioner –
Self-Insured Employer Security Risk Pool
 (WV Code Chapter 23)
 Fund 7165 FY 2020 Org 0704

Current Expenses	13000	\$	14,000,000
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637 - Municipal Bond Commission
 (WV Code Chapter 13)
 Fund 7253 FY 2020 Org 0706

Personal Services and Employee Benefits.....	00100	\$	282,589
Current Expenses	13000		144,844

2019]	HOUSE OF DELEGATES		1895
Equipment	07000		<u>100</u>
Total.....		\$	427,533

638 - Racing Commission –

Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2020 Org 0707

Medical Expenses – Total.....	24500	\$	57,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

639 - Racing Commission –

Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2020 Org 0707

Personal Services and Employee Benefits.....	00100	\$	264,564
Current Expenses	13000		93,335
Other Assets.....	69000		<u>5,000</u>
Total.....		\$	362,899

640 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2020 Org 0707

Personal Services and Employee Benefits.....	00100	\$	2,352,306
Current Expenses	13000		566,248

Repairs and Alterations.....	06400		7,000
Other Assets.....	69000		<u>50,000</u>
Total.....		\$	2,975,554

*641 - Racing Commission –
 Administration, Promotion, Education, Capital Improvement
 and Greyhound Adoption Programs
 to include Spaying and Neutering Account
 (WV Code Chapter 19)
 Fund 7307 FY 2020 Org 0707*

Personal Services and Employee Benefits.....	00100	\$	918,781
Current Expenses.....	13000		214,406
Other Assets.....	69000		<u>200,000</u>
Total.....		\$	1,333,187

*642 - Alcohol Beverage Control Administration –
 Wine License Special Fund
 (WV Code Chapter 60)
 Fund 7351 FY 2020 Org 0708*

Personal Services and Employee Benefits.....	00100	\$	132,213
Current Expenses.....	13000		69,186
Repairs and Alterations.....	06400		7,263
Equipment.....	07000		10,000
Buildings.....	25800		100,000
Other Assets.....	69000		<u>100</u>
Total.....		\$	318,762

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

643 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2020 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,790,574
Current Expenses	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment	07000		108,000
Buildings.....	25800		375,100
Purchase of Supplies for Resale.....	41900		72,500,000
Transfer Liquor Profits and Taxes.....	42500		20,800,000
Other Assets.....	69000		125,100
Land	73000		<u>100</u>
Total.....		\$	102,680,451

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses and equipment of administrative offices, warehouses and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

644 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2020 Org 0933

Personal Services and Employee Benefits.....	00100	\$	2,900
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Current Expenses	13000		<u>37,100</u>
Total.....		\$	40,000

DEPARTMENT OF TRANSPORTATION

*645 - Division of Motor Vehicles –
 Dealer Recovery Fund
 (WV Code Chapter 17)
 Fund 8220 FY 2020 Org 0802*

Current Expenses	13000	\$	189,000
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*646 - Division of Motor Vehicles –
 Motor Vehicle Fees Fund
 (WV Code Chapter 17B)
 Fund 8223 FY 2020 Org 0802*

Personal Services and Employee Benefits.....	00100	\$	3,733,074
Current Expenses	13000		4,362,975
Repairs and Alterations.....	06400		16,000
Equipment	07000		75,000
Other Assets.....	69000		10,000
BRIM Premium	91300		<u>84,737</u>
Total.....		\$	8,281,786

*647 - Division of Highways –
 A. James Manchin Fund
 (WV Code Chapter 22)
 Fund 8319 FY 2020 Org 0803*

Current Expenses	13000	\$	1,650,000
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648 - State Rail Authority –

West Virginia Commuter Rail Access Fund

(WV Code Chapter 29)

Fund 8402 FY 2020 Org 0804

Current Expenses	13000	\$	1,100,000
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DEPARTMENT OF VETERANS' ASSISTANCE

649 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2020 Org 0613

Current Expenses	13000	\$	1,654,234
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Other Assets	69000		<u>10,000</u>
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Total		\$	1,664,234
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650 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2020 Org 0618

Current Expenses	13000	\$	700,000
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Repairs and Alterations.....	06400		<u>50,000</u>
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Total		\$	750,000
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BUREAU OF SENIOR SERVICES

651 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 22)

Fund 5409 FY 2020 Org 0508

Personal Services and Employee Benefits.....	00100	\$	160,883
Current Expenses	13000		<u>10,348,710</u>
Total.....		\$	10,509,593

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

652 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2020 Org 0442

Debt Service	04000	\$	27,713,123
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration.....	38600		<u>441,111</u>
Total.....		\$	33,154,234

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

653 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2020 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

654 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2020 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical College Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

655 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2020 Org 0463

Personal Services and Employee Benefits.....	00100	\$	10,764,347
Current Expenses	13000		4,524,300
Repairs and Alterations.....	06400		425,000
Equipment	07000		512,000
Buildings.....	25800		150,000
Other Assets.....	69000		<u>50,000</u>
Total.....		\$	16,425,647

MISCELLANEOUS BOARDS AND COMMISSIONS

656 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2020 Org 0505

Personal Services and Employee Benefits.....	00100	\$	543,993
Current Expenses	13000		<u>239,969</u>
Total.....		\$	783,962

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

657 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2020 Org 0509

Personal Services and Employee Benefits.....	00100	\$	93,261
Unclassified	09900		1,450
Current Expenses	13000		<u>55,397</u>
Total.....		\$	150,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

658 - WV State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2020 Org 0906

Personal Services and Employee Benefits.....	00100	\$	495,505
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2019]	HOUSE OF DELEGATES		1903
Current Expenses	13000		<u>107,700</u>
Total.....		\$	603,205

659 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2020 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,300,612
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment	07000		25,000
Other Assets.....	69000		<u>4,500</u>
Total.....		\$	1,645,767

660 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,481,921
Unclassified	09900		147,643
Current Expenses	13000		2,572,202
Repairs and Alterations.....	06400		55,000
Equipment	07000		160,000
Buildings.....	25800		10
PSC Weight Enforcement	34500		4,605,652
Debt Payment/Capital Outlay.....	52000		350,000
Land	73000		10
BRIM Premium	91300		<u>172,216</u>

Total.....		\$	20,544,654
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The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

661 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	294,658
Unclassified	09900		3,851
Current Expenses	13000		93,115
Repairs and Alterations.....	06400		<u>4,000</u>
Total.....		\$	395,624

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

662 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,377,514
Unclassified	09900		29,233
Current Expenses	13000		577,557
Repairs and Alterations.....	06400		23,000

Equipment	07000	<u>50,000</u>
Total.....		\$ 3,057,304

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

663 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 772,994
Current Expenses	13000	276,472
Equipment	07000	9,872
BRIM Premium	91300	<u>4,660</u>
Total.....		\$ 1,063,998

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

664 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2020 Org 0927

Personal Services and Employee Benefits.....	00100	\$ 607,098
Current Expenses	13000	293,122
Repairs and Alterations.....	06400	2,500
Equipment	07000	<u>5,000</u>
Total.....		\$ 907,720

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

665 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2020 Org 0930

Personal Services and Employee Benefits.....	00100	\$	80,251
Current Expenses	13000		<u>63,499</u>
Total.....		\$	143,750

666 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2020 Org 0935

Personal Services and Employee Benefits.....	00100	\$	95,160
Current Expenses	13000		53,027
Repairs and Alterations.....	06400		<u>400</u>
Total.....		\$	148,587

667 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2020 Org 0936

Personal Services and Employee Benefits.....	00100	\$	20,219
Current Expenses	13000		<u>20,250</u>
Total.....		\$	40,469

668 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

2019] HOUSE OF DELEGATES 1907

(WV Code Chapter 30)

Fund 8671 FY 2020 Org 0938

Personal Services and Employee Benefits.....	00100	\$	109,355
Current Expenses	13000		<u>42,648</u>
Total.....		\$	152,003

669 - Board of Medicine –

Medical Licensing Board Fund

(WV Code Chapter 30)

Fund 9070 FY 2020 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,378,807
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>
Total.....		\$	2,495,596

670 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2020 Org 0947

Personal Services and Employee Benefits.....	00100	\$	6,856,239
Unclassified	09900		232,000
Current Expenses	13000		15,640,134
Repairs and Alterations.....	06400		300
Equipment	07000		2,213,000
Buildings.....	25800		2,000
Other Assets.....	69000		<u>199,500</u>

Total..... \$ 25,143,173

671 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2020 Org 0950

Personal Services and Employee Benefits.....	00100	\$	782,889
Unclassified	09900		14,850
Current Expenses	13000		650,714
BRIM Premium	91300		36,547
Fees of Custodians, Fund Advisors and Fund Managers.....	93800		<u>3,500,000</u>
Total.....		\$	4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

Total TITLE II, Section 3 – Other Funds

(Including claims against the state) \$ 1,525,022,363

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

672 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2020 Org 0211

	Appro-		Lottery
	priation		Funds
Debt Service – Total	31000	\$	10,000,000

673 - West Virginia Development Office –

West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 3067 FY 2020 Org 0304

Tourism – Telemarketing Center.....	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R)	66200		<u>4,227,938</u>
Total.....		\$	6,732,425

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

674 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,428,178
Current Expenses	13000		26,900
Pricketts Fort State Park.....	32400		106,560
Non-Game Wildlife (R).....	52700		386,935
State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>

Total..... \$ 3,443,151

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

675 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2020 Org 0402

FBI Checks	37200	\$	116,548
Vocational Education Equipment Replacement	39300		800,000
Assessment Program (R).....	39600		3,016,444
Literacy Project.....	89900		350,000
21 st Century Technology Infrastructure			
Network Tools and Support (R)	93300		<u>14,600,383</u>
Total.....		\$	18,883,375

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

676 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2020 Org 0402

Debt Service – Total	31000	\$	15,320,363
Directed Transfer	70000		<u>2,679,637</u>
Total.....		\$	18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18.

677 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2020 Org 0432

Huntington Symphony.....	02700	\$	59,058
Preservation WV (R).....	09200		491,921
Fairs and Festivals (R).....	12200		1,346,814
Commission for National and Community Service	19300		374,980
Archeological Curation/Capital Improvements (R).....	24600		36,276
Historic Preservation Grants (R)	31100		368,428
West Virginia Public Theater.....	31200		120,019
Greenbrier Valley Theater.....	42300		115,000
Theater Arts of West Virginia	46400		90,000
Marshall Artists Series	51800		36,005
Grants for Competitive Arts Program (R)	62400		726,000
West Virginia State Fair	65700		31,241
Save the Music	68000		24,000
Contemporary American Theater Festival.....	81100		57,281
Independence Hall.....	81200		27,277
Mountain State Forest Festival	86400		38,187
WV Symphony.....	90700		59,058
Wheeling Symphony.....	90800		59,058
Appalachian Children's Chorus.....	91600		<u>54,554</u>
Total.....		\$	4,115,157

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$5,049, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program \$2,970, Scottish Heritage Society/N. Central WV (Harrison) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Tug Valley Arts Council (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to the A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days

(Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Harvest Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration in the Park (Wood) \$2,376, Celebration of America (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad Festival (Webster) \$2,079, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins Randolph County 4th of July Car Show (Randolph) \$1,188, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700, Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan Valley (Taylor) \$1,500, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival (Mingo) \$2,376, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Grape Stomping Wine Festival (Nicholas) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage Days (Hampshire) \$2,376, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion Earl Kiger Post Bluegrass Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion)

\$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair Association \$2,079, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485, Marshall County Fair \$4,456, Mason County Fair \$2,970, Mason Dixon Festival (Monongalia) \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, McDowell County Fair \$1,485, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival \$3,474, Mid Ohio Valley Antique Engine Festival (Wood) \$1,782, Milton Christmas in the Park (Cabell) \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral County Fair \$1,040, Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia) \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Century City Fair (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910, Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair \$4,158, Randolph County Ramp

and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684, Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach Festival (Hampshire) \$738, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267, Terra Alta VFD 4th of July Celebration (Preston) \$684, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,000, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer) \$684, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Tunnelton Depot Days (Preston) \$684, Tunnelton Volunteer Fire Department Festival (Preston) \$684, Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County 4th of July \$400, Tyler County OctoberFest \$720, Union Community Irish Festival (Barbour) \$648, Uniquely West Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival and Mountain Music Event (Harrison) \$2,970, Winter Festival of the Waters (Berkeley) \$2,970, Wirt County Fair \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188,

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Any Fairs & Festivals awards shall be funded in addition to, and not in lieu of, individual grant allocations derived from the Arts Council and the Cultural Grant Program allocations.

678 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2020 Org 0433

Books and Films	17900	\$	360,784
Services to Libraries	18000		550,000
Grants to Public Libraries.....	18200		9,439,571
Digital Resources.....	30900		219,992
Infomine Network.....	88400		<u>943,353</u>
Total.....		\$	11,513,700

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

679 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2020 Org 0508

Personal Services and Employee Benefits.....	00100	\$	209,640
Current Expenses	13000		332,284
Repairs and Alterations.....	06400		1,000
Local Programs Service Delivery Costs	20000		2,435,250

2019]	HOUSE OF DELEGATES		1917
Silver Haired Legislature.....	20200		18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens.....	53900		4,615,503
Roger Tompkins Alzheimer's Respite Care.....	64300		2,302,016
WV Alzheimer's Hotline	72400		45,000
Regional Aged and Disabled Resource Center	76700		425,000
Senior Services Medicaid Transfer	87100		16,400,070
Legislative Initiatives for the Elderly	90400		9,671,239
Long Term Care Ombudsman	90500		297,226
BRIM Premium	91300		7,718
In-Home Services and Nutrition for Senior Citizens	91700		<u>6,095,941</u>
Total.....		\$	42,856,387

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

680 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2020 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,912,491
RHI Program and Site Support –			

RHEP Program Administration	03700	146,653
RHI Program and Site Support – Grad Med		
Ed and Fiscal Oversight (R)	03800	88,913
Minority Doctoral Fellowship (R)	16600	129,604
Health Sciences Scholarship (R)	17600	225,527
Vice Chancellor for Health Sciences –		
Rural Health Residency Program (R)	60100	62,725
WV Engineering, Science, and		
Technology Scholarship Program	86800	<u>452,831</u>
Total.....		\$ 3,018,744

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

*681 - Community and Technical College –
Capital Improvement Fund
(WV Code Chapter 18B)
Fund 4908 FY 2020 Org 0442*

Debt Service – Total	31000	\$ 5,000,000
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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

*682 - Higher Education Policy Commission –
Lottery Education –
West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2020 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R)	03500	\$	1,181,728
MA Public Health Program and			
Health Science Technology (R)	62300		52,445
Health Sciences Career Opportunities Program (R)	86900		336,987
HSTA Program (R)	87000		1,761,948
Center for Excellence in Disabilities (R)	96700		<u>313,517</u>
Total		\$	<u>3,646,625</u>

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

*683 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2020 Org 0471

Marshall Medical School –

RHI Program and Site Support (R)	03300	\$	427,075
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		<u>171,361</u>
Total		\$	<u>598,436</u>

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences

– Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

Total TITLE II, Section 4 – Lottery Revenue \$ 127,808,000

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

684 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2020 Org 0705

	Appro-		Excess
	priation		Lottery
			Funds
Directed Transfer	70000	\$	10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner’s request.

685 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2020 Org 0705

General Revenue Fund – Transfer.....	70011	\$	65,000,000
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The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

*686 - Higher Education Policy Commission –
 Education Improvement Fund
 Fund 4295 FY 2020 Org 0441*

PROMISE Scholarship – Transfer 80000 \$ 29,000,000

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

*687 - Economic Development Authority –
 Economic Development Project Fund
 Fund 9065 FY 2020 Org 0944*

Debt Service – Total 31000 \$ 19,000,000

Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

688 -

*689 - Department of Education –
 School Building Authority
 Fund 3514 FY 2020 Org 0402*

Debt Service – Total 31000 \$ 19,000,000

*690 - West Virginia Infrastructure Council –
 West Virginia Infrastructure Transfer Fund
 Fund 3390 FY 2020 Org 0316*

Directed Transfer 70000 \$ 46,000,000

The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

691 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2020 Org 0441

Directed Transfer	70000	\$	15,000,000
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The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

692 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2020 Org 0310

Current Expenses (R)	13000	\$	23,300
Repairs and Alterations (R).....	06400		161,200
Equipment (R)	07000		200,000
Buildings (R).....	25800		100,000
Other Assets (R).....	69000		<u>1,020,500</u>
Total.....		\$	1,505,000

Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

693 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2020 Org 0944

Debt Service	04000	\$	2,032,000
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*694 - Economic Development Authority –**State Parks Lottery Revenue Debt Service Fund*Fund 9068 FY 2020 Org 0944

Debt Service	04000	\$	4,395,000
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*695 - Racing Commission –*Fund 7308 FY 2020 Org 0707

Special Breeders Compensation

(WVC §29-22-18a, subsection (l))	21800	\$	2,000,000
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*696 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2020 Org 0705

Parking Garage Fund – Transfer	70001	\$	500,000
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2004 Capitol Complex Parking Garage Fund – Transfer.....	70002		216,478
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Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
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Capitol Renovation and Improvement Fund – Transfer.....	70004		2,381,252
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Development Office Promotion Fund – Transfer	70005		1,298,864
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Research Challenge Fund – Transfer	70006		1,731,820
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Tourism Promotion Fund – Transfer	70007		4,808,142
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Cultural Facilities and Capitol Resources Matching

Grant Program Fund – Transfer	70008		1,250,535
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State Debt Reduction Fund – Transfer.....	70010		20,000,000
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General Revenue Fund – Transfer.....	70011		1,167,799
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West Virginia Racing Commission Racetrack

Video Lottery Account	70012		3,463,637
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Historic Resort Hotel Fund.....	70013	24,010
Licensed Racetrack Regular Purse Fund.....	70014	<u>22,383,247</u>
Total.....		\$ 61,022,040

697 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2020 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

698 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2020 Org 0307

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.

699 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2020 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

700 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2020 Org 0511

Medical Services.....	18900	\$ 16,302,960
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701 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapters 15A)

Fund 6283 FY 2020 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

Total TITLE II, Section 5 – Excess Lottery Funds \$ 290,257,000

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2020.

LEGISLATIVE

702 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2020 Org 2300

	Appro-		Federal
	priation		Funds
Economic Loss Claim Payment Fund	33400	\$	2,000,000

JUDICIAL

703 - Supreme Court

Fund 8867 FY 2020 Org 2400

Personal Services and Employee Benefits.....	00100	\$	1,813,000
Current Expenses	13000		2,057,000
Repairs and Alterations.....	06400		100,000
Equipment	07000		250,000
Other Assets.....	69000		<u>280,000</u>

Total..... \$ 4,500,000

EXECUTIVE

704 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,628,780
Unclassified	09900		50,534
Current Expenses	13000		3,828,661
Repairs and Alterations.....	06400		650,000
Equipment	07000		910,500
Buildings.....	25800		1,000,000
Other Assets.....	69000		50,000
Land	73000		<u>500,000</u>
Total.....		\$	9,618,475

705 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 8737 FY 2020 Org 1400

Personal Services and Employee Benefits.....	00100	\$	658,571
Unclassified	09900		8,755
Current Expenses	13000		136,012
Repairs and Alterations.....	06400		5,500
Equipment	07000		<u>114,478</u>
Total.....		\$	923,316

*706 - Department of Agriculture –
State Conservation Committee
(WV Code Chapter 19)
Fund 8783 FY 2020 Org 1400*

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		<u>15,599,974</u>
Total.....		\$	15,697,224

*707 - Department of Agriculture –
Land Protection Authority
Fund 8896 FY 2020 Org 1400*

Personal Services and Employee Benefits.....	00100	\$	46,526
Unclassified	09900		5,004
Current Expenses	13000		<u>448,920</u>
Total.....		\$	500,450

*708 - Secretary of State –
State Election Fund
(WV Code Chapter 3)
Fund 8854 FY 2020 Org 1600*

Personal Services and Employee Benefits.....	00100	\$	210,240
Unclassified	09900		7,484
Current Expenses	13000		415,727
Repairs and Alterations.....	06400		15,000
Other Assets.....	69000		<u>100,000</u>
Total.....		\$	748,451

DEPARTMENT OF COMMERCE

709 - Division of Forestry

(WV Code Chapter 19)

Fund 8703 FY 2020 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,640,060
Unclassified	09900		51,050
Current Expenses	13000		5,232,560
Repairs and Alterations.....	06400		155,795
Equipment	07000		100,000
Other Assets.....	69000		<u>1,808,300</u>
Total.....		\$	8,987,765

710 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2020 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
Unclassified	09900		2,803
Current Expenses	13000		195,639
Repairs and Alterations.....	06400		5,000
Equipment	07000		7,500
Other Assets.....	69000		<u>15,000</u>
Total.....		\$	280,374

711 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2020 Org 0307

2019]	HOUSE OF DELEGATES		1929
Personal Services and Employee Benefits.....	00100	\$	789,921
Unclassified	09900		50,000
Current Expenses	13000		<u>4,504,019</u>
Total.....		\$	5,343,940

712 - West Virginia Development Office –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	497,289
Repairs and Alterations.....	06400		250
Equipment	07000		6,000
Unclassified	09900		106,795
Current Expenses	13000		<u>10,069,166</u>
Total.....		\$	10,679,500

713 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2020 Org 0308

Personal Services and Employee Benefits.....	00100	\$	409,251
Unclassified	09900		5,572
Current Expenses	13000		167,098
Repairs and Alterations.....	06400		<u>500</u>
Total.....		\$	582,421

714 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2020 Org 0310

Personal Services and Employee Benefits.....	00100	\$	8,237,073
Unclassified	09900		107,693
Current Expenses	13000		5,556,594
Repairs and Alterations.....	06400		289,400
Equipment	07000		1,815,182
Buildings.....	25800		951,000
Other Assets.....	69000		6,951,000
Land	73000		<u>6,001,000</u>
Total.....		\$	29,908,942

715 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2020 Org 0314

Personal Services and Employee Benefits.....	00100	\$	642,799
Current Expenses	13000		<u>150,000</u>
Total.....		\$	792,799

716 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2020 Org 0323

Unclassified	09900	\$	5,127
Current Expenses	13000		507,530
Reed Act 2002 – Unemployment Compensation.....	62200		2,850,000
Reed Act 2002 – Employment Services.....	63000		<u>1,650,000</u>
Total.....		\$	5,012,657

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state’s unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

717 - Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2020 Org 0328

Personal Services and Employee Benefits.....	00100	\$	426,385
Unclassified	09900		7,350
Current Expenses	13000		<u>2,816,076</u>
Total.....		\$	3,249,811

718 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 8734 FY 2020 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,863,244
Current Expenses	13000		34,440,940
Repairs and Alterations.....	06400		350,400
Equipment	07000		<u>1,275,870</u>
Total.....		\$	47,930,454

719 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(WV Code Chapter 18)

Fund 8890 FY 2020 Org 0932

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Personal Services and Employee Benefits.....	00100	\$	14,476,122
Current Expenses	13000		11,383,206
Repairs and Alterations.....	06400		1,100
Equipment	07000		<u>83,350</u>
Total.....		\$	25,943,778

DEPARTMENT OF EDUCATION

*720 - State Board of Education –
State Department of Education
(WV Code Chapters 18 and 18A)
Fund 8712 FY 2020 Org 0402*

Personal Services and Employee Benefits.....	00100	\$	5,785,359
Unclassified	09900		2,000,000
Current Expenses	13000		212,367,820
Repairs and Alterations.....	06400		10,000
Equipment	07000		10,000
Other Assets.....	69000		<u>10,000</u>
Total.....		\$	220,183,179

*721 - State Board of Education –
School Lunch Program
(WV Code Chapters 18 and 18A)
Fund 8713 FY 2020 Org 0402*

Personal Services and Employee Benefits.....	00100	\$	1,881,766
Unclassified	09900		1,150,500
Current Expenses	13000		148,281,265
Repairs and Alterations.....	06400		20,000

2019]	HOUSE OF DELEGATES		1933
Equipment	07000		100,000
Other Assets	69000		<u>25,000</u>
Total.....		\$	151,458,531

722 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,896,249
Unclassified	09900		155,000
Current Expenses	13000		14,820,081
Repairs and Alterations.....	06400		10,000
Equipment	07000		10,000
Other Assets	69000		<u>10,000</u>
Total.....		\$	16,901,330

723 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2020 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,477,006
Unclassified	09900		1,000,000
Current Expenses	13000		113,346,390
Repairs and Alterations.....	06400		10,000
Equipment	07000		10,000
Other Assets	69000		<u>10,000</u>
Total.....		\$	117,853,396

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

724 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$	437,040
Current Expenses	13000		5,587,325
Repairs and Alterations.....	06400		<u>1,000</u>
Total.....		\$	6,025,365

725 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2020 Org 0432

Personal Services and Employee Benefits.....	00100	\$	810,436
Current Expenses	13000		1,947,372
Repairs and Alterations.....	06400		1,000
Equipment	07000		1,000
Buildings	25800		1,000
Other Assets.....	69000		1,000
Land	73000		<u>360</u>
Total.....		\$	2,762,168

726 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2020 Org 0433

Personal Services and Employee Benefits.....	00100	\$	353,396
Current Expenses	13000		1,076,162

2019]	HOUSE OF DELEGATES		1935
Equipment	07000		<u>543,406</u>
Total.....		\$	1,972,964

727 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2020 Org 0439

Equipment	07000	\$	200,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

728 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2020 Org 0313

Personal Services and Employee Benefits.....	00100	\$	31,404,529
Current Expenses	13000		154,302,118
Repairs and Alterations.....	06400		738,283
Equipment	07000		1,712,238
Unclassified	09900		1,923,580
Other Assets.....	69000		2,177,261
Land	73000		<u>100,000</u>
Total.....		\$	192,358,009

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

729 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,532,219
Unclassified	09900		73,307

Current Expenses	13000		<u>51,583,302</u>
Total.....		\$	53,188,828

*730 - Division of Health –
Central Office
(WV Code Chapter 16)
Fund 8802 FY 2020 Org 0506*

Personal Services and Employee Benefits.....	00100	\$	14,610,947
Unclassified	09900		856,614
Current Expenses	13000		69,201,885
Equipment	07000		456,972
Buildings.....	25800		155,000
Other Assets.....	69000		<u>380,000</u>
Total.....		\$	85,661,418

*731 - Division of Health –
West Virginia Safe Drinking Water Treatment
(WV Code Chapter 16)
Fund 8824 FY 2020 Org 0506*

West Virginia Drinking Water Treatment

Revolving Fund – Transfer	68900	\$	16,000,000
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*732 - Human Rights Commission
(WV Code Chapter 5)
Fund 8725 FY 2020 Org 0510*

Personal Services and Employee Benefits.....	00100	\$	449,874
Unclassified	09900		5,050

2019]	HOUSE OF DELEGATES	1937
Current Expenses	13000	<u>64,950</u>
Total.....		\$ 519,874

733 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 75,747,114
Unclassified	09900	22,855,833
Current Expenses	13000	112,085,005
Medical Services.....	18900	3,539,265,405
Medical Services Administrative Costs	78900	132,247,536
CHIP Administrative Costs.....	85601	4,539,496
CHIP Services	85602	47,422,974
Federal Economic Stimulus	89100	<u>5,000,000</u>
Total.....		\$ 3,939,163,363

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

734 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2020 Org 0601

Unclassified	09900	\$ 30,000
Current Expenses	13000	<u>2,970,000</u>
Total.....		\$ 3,000,000

735 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2020 Org 0603

Unclassified	09900	\$	982,705
Mountaineer ChalleNGe Academy.....	70900		4,978,680
Martinsburg Starbase.....	74200		439,622
Charleston Starbase	74300		424,685
Military Authority	74800		<u>93,601,594</u>
Total.....		\$	100,427,286

The Adjutant General shall have the authority to transfer between appropriations.

736 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2020 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,350,000
Current Expenses	13000		300,000
Equipment	07000		<u>350,000</u>
Total.....		\$	2,000,000

737 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2020 Org 0606

Personal Services and Employee Benefits.....	00100	\$	721,650
Current Expenses	13000		20,429,281
Repairs and Alterations.....	06400		5,000
Equipment	07000		<u>100,000</u>
Total.....		\$	21,255,931

738 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2020 Org 0608

Unclassified	09900	\$	1,100
Current Expenses	13000		<u>108,900</u>
Total.....		\$	110,000

739 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2020 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,480,877
Current Expenses	13000		2,125,971
Repairs and Alterations.....	06400		42,000
Equipment	07000		2,502,285
Buildings.....	25800		750,500
Other Assets.....	69000		144,500
Land	73000		<u>500</u>
Total.....		\$	8,046,633

740 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2020 Org 0619

Current Expenses	13000	\$	80,000
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741 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 8803 FY 2020 Org 0620

Personal Services and Employee Benefits.....	00100	\$	1,222,258
Unclassified	09900		25,185
Current Expenses	13000		25,381,973
Repairs and Alterations.....	06400		<u>1,750</u>
Total.....		\$	26,631,166

DEPARTMENT OF REVENUE

742 - Insurance Commissioner

(WV Code Chapter 33)

Fund 8883 FY 2020 Org 0704

Current Expenses	13000	\$	3,000,000
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DEPARTMENT OF TRANSPORTATION

743 - Division of Motor Vehicles

(WV Code Chapter 17B)

Fund 8787 FY 2020 Org 0802

Personal Services and Employee Benefits.....	00100	\$	501,394
Current Expenses	13000		6,498,106
Repairs and Alterations.....	06400		<u>500</u>
Total.....		\$	7,000,000

744 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2020 Org 0805

Personal Services and Employee Benefits.....	00100	\$	922,070
Current Expenses	13000		9,163,149

2019]	HOUSE OF DELEGATES		1941
Repairs and Alterations.....	06400		2,500
Equipment	07000		2,801,714
Buildings.....	25800		650,000
Other Assets.....	69000		<u>200,000</u>
Total.....		\$	13,739,433

DEPARTMENT OF VETERANS' ASSISTANCE

745 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 8858 FY 2020 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,774,248
Current Expenses	13000		3,270,000
Equipment	07000		213,000
Buildings.....	25800		<u>600,000</u>
Total.....		\$	6,857,248

746 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2020 Org 0618

Personal Services and Employee Benefits.....	00100	\$	955,426
Current Expenses	13000		844,092
Repairs and Alterations.....	06400		220,000
Equipment	07000		198,000
Buildings.....	25800		296,000
Other Assets.....	69000		20,000
Land	73000		<u>10,000</u>

Total..... \$ 2,543,518

BUREAU OF SENIOR SERVICES

747 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2020 Org 0508

Personal Services and Employee Benefits.....	00100	\$	767,364
Current Expenses	13000		13,811,853
Repairs and Alterations.....	06400		<u>3,000</u>
Total.....		\$	14,582,217

MISCELLANEOUS BOARDS AND COMMISSIONS

748 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,352,576
Current Expenses	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment	07000		<u>1,000</u>
Total.....		\$	1,761,529

749 - Public Service Commission –

Gas Pipeline Division

(WV Code Chapter 24B)

Fund 8744 FY 2020 Org 0926

Personal Services and Employee Benefits.....	00100	\$	621,039
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2019]	HOUSE OF DELEGATES		1943
Current Expenses	13000		124,628
Equipment	07000		3,000
Unclassified	09900		<u>4,072</u>
Total.....		\$	752,739

750 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2020 Org 0941

Personal Services and Employee Benefits.....	00100	\$	163,315
Current Expenses	13000		633,597
Repairs and Alterations.....	06400		5,000
Equipment	07000		3,000
Other Assets.....	69000		<u>2,000</u>
Total.....		\$	<u>806,912</u>
Total TITLE II, Section 6 - Federal Funds		\$	<u>5,189,543,394</u>

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2020.

751 - West Virginia Development Office –

Community Development

Fund 8746 FY 2020 Org 0307

Personal Services and Employee Benefits.....	00100	\$	10,658,978
Unclassified	09900		2,375,000
Current Expenses	13000		<u>224,476,883</u>
Total.....		\$	237,510,861

752 - Department of Commerce

West Virginia Development Office –

*Office of Economic Opportunity –
Community Services
Fund 8902 FY 2020 Org 0307*

Personal Services and Employee Benefits.....	00100	\$	362,389
Unclassified	09900		125,000
Current Expenses	13000		12,002,111
Repairs and Alterations.....	06400		1,500
Equipment	07000		<u>9,000</u>
Total.....		\$	12,500,000

*753 - WorkForce West Virginia –
Workforce Investment Act
Fund 8749 FY 2020 Org 0323*

Personal Services and Employee Benefits.....	00100	\$	2,999,497
Unclassified	09900		23,023
Current Expenses	13000		39,263,511
Repairs and Alterations.....	06400		1,600
Equipment	07000		500
Buildings.....	25800		<u>1,100</u>
Total.....		\$	42,289,231

*754 - Division of Health –
Maternal and Child Health
Fund 8750 FY 2020 Org 0506*

Personal Services and Employee Benefits.....	00100	\$	2,268,209
Unclassified	09900		81,439

2019] HOUSE OF DELEGATES 1945

Current Expenses	13000	<u>5,794,267</u>
Total.....		\$ 8,143,915

*755 - Division of Health –
Preventive Health*

Fund 8753 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 268,337
Unclassified	09900	22,457
Current Expenses	13000	1,895,366
Equipment	07000	<u>165,642</u>
Total.....		\$ 2,351,802

*756 - Division of Health –
Substance Abuse Prevention and Treatment*

Fund 8793 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 657,325
Unclassified	09900	115,924
Current Expenses	13000	<u>10,853,740</u>
Total.....		\$ 11,626,989

*757 - Division of Health –
Community Mental Health Services*

Fund 8794 FY 2020 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 551,368
Unclassified	09900	33,533
Current Expenses	13000	<u>4,883,307</u>
Total.....		\$ 5,468,208

758 - Division of Human Services –

*Energy Assistance*Fund 8755 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	1,856,844
Unclassified	09900		350,000
Current Expenses	13000		<u>33,181,300</u>
Total.....		\$	35,388,144

759 - Division of Human Services –

*Social Services*Fund 8757 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	8,806,005
Unclassified	09900		171,982
Current Expenses	13000		<u>8,870,508</u>
Total.....		\$	17,848,495

760 - Division of Human Services –

*Temporary Assistance for Needy Families*Fund 8816 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	19,913,598
Unclassified	09900		1,250,000
Current Expenses	13000		<u>105,847,136</u>
Total.....		\$	127,010,734

761 - Division of Human Services –

*Child Care and Development*Fund 8817 FY 2020 Org 0511

Personal Services and Employee Benefits.....	00100	\$	2,793,496
Unclassified	09900		350,000
Current Expenses	13000		<u>46,999,456</u>
Total.....		\$	50,142,952
Total TITLE II, Section 7 – Federal Block Grants		\$	<u>550,281,331</u>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2020, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$535,947 special revenue funds in the amount of \$212,743 and state road funds in the amount of \$1,703,146 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2020 out of surplus funds only, accrued from the fiscal year ending June 30, 2019, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus as of July 31, 2019 from the fiscal year ending June 30, 2019, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2019, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

762 -

763 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

WV Food Banks – Surplus.....	#####	\$	300,000
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764 -

765 - State Board of Education

State Department of Education

(WV Code Chapter 18 & 18A)

Fund 0313 FY 2020 Org 0402

Directed Transfer – Surplus ##### \$ 3,500,000

The above appropriation for Directed Transfer - Surplus (fund 0313, appropriation #####) shall be transferred to the Safe Schools Fund (fund XXXX, org 0402) established by W.Va. Code §18-5-48.

766 - Shepherd University
(WV Code Chapter 18B)
Fund 0366 FY 2020 Org 0486

Shepherd University – Surplus..... ##### \$ 500,000

767 -

768 - Blue Ridge Community and Technical College
(WV Code Chapter 18B)
Fund 0601 FY 2020 Org 0477

Blue Ridge Community and Technical College – Surplus ##### \$ 500,000

769 -

770 - Eastern West Virginia community and Technical College
(WV Code Chapter 18B)
Fund 0587 FY 2020 Org 0492

Eastern West Virginia Community and

Technical College – Surplus..... ##### \$ 500,000

771 -

772 - West Virginia university at Parkersburg
(WV Code Chapter 18B)
Fund 0131 FY 2020 Org 0464

West Virginia University at Parkersburg – Surplus ##### \$ 500,000

773 -

774 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2020 Org 0485

Glenville State College – Surplus.....	#####	\$	500,000
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385 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

New Born Screening Testing – Surplus	#####	\$	200,000
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386 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

Sexual Assault Intervention and Prevention – Surplus.....	#####	\$	125,000
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387 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2020 Org 0304

Tourism – Brand Promotion – Surplus	#####	\$	5,000,000
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Tourism – Public Relations – Surplus	#####		750,000
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Tourism – Events and Sponsorships – Surplus.....	#####		250,000
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Tourism – Industry Development – Surplus	#####		250,000
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State Parks and Recreation Adverstising – Surplus.....	#####		750,000
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Total.....		\$	7,000,000
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388 - State Board of Education
 Vocational Division
 (WV Code Chapter 18 and 18A)
 Fund 0390 FY 2020 Org 0402

Jim's Dream – Surplus..... ##### \$ 4,000,000

775 -

389- Consolidated Medical Service Fund
 (WV Code Chapter 16)
 Fund 0525 FY 2020 Org 0506

Jim's Dream – Surplus..... ##### \$ 1,000,000

390 – Division of Human Services
 (WV Code Chapter 9, 48, and 49)
 Fund 0403 FY 2020 Org 0511

Medical Services – Surplus..... 63300 \$ 53,000,000

Total TITLE II, Section 9 – Surplus Accrued..... \$ 71,625,000

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following item is hereby appropriated from the lottery net profits, and is to be available for expenditure during the fiscal year 2020 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2019, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2019.

In the event that surplus revenues available from the fiscal year ending June 30, 2019, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

391 - Bureau of Senior Services –
Lottery Senior Citizens Fund
 (WV Code Chapter 29)
 Fund 5405 FY 2020 Org 0508

2019]	HOUSE OF DELEGATES		1951
Senior Nutrition Vehicle Replacement – Lottery Surplus	#####	\$	1,000,000
In-Home Services and Nutrition for			
Senior Citizens – Lottery Surplus	#####		750,000
Senior Services Medicaid Transfer – Lottery Surplus.....	68199		<u>16,000,000</u>
Total.....		\$	17,750,000
Total TITLE II, Section 10 – Surplus Accrued.....		\$	<u>17,750,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2020 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2019, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2019.

In the event that surplus revenues available from the fiscal year ending June 30, 2019, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

392 - Division of Human Services
(WV Code Chapters 9, 48 and 49)
Fund 5365 FY 2020 Org 0511

Medical Services – Lottery Surplus.....	68100	\$	17,000,000
Total TITLE II, Section 11 – Surplus Accrued.....		\$	<u>17,000,000</u>

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2020 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: *Provided*, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

- (a) An estimate of the amount and sources of all revenues accruing to such fund; and
- (b) A detailed expenditure schedule showing for what purposes the fund is to be expended.

During Fiscal Year 2020, the following funds are hereby available and are to be transferred to the appropriate funds as specified from available balances per the following:

393 -Attorney General
Consumer Protection Recovery Fund

(WV Code Chapter 46A)

Fund 1509 FY 2020 Org 1500

Directed Transfer	70000	\$	3,400,000
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From the above appropriation for Directed Transfer (Fund 1509, appropriation 70000), \$1,000,000 shall be transferred to the West Virginia State Police – Forensic Laboratory Fund (Fund 6511) and \$2,400,000 shall be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (Fund 5185).

394- Department of Administration

Premium Tax Savings Fund

(WV Code Chapter 29)

Fund 2367 FY 2020 Org 0218

Directed Transfer	70000	\$	6,149,802
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The above appropriation for Directed Transfer (Fund 2367, appropriation 70000) shall be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (Fund 5185).

Total TITLE II, Section 12 – Special Revenue		\$	<u>9,549,802</u>
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Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2020, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2020 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the

proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 552**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Butler, Estep-Burton, J. Jeffries, McGeehan and Pushkin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2020) passed.

Delegate Summers moved that the bill take effect its passage.

On this question, the yeas and nays were taken (**Roll No. 553**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2020) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2515, Exempting the sale and installation of mobility enhancing equipment from the sales and use tax.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 11, U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 44, U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 48, Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 100, Increasing court fees to fund law-enforcement standards training and expenses.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 223, Authorizing Department of Commerce promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for S. B. 295, Relating to crimes against public justice.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Cline and Lindsay.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 330, Requiring contact information be listed on agency's online directory and website.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 491, Extending effective date for voter registration in conjunction with driver licensing.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 531, Relating generally to workers' compensation claims.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 26 - "Requesting the Division of Highways name bridge number 28-19-31.63 (28A066), locally known as Flat Top Overpass Bridge No. 1, carrying U.S. 19 over Interstate 77 in Mercer County, the "Thompson and Lambert Memorial Bridge".

Whereas, Tragedy befell Mercer County on August 16, 2018, when the vehicles of three employees of the West Virginia Parkways Authority's Courtesy Patrol were struck while on duty by a tractor-trailer at mile marker 23 on the West Virginia Turnpike; and

Whereas, Emergency responders pronounced Nathan Thompson, 32, of Princeton, dead at the scene. Mr. Thompson's nephew, Richard Lambert, 21, of Kegley, died at a Roanoke, Virginia, hospital on the following day. The third victim, Ethan Kestner, 19, also of Princeton, is still recovering from his injuries; and

Whereas, All three young men were known to be good employees of the turnpike authority, as well as decent, law-abiding citizens. Mr. Thompson and Mr. Lambert were both known as beloved family members. Since the time of the tragic accident, the entire Mercer County community has been saddened by the loss of the two young men and united in its thoughts and prayers for the recovery of Mr. Kestner; and

Whereas, All three young men are a special fraternity of employees who are partners in public service. Many public servants toil in often dangerous situations. While they take extraordinary precautions to ensure the safety of themselves and the public they serve, there is always an element of potential danger inherent in any occupation that must be performed in close proximity to large, heavy, fast-moving vehicles; and

Whereas, Partners in public service hope to return home to their families at the end of each duty assignment. When that does not happen, the sadness that ensues is shared by more than just their families and friends; and

Whereas, It is fitting that an enduring memorial be established to commemorate Nathan Thompson and Richard Lambert; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 28-19-31.63 (28A066), locally known as Flat Top Overpass Bridge No. 1, carrying U.S. 19 over Interstate 77 in Mercer County, the "Thompson and Lambert Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Thompson and Lambert Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 45 - "Recognizing the Cabell Midland High School Marching Knight Band for its outstanding achievements, and for its dedication and commitment to fine performances of the marching arts."

Whereas, The Cabell Midland Marching Knight Band program has, since its inception in 1994, provided exceptional musical performances; and

Whereas, The band has won 102 Marching Band Grand Championships, six Marshall University Tri-State Marching Band Championships, and three National Band Grand Championships; and

Whereas, The band has excelled in-state as the featured band for 13 years at the Joyful Night Celebration at the State Capitol and is an eight-time winner of the West Virginia Black Walnut Festival Honor Band Award; and

Whereas, The Cabell Midland Marching Knight Band have been named the West Virginia State Marching Band Invitational State Honor Band for seven consecutive years and are the current reigning State Marching Band Champions; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Cabell Midland Marching Knight Band for its outstanding achievements, and for its dedication and commitment to fine performances of the marching arts; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the Cabell Midland Marching Knight Band for proudly representing their school, county, and the great State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland Marching Knight Band.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 518, Restricting sale and trade of dextromethorphan.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 545, Relating to HIV testing.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2550, Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page four, section five, line eighteen, by striking out the words "five-year period" and inserting in lieu thereof the word "year".

And,

Amend the bill on page four, section five, line twenty-nine, by striking out the words "five-year period" and inserting in lieu thereof the word "year".

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 554**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2550) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2617, Relating to the form for making offer of optional uninsured and underinsured coverage by insurers.

Delegate Summers moved the House of Delegates concur in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 6. THE INSURANCE POLICY.

§33-6-31d. Form for making offer of optional uninsured and underinsured coverage.

(a) Optional limits of uninsured motor vehicle coverage and underinsured motor vehicle coverage required by §33-6-31 of this code shall be made available to the named insured at the time of initial application for liability coverage and upon any request of the named insured on a form prepared and made available by the Insurance Commissioner. The contents of the form shall be as prescribed by the commissioner and shall specifically inform the named insured of the coverage offered and the rate calculation ~~therefor~~ for the coverage, including, but not limited to, all levels and amounts of ~~such~~ the coverage available and the number of vehicles which will be subject to the coverage. The commissioner shall provide for the use of electronic means of delivery and electronic signing when issuing the prescribed form. ~~The form shall be made available for use on or before the effective date of this section.~~ The form shall allow any named insured to waive any or all of the coverage offered.

(b) Any insurer who issues a motor vehicle insurance policy in this state shall provide the form to each person who applies for the issuance of ~~such a~~ policy by delivering the form to the applicant or by mailing the form to the applicant. ~~together with the applicant's initial premium notice~~ Insurers may deliver the form by electronic means. Delivery by "electronic means" includes delivery of the form to an electronic mail address at which an applicant or policyholder has consented to receive notices or documents, by posting on an electronic network or site accessible via the Internet, electronic

device, or mobile application, at or from which the applicant or policyholder has consented to receive delivery, or by any other delivery method that has been consented to by the applicant or policyholder. Any document delivered electronically satisfies any font, size, color, spacing, or other format requirements that are established for printed documents, provided that the format in the document delivered electronically has reasonably similar proportions or emphasis for the characters relative to the rest of the electronic document. The applicant shall complete, date, and sign the form and return the form to the insurer within 30 days after receipt ~~thereof~~ of the form. Any signature executed in conformity with the Uniform Electronic Transactions Act in §39A-1-1 et seq. of this code is enforceable as provided by that act. ~~No~~ An insurer or agent ~~thereof~~ of the insurer is not liable for payment of any damages applicable under any optional uninsured or underinsured coverage authorized by §33-6-31 of this code for any incident which occurs from the date the form was mailed or delivered to the applicant until the insurer receives the form and accepts payment of the appropriate premium for the coverage requested ~~therein~~ in the form from the applicant: *Provided,* That if prior to the insurer's receipt of the executed form the insurer issues a policy to the applicant which provides for ~~such~~ optional uninsured or underinsured coverage, the insurer is liable for payment of claims against ~~such~~ the optional coverage up to the limits provided ~~therefor~~ in such in the policy. The contents of a form described in this section which has been signed by an applicant creates a presumption that ~~such~~ the applicant and all named insureds received an effective offer of the optional coverages described in this section and that ~~such~~ the applicant exercised a knowing and intelligent election or rejection ~~as the case may be~~ of ~~such~~ the offer as specified in the form. ~~Such~~ The election or rejection is binding on all persons insured under the policy.

~~(c) Any insurer who has issued a motor vehicle insurance policy in this state which is in effect on the effective date of this section shall mail or otherwise deliver the form to any person who is designated in the policy as a named insured. A named insured shall complete, date and sign the form and return the form to the insurer within 30 days after receipt thereof. No insurer or agent thereof is liable for payment of any damages in any amount greater than any limits of such coverage, if any, provided by the policy in effect on the date the form was mailed or delivered to such named insured for any incident which occurs from the date the form was mailed or delivered to such named insured until the insurer receives the form and accepts payment of the appropriate premium for the coverage requested therein from the applicant. The contents of a form described in this section which has been signed by any named insured creates a presumption that all named insureds under the policy received an effective offer of the optional coverages described in this section and that all such named insured exercised a knowing and intelligent election or rejection as the case may be of such offer as specified in the form. Such election or rejection is binding on all persons insured under the policy.~~

~~(d)~~(c) Failure of the applicant or a named insured to return the form described in this section to the insurer as required by this section within the time periods specified in this section creates a presumption that ~~such~~ the person received an effective offer of the optional coverages described in this section and that ~~such~~ the person exercised a knowing and intelligent rejection of ~~such~~ the offer. ~~Such~~ The rejection is binding on all persons insured under the policy.

~~(e)~~(d) The insurer shall make ~~such~~ the forms available to any named insured who requests different coverage limits on or after the effective date of this section. ~~No~~ An insurer is not required to make ~~such~~ the form available or notify any person of the availability of ~~such~~ the optional coverages authorized by this section except as required by this section.

~~(f)~~(e) Notwithstanding any of the provisions of this article ~~six of this chapter~~ to the contrary, including §33-6-31f of this code, for insurance policies in effect on December 31, 2015, insurers are not required to offer or obtain new uninsured or underinsured motorist coverage offer forms as described in this section on any insurance policy to comply with the amount of the minimum required financial responsibility limits set forth in §17D-4-2(b) of this code. All ~~such~~ offer forms that were executed prior to January 1, 2016, shall remain in full force and effect.

(f) If an insurer offers to place an insured with an affiliate of the insurer, the insurer shall make available a new uninsured and underinsured motorist coverage offer form, in the manner provided by and pursuant to subsections (a) and (b) of this section. A named insured shall complete, date, and sign the form as provided by subsection (b) of this section and return the form to the insurer within 30 days after receipt of the form. If an insured does not return the form within 30 days, then the last form previously signed by the insured for the insurer or any affiliate governs the amount of uninsured and underinsured motorist coverage provided by the newly issuing insurer and remains binding on all persons insured under the policy.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2617 - “A Bill to amend and reenact §33-6-31d of the Code of West Virginia, 1931, as amended, relating to the form for making offer of optional uninsured and underinsured coverage by insurers; requiring Insurance Commissioner to provide for the use of electronic means of delivery and electronic signing of form; defining electronic means; requiring an insurer, when offering to place an insured with an affiliate of the insurer, to make available a new uninsured and underinsured motorist coverage offer form; and providing that last form previously signed governs if insured does not return the form.”

The question being on concurring in the amendment of the bill by the Senate, the yeas and nays were taken (**Roll No. 555**), and there were—yeas 81, nays 18, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: N. Brown, Canestraro, Evans, Fast, Fleischauer, Fluharty, Hicks, Hornbuckle, Kump, Lovejoy, Miley, Porterfield, Pushkin, Robinson, Rowe, R. Thompson, Toney and Waxman.

Absent and Not Voting: Mandt.

So, a majority of the members present and voting having voted in the affirmative, the House concurred.

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 556**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Fleischauer, Fluharty, Miley, Robinson and Rowe.

Absent and Not Voting: Mandt.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2617) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2975, Relating to imposition of sexual acts on persons incarcerated.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-2. Lack of consent.

(a) Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without the consent of the victim.

(b) Lack of consent results from:

(1) Forcible compulsion;

(2) Incapacity to consent; or

(3) If the offense charged is sexual abuse, any circumstances in addition to the forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(c) A person is deemed incapable of consent when such person is:

(1) Less than sixteen years old;

(2) Mentally defective;

(3) Mentally incapacitated;

(4) Physically helpless; or

(5) Subject to incarceration, confinement or supervision by a state, county, or local government entity, when the actor is a person prohibited from having sexual intercourse or causing sexual intrusion or sexual contact pursuant to §61-8B-10 of this code, ~~subsections (a) and (b) of section ten of this article.~~

§61-8B-10. Imposition of sexual acts on persons incarcerated or under supervision; penalties.

(a) Any person employed by the Division of Corrections and Rehabilitation, any person working at a correctional facility managed by the Commissioner of Corrections and Rehabilitation pursuant to contract or as an employee of a state agency or as a volunteer ~~any person working at a correctional facility managed by the Division of Juvenile Services pursuant to contract or as an employee of a state agency, any person employed by a jail or by the Regional Jail and Correctional Facility Authority, any person working at a facility managed by the Regional Jail and Correctional Facility Authority or a jail or any person employed by, or acting pursuant to, the authority of any sheriff, county commission, or court to ensure compliance with the provisions of §62-11B-1 et seq. of this code who engages in sexual intercourse, sexual intrusion, or sexual contact with a person who is incarcerated in this state is guilty of a felony and, upon conviction thereof, shall be fin~~ed not more than \$5,000 or imprisoned~~ confined in a state correctional facility under the control of the Commissioner of Corrections for not less than one nor more than five years or ~~fin~~ed not more than \$5,000 both fined and imprisoned.~~

(b) Any person employed by the Division of Corrections and Rehabilitation as a parole officer or by the West Virginia Supreme Court of Appeals as an adult or juvenile probation officer, who engages in sexual intercourse, sexual intrusion, or sexual contact with a person said parole officer or probation officer is charged as part of his or her employment with supervising, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned confined in a state correctional facility under the control of the Commissioner of Corrections for not less than one nor more than five years, or both fined and imprisoned. ~~or fined not more than \$5,000, or both.~~

(c) Any person working or volunteering in an alternative sentence program authorized by the provisions of §62-11C-1, et seq. of this code who, as part of his or her employment or volunteer duties, supervises program participants, engages in sexual intercourse, sexual intrusion, or sexual contact with a program participant is guilty of a felony and upon conviction, shall be fined not more than \$5,000, imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

~~(e)~~ (d) The term "incarcerated in this state" for purposes of this section includes in addition to its usual meaning, offenders serving a sentence under the provisions of article §62-11B-1 *et seq.* of this code.

~~(e)~~(e) Authorized pat-down, strip search or other security related tasks does not constitute sexual contact pursuant to this section.

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2975 - "A Bill to amend and reenact §61-8B-2 and §61-8B-10 of the Code of West Virginia, 1931, as amended, all relating generally to protecting persons incarcerated or under corrections or court supervision from sexual exploitation by persons supervising them; clarifying that persons participating in community corrections programs lack consent to engage in sexual conduct with persons supervising them in such programs; clarifying that volunteers supervising incarcerated persons or persons under corrections or court supervision are prohibited from engaging in sexual acts with incarcerated persons, supervisees, or participants; updating agency and code references; and establishing criminal penalties."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 557**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2975) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 26, George" Roush Memorial Bridge.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, by striking out everything after the title and inserting in lieu thereof the following:

Whereas, Arthur "George" Roush was born in Millwood, West Virginia, on June 13, 1932, and was the eighth of 11 children born to Calvin Elmer Roush, Jr., and Goldie Fleisher Roush; and

Whereas, George Roush was a good student in school and took part in church and school activities and, along with his brothers Donald and Pete, was active in 4-H; and

Whereas, George Roush was adept at woodworking projects, making an end table for his mother as well as several bird houses and little dancing men; and

Whereas, George Roush went to work on a river boat early in life where he made good money and later bought a new big green Oldsmobile that he was so very proud of; and

Whereas, George Roush met the girl of his dreams, Becky Jo Barnett, and was looking forward to spending the rest of his life with her; and

Whereas, George Roush enlisted in the United States Army in May 1952; and

Whereas, George Roush was very fond of children and spent a great deal of time with his nieces and nephews, but his life was cut short when he died in Korea on August 14, 1954, and he never got a chance to be a father to his own son, Rodney, who was eight months old when Sergeant Roush died; and

Whereas, While Sergeant Roush's family was devastated by him dying so far away from home, his wife Becky Jo Roush, raised their son to be a wonderful man who visits her every day at Broadmore Senior Living in Hurricane; and

Whereas, It is fitting and proper to honor the life of Sergeant Arthur George Roush for his dedicated service to his community, state, and country by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-2-2.72 (18A004), locally known as Millwood Bridge, carrying West Virginia Route 2 over Mill Creek in Jackson County, the "U. S. Army SGT Arthur "George" Roush Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SGT Arthur "George" Roush Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

The resolution was then adopted.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 32, Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways.

Delegate Summers moved that the House of Delegates concur in the following amendment of the resolution by the Senate:

On page one, in the Resolved clause, by striking out the words "and to 70 miles per hour on West Virginia's Appalachian Corridor highways".

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for H. C. R. 32 - "Requesting the Commissioner of Highways to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia."

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 558**), and there were—yeas 76, nays 24, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Azinger, Bates, Boggs, S. Brown, Canestraro, Caputo, Diserio, Doyle, Hartman, Hollen, Hornbuckle, Lavender-Bowe, Longstreth, Miller, Pushkin, Rodighiero, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the motion to concur prevailed.

The resolution, as amended by the Senate, was then adopted.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with title amendment, and the passage, as amended, of

Com. Sub. for S. B. 154, Using school facilities for funeral and memorial services for certain community members.

On motion of Delegate Summers, the House concurred in the following title amendment by the Senate:

Com. Sub. for S. B. 154 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13d, relating to the "Specialist Nicholas Caleb Jividen Act" authorizing the use of school facilities for funerals and memorial services; recognizing schools are integral parts of communities and the death of certain community members can have a significant impact on communities; requiring county board to allow school facilities use for funeral and memorial services of certain community members; permitting county boards to establish process for requesting the use of school facilities for funeral and memorial services; providing that county boards of education are not responsible for additional costs associated with such funeral and memorial services

that are held at school facilities; and prohibiting such funeral and memorial services held at school facilities from disrupting or interfering with classroom instruction, scheduled school event or activity, or governmental use.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 559**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 154) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

Com. Sub. for S. B. 360, Relating to third-party litigation financing.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 6N. CONSUMER LITIGATION FINANCING.

§46A-6N-1. Definitions.

For purposes of this article:

(1) “Consumer” means any natural person who resides, is present, or is domiciled in this state;

(2) “Litigation financier” means a person, entity, or partnership engaged in the business of litigation financing; and

(3) “Litigation financing” or “litigation financing transaction”:

(A) Means a nonrecourse transaction in which financing is provided to a consumer in return for a consumer’s assigning to the litigation financier a contingent right to receive an amount of the potential proceeds of the consumer’s judgment, award, settlement, or verdict obtained with respect to the consumer’s legal claim; and

(B) Does not include:

(i) Legal services provided on a contingency fee basis, or advanced legal costs, where such services or costs are provided to or on behalf of a consumer by an attorney representing the consumer in the dispute and in accordance with the West Virginia Rules of Professional Conduct;

(ii) A consumer loan, as defined by §46A-1-102 of this code;

(iii) A commercial tort claim, as defined by §46-9-102 of this code;

(iv) A claim under the Workers' Compensation Law, compiled in chapter 23 of this code; or

(v) Normal or course of business lending or financing arrangements between an attorney or law firm and a lending institution.

§46A-6N-2. Litigation financier; registration; bond; public record; rules.

(a)(1) No litigation financier shall engage in a litigation financing transaction in this state unless it is registered as a litigation financier in this state.

(2) A litigation financier that is a business entity or partnership is registered in this state if:

(A) It is in compliance with the bond requirements of §46A-6N-2(b) of this code;

(B) It has a status of active and is in good standing as reflected in the records of the Secretary of State; and

(C) Its charter, articles of organization, certificate of limited partnership, or other organizational document, or, if a foreign entity, its West Virginia application for a certificate of authority, contains a statement that it shall be designated as a litigation financier pursuant to this article.

(3) A litigation financier that is not a business entity or partnership is registered in this state if:

(A) It is in compliance with the bond requirements of §46A-6N-2(b) of this code; and

(B) It files an application for registration as a litigation financier on a form prescribed by the Secretary of State that contains the following:

(i) Applicant's full legal name;

(ii) Business name of applicant, if any;

(iii) Physical street address and mailing address of the applicant;

(iv) A telephone number through which the applicant can be reached;

(v) The name, physical street address, mailing address, and telephone number for a West Virginia registered agent appointed to accept service of process on behalf of the applicant;

(vi) A statement that the applicant shall be designated as a litigation financier pursuant to this article; and

(vii) Any other information the Secretary of State deems necessary.

(b)(1) Each litigation financier shall file with the Secretary of State and have approved by the Office of the West Virginia Attorney General a surety bond or irrevocable letter of credit issued and confirmed by a financial institution authorized by law to transact business in the State of West Virginia in an amount not less than \$50,000.

(2) Such bond shall be payable to this state for the use of the Attorney General and any person who may have a cause of action against the obligor of the bond for any violation of this article. The bond shall continue in effect so long as a litigation financier is designated as a litigation financier in the records of the Secretary of State.

(c) A litigation financier shall amend its registration with the Secretary of State within 30 days whenever the information contained in such record changes or becomes inaccurate or incomplete in any respect.

(d) The Secretary of State, as appropriate, may promulgate rules in implementing this article, including, but not limited to, the adoption of fees to cover any administrative costs relating to administering this article.

§46A-6N-3. Litigation financier requirements.

A litigation financier shall fulfill each of the following requirements when engaged in litigation financing:

(1) The terms of the litigation financing transaction shall be set forth in a written contract that is completely filled in with no incomplete sections when the contract is offered or presented to the consumer;

(2) The litigation financing contract shall contain a right of rescission, allowing the consumer to cancel the litigation financing contract without penalty or further obligation if, within five business days following the consumer's receipt of the funds, or execution of the litigation financing contract, whichever is later, the consumer gives notice of the rescission and returns any money already provided to the consumer by the litigation financier;

(3) The litigation financing contract shall contain a written acknowledgment by the consumer of whether the consumer is represented by an attorney in the dispute;

(4) If the consumer acknowledges that the consumer is represented by an attorney in the dispute, the litigation financing contract shall include a written acknowledgment executed by the consumer's attorney in the dispute in which the attorney acknowledges all of the following:

(A) The attorney has had the opportunity to review the litigation financing contract on behalf of the consumer;

(B) The attorney is representing the consumer with regard to the dispute that is the subject of the litigation financing contract;

(C) The attorney has neither received nor paid a referral fee or any other consideration from or to the litigation financier, nor will the attorney receive or pay such a fee in the future; and

(D) In the event that proceeds are paid into a settlement fund or trust, the litigation financier shall notify the administrator of the fund or trust of any outstanding liens arising from the litigation financing contract.

§46A-6N-4. Litigation financier prohibitions.

(a) A litigation financier shall not:

(1) Pay or offer to pay commissions, referral fees, or other forms of consideration to any attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees for referring a consumer to a litigation financier;

(2) Accept any commissions, referral fees, rebates, or other forms of consideration from an attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees;

(3) Advertise false or misleading information regarding its products or services;

(4) Refer a consumer or potential consumer to a specific attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees: *Provided*, That if a consumer does not have legal representation, the provider may refer the consumer to a local or state bar referral service operated by a bar association;

(5) Fail to promptly supply copies of any and all complete litigation financing contracts to the consumer and the attorney representing the consumer in the dispute;

(6) Attempt to obtain in the litigation for which the litigation financing transaction exists a waiver of any remedy, including, but not limited to, compensatory, statutory, or punitive damages, to which the consumer might otherwise be entitled;

(7) Attempt to effect in the litigation for which the litigation financing transaction exists mandatory arbitration or otherwise effect waiver of a consumer's right to a trial by jury;

(8) Offer or provide legal advice to the consumer regarding the litigation financing or the underlying dispute;

(9) Assign, which includes securitizing, a litigation financing contract, in whole or in part, to a third party; however:

(A) §46A-6N-4(9) of this code does not prevent a litigation financier that retains responsibility for collecting payment, administering, or otherwise enforcing the litigation financing contract from making an assignment that is:

(i) To a wholly owned subsidiary of the litigation financier;

(ii) To an affiliate of the litigation financier that is under common control with the litigation financier;
or

(iii) A grant of a security interest that is made pursuant to §46-9-101 *et seq.* of this code or is otherwise permitted by law; and

(B) If an assignment is authorized and made pursuant to §46A-6N-4(9) of this code, for purposes of this section, "litigation financier" includes a successor-in-interest to a litigation financing contract;

(10) Report a consumer to a credit reporting agency if insufficient funds remain from the net proceeds to repay the litigation financier; or

(11) Receive any right to direct, nor make any decisions with respect to, the conduct of the consumer's legal claim or any settlement or resolution. The right to make such decisions shall remain solely with the consumer and his or her attorney.

(b) An attorney or law firm retained by a consumer shall not have a financial interest in a company offering litigation financing to consumers and shall not receive a referral fee or other consideration from the company, its employees, or its affiliates.

(c) A personal injury attorney or law firm, practicing in the State of West Virginia, retained by a consumer shall not have a financial interest in a company offering litigation financing to consumers and shall not receive a referral fee or other consideration from the company, its employees, or its affiliates.

§46A-6N-5. Litigation financing contracts; disclosures.

(a) A litigation financing contract shall contain the disclosures specified in this section, which shall constitute material terms of the litigation financing contract.

(b) Unless otherwise specified, the disclosures shall be typed in at least 14-point, bold font and be placed clearly and conspicuously within the litigation financing contract, as follows:

(1) Each contract shall include consumer disclosures on the first two pages, to the extent possible. The consumer disclosures shall include:

(A) Notification that some or all of the funded amount may be taxable;

(B) A description of the consumer's right of rescission;

(C) The total funded amount provided to the consumer under the contract;

(D) An itemization of charges;

(E) The total amount due from the consumer, in six-month intervals for 42 months, including all charges and fees;

(F) A statement that there are no charges or fees to be paid by the consumer other than what is disclosed on the disclosure form;

(G) In the event the consumer seeks more than one litigation financing contract, a disclosure providing the cumulative amount due from the consumer for all transactions, including charges under all contracts, if repayment is made any time after the contracts are executed;

(H) A statement that if there is no recovery of any money from the consumer's legal claim, the consumer shall owe nothing to the litigation financier;

(I) A statement that if the net proceeds of the claim are insufficient to repay the consumer's indebtedness to the litigation financier, the litigation financier shall accept a reduced sum as full payment of its funded amount and charges; and

(J) The following:

Consumer's Right to Cancellation: You may cancel this contract without penalty or further obligation within five (5) business days from the date you signed this contract or received financing from [insert name of the litigation financier] by: returning the funds to [insert name, office address, and office hours of the litigation financier] or by U. S. mail [insert name and mailing address of litigation financier]. For purposes of the return deadline by U. S. mail, the postmark date on the returned funds or, if mailed by registered or certified mail, the date of the return receipt requested shall be considered the date of return.

(2) Within the body of the litigation financing contract, the following:

The litigation financier agrees that it has no right to and will not make any decisions about the conduct of your lawsuit or dispute and that the right to make those decisions remains solely with you and your attorney;

(3) Within the body of the litigation financing contract, in all capital letters contained within a box, the following:

THE FUNDED AMOUNT AND AGREED-TO CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE LITIGATION FINANCIER) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE COMMITTED FRAUD AGAINST THE LITIGATION FINANCIER.

(4) Located immediately above the place on the litigation financing contract where the consumer's signature is required, the following:

DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT COMPLETELY. IF THIS CONTRACT CONTAINS ANY INCOMPLETE SECTIONS, YOU ARE ENTITLED TO A COMPLETELY FILLED-IN COPY OF THE CONTRACT PRIOR TO SIGNING IT. BEFORE YOU SIGN THIS CONTRACT, YOU SHOULD OBTAIN THE ADVICE OF AN ATTORNEY. DEPENDING ON THE CIRCUMSTANCES YOU MAY WANT TO CONSULT A TAX ADVISOR, A FINANCIAL PROFESSIONAL, OR AN ACCOUNTANT.

§46A-6N-6. Third-party agreements.

Except as otherwise stipulated or ordered by the court, a party shall, without awaiting a discovery request, provide to the other parties any agreement under which any litigation financier, other than an attorney permitted to charge a contingent fee representing a party, has a right to receive compensation that is contingent on and sourced from any proceeds of the civil action, by settlement, judgment, or otherwise.

§46A-6N-7. Violation; enforcement.

(a) Any violation of this article shall make the litigation financing contract unenforceable by the litigation financier, the consumer, or any successor-in-interest to the litigation financing contract. The court may, in the event that judgment is awarded to the plaintiff, assess costs of the action, including reasonable attorneys' fees, against the defendant.

(b) Nothing in this article shall be construed to limit the exercise of powers or the performance of the duties of the Attorney General, including those provided by the West Virginia Consumer Credit and Protection Act, which the Attorney General is otherwise authorized or required to exercise or perform by law.

§46A-6N-8. Contingency rights; assignments; priority of lien, subrogation interest, or right of reimbursement.

(a) The contingent right to receive an amount of the potential proceeds of a legal claim may be assigned by a consumer, and that assignment is valid for the purposes of obtaining litigation financing from a litigation financier.

(b) The lien of a litigation financier on a consumer's legal claim has priority over liens that attach and take effect subsequent to the attachment of the litigation financier's lien to the consumer's legal claim, except for the following:

(1) Attorney liens, insurance carrier liens, medical provider liens, or liens based upon subrogation interests or rights of reimbursement related to the consumer's legal claim; and

(2) Child support, Medicare, tax, or any other statutory or governmental lien.

§46A-6N-9. Fees; terms; incorporation of obligations in agreement.

(a) A litigation financier may not charge the consumer an annual fee of more than 18 percent of the original amount of money provided to the consumer for the litigation financing transaction.

(b) Litigation financiers shall not charge a consumer the annual fee authorized by §46A-6N-9(a) of this code more than one time each year with regard to any single legal claim regardless of the number of litigation financing transactions that the litigation financier enters into with the consumer with respect to such legal claim.

(c) Fees assessed by a litigation financier may compound semiannually but may not compound based on any lesser time period.

(d) In calculating the annual percentage fee or rate of return, a litigation financier must include all charges payable directly or indirectly by the consumer, and must compute the rate based only on amounts actually received and retained by the consumer.

(e) A litigation financier may not assess fees for any period exceeding 42 months from the date of the contract with the consumer.

(f) Litigation financiers shall not enter into an agreement with a consumer that has the effect of incorporating the consumer's obligations to the litigation financier that are contained in the original litigation financing transaction into a subsequent litigation financing transaction.

(g) Litigation financiers shall not knowingly provide financing to a consumer who has previously assigned and/or sold a portion of the consumer's right to proceeds from his or her legal claim without first making payment to and/or purchasing a prior unsatisfied litigation financier's entire funded amount and contracted charges unless a lesser amount is otherwise expressly agreed to in writing by the litigation financiers; except multiple litigation financiers may agree to contemporaneously provide financing to a consumer, provided that the consumer and the consumer's attorney consent to the agreement in writing."

And,

By amending the title of the bill to read as follows:

Com. Sub. for S. B. 360 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, §46A-6N-7, §46A-6N-8, and §46A-6N-9, all relating to consumer litigation financing; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring litigation financiers to amend their registration if their information changes or becomes inaccurate or incomplete; providing that the Secretary of State may promulgate rules; providing that the terms of a litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation financier shall not pay, or offer to pay, commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, rebates, or other consideration; providing that a litigation

financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer or potential consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; permitting a litigation financier to refer a consumer without legal representation to a local or state bar referral service; providing that a litigation financier shall supply copies of the contract to the consumer and the consumer's attorney; providing that a litigation financier shall not attempt to waive any of a consumer's remedies; providing that a litigation financier shall not attempt to effect mandatory arbitration or otherwise effect waiver of a consumer's right to a jury trial; providing that a litigation financier shall not offer or provide legal advice; providing that a litigation financier shall not assign a litigation financing contract to a third party; providing certain exceptions to assignment prohibition; providing that a litigation financier shall not report a consumer to a credit reporting agency; providing that a litigation financier shall not receive any right to direct or make decisions with respect to the conduct of a consumer's legal claim; providing that an attorney or law firm retained by a consumer shall not have a financial interest in, and shall not receive referral fees or other consideration from, a company offering litigation financing to consumers; providing that a litigation financing contract shall contain certain disclosures and terms; providing form disclosures; requiring disclosure of a litigation financing agreement to other litigation parties without awaiting a discovery request unless otherwise stipulated or ordered by the court; providing that a violation shall render the contract unenforceable; providing that a court may assess costs and attorneys' fees against the defendant; clarifying authority of the Attorney General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing a maximum frequency of annual fee charges; providing that fees may compound semiannually but may not compound based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing a maximum term for assessing fees; restricting incorporation of prior obligations; prohibiting litigation financiers from knowingly providing financing to a consumer with existing obligations to another litigation financier except under certain circumstances; and permitting multiple litigation financiers to contemporaneously provide financing to a consumer when the consumer and the consumer's attorney consent to the agreement in writing."

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 560**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Jennings, Kump, McGeehan and Paynter.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 360) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Kump, Steele and N. Brown.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 31 - "Requesting the Division of Highways name bridge number 20-32/3-0.47 (20A683), locally known as NGK Pony Truss, carrying County Route 32/3 over the Pocatalico River in Kanawha County, the "U. S. Army SGT James E. Mattingly Bridge".

Whereas, James E. Mattingly was born November 14, 1931. He continues to work in the highway construction industry as he has since 1958. James E. Mattingly graduated from Morgantown High School in 1949. He worked briefly as a coal miner and then enlisted in the U.S. Army, completing a tour of duty stationed in Fort Richardson, Alaska. He was honorably discharged as a Sergeant on October 6, 1952. He married Jeneane "Bonnie" Vorbach on June 22, 1952; and

Whereas, James E. Mattingly entered West Virginia University in 1954, where he majored in geology with minors in math and chemistry, graduating in 1957. His employment included work with a mining engineering company doing coal evaluation and supervising core drilling programs, an engineer in charge of research and drafting of property maps for the State Tax Department, and project engineer, foreman, and estimator on highway projects such as Interstate 81 in Berkeley County, Interstate 79 from Fairmont to Jane Lew, Interstate 64 at Clintonville, and Interstate 64 at South Charleston; and

Whereas, James E. Mattingly's work also included work on the Sycamore Street bridge in Clarksburg, the Stadium bridge at WVU, Pine Grove bridge, Clarksburg by-pass, 6th Street bridge in Clarksburg, Haywood-Lumberport bridge, Simpson Creek bridge in Bridgeport, the Mud River dam in Lincoln County, restoration of the Chicken Railroad at Sector, the Clovis bridge at Blacksville, Rt 19 at Birch River, and Hurricane bridge, as well as the two bridges that lead to the NGK Spark Plug Plant, a project that was completed because James E. Mattingly put his reputation on the line that it would be constructed and completed on time; and

Whereas, James E. Mattingly has held most offices and served or chaired on most committees of the Construction Association of West Virginia, serving as president for 17 months, from January 1989 through July 1990. He also belonged to the West Virginia Association of Land Surveyors, the Geological Society of America, the American Institute of Professional Geologists, the National Society of Professional Engineers, the West Virginia Chamber of Commerce, and is a charter member and past state president of Professional Engineers in Construction; and

Whereas, It is fitting that this bridge be named to commemorate SGT James E. Mattingly and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-32/3-0.47 (20A683), locally known as NGK Pony Truss, carrying County Route 32/3 over the Pocatalico River in Kanawha County, the "SGT James E. Mattingly Bridge" and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "SGT James E. Mattingly Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 32 - "Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways."

Resolved by the Legislature of West Virginia:

That the Secretary of the Department of Transportation is hereby requested to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways.

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation and the Governor.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 2, Senator J. Frank Deem Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 13, Chief Robert Edward Dorsey Memorial Highway.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 23, U. S. Army SGT Rodney David King and U. S. Army SGT James Harris King Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 66, U. S. Army SPC Thurman 'Duwayne' Young Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2363, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-15. Upper Kanawha Valley Resiliency and Revitalization Program.

(a) *Definitions.* —

(1) *General.* — Terms defined in this section have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition in this section.

(2) *Terms Defined.* —

(A) “Contributing partners” means those entities or their representatives described in subsection (f) of this section.

(B) “Prioritize” means, with regard to resources, planning, and technical assistance, that the members of the revitalization council are required to waive their discretionary program guidelines to allow funding requests that may fall outside of the programs’ guidelines but address the Upper Kanawha Valley communities’ goals for revitalization: *Provided*, That properly filed funding applications by Upper Kanawha Valley communities shall be given preferential treatment.

~~(B)~~(C) “Program” means the Upper Kanawha Valley Resiliency and Revitalization Program established in this section.

~~(C)~~(D) “Revitalization council” means those entities or their representatives described in subsection (d) of this section.

~~(D)~~(E) “Technical assistance” means resources provided by the state, revitalization council, contributing partners, or any other individuals or entities providing programming, funding, or other support to benefit the Upper Kanawha Valley under the program.

~~(E)~~(F) “Upper Kanawha Valley” means an area ~~defined by the Development Office that encompasses the areas from Gauley Bridge to Pratt, including the municipalities of Montgomery, Smithers, Pratt and Gauley Bridge~~ historically known as the Upper Kanawha Valley including municipalities and surrounding areas from the Charleston city limits to Gauley Bridge or other communities in the vicinity of the former location of the West Virginia University Institute of Technology.

~~(F)~~(G) “Upper Kanawha Valley Resiliency and Revitalization Program” means the entire process undertaken to further the goals of this section, including collaboration development and implementation between the members, contributors and technical assistance resource providers.

(b) *Legislative purpose, findings and intent.* —

(1) The decision to relocate the historic campus of the West Virginia University Institute of Technology from Montgomery, West Virginia to Beckley, West Virginia ~~will have~~ has had a dramatic economic impact on the Upper Kanawha Valley.

(2) The purpose of this section is to establish the Upper Kanawha Valley Resiliency and Revitalization Program. To further this purpose, this program creates a collaboration among state government, higher education and private and nonprofit sectors to streamline technical assistance capacity, existing services and other resources to facilitate community revitalization in the Upper Kanawha Valley.

(3) It is the intent of the Legislature to identify existing state resources that can be prioritized to support the Upper Kanawha Valley, generate thoughtful and responsible ideas to mitigate the negative effects of the departure of the West Virginia Institute of Technology from the Upper Kanawha Valley, and help chart a new course and prosperous future for the Upper Kanawha Valley.

(c) Upper Kanawha Valley Resiliency and Revitalization Program established; duration of program. —

(1) The Development Office shall establish the Upper Kanawha Valley Resiliency and Revitalization Program in accordance with the provisions of this section. ~~subject to the availability of funding necessary to support the program~~ The program shall inventory existing assets and resources, prioritize planning and technical assistance, and determine such other assistance as might be available to revitalize communities in the Upper Kanawha Valley.

(2) The program shall be ~~established for an initial period of five years from the effective date of this legislation~~ active until it concludes its work on June 30, 2024, and delivers a final report to the Joint Committee on Government and Finance no later than October 1, 2024.

(d) Revitalization council created. — There is hereby created a revitalization council to fulfill the purposes of this section. The revitalization council shall be coordinated by the Development Office in the Department of Commerce and be subject to oversight by the secretary of the department. The following entities shall serve as members of the revitalization council:

(1) The Executive Director of the Development Office or their designee, who shall serve as chairperson of the council;

(2) The Secretary of the Department of Health and Human Resources or their designee;

(3) The Commissioner of the Department of Agriculture or their designee;

(4) The Executive Director of the West Virginia Housing Development Fund or their designee;

(5) A representative from the Kanawha County commission;

(6) A representative from the Fayette County commission;

(7) The mayor, or their designee, from the municipalities of Montgomery, Smithers, Pratt, and Gauley Bridge;

(8) A representative from Bridge Valley Community and Technical College; and

(9) A representative from West Virginia University.

(e) *Duties of the revitalization council.* —

(1) The council shall prioritize the programs of its members by requiring that, if proper applications are made, resources and funding are directed to Upper Kanawha Valley communities to support economic development efforts in the Upper Kanawha Valley. The council shall be flexible with regard to the programmatic uses of resources and funding: *Provided*, That such uses do not violate federal or state laws, rules, or regulations governing the use of resources and funding.

~~(1)~~(2) The council shall identify existing state resources that can be prioritized to support economic development efforts in the Upper Kanawha Valley.

~~(2)~~(3) The council shall direct existing resources in a unified effort and in conjunction with contributing partners, as applicable, to support the Upper Kanawha Valley.

~~(3)~~(4) The council shall develop a rapid response strategy to attract or develop new enterprises and job creating opportunities in the Upper Kanawha Valley.

~~(4)~~(5) The council shall conduct or commission a comprehensive assessment of assets available at the campus of the West Virginia Institute of Technology and determine how those assets will be preserved and repurposed.

~~(5)~~(6) The council shall assist communities in the Upper Kanawha Valley by developing an economic plan to diversify and advance the community.

~~(6)~~(7) Members of the council shall support both the planning and implementation for the program and shall give priority wherever possible to programmatic activity and discretionary, noncompetitive funding during the period the program remains in effect.

~~(7)~~(8) Members of the council shall work together to leverage funding or other agency resources to benefit efforts to revitalize the Upper Kanawha Valley.

(f) *Contributing partners.* — To the extent possible, the revitalization council shall incorporate the resources and expertise of additional providers of technical assistance to support the program, which shall include, but not be limited to:

- (1) The West Virginia Small Business Development Center;
- (2) The Center for Rural Health Development;
- (3) The West Virginia University Brickstreet Center for Entrepreneurship;
- (4) The West Virginia University Land Use and Sustainability Law Clinic;
- (5) The West Virginia University Center for Big Ideas;
- (6) The New River Gorge Regional Development Authority;
- (7) The ~~Rahall~~ Appalachian Transportation Institute;
- (8) The Marshall University Center for Business and Economic Research;
- (9) TechConnect;

(10) The West Virginia Community Development Hub;

(11) The West Virginia University Northern Brownfields Assistance Center;

(12) West Virginia State University Extension Service; and

(13) West Virginia University Extension Service, Community, Economic and Workforce Development.

(g) *Reporting and agency accountability.* — The revitalization council, in coordination with its contributing partners, as applicable, shall report annually to the Governor, and the Legislature detailing the progress of the technical assistance support provided by the program, the strategic plan for the Upper Kanawha Valley and the results of these efforts. The annual report to the Legislature shall be made to the Joint Committee on Government and Finance regarding the previous fiscal year no later than October 1 of each year. Copies of the annual report to the Legislature shall be provided to the county commissions and county school boards of Kanawha and Fayette counties and the mayors of the Upper Kanawha Valley.

(h) *Economic Incentives for businesses investing in the Upper Kanawha Valley.* — The Development Office and the revitalization council, as applicable, will work to educate businesses investing, or interested in investing, in the Upper Kanawha Valley, about the availability of, and access to, economic development assistance, including, but not limited to, the economic opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or development assistance.

(i) *Use of state property and equipment; faculty.* — The Development Office or other owner of state property and equipment in the Upper Kanawha Valley is authorized to provide for the low cost and economical use and sharing of state property and equipment, including computers, research labs, and other scientific and necessary equipment to assist any business within the Upper Kanawha Valley at a nominal or reduced-cost reimbursements to the state for such use.

(j) *Joint Establishment of Schools Assessment.* As part of the program established in this section, the council shall assess the option of utilizing the authority granted in §18-5-11 of this code to allow Kanawha County and Fayette County to jointly create or maintain schools that serve the Upper Kanawha Valley: *Provided*, That the council's authority may not supersede the authority granted to Kanawha County or Fayette County pursuant to §18-5-11. The State Superintendent of Schools and any local community and technical college shall participate in the assessment. Any option that arises out of this assessment may not impact the plans adopted in Fayette County regarding other schools within the county. The goal of the assessment is to determine whether students in the Upper Kanawha Valley can receive their constitutionally protected education in the Upper Kanawha Valley. The assessment shall take into consideration options for high school students to take a combination of high school courses and college courses to meet the requirements to graduate from high school and earn college credits that can be applied toward meeting the requirements of a degree or credential. Ultimately, the results of the assessment shall be included in the annual report due to the Legislature no later than October 1 of each year."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2363 - "A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; modifying definition of "Upper Kanawha Valley"; defining terms; extending the length of the program;

adding to duties of revitalization council; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 561**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2363) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2452, Creating the West Virginia Cybersecurity Office.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 2579, Relating to the collection of tax and the priority of distribution of an estate or property in receivership.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2667, Supplemental appropriation to the Department of Military Affairs and Public Safety, Division of Corrections.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2703, Relating to refunds of excise taxes collected from dealers of petroleum products.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section thirty, lines sixteen and seventeen, after the word “evaporation”, by adding a comma and the following: “not exceeding one percent of the adjusted total accountable gallons, computed as determined by the commissioner”.

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2703 - "A Bill to amend and reenact §11-14-10 of the Code of West Virginia, 1931, as amended, relating to refunds of excise taxes collected from dealers of petroleum products under certain circumstances; and increasing a cap on the amount of tax that may be refunded for fuels lost through evaporation."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 562**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Foster and Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2703) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 2954, Defining certain terms used in insurance.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 45. ETHICS AND FAIRNESS IN INSURER BUSINESS PRACTICES.

§33-45-1. Definitions.

As used in this article:

(1) "Claim" means each individual request for reimbursement or proof of loss made by or on behalf of an insured or a provider to an insurer, or its intermediary, administrator or representative, with which the provider has a provider contract for payment for health care services under any health plan.

(2) "Clean claim" means a claim:

(A) That has no material defect or impropriety, including all reasonably required information and substantiating documentation, to determine eligibility or to adjudicate the claim; or

(B) With respect to which an insurer has failed timely to notify the person submitting the claim of any such defect or impropriety in accordance with section two of this article.

(3) "Commissioner" means the Insurance Commissioner of West Virginia.

(4) "Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical or mental disability.

(5) "Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan; medical or hospital services plan as defined in article twenty four of this chapter; accident and sickness insurance policy or certificate; managed care health insurance plan, or health maintenance organization subject to state regulation pursuant to §33-25a-1 *et seq.*, of this code; which is offered, arranged, issued or administered in the state by an insurer authorized under this chapter, a third-party administrator or an intermediary. Health plan does not mean:

(A) Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §1395 *et seq.* (Medicare), Title XIX of the Social Security Act, 42 U.S.C. §1396 *et seq.* or Title XX of the Social Security Act, 42 U.S.C. §1397 *et seq.* (Medicaid), 5 U.S.C. §8901 *et seq.*, or 10 U.S.C. §1071 *et seq.* (CHAMPUS); or §5-16-1 *et seq.*, of this code (PEIA);

(B) Accident only, credit or disability insurance, long-term care insurance, CHAMPUS supplement, Medicare supplement, workers' compensation coverages or limited benefits policy as defined in article sixteen-e of this chapter; or

(C) Any a third-party administrator or an intermediary acting on behalf of providers as denoted in ~~subparagraphs (A) and (B)~~ §33-45-1(5)(A) or §33-45-1(5)(B) of this code.

(6) "Insured" means a person who is provided health insurance coverage or other health care services coverage from an insurer under a health plan.

(7) "Insurer" means any person required to be licensed under this chapter which offers or administers as a third party administrator health insurance; operates a health plan subject to this chapter; or provides or arranges for the provision of health care services through networks or provider panels which are subject to regulation as the business of insurance under this chapter. "Insurer" also includes intermediaries. "Insurer" does not include:

(A) Credit accident and sickness insurance;

(B) Accident and sickness policies which provide benefits for loss of income due to disability;

(C) Any policy of liability of workers' compensation insurance;

(D) Hospital indemnity or other fixed indemnity insurance;

(E) Life insurance, including endowment or annuity contracts, or contracts supplemental thereto, which contain only provisions relating to accident and sickness insurance that:

(i) Provide additional benefits in cases of death by accidental means; or

(ii) Operate to safeguard the contracts against lapse, in the event that the insured shall become totally and permanently disabled as defined by the contract or supplemental contract; and

(F) Property and casualty insurance.

(8) "Provider contract" means any contract between a provider and

(A) An insurer;

(B) A health plan; or

(C) An intermediary, relating to the provision of health care services.

(9) "Retroactive denial" means the practice of denying previously paid claims by withholding or setting off against payments, or in any other manner reducing or affecting the future claim payments to the provider, or to seek direct cash reimbursement from a provider for a payment previously made to the provider.

(10) "Provider" means a person or other entity which holds a valid license or permit, including a valid temporary license or permit pursuant to chapter 30 of this code, to provide specific health care services in this state.

(11) "Intermediary" means a physician, hospital, physician-hospital organization, independent provider organization, or independent provider network which receives compensation for arranging one or more health care services to be rendered by providers to insureds of a health plan or insurer. An intermediary does not include an individual provider or group practice that utilizes only its employees, partners or shareholders and their professional licenses to render services.

§33-45-2. Minimum fair business standards contract provisions required; processing and payment of health care services; provider claims; commissioner's jurisdiction.

(a) Every provider contract entered into, amended, extended, or renewed by an insurer on or after August 1, 2001, shall contain specific provisions which shall require the insurer to adhere to and comply with the following minimum fair business standards in the processing and payment of claims for health care services:

(1) An insurer shall either pay or deny a clean claim within 40 days of receipt of the claim if submitted manually and within 30 days of receipt of the claim if submitted electronically, except in the following circumstances:

(A) Another payor or party is responsible for the claim;

(B) The insurer is coordinating benefits with another payor;

(C) The provider has already been paid for the claim;

(D) The claim was submitted fraudulently; or

(E) There was a material misrepresentation in the claim.

(2) Each insurer shall maintain a written or electronic record of the date of receipt of a claim. The person submitting the claim shall be entitled to inspect the record on request and to rely on that record or on any other relevant evidence as proof of the fact of receipt of the claim. If an insurer fails to maintain an electronic or written record of the date a claim is received, the claim shall be considered received three business days after the claim was submitted based upon the written or electronic record of the date of submittal by the person submitting the claim.

(3) An insurer shall, within 30 days after receipt of a claim, request electronically or in writing from the person submitting the claim any information or documentation that the insurer reasonably believes will be required to process and pay the claim or to determine if the claim is a clean claim. The insurer shall use all reasonable efforts to ask for all desired information in one request, and shall if necessary, within 15 days of the receipt of the information from the first request, only request

or require additional information one additional time if such additional information could not have been reasonably identified at the time of the original request or to specifically identify a material failure to provide the information requested in the initial request. Upon receipt of the information requested under this subsection which the insurer reasonably believes will be required to adjudicate the claim or to determine if the claim is a clean claim, an insurer shall either pay or deny the claim within 30 days. No insurer may refuse to pay a claim for health care services rendered pursuant to a provider contract which are covered benefits if the insurer fails to timely notify the person submitting the claim within 30 days of receipt of the claim of the additional information requested unless such failure was caused in material part by the person submitting the claims: *Provided*, That nothing herein shall preclude such an insurer from imposing a retroactive denial of payment of such a claim if permitted by the provider contract unless such retroactive denial of payment of the claim would violate §33-45-2(a)(7) of this code. This subsection does not require an insurer to pay a claim that is not a clean claim except as provided herein.

(4) Interest, at a rate of 10 percent per annum, accruing after the 40-day period provided in §33-45-2(a)(1) of this code owing or accruing on any claim under any provider contract or under any applicable law, shall be paid and accompanied by an explanation of the assessment on each claim of interest paid, without necessity of demand, at the time the claim is paid or within 30 days thereafter.

(5) Every insurer shall establish and implement reasonable policies to permit any provider with which there is a provider contract:

(A) To promptly confirm in advance during normal business hours by a process agreed to between the parties whether the health care services to be provided are a covered benefit; and

(B) To determine the insurer's requirements applicable to the provider (or to the type of health care services which the provider has contracted to deliver under the provider contract) for:

(i) Precertification or authorization of coverage decisions;

(ii) Retroactive reconsideration of a certification or authorization of coverage decision or retroactive denial of a previously paid claim;

(iii) Provider-specific payment and reimbursement methodology; and

(iv) Other provider-specific, applicable claims processing and payment matters necessary to meet the terms and conditions of the provider contract, including determining whether a claim is a clean claim.

(C) Every insurer shall make available to the provider within 20 business days of receipt of a request, reasonable access either electronically or otherwise, to all the policies that are applicable to the particular provider or to particular health care services identified by the provider. In the event the provision of the entire policy would violate any applicable copyright law, the insurer may instead comply with this subsection by timely delivering to the provider a clear explanation of the policy as it applies to the provider and to any health care services identified by the provider.

(6) Every insurer shall pay a clean claim if the insurer has previously authorized the health care service or has advised the provider or enrollee in advance of the provision of health care services that the health care services are medically necessary and a covered benefit, unless:

(A) The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized; or

(B) The insurer's refusal is because:

(i) Another payor or party is responsible for the payment;

(ii) The provider has already been paid for the health care services identified on the claim;

(iii) The claim was submitted fraudulently or the authorization was based in whole or material part on erroneous information provided to the insurer by the provider, enrollee, or other person not related to the insurer;

(iv) The person receiving the health care services was not eligible to receive them on the date of service and the insurer did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status;

(v) There is a dispute regarding the amount of charges submitted; or

(vi) The service provided was not a covered benefit and the insurer did not know, and with the exercise of reasonable care could not have known, at the time of the certification that the service was not covered.

(7) A previously paid claim may be retroactively denied only in accordance with this subdivision.

(A) No insurance company may retroactively deny a previously paid claim unless:

(i) The claim was submitted fraudulently;

(ii) The claim contained material misrepresentations;

(iii) The claim payment was incorrect because the provider was already paid for the health care services identified on the claim or the health care services were not delivered by the provider;

(iv) The provider was not entitled to reimbursement;

(v) The service provided was not covered by the health benefit plan; or

(vi) The insured was not eligible for reimbursement.

(B) A provider to whom a previously paid claim has been denied by a health plan in accordance with this section shall, upon receipt of notice of retroactive denial by the plan, notify the health plan within 40 days of the provider's intent to pay or demand written explanation of the reasons for the denial.

(i) Upon receipt of explanation for retroactive denial, the provider shall reimburse the plan within 30 days for allowing an offset against future payments or provide written notice of dispute.

(ii) Disputes shall be resolved between the parties within 30 days of receipt of notice of dispute. The parties may agree to a process to resolve the disputes in a provider contract.

(iii) Upon resolution of dispute, the provider shall pay any amount due or provide written authorization for an offset against future payments.

(C) A health plan may retroactively deny a claim only for the reasons set forth in §33-45-2(a)(7)(A)(iii) through §33-45-2(a)(7)(A)(vi) of this code for a period of one year from the date the

claim was originally paid. There shall be no time limitations for retroactively denying a claim for the reasons set forth in ~~subparagraphs (i) and (ii) above~~ §33-45-2(a)(7)(A)(i) and §33-45-2(a)(7)(A)(ii) of this code.

(8) No provider contract may fail to include or attach at the time it is presented to the provider for execution:

(A) The fee schedule, reimbursement policy or statement as to the manner in which claims will be calculated and paid which is applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider on a routine basis; and

(B) All material addenda, schedules, and exhibits thereto applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider under the provider contract.

(9) No amendment to any provider contract or to any addenda, schedule, or exhibit, or new addenda, schedule, exhibit, applicable to the provider to the extent that any of them involve payment or delivery of care by the provider, or to the range of health care services reasonably expected to be delivered by that type of provider, is effective as to the provider, unless the provider has been provided with the applicable portion of the proposed amendment, or of the proposed new addenda, schedule, or exhibit, and has failed to notify the insurer within 20 business days of receipt of the documentation of the provider's intention to terminate the provider contract at the earliest date thereafter permitted under the provider contract.

(10) In the event that the insurer's provision of a policy required to be provided under §33-45-2(a)(8) and §33-45-2(a)(9) of this code would violate any applicable copyright law, the insurer may instead comply with this section by providing a clear, written explanation of the policy as it applies to the provider.

(11) The insurer shall complete a credential check of any new provider and accept or reject the provider within four months following the submission of the provider's completed application: *Provided*, That time frame may be extended for an additional three months because of delays in primary source verification. The insurer shall make available to providers a list of all information required to be included in the application. A provider ~~who is permitted by the insurer to provide services and who provides services during the credentialing period shall be paid for the services if the provider's application is approved.~~ *Provided*, That nothing in this subdivision prevents an insurer from obtaining refund of overpayments to a provider when the provider fails to become credentialed after having gone through the credentialing process.

(b) Without limiting the foregoing, in the processing of any payment of claims for health care services rendered by providers under provider contracts and in performing under its provider contracts, every insurer subject to regulation by this article shall adhere to and comply with the minimum fair business standards required under §33-45-2(a) of this code. The commissioner has jurisdiction to determine if an insurer has violated the standards set forth in §33-45-2(a) of this code by failing to include the requisite provisions in its provider contracts. The commissioner has jurisdiction to determine if the insurer has failed to implement the minimum fair business standards set out in §33-45-2(a)(1) and §33-45-2(a)(2) of this code in the performance of its provider contracts.

(c) No insurer is in violation of this section if its failure to comply with this section is caused in material part by the person submitting the claim or if the insurer's compliance is rendered

impossible due to matters beyond the insurer's reasonable control, such as an act of God, insurrection, strike, fire, or power outages, which are not caused in material part by the insurer."

And,

By amending the title of the bill to read as follows:

H. B. 2954 - "A Bill to amend and reenact §33-45-1 and §33-45-2 of the Code of West Virginia, 1931, as amended, all relating to ethics and fairness in insurer business practices; clarifying "provider" definition; correcting citations; and requiring payment for services of a provider who provides services during the credentialing period."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 563**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2954) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 2992, Relating to governmental websites.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-7. Website content and required information.

Beginning December 31, 2019, each agency shall maintain a website that provides the following information, if applicable:

(1) The office contact information, including office location and mailing address, telephone number, facsimile number, office hours, and a secure electronic means of contacting the office such as a contact portal or other interface;

(2) The contact information of each staff member, including office location and mailing, address, office telephone number, facsimile number, and an organizational electronic mail address;

(3) Organizational chart;

- (4) Administrative agency officials;
- (5) A list of governing statutes and legislative and procedural rules;
- (6) Meeting minutes;
- (7) Annual reports;
- (8) All agency forms, including application forms, complaint forms, and instructions; and
- (9) Frequently asked questions and descriptive answers.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3rr. Accessible county records; required information.

(a) Beginning July 1, ~~2017~~ 2019, each county commission may maintain a website that provides the following information without charge:

- (1) The title and name of each elected county office holder;
- (2) The contact information of each elected county office holder, including office telephone number, facsimile number, office location and mailing address;
- (3) ~~The government electronic mail address of~~ A secure electronic means of contacting each elected county office holder;
- (4) A copy of each county ordinance in effect;
- (5) A copy of the approved meeting minutes; and
- (6) A schedule of regular meeting days for each calendar year.

(b) Beginning on or before December 31, ~~2017~~ 2019, and each year thereafter, each county commission shall provide to the Secretary of State ~~shall obtain~~ the following information:

- (1) A list of each elected county official by title, with the name of the elected official;
- (2) The office contact information for each county office holder; and
- (3) The website address of the county commission website, where available.

(c) The county commission shall update the information required pursuant to this section within 30 days of the date the change occurs and shall provide the updated information to the Office of Technology who shall update the information on the wv.gov website.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 39. MUNICIPAL WEBSITES.

§8-39-1. Accessible municipal records; required information.

(a) Beginning on or before December 31, 2019, each municipality may maintain a website that provides the following information accessible to the public without charge:

(1) The title and name of each elected office holder;

(2) The contact information of each elected office holder, including office telephone number, facsimile number, office location, office hours and mailing address;

(3) A secure electronic means of contacting each elected office holder;

(4) A copy of each municipal ordinance in effect;

(5) A copy of the approved meeting minutes; and

(6) A schedule of regular meeting days for each calendar year.

(b) Each municipality shall update the information required pursuant to this section within 30 days of the date the change occurs and provide the updated information to the Office of Technology who shall update the information on the wv.gov website.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 564**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Barrett, Pushkin, Robinson and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2992) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 3135, Expiring funds to the balance of the Department of Commerce, Development Office.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, line four, by striking out “3006” and inserting in lieu thereof “3014”.

And,

By amending the title of the bill to read as follows:

H. B. 3135 - “A Bill expiring funds to the balance of the Department of Commerce, Development Office – Entrepreneurship and Innovation Investment Fund, fund 3014, fiscal year 2019, organization 0307, in the amount of \$500,000, from the Auditor’s Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2019, organization 1200, by supplementing and amending chapter 12, Acts of the Legislature, 2018, known as the Budget Bill.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 565**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: McGeehan and Paynter.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3135) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 566**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3135) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 20, PFC Charles Everett Hurd Memorial Bridge.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page one, in the Resolved clause, line seventeen, by striking out the word “PFC” and inserting in lieu thereof the words “U.S. Marine Corps PFC”.

On page two, in the first Further Resolved clause, line two, by striking out the word “PFC” and inserting in lieu thereof the words “U.S. Marine Corps PFC”.

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 20- “Requesting the Division of Highways name bridge number 18-13-0-.12, near Sandyville in Jackson County, locally known as the Sandyville Bridge, the ‘U.S. Marine Corps PFC Charles Everett Hurd Memorial Bridge’.”

The resolution, as amended, was then adopted.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 677 - "A Bill supplementing and amending by increasing existing items of appropriation and adding a new item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506; and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019."

In the absence of objection, the bill (S. B. 677) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 678 - "A Bill making a supplementary appropriation by adding new items of appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Administration, Office of Technology, fund 2532, fiscal year 2019, organization 0231, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019."

In the absence of objection, the bill (S. B. 678) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 679 - "A Bill supplementing and amending by adding a new item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2019, organization 0209, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019."

In the absence of objection, the bill (S. B. 679) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 680 - "A Bill supplementing and amending by increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606; and to the Department of Military Affairs and Public Safety, Division of Corrections, Central Office, fund 0446, fiscal year 2019, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019."

In the absence of objection, the bill (S. B. 680) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

S. B. 681 - "A Bill making a supplementary appropriation of Lottery Net Profits by adding a new item of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Education and the Arts, Educational Broadcasting Authority, fund 3587, fiscal year 2019, organization 0439, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019."

In the absence of objection, the bill (S. B. 681) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 2647, Self Storage Limited License Act.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.

§33-12-38. Self-Service Storage Limited License Act.

(a) Definitions. For purposes of this section, the following terms have the following meanings:

(1) "Leased space" means the individual storage space at the self-service storage facility which is leased or rented to an occupant pursuant to a rental agreement;

(2) "Location" means any physical location in the State of West Virginia or any website, call center site, or similar location directed to residents of the State of West Virginia;

(3) "Occupant" means a person entitled to the use of a leased space at a self-service storage facility under a rental agreement, or the person's sublessee, successor, or assign;

(4) "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility or the owner's agent or any other person authorized to manage the facility or to receive rent from any occupant under a rental agreement;

(5) "Personal property" means movable property not affixed to land and includes, but is not limited to, goods, wares, merchandise, motor vehicles, and household items and furnishings;

(6) "Rental agreement" means any agreement or lease that establishes or modifies the terms, conditions or rules concerning the lawful and reasonable use and occupancy of leased space at a self-service storage facility;

(7) "Self-service storage facility" means any real property used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants have access for storing or removing their personal property;

(8) "Self-service storage insurance" means personal property insurance offered in connection with and incidental to the lease or rental of leased space at a self-service storage facility that provides coverage to occupants at the self-service storage facility where the insurance is transacted for the loss of or damage to personal property that occurs at that facility or when the property is in transit to or from that facility during the period of the rental agreement; and

(9) "Supervising entity" means a business entity that is a licensed insurance producer or an insurer.

(b) Licensure of owners.

(1) An owner shall hold a limited lines license under this section if the owner sells, solicits, or offers coverage for self-service storage insurance. Notwithstanding any other provision of this section to the contrary, an owner is not required to be licensed solely to display and make available to occupants and prospective occupants brochures and other promotional materials created by or on behalf of an authorized insurer or surplus lines insurer.

(2) A limited lines license issued under this section is limited to authorizing an owner and the owner's employees and authorized representatives to sell, solicit, and offer coverage for self-service storage insurance to occupants.

(3) A limited lines license issued under this section authorizes an owner and the owner's employees and authorized representatives to sell, solicit, and offer self-service storage insurance coverage at each location at which the owner conducts business.

(4) An owner shall maintain, and share with its supervising entity, a list of all locations in this state at which self-service storage insurance is offered on its behalf. The supervising entity shall submit the list to the Insurance Commissioner within 30 days upon request.

(5) An owner and its employees and authorized representatives are not subject to the agent pre-licensing education, examination, or continuing education requirements of this article.

(c) Requirements for Sale of Self-Service Storage Insurance.

(1) At every location where self-service storage insurance is offered, the owner shall make brochures or other written or electronic materials available to occupants which:

(A) Disclose that self-service storage insurance may provide a duplication of coverage already provided by an occupant's homeowner's insurance policy, renter's insurance policy, or other source of coverage;

(B) State that the enrollment by the occupant for the self-service storage insurance coverage offered by the owner is not required in order to lease or rent leased space from the owner;

(C) Provide the actual terms of the self-service storage insurance coverage, or summarize the material terms of the insurance coverage, including:

(i) The identity of the insurer;

(ii) The identity of the supervising entity;

(iii) The amount of any applicable deductible and how it is to be paid;

(iv) Benefits of the coverage; and

(v) Key terms and conditions of coverage;

(D) Summarize the process for filing a claim;

(E) State that the occupant may cancel enrollment for the self-service storage insurance coverage at any time and the person paying the premium shall receive a refund of any applicable unearned premium.

(2) Self-service storage insurance may be provided under an individual policy or under a commercial, corporate, group, or master policy.

(3) Eligibility and underwriting standards for occupants electing to enroll in coverage shall be established for each self-service storage insurance program.

(d) Authority of owners.

(1) The employees and authorized representatives of owners may sell, solicit, and offer self-service storage insurance to occupants and are not subject to licensure as an insurance producer under this article provided that:

(A) The owner obtains a limited lines license to authorize the owner's employees and authorized representatives to sell, solicit, and offer self-service storage insurance;

(B) The insurer issuing the self-service storage insurance appoints a supervising entity to supervise the administration of the program including development of a training program for employees and authorized representatives of the owner who sell, solicit, or offer self-service storage insurance. The training required by this subdivision shall comply with the following:

(i) The training shall be delivered to all employees and authorized representatives of the owner who sell, solicit, or offer self-service storage insurance;

(ii) The training may be provided in electronic form. However, if provided in an electronic form the supervising entity shall implement a supplemental education program regarding the self-service storage insurance that is provided and overseen by licensed employees of the supervising entity; and

(iii) Each employee and authorized representative selling, soliciting, or offering self-service storage insurance shall receive basic instruction about the self-service storage insurance offered to occupants and the disclosures required under paragraph (C) of this subdivision.

(C) An employee or authorized representative of an owner does not advertise, represent, or otherwise hold himself or herself out as a licensed insurance producer, unless so licensed;

(D) An employee or authorized representative of an owner is compensated based primarily on the number of occupants enrolled for self-service storage insurance coverage. Employees and authorized representatives may receive compensation for enrolling occupants for self-service storage insurance coverage as long as the compensation for those activities is incidental to their overall compensation;

(2) The charges for self-service storage insurance coverage may be billed and collected by the owner. Any charge to the occupant for coverage that is not included in the cost associated with the lease or rental of leased space shall be separately itemized on the occupant's bill. If the coverage is

included in the lease or rental of leased space, the owner shall clearly and conspicuously disclose to the occupant that the self-service storage insurance coverage is included with the lease or rental of leased space. An owner billing and collecting the charges is not required to maintain the funds in a segregated account, provided that the owner is authorized by the insurer to hold the funds in an alternative manner and remits the amounts to the supervising entity or insurer within 60 days of receipt. All premiums received by an owner from an occupant for self-service storage insurance shall be considered funds held by the owner in a fiduciary capacity for the benefit of the insurer. Owners may receive compensation for billing and collection services.

(e) Suspension of Privileges.

(1) If an owner or its employee or authorized representative violates any provision of this section, the commissioner may do any of the following:

(A) After notice and hearing, impose fines not to exceed \$500 per violation or \$5,000 in the aggregate for such conduct.

(B) After notice and hearing, impose other penalties that the commissioner considers necessary and reasonable to carry out the purpose of this article, including:

(i) Suspending the privilege of transacting self-service storage insurance pursuant to this section at specific business locations where violations have occurred; and

(ii) Suspending or revoking the ability of individual employees or authorized representatives to act under this section.

(2) If a supervising entity is determined by the commissioner to have not performed its required duties under this section or has otherwise violated any provision of this section, it is subject to the administrative actions set forth in §33-12-24 of this code.

And,

By amending the title of the bill to read as follows:

H. B. 2647 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-12-38, relating to establishing a limited lines insurance license for self-service storage providers; defining terms; providing for licensure of owners; setting forth requirements for the sale of self-service storage insurance; providing for sale by employees and authorized representatives of the owner; setting forth the authority of owners; and providing for suspension of privileges."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 567**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Fluharty.

Absent and Not Voting: S. Brown.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2647) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

On motion for leave the following resolutions were introduced (Originating in the Committee on Education and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which were read by their titles, as follows:

By Delegates Hamrick, Atkinson, Bibby, Cooper, Dean, Doyle, Estep-Burton, Evans, Hanna, Higginbotham, Hornbuckle, Jennings, J. Kelly, Rohrbach, R. Thompson, Toney and Zukoff:

H. C. R. 94 - "Requesting the Joint Committee on Government and Finance to conduct an interim study on the deficiencies within programs that provide first responder training in West Virginia,"

Whereas, paramedics, firefighters, emergency medical responders, and other first responders are vital to the publics' safety; and

Whereas, it is in the state's interest to explore all opportunities for improving first responder training; and

Whereas, deficiencies in first responder training have been noted in HB2586 (2019) may be addressed to knowledgably improve the programs; and

Whereas, research regarding deficiencies in training and areas needing more first responders would be in the best interests of all West Virginias.

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on the deficiencies in first responder training and areas of the state deficient in first responders; and it be

Further Resolved, That a report of the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations be reported to the Legislature as its 2020 Regular Session; and be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance.

And,

By Delegates Hamrick, Atkinson, Bibby, Cooper, Dean, Doyle, Estep-Burton, Evans, Hanna, Higginbotham, Hornbuckle, Jennings, J. Kelly, Rohrbach, R. Thompson, Toney and Zukoff:

H. C. R. 95 - "Requesting the Joint Committee on Government and Finance to conduct an interim study on public school finance."

Whereas, State programs for financing public schools generally consist of: (1) A basic foundation amount necessary for school staffing, programs and operations for which the responsibility is allocated between the local school district based on the district's relative wealth and state aid to close the gap; (2) Additional state appropriated funding or "categorical funds" restricted for specific programmatic and other purposes and for facilities improvement; and (3) Federal funds expended in accordance with the Every Student Succeeds Act and the Individuals with Disabilities Education Act and associated federal regulations; and

Whereas, States typically adjust the foundation amounts of the various districts to reflect certain high cost variances such as differences in regional costs, disproportionately large or small districts, high poverty areas and isolated schools or districts; and

Whereas, Many states provide for transportation funding separately from other educational costs, often through a separate formula, because the per pupil costs for transportation are impacted by factors that do not affect other school expenses and can vary greatly from district to district; and

Whereas, School funding formulas are often viewed as overly complex sequences of computations and rules comprehensible to only the handful of personnel steeped in school finance but it is none the less important for policymakers to recognize how the formulas can either restrict or accommodate policy changes, adequately adjust for the increasingly diverse financial circumstances and needs among the state's school systems and facilitate innovation; therefore be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on public school finance; and be it

Further Resolved, That a report of the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations be reported to the Legislature at its 2020 Regular Session; and be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft necessary legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance.

The Speaker referred the resolutions to the Committee on Rules.

Delegate Shott, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. J. R. 5, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended.

Unanimous consent that the resolution be read a first time and ordered to second reading was not granted, objection being heard.

The question that the resolution be read a first time and ordered to second reading was then put and prevailed.

The resolution (Com. Sub. for S. J. R. 5) was then read a first time and ordered to second reading.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 33, Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V,

Com. Sub. for H. C. R. 37, SSGT Thomas Gavin Hess Memorial Bridge,

Com. Sub. for H. C. R. 40, U. S. Army CAPT William H. Denney, Jr. Memorial Bridge,

Com. Sub. for H. C. R. 49, U. S. Marine Corps PFC Danny Marshall Memorial Bridge,

Com. Sub. for H. C. R. 5, U. S. Army T/5 Maurice V. Mann Memorial Bridge,

Com. Sub. for H. C. R. 52, Dr. H. Luke Eye Memorial Bridge,

Com. Sub. for H. C. R. 55, U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge,

Com. Sub. for H. C. R. 6, U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge,

H. C. R. 61, Applying to and urging Congress to call a convention of the states to limit the terms of office,

Com. Sub. for H. C. R. 70, Danny Wayne Marks Memorial Bridge,

Com. Sub. for H. C. R. 79, U. S. Army PFC Homer Jacob Day Memorial Bridge,

H. C. R. 83, The creation of the West Virginia Distressed Water and Wastewater Utility Systems Viability Study Committee,

H. C. R. 93, Requesting the Joint Committee on Energy study legislation relating to the deregulation of natural gas,

S. C. R. 12, US Army CPL Lee Roy Young Memorial Bridge,

S. C. R. 20, US Air Force SSGT Ryan David Hammond Memorial Bridge,

Com. Sub. for S. C. R. 4, US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road,

Com. Sub. for S. C. R. 40, US Army CPL Roy E. Clark Memorial Bridge,

And,

S. C. R. 9, US Army PFC Winten L. Wayts Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 6, 2019, he approved **Com. Sub. for H. B. 2612**.

The following Proclamation of His Excellency, the Governor, was laid before the House of Delegates and read by the Clerk:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, as extended by Proclamation dated March 6, 2019, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

FIRST: Relating generally to improving, modifying, and making efficiencies to the state's public education system and employee compensation; and

SECOND: Legislation authorizing and appropriating the expenditure of public funds to pay for the Extraordinary Session.

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



DONE at the Capitol in the City of Charleston, State of West Virginia, this seventh day of March, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner
Secretary of State

Special Calendar

-continued-

Delegate Doyle asked and obtained unanimous consent to return to consideration of S. B. 673 which was previously placed at the foot of the calendar.

The bill was then taken up for immediate consideration and read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 568**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 673) passed.

On motion of Delegate Hamrick, the title of the bill was amended to read as follows:

S. B. 673 - “A Bill to repeal §18B-1D-2, §18B-1D-3, §18B-1D-4, and §18B-1D-5 of the Code of West Virginia, 1931, as amended; to repeal §18B-7-8 of said code; to amend and reenact §18B-1D-1 and §18B-1D-8 of said code; and to amend and reenact §18C-1-1 of said code, all relating to public higher education governance, accountability and planning; changing the definition of exempted schools; ensuring efficiency in planning and accountability; modifying the data collection and reporting processes; eliminating the requirement for a statewide master plan for public higher education; eliminating the requirement for state and institutional compacts for public higher education; eliminating the requirement for a human resources report card for public higher education; modifying the reporting methods for certain institutional and statewide reports; modifying the reporting method for the student financial aid report card for public higher education; and continuing the accountability system for public higher education.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 569**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 673) takes effect from from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Special Calendar

-continued-

Second Reading

S. B. 16, Authorizing expenditure of surplus funds by Wyoming County Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 30, Eliminating tax on annuity considerations collected by life insurer; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, section fifteen, line one, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

“(a) For the taxable years beginning on or after January 1, 2021, the tax imposed by this section is discontinued.”

The bill was then ordered to third reading.

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Pensions and Retirement, was reported by the Clerk and adopted, amending the bill page 1, section 12d, line 16, by striking out the word “2019” and inserting the word “2020”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 40, Establishing Military Service Members Court program; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 16. THE MILITARY SERVICE MEMBERS COURT ACT.

§62-16-1. Short title.

This may be cited as the Military Service Members Court Act.

§62-16-2. Legislative findings.

The Legislature recognizes that while most veterans are strengthened by their military service, the combat experiences of many veterans have unfortunately left a growing number of veterans who suffer from issues such as Post Traumatic Stress Disorder and traumatic brain injury. A growing body of research shows that one in five veterans will have symptoms of a mental illness, mental health disorder or cognitive impairment. One in six veterans who served in either Operation Enduring Freedom or Operation Iraqi Freedom suffer from substance abuse and related issues. As a result, many veterans have found themselves in the criminal court system charged with crimes which may be directly attributable to these service-related issues.

The Legislature further recognizes that a Military Service Members Court is necessary to link veterans with the programs, benefits, and services that are necessary to help them overcome these issues and provide them with rehabilitation services instead of incarceration.

Given the context of veteran life, especially given their past training and experiences in the Armed Forces, it is reasonably anticipated and likely that military service members would respond favorably to a structured environment. The Military Service Members Court is a professional, structured and monitored program which mandates and provides participant accountability and responsibility, including mandatory court appearances, treatment and counseling sessions, as well as frequent and random testing for drug and alcohol use. However, the Legislature also finds that some may still struggle. Those are the veterans who need the structure and support of a Military Service Members Court program such the most. Without the structure of a Military Service Members Court program mentally ill and challenged veterans may well reoffend, remain in the criminal court system and suffer under the emotional, physical and mental yoke of substance abuse.

The Legislature creates the Military Service Members Court to ensure that these veterans in need are able meet their obligations to themselves, their family, their loved ones, the court, and their community.

§62-16-3. Definitions.

For the purposes of this article:

“Assessment” means an evaluation to determine whether a criminal defendant is a military service member as defined by this section, that the offense(s) he or she has been charged with are attributable to their military service, and if the offender would benefit from the provisions set forth in this article.

“Court” means a Military Service Members Court.

“Department” means the West Virginia Department of Veterans’ Assistance.

“Mentally ill” means a person who suffers from a manifestation of significantly impaired capacity to maintain acceptable levels of functioning in the areas of intellect, emotion or physical well-being.

“Military Service Members Court team” or “team” is a group of veterans and other professionals which assesses offenders and follows and reports to a court on an offender’s progress.

“Military Service Members Court program” or “program” is a program that includes pre-adjudicatory and post-adjudicatory treatment for military service members.

“Military service member” means a person who is currently serving on active duty in the Army, Air Force, Marines, Navy, or Coast Guard, reserve status, or the National Guard, or a person who once served in the active military and then retired, voluntarily separated, or was discharged dishonorably or under other than honorable conditions.

“Offender” means a criminal defendant who qualifies as a military service member under this article.

“Post-adjudicatory program” means a program in which the offender has admitted guilt or has been found guilty and agrees, with the prosecutor’s consent, to enter a court program as part of his or her sentence.

“Pre-adjudication order” means a court order requiring a military service member to participate in a program as set forth in this article.

“Pre-adjudicatory program” means a program that allows the offender, with the consent of the prosecutor, team, and the court to expedite the offender’s criminal case before conviction or before filing of a criminal case and requires the offender to agree to and successfully complete the court program as part of the written agreement.

“Post adjudication order” means a court order requiring a military service member who has entered a plea of either guilty or *nolo contendere* to a crime identified in §62-16-7 to participate in a court program set forth herein.

“Split sentencing” means a sentence which includes a period of incarceration followed by a period of supervised release.

“Staffing” means the meeting before a military service member offender’s appearance in court, in which the team discusses a coordinated response to the military service member offender’s behavior.

“VA” means the United States Department of Veterans’ Affairs.

“VJO” means the VA Veterans Justice Outreach Program.

“Written agreement” means the agreement executed to allow a military service member to participate in a court program, as referred to in §62-16-5.

§62-16-4. Court authorization and structure.

(a) The Supreme Court of Appeals shall establish a Military Service Members Court Program, under the oversight of the Office of the Administrative Director. Each Military Service Members Court is a separate court, tasked to administer a program providing an immediate and highly structured judicial intervention process for substance abuse treatment, mental health treatment or, other assessed treatment needs of eligible military service member offenders. Each court shall identify and assemble substance abuse professionals, mental health professionals, department professionals, local social programs and intensive judicial monitoring to address the purposes of this article.

(b) The courts shall be established in the areas of the state with the highest need, as determined by the Office of the Administrative Director. The Supreme Court of Appeals shall establish two courts on or before July 1, 2019. The Supreme Court of Appeals shall establish two additional courts each July 1st for the next four years, resulting in a total of ten courts operating by July 1, 2023. At the discretion of the Office of the Administrative Director, the court program may be operated in one county in the circuit and allow military service member offenders from all counties within the circuit to participate.

(c) A court may offer pre-adjudication or post-adjudication programs for adult offenders.

(d) Nothing contained in this article confers a right or an expectation of a right to participate in a court program nor does it obligate a court to accept every military service member offender.

(e) Neither the establishment of a Military Service Members Court nor anything in this article may be construed as limiting the discretion of the jurisdiction’s prosecutor to act on any criminal case which he or she determines advisable to prosecute.

(f) Each program judge may establish rules and may make special orders as necessary that do not conflict with rules and orders promulgated by the Supreme Court of Appeals. The Supreme Court of Appeals shall provide uniform referral, procedure, and order forms that shall be used in all Military Service Members Courts in this state.

§62-16-5. Written agreements.

(a) Participation in a Military Service Members Court program shall be pursuant to a written agreement with the consent of the prosecutor, team, and the court. The written agreement shall set forth all agreed upon provisions which allow the military service member to proceed in the program. The offender shall execute a written agreement with the court to memorialize agreed participation in the program, and all the terms and conditions of the program, including, but not limited to, the possibility of sanctions or incarceration for failure to comply with the terms of the program, orders of the court, and written agreement.

(b) A court may grant reasonable incentives to, or impose reasonable sanctions on, anyone who fails to comply with the written agreement. At the discretion of the court, sanctions may include incarceration, expulsion from the program, depending on recommendations of the team, and the following factors:

- (1) performance in the court program;
- (2) participation and progress related to education, treatment and rehabilitation;
- (3) criminal conduct during the court program;
- (4) violation of the terms and conditions of the agreement; and
- (5) other participation in the court program.

(c) When the court program is successfully completed, the judge shall dispose of an offender's case in the manner prescribed by the written agreement and by the applicable policies and procedures adopted by the court. Disposition may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, and a reduced period of incarceration.

§62-16-6. Military Service Members Court teams.

(a) The goal of each team shall be to fill its positions with as many veterans as possible. A team shall include, but is not limited to the following members:

- (1) A circuit court judge;
- (2) A magistrate;
- (3) The prosecuting attorney to which the case has been assigned to;
- (4) Counsel for the offender, or if the offender does not have counsel, then a public defender or member of the criminal defense bar;
- (5) A representative from a circuit court probation office;
- (6) A case coordinator;
- (7) Volunteer veteran mentors, with the goal of no mentor mentoring more than two offenders at the same time;
- (8) VA Veteran Justice Outreach Specialist;
- (9) Director of the Day Report Center for that circuit; and
- (10) Any other persons selected by the team

(b) The team shall conduct a staffing prior to each court session to discuss and provide updated information regarding the military service member offender. After determining the offender's progress or lack thereof, the court team shall recommend the appropriate incentive, sanction or other action deemed appropriate. If the team cannot agree on the appropriate action, the court shall make the decision based on information presented at the staffing.

§62-16-7. Eligibility.

(a) A military service member offender, who is eligible for probation based upon the nature of the offense(s) for which he or she has been charged with, and in consideration of his or her criminal

background, if any, may, upon application, be admitted into a court program only upon the agreement of the prosecutor and the offender. Additionally, the team must also determine that the offense(s) are in any way attributable to the offender's military service.

(b) A military service member offender may not participate in the court program if he or she has been charged with any of the following offenses:

(1) A sexual offense, including, but not limited to, a violation of the felony provisions of articles eight, eight-b, eight-c, or eight-d of chapter sixty-one, or a criminal offense where the judge has made a written finding that the offense was sexually motivated;

(2) A felony violation of the provisions of sections two, two-a, or three-a, article eight-d of chapter sixty-one;

(3) A felony violation of the provisions of sections three or four, article fourteen, of chapter sixty-one;

(4) A felony violation of sections nine-b or fourteen, article two, of chapter sixty-one;

(5) A felony violation of subsection b, section two, article five, of chapter seventeen-c; or

(6) If he or she has previously been convicted in this state, another state, or in a federal court for any of the offenses enumerated above.

§62-16-8. Procedure.

(a) Upon application, the court shall order the offender to submit to an eligibility screening, a mental health and drug/alcohol screening, and an assessment by the VA JVO to provide information on the offender's mental health or military service member status. The assessment shall include a risks assessment and be based, in part, upon the known availability of treatment resources available to the court. The assessment shall also include recommendations for treatment of the conditions which are indicating a need for treatment under the monitoring of the court and reflect a level of risk assessed for the individual seeking admission. The court is not required to order an assessment if a valid screening or assessment related to the present charge(s) pending against the offender has been completed within the previous sixty days.

(b) Upon completion, the assessment shall be presented to the team for evaluation. After the team has done so, it may request the offender to appear with counsel, if represented, to answer any outstanding questions it may have.

(c) Subsequently, the team shall privately discuss the offender's assessment and vote on his or her eligibility for the program.

(d) If determined by majority vote that the veteran offender is accepted, the veteran shall be assigned a mentor and the team shall determine an individual course of action for the veteran offender. The team shall then present their plan to the veteran and introduce the veteran to his or her mentor.

(e) If the veteran offender is not accepted the team shall present to the veteran offender explanation as to why he or she has not been accepted.

(f) When considering treatment, the team shall first utilize benefits available to the offender through the VA. The court may order the offender to complete substance abuse treatment in an

outpatient, inpatient, residential, or jail-based custodial treatment program, order the offender to complete mental health counseling in an inpatient or outpatient basis, comply with all physicians' recommendations regarding medications and complete all follow up treatment. The mental health issues for which treatment may be provided, include, but are not limited to, post-traumatic stress disorder, traumatic brain injury and depression.

(g) The judge shall inform the offender that if he or she fails to meet the conditions of the court, eligibility to participate in the program may be revoked and the offender shall be subject to the sanctions set forth in section ten of this article.

§62-16-9. Mental health and substance abuse treatment.

(a) The court may maintain a network of mental health treatment programs and substance abuse treatment programs representing a continuum of graduated mental health and substance abuse treatment options commensurate with the needs of offenders; these shall include programs with the VA, the department, this state, and community-based programs.

(b) The court may, in its discretion, employ additional services or interventions, as it determines necessary, on a case-by-case basis.

(c) The court may maintain or collaborate with a network of mental health treatment programs and, if it is a cooccurring mental health and substance abuse court program, a network of mental health treatment programs and substance abuse treatment programs representing a continuum of treatment options commensurate with the needs of the offender and available resources including programs with the VA, the department, and this state

§62-16-10. Violation; termination; discharge.

(a) The court may impose reasonable sanctions under the offender's written agreement, including, but not limited to, imprisonment or dismissal of the offender from the program. The court may reinstate criminal proceedings against him or her for a violation of probation, conditional discharge, or supervision hearing, if the court finds from the evidence presented, including, but not limited to, the reports or proffers of proof from the court's professionals that:

(1) The offender is not performing satisfactorily in the assigned program;

(2) The offender is not benefitting from educational treatment or rehabilitation;

(3) The offender has engaged in criminal conduct rendering him or her unsuitable for the program;

or

(4) The offender has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate.

(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the offender, successfully terminate the offender's sentence, permit the offender to enter into a plea agreement to a lesser offense, or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

(c) Upon successful completion of the terms and conditions of the program or if the presiding judge determines the lack of the ability to drive is preventing program success, the court may expunge any driving offences that currently prevent the veteran offender from obtaining a West Virginia driver's license.

§62-16-11. Governance.

The Supreme Court of Appeals is responsible for court funding, administration, and continuance of Military Service Members Courts. The Administrator of the Supreme Court of Appeals, or his or her designee, shall oversee the planning, implementation, and development of these courts as the administrative arm of the Supreme Court of Appeals.

§62-16-12. Program integrity and offender accountability.

(a) The courts shall collect and maintain the following information and any other information on participants as required by the Supreme Court of Appeals or its administrative office:

(1) The participants' prior criminal history;

(2) The participants' prior substance abuse and mental health treatment history;

(3) The participants' employment, education, and income histories;

(4) The participants' gender, race, ethnicity, marital and family status, and any child custody and support obligations;

(5) Instances of participants' recidivism occurring during and after participation in a court program. Recidivism shall be measured at intervals of six months, one year, two years, and five years after successful graduation from Military Service Members Court;

(6) The number of offenders screened for eligibility, the number of eligible offenders who were and were not admitted, and their case dispositions; and

(7) The costs of operation and sources of funding.

(b) An offender may be required, as a condition of pretrial diversion, probation, or parole, to provide the information described in this section. The collection and maintenance of information under this section shall be collected in a standardized format according to applicable guidelines set forth by the Supreme Court of Appeals.

(c) To protect an offenders' privacy in accordance with federal and state confidentiality laws, a court shall keep treatment records in a secure environment, separated from the court records to which the public has access.

§62-16-13. Funding.

(a) Each Military Service Members Court, with the guidance of the Supreme Court of Appeals, may establish a schedule for the payment of reasonable fees and costs to be paid by participants necessary to conduct the program.

(b) Nothing in this article shall prohibit court teams from obtaining supplemental funds or exploring grants to support the Military Service Members Courts.

§62-16-14. Immunity from Liability.

Any individual who, in good faith, provides services pursuant to this article is not liable in any civil action, unless his or her actions were the result of the gross negligence or willful misconduct. The

grant of immunity provided in this section extends to all employees and administrative personnel of a court.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-3c. Suspending license for failure to pay fines or penalties imposed as the result of criminal conviction or for failure to appear in court.

(a) The Division shall suspend the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice from a circuit court, magistrate court or municipal court of this state, pursuant to §50-3-2b, §8-10-2b or §62-4-17 of this code, that ~~such the~~ person has defaulted on the payment of costs, fines, forfeitures, penalties or restitution imposed on the person by the circuit court, magistrate court or municipal court upon conviction for any criminal offense by the date ~~such the~~ court had required ~~such the~~ person to pay the same, or that ~~such the~~ person has failed to appear in court when charged with ~~such~~ an offense. For the purposes of this section; §50-3-2b; §8-10-2b; and §62-4-17 of this code, “criminal offense” shall be defined as any violation of the provisions of this code, or the violation of any municipal ordinance, for which the violation ~~thereof~~ of the offense may result in a fine, confinement in jail or imprisonment in a correctional facility of this state: *Provided*, That any parking violation or other violation for which a citation may be issued to an unattended vehicle shall not be considered a criminal offense for the purposes of this section; §8-10-2b; §50-3-2b; or §62-4-17 of this code.

(b) A copy of the order of suspension shall be forwarded to ~~such the~~ person by certified mail, return receipt requested. No order of suspension becomes effective until 10 days after receipt of a copy of ~~such the~~ order. The order of suspension shall advise the person that because of the receipt of notice of the failure to pay costs, fines, forfeitures or penalties, or the failure to appear, a presumption exists that the person named in the order of suspension is the same person named in the notice. The Commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. ~~Such The~~ request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing shall be for the person requesting the hearing to present evidence that he or she is not the person named in the notice. In the event the Commissioner grants an administrative hearing, the Commissioner shall stay the license suspension pending the Commissioner’s order resulting from the hearing.

(c) A suspension under this section and section three-a of this chapter will continue until the person provides proof of compliance from the municipal, magistrate or circuit court and pays the reinstatement fee as provided in §17B-3-9. The reinstatement fee is assessed upon issuance of the order of suspension regardless of the effective date of suspension.

(d) Upon notice from an appropriate state official that the person is successfully participating in an approved treatment and job program as prescribed in §61-11-26(3) and that the person is believed to be safe to drive, the Division of Motor Vehicles shall stay or supersede the imposition of any

suspension under this section or §17B-3-3a of this code. The Division of Motor Vehicles shall waive the reinstatement fee established by the provisions §17B-3-9 upon receipt of proper documentation of the persons successful completion of a program under §61-11-26(3) and proof of compliance from the municipal, magistrate or circuit court. The stay or supersedeas shall be removed by the Division of Motor Vehicles upon receipt of notice from an appropriate state official of a participant's failure to complete or comply with the approved treatment and job program as established under §61-11-26(3).

ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES, OR DRUGS.

§17C-5A-3. Safety and treatment program; reissuance of license.

(a) ~~The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall administer a comprehensive safety and treatment program for persons whose licenses have been revoked under the provisions of this article or §17C-5-7 or §17B-3-5(6) of this code and shall also establish the minimum qualifications for mental health facilities, day report centers, community correction centers or other public agencies or private entities conducting the safety and treatment program: *Provided*, That the ~~Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles may establish standards whereby the division will accept or approve participation by violators in another treatment program which provides the same or substantially similar benefits as the safety and treatment program established pursuant to this section.

(b) The program shall include, but not be limited to, treatment of alcoholism, alcohol and drug abuse, psychological counseling, educational courses on the dangers of alcohol and drugs as they relate to driving, defensive driving or other safety driving instruction and other programs designed to properly educate, train and rehabilitate the offender. *Provided*, that successful compliance with the substance abuse and counseling program prescribed in §61-11-26(3) is sufficient to meet the requirements of this section.

(c) ~~The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall provide for the preparation of an educational and treatment the program for each person whose license has been revoked under the provisions of this article or §17C-5-7 or §17B-3-5(6) of this code which shall contain the following: (1) A listing and evaluation of the offender's prior traffic record; (2) the characteristics and history of alcohol or drug use, if any; (3) his or her amenability to rehabilitation through the alcohol safety program; and (4) a recommendation as to treatment or rehabilitation and the terms and conditions of the treatment or rehabilitation. The program shall be prepared by persons knowledgeable in the diagnosis of alcohol or drug abuse and treatment.

(d) There is hereby created a special revenue account within the State Treasury known as the ~~Department of Health and Human Resources~~ Division of Motor Vehicles Safety and Treatment Fund. The account shall be administered by the ~~Secretary~~ Commissioner of the ~~Department of Health and Human Resources~~ Division of Motor Vehicles for the purpose of administering the comprehensive safety and treatment program established by subsection (a) of this section. The account may be invested, and all earnings and interest accruing shall be retained in the account. The Auditor shall conduct an audit of the fund at least every three fiscal years.

~~Effective July 1, 2010, the State Treasurer shall make a one-time transfer of \$250,000 from the Motor Vehicle Fees Fund into the Department of Health and Human Resources Safety and Treatment Fund.~~ Effective July 1, 2019, all moneys held in the Department of Health and Human Resources

Safety and Treatment Fund shall be transferred to the Division of Motor Vehicles Safety and Treatment Fund.

(e) (1) The program provider shall collect the established fee from each participant upon enrollment unless the ~~department~~ division has determined that the participant is an indigent based upon criteria established pursuant to legislative rule authorized in this section.

(2) If the ~~department~~ division determined that a participant is an indigent based upon criteria established pursuant to the legislative rule authorized by this section, the department shall provide the applicant with proof of its determination regarding indigency, which proof the applicant shall present to the interlock provider as part of the application process provided in §17C-5A-3a of this article code and/or the rules promulgated pursuant thereto.

(3) Program providers shall remit to the ~~Department of Health and Human Resources~~ Division of Motor Vehicles a portion of the fee collected, which shall be deposited by the ~~Secretary of the Department of Health and Human Resources~~ Commissioner of the Division of Motor Vehicles into the ~~Department of Health and Human Resources~~ Division of Motor Vehicles Safety and Treatment Fund. The ~~Department of Health and Human Resources~~ Division of Motor Vehicles shall reimburse enrollment fees to program providers for each eligible indigent offender.

(f) On or before January 15 of each year, the ~~Secretary of the Department of Health and Human Resources~~ Commissioner of the Division of Motor Vehicles shall report to the Legislature on:

(1) The total number of offenders participating in the safety and treatment program during the prior year;

(2) The total number of indigent offenders participating in the safety and treatment program during the prior year;

(3) The total number of program providers during the prior year; and

(4) The total amount of reimbursements paid to program provider during the prior year.

(g) The Commissioner of the Division of Motor Vehicles, after giving due consideration to the program developed for the offender, shall prescribe the necessary terms and conditions for the reissuance of the license to operate a motor vehicle in this state revoked under this article or §17C-5-7 or §17B-3-5(6) of this code which shall include successful completion of the educational, treatment or rehabilitation program, subject to the following:

(1) When the period of revocation is six months, the license to operate a motor vehicle in this State may not be reissued until: (A) At least ninety days have elapsed from the date of the initial revocation, during which time the revocation was actually in effect; (B) the offender has successfully completed the program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a revocation hearing have been paid.

(2) When the period of revocation is for a period of one year or for more than a year, the license to operate a motor vehicle in this state may not be reissued until: (A) At least one-half of the time period has elapsed from the date of the initial revocation, during which time the revocation was actually in effect; (B) the offender has successfully completed the program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a revocation hearing have been paid. Notwithstanding any provision in this code, a person whose license is revoked for refusing to take a chemical test as required by §17C-5-7 for a first offense is not eligible to reduce the revocation period by completing the safety and treatment program.

(3) When the period of revocation is for life, the license to operate a motor vehicle in this State may not be reissued until: (A) At least 10 years have elapsed from the date of the initial revocation, during which time the revocation was actually in effect; (B) the offender has successfully completed the program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a revocation hearing have been paid.

(4) Notwithstanding any provision of this code or any rule, any mental health facilities or other public agencies or private entities conducting the safety and treatment program when certifying that a person has successfully completed a safety and treatment program shall only have to certify that the person has successfully completed the program.

(h) (1) ~~The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall provide for the preparation of an educational program for each person whose license has been suspended for sixty days pursuant to the provisions of §17C-5A-2(n) of this ~~chapter~~ code. The educational program shall consist of not less than 12 nor more than 18 hours of actual classroom time.

(2) When a 60-day period of suspension has been ordered, the license to operate a motor vehicle may not be reinstated until: (A) At least 60 days have elapsed from the date of the initial suspension, during which time the suspension was ~~actually~~ in effect; (B) the offender has successfully completed the educational program; (C) all costs of the program and administration have been paid; and (D) all costs assessed as a result of a suspension hearing have been paid.

(i) A required component of the treatment program provided in §17C-5A-3(b) and the education program provided for in §17C-5A-3(c) shall be participation by the violator with a victim impact panel program providing a forum for victims of alcohol and drug-related offenses and offenders to share first-hand experiences on the impact of alcohol and drug-related offenses in their lives. ~~The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall propose and implement a plan for victim impact panels where appropriate numbers of victims are available and willing to participate and shall establish guidelines for other innovative programs which may be substituted where the victims are not available to assist persons whose licenses have been suspended or revoked for alcohol and drug-related offenses to gain a full understanding of the severity of their offenses in terms of the impact of the offenses on victims and offenders. The plan shall require, at a minimum, discussion and consideration of the following:

- (1) Economic losses suffered by victims or offenders;
- (2) Death or physical injuries suffered by victims or offenders;
- (3) Psychological injuries suffered by victims or offenders;
- (4) Changes in the personal welfare or familial relationships of victims or offenders; and
- (5) Other information relating to the impact of alcohol and drug-related offenses upon victims or offenders.

~~The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse~~ Division of Motor Vehicles shall ensure that any meetings between victims and offenders shall be nonconfrontational and ensure the physical safety of the persons involved.

(j)(1) ~~The Secretary of the Department of Health and Human Resources~~ Commissioner of the Division of Motor Vehicles shall promulgate a rule for legislative approval in accordance with article three, chapter twenty-nine-a of this code to administer the provisions of this section and establish a

fee to be collected from each offender enrolled in the safety and treatment program. The rule shall include: (A) A reimbursement mechanism to program providers of required fees for the safety and treatment program for indigent offenders, criteria for determining eligibility of indigent offenders, and any necessary application forms; and (B) program standards that encompass provider criteria including minimum professional training requirements for providers, curriculum approval, minimum course length requirements and other items that may be necessary to properly implement the provisions of this section.

(2) The Legislature finds that an emergency exists and, therefore, the ~~Secretary~~ Commissioner shall file by July 1, ~~2010~~ 2019, an emergency rule to implement this section pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code.

(k) Nothing in this section may be construed to prohibit day report or community correction programs, authorized pursuant to article eleven-c, chapter sixty-two of this code, from administering a comprehensive safety and treatment program pursuant to this section.

~~(l) The Division of Motor Vehicles shall provide fair, impartial, and expeditious grievance and appellate procedures for participants of the Safety and Treatment Program who wish to challenge an adverse decision by the agency conducting the program that negatively affects, or unnecessarily delays, the participant's outcome in that program. After all administrative remedies provided by this article or its related promulgated rules have been exhausted, participants who have been deemed unsuccessful in the program, rendering them ineligible for license reinstatement, or whose outcomes in the program have been unnecessarily delayed, are entitled to judicial review or the adverse decisions in the regular courts of this state, pursuant to §29A-5-4 of this code. The Commissioner of the Division of Motor Vehicles is hereby authorized to promulgate rules related to the grievance and appellate procedures referenced in this subsection.~~

§17C-5A-3a. Establishment of and participation in the Motor Vehicle Alcohol Test and Lock Program.

(a) (1) The Division of Motor Vehicles shall control and regulate a Motor Vehicle Alcohol Test and Lock Program for persons whose licenses have been revoked pursuant to this article or the provisions of §17C-5-1 *et. seq.* of this code or have been convicted under §17C-5-2 of this code, or who are serving a term of a conditional probation pursuant to §17C-5-2b of this code.

(2) The program shall include the establishment of a user's fee for persons participating in the program which shall be paid in advance and deposited into the Driver's Rehabilitation Fund: *Provided*, That on and after July 1, 2007, any unexpended balance remaining in the Driver's Rehabilitation Fund shall be transferred to the Motor Vehicle Fees Fund created under the provisions of §17A-2-21 of this code and all further fees collected shall be deposited in that fund.

(3) (A) Except where specified otherwise, the use of the term "program" in this section refers to the Motor Vehicle Alcohol Test and Lock Program.

(B) The Commissioner of the Division of Motor Vehicles shall propose legislative rules for promulgation in accordance with the provisions of §29A-1-1 of this code for the purpose of implementing the provisions of this section. The rules shall also prescribe those requirements which, in addition to the requirements specified by this section for eligibility to participate in the program, the commissioner determines must be met to obtain the commissioner's approval to operate a motor vehicle equipped with a motor vehicle alcohol test and lock system.

(C) Nothing in this section may be construed to prohibit day report or community correction programs authorized pursuant to §62-11C-1 *et. seq.*, or a home incarceration program authorized

pursuant to §62-11B-1 *et. seq.* of this code, from being a provider of motor vehicle alcohol test and lock systems for eligible participants as authorized by this section.

(4) For purposes of this section, a “motor vehicle alcohol test and lock system” means a mechanical or computerized system which, in the opinion of the commissioner, prevents the operation of a motor vehicle when, through the system’s assessment of the blood alcohol content of the person operating or attempting to operate the vehicle, the person is determined to be under the influence of alcohol.

(5) The fee for installation and removal of ignition interlock devices shall be waived for persons determined to be indigent by the ~~Department of Health and Human Resources~~ Division of Motor Vehicles pursuant to §17C-5A-3 of this code. The commissioner shall establish by legislative rule, proposed pursuant to §29A-3-1 *et. seq.* of this code, procedures to be followed with regard to persons determined by the ~~Department of Health and Human Resources~~ Division of Motor Vehicles to be indigent. The rule shall include, but is not limited to, promulgation of application forms; establishment of procedures for the review of applications; and the establishment of a mechanism for the payment of installations for eligible offenders.

(6) On or before January 15 of each year, the Commissioner of the Division of Motor Vehicles shall report to the Legislature on:

- (A) The total number of offenders participating in the program during the prior year;
- (B) The total number of indigent offenders participating in the program during the prior year;
- (C) The terms of any contracts with the providers of ignition interlock devices; and
- (D) The total cost of the program to the state during the prior year.

(b) (1) Any person whose license is revoked for the first time pursuant to this article or the provisions of §17C-5-1 *et. seq.* of this code is eligible to participate in the program when the person’s minimum revocation period as specified by §17C-5A-3a(c) has expired and the person is enrolled in or has successfully completed the safety and treatment program or presents proof to the commissioner within 60 days of receiving approval to participate by the commissioner that he or she is enrolled in a safety and treatment program: *Provided*, That anyone whose license is revoked for the first time for driving with a blood alcohol concentration of 0.15 percent or more, by weight, must participate in the program when the person’s minimum revocation period as specified by §17C-5A-3a(c) has expired and the person is enrolled in or has successfully completed the safety and treatment program or presents proof to the commissioner within 60 days of receiving approval to participate by the commissioner that he or she is enrolled in a safety and treatment program.

(2) Any person whose license has been suspended for driving a motor vehicle while under the age of 21 years with an alcohol concentration in his or her blood 0.02 percent or more, by weight, but less than 0.08 percent, by weight, is eligible to participate in the program after 30 days have elapsed from the date of the initial suspension, during which time the suspension was actually in effect: *Provided*, That in the case of a person under the age of 18, the person is eligible to participate in the program after 30 days have elapsed from the date of the initial suspension, during which time the suspension was actually in effect or after the person’s 18th birthday, whichever is later. Before the commissioner approves a person to operate a motor vehicle equipped with a motor vehicle alcohol test and lock system, the person must agree to comply with the following conditions:

(A) If not already enrolled, the person shall enroll in and complete the educational program provided in §17C-5A-3(d) of this code at the earliest time that placement in the educational program

is available, unless good cause is demonstrated to the commissioner as to why placement should be postponed;

(B) The person shall pay all costs of the educational program, any administrative costs and all costs assessed for any suspension hearing.

(3) Notwithstanding the provisions of this section to the contrary, a person eligible to participate in the program under this subsection may not operate a motor vehicle unless approved to do so by the commissioner.

(c) A person who participates in the program under §17C-5A-3a(b)(1) of this code is subject to a minimum revocation period and minimum period for the use of the ignition interlock device as follows:

(1) For a person whose license has been revoked for a first offense for six months for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent, by weight, but less 0.15 percent, by weight, the minimum period of revocation for participation in the test and lock program is 15 days and the minimum period for the use of the ignition interlock device is 125 days;

(2) For a person whose license has been revoked for a first offense for refusing a secondary chemical test, the minimum period of revocation for participation in the test and lock program is 45 days and the minimum period for the use of the ignition interlock device is one year;

(3) For a person whose license has been revoked for a first offense for driving with a blood alcohol concentration of 0.15 percent or more, by weight, the minimum period of revocation for participation in the test and lock program is 45 days and the minimum period for the use of the ignition interlock device is 270 days;

(4) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, or did drive a motor vehicle while under the age of 21 years with an alcohol concentration in his or her blood of 0.02 percent or more, by weight, but less than 0.08 percent, by weight, and while driving does any act forbidden by law or fails to perform any duty imposed by law, which act or failure proximately causes the death of any person within one year next following the act or failure, and commits the act or failure in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death, the minimum period of revocation before the person is eligible for participation in the test and lock program is 12 months and the minimum period for the use of the ignition interlock device is two years;

(5) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure, the minimum period of revocation is six months and the minimum period for the use of the ignition interlock device is two years;

(6) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes bodily injury to any person other than himself or herself, the minimum period of

revocation for participation in the program is two months and the minimum period for the use of the ignition interlock device is one year;

(7) For a person whose license has been revoked for a first offense for driving under the influence of alcohol, or a combination of alcohol and any controlled substance or other drug, or with a blood alcohol concentration of 0.08 percent or more, by weight, and while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their 16th birthday, the minimum period of revocation for participation in the program is two months and the minimum period for the use of the ignition interlock device is 10 months.

(d) Notwithstanding any provision of the code to the contrary, a person shall participate in the program if the person is convicted under §17C-5-2 or the person's license is revoked under §17C-5A-2 or §17C-5-7 of this code and the person was previously either convicted or his or her license was revoked under any provision cited in this subsection within the past 10 years. The minimum revocation period for a person required to participate in the program under this subsection is one year and the minimum period for the use of the ignition interlock device is two years, except that the minimum revocation period for a person required to participate because of a violation for driving while under the age of 21 with a blood alcohol concentration of 0.02 percent, or more, by weight, but less than 0.08 percent, or more, by weight, is two months and the minimum period of participation is one year. The division shall add an additional two months to the minimum period for the use of the ignition interlock device if the offense was committed while a minor was in the vehicle. The division shall add an additional six months to the minimum period for the use of the ignition interlock device if a person other than the driver received injuries. The division shall add an additional two years to the minimum period for the use of the ignition interlock device if a person other than the driver is injured and the injuries result in that person's death. The division shall add one year to the minimum period for the use of the ignition interlock device for each additional previous conviction or revocation within the past 10 years. Any person required to participate under this subsection must have an ignition interlock device installed on every vehicle he or she owns or operates.

(e)(1) If a person applies for and is accepted into the Motor Vehicle Alcohol Test and Lock Program prior to the effective date of the revocation, the commissioner shall defer the revocation period of such person under the provisions of this section. Such deferral shall continue throughout the applicable minimum period for the use of the ignition interlock device plus an additional period equal to the applicable minimum revocation period. If a person successfully completes all terms of the Motor Vehicle Alcohol Test and Lock Program for a period equal to the minimum period for the use of the ignition interlock device pursuant to §17C-5A-3a(c), plus any applicable minimum revocation period, the commissioner shall waive the revocation period.

(2) The application and acceptance of a person into the Motor Vehicle Alcohol Test and Lock Program pursuant to this §17C-5A-3(e)(1) constitutes an automatic waiver of their right to an administrative hearing. The Office of Administrative Hearings may not conduct a hearing on a matter which is the basis for a person actively participating in the Motor Vehicle Alcohol Test and Lock Program.

(f) Notwithstanding any other provision in this code, a person whose license is revoked for driving under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program. Provided that, the Division of Motor Vehicles may reduce any revocation period required of a person with a second or subsequent offense for driving under the influence of drugs to a minimum of one year and thereafter issue a restricted license on the conditions that the person is in the treatment and job program prescribed in §61-11-26(3), has satisfactorily performed in the treatment component of the program and that the person submits to two years of monthly drug testing. If the person is otherwise required to participate in the Alcohol Test and Lock Program for another offense,

he or she may do so while meeting the conditions described in this subsection. If the person fails to submit to a drug test or submits to a test that reveals the presence of controlled substances or drugs, then the full revocation period is reinstated, and the person is only credited with revocation time actually served prior to receiving restricted privileges. The Commissioner of the Division of Motor Vehicles is hereby authorized to promulgate emergency rules to implement the provisions of this subsection article.

(g) An applicant for the test and lock program may not have been convicted of any violation of §17B-4-3 of this code for driving while the applicant's driver's license was suspended or revoked within the six-month period preceding the date of application for admission to the test and lock program unless such is necessary for employment purposes.

(h) Upon permitting an eligible person to participate in the program, the commissioner shall issue to the person, and the person is required to exhibit on demand, a driver's license which shall reflect that the person is restricted to the operation of a motor vehicle which is equipped with an approved motor vehicle alcohol test and lock system.

(i) The commissioner may extend the minimum period of revocation and the minimum period of participation in the program for a person who violates the terms and conditions of participation in the program as found in this section, or legislative rule, or any agreement or contract between the participant and the division or program service provider. If the commissioner finds that any person participating in the program pursuant to §17C-5-2b of this code must be removed therefrom for violation(s) of the terms and conditions thereof, he or she shall notify the person, the court that imposed the term of participation in the program and the prosecuting attorney in the county wherein the order imposing participation in the program was entered.

(j) A person whose license has been suspended for a first offense of driving while under the age of 21 with a blood alcohol concentration of 0.02 percent, or more, by weight, but less than 0.08 percent, or more, by weight, who has completed the educational program and who has not violated the terms required by the commissioner of the person's participation in the program is entitled to the reinstatement of his or her driver's license six months from the date the person is permitted to operate a motor vehicle by the commissioner. When a license has been reinstated pursuant to this subsection, the records ordering the suspension, records of any administrative hearing, records of any blood alcohol test results and all other records pertaining to the suspension shall be expunged by operation of law: *Provided*, That a person is entitled to expungement under the provisions of this subsection only once. The expungement shall be accomplished by physically marking the records to show that the records have been expunged and by securely sealing and filing the records. Expungement has the legal effect as if the suspension never occurred. The records may not be disclosed or made available for inspection and in response to a request for record information, the commissioner shall reply that no information is available. Information from the file may be used by the commissioner for research and statistical purposes so long as the use of the information does not divulge the identity of the person.

(k) In addition to any other penalty imposed by this code, any person who operates a motor vehicle not equipped with an approved motor vehicle alcohol test and lock system during that person's participation in the Motor Vehicle Alcohol Test and Lock Program is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period not less than one month nor more than six months and fined not less than \$100 nor more than \$500. Any person who attempts to bypass the alcohol test and lock system is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than six months and fined not less than \$100 nor more than \$1,000: *Provided*, That notwithstanding any provision of this code to the contrary, a person enrolled and participating in the test and lock program may operate a motor vehicle solely at his or her job site if the operation is

a condition of his or her employment. For the purpose of this section, 'job site' does not include any street or highway open to the use of the public for purposes of vehicular traffic."

On motion of Delegate Shott, the Committee on Judiciary amendment was amended on page 2, line 33, after the words "prescribed in", by striking out "§61-11-26(3)" and inserting in lieu thereof, "§61-11-26a".

On page two, lines 37-38, after the words "program under" by striking out "§61-11-26(3)" and inserting in lieu thereof, "§61-11-26a".

On page two, line 41, after the words "established under" by striking out "§61-11-26(3)" and inserting in lieu thereof, "§61-11-26a".

On page three, line 15, after the words "prescribed in" by striking out "§61-11-26(3)" and inserting in lieu thereof, "§61-11-26a".

And,

On page fifteen, line 300, after the words "prescribed in" by striking out "§61-11-26(3)," and inserting in lieu thereof, "§61-11-26a,".

The Committee on Judiciary amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 103, Relating generally to Public Defender Services; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page four, by striking out section §29-21-9a in its entirety.

On page three, section six, following line forty-two, by inserting a new subsection (f) to read as follows:

"(f) The agency shall establish and the executive director or his or her designee shall operate a division within the agency for the purpose of prosecuting writs of habeas corpus on behalf of eligible clients in the circuit courts of the state and before the Supreme Court of Appeals. The executive director or his or her designee shall be the director of the division. The division shall represent eligible clients upon appointment by a circuit court or the Supreme Court of Appeals. A court may appoint the division to represent an eligible person unless the appointment would create a conflict of interest or the executive director has notified the court in writing that the division's existing caseload cannot be increased for a specified period of time without jeopardizing its ability to provide effective representation. In appointing the division, a court should determine whether the appointment of the division is the most effective use of the office considering the grounds and legal issues raised by the petitioner. The executive director may select and employ staff attorneys, paraprofessionals, and investigators to perform the duties prescribed by this subsection. The division shall maintain records of representation of eligible clients for record-keeping purposes only."

And by redesignating the remaining subsections accordingly."

The bill was then ordered to third reading.

Com. Sub. for S. B. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk, on page one after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 5. FISCAL AFFAIRS.

§7-5-22. County solid waste assessment fees authorized.

Each county or regional solid waste authority is hereby authorized to impose a similar solid waste assessment fee to that imposed by §22-15-11 of this code at a rate not to exceed ~~50¢~~ \$1.50 per ton or part thereof upon the disposal of solid waste in that county or region. All assessments due shall be applied to the reasonable costs of administration of the county's regional or county solid waste authority including the necessary and reasonable expenses of its members, and any other expenses incurred from refuse cleanup, litter control programs, or any solid waste programs ~~deemed~~ considered necessary to fulfill its duties.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

§22-16-4. Solid waste assessment fee; penalties.

(a) *Imposition.* — A solid waste assessment fee is levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of ~~\$3.50~~ \$2.50 per ton or like ratio on any part of a ton of solid waste, except as provided in §22-16-4(e) of this code: *Provided*, That any solid waste disposal facility may deduct from this assessment fee an amount, not to exceed the fee, equal to the amount that the facility is required by the Public Service Commission to set aside for the purpose of closure of that portion of the facility required to close by §22-15-1 *et seq.* of this code. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(b) *Collection, return, payment and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not that person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner:

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility;

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator shall file returns on forms and in the manner prescribed by the Tax Commissioner;

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner;

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code;

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the Tax Commissioner. The notice shall remain in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner;

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section;

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers of the association or corporation are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them as against the association or corporation which they represent; and

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form required by the Tax Commissioner in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter 24A of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of the fee in the motor carrier's rates for solid waste removal service. In calculating the amount of the fee to the motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States environmental protection agency.

(d) *Definitions.* — For purposes of this section, the term "solid waste disposal facility" means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing in this section authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility if the facility is used exclusively to dispose of waste originally produced by that person in the person's regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times designated by the director as exempt from the solid waste assessment fee; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler shall keep accurate records of incoming and outgoing waste by weight. The records shall be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* — Notwithstanding §11-10-3 of this code, each and every provision of the “West Virginia Tax Procedure and Administration Act” set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect as if the act were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 of this code, §11-9-3 through §11-9-17 of this code apply to the fee imposed by this section with like effect as if the sections were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(h) *Dedication of proceeds.* — (1) The proceeds of the fee collected pursuant to this section shall be deposited in the Closure Cost Assistance Fund established pursuant to §22-16-12 of this code: *Provided,* That the director may transfer up to 50 cents for each ton of solid waste disposed of in this state upon which the fee imposed by this section is collected on or after July 1, 1998, to the Solid Waste Enforcement Fund established pursuant to §22-15-11 of this code.

(2) Fifty percent of the proceeds of the fee collected pursuant to this article in excess of 30,000 tons per month from any landfill which is permitted to accept in excess of 30,000 tons per month pursuant to §22-15-9 of this code shall be remitted, at least monthly, to the county commission in the county in which the landfill is located. The remainder of the proceeds of the fee collected pursuant to this section shall be deposited in the Closure Cost Assistance Fund established pursuant to §22-16-12 of this code.”

Delegates Longstreth, Fleischauer and Angelucci moved to amend the Committee on Finance amendment on page 1, section 22, lines 1 through 7, by striking out section 22 in its entirety;

And,

On page 5, line 91, following the period at the end of Section 9, by inserting the following:

“CHAPTER 22C.

ENVIRONMENTAL RESOURCES; BOARDS, AUTHORITIES, COMMISSIONS AND COMPACTS.

ARTICLE 4. COUNTY AND REGIONAL SOLID WASTE AUTHORITIES.

§22C-4-30. SOLID WASTE ASSESSMENT INTERIM FEE; REGULATED MOTOR CARRIERS; DEDICATION OF PROCEEDS; CRIMINAL PENALTIES.

(a) *Imposition.* — Effective July 1, 1989, a solid waste assessment fee is hereby levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state to be collected at the rate of ~~\$4~~ \$2 per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees levied by law.

(b) *Collection, return, payment and record.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not such person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner.

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the fifteenth day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator is required to file returns on forms and in the manner as prescribed by the Tax Commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner.

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for such amount as he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by article ten, chapter eleven of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring such operator to collect the fees which become collectible after service of such notice, to deposit such fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of such fees in such account until remitted to the Tax Commissioner. Such notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by article ten, chapter eleven of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in such form as the Tax Commissioner may require in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section and section twenty-two, article five, chapter seven of this code is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter twenty-four-a of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within fourteen days, reflect the cost of said fee in said motor carrier's rates for solid waste removal service. In calculating the amount of said fee to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of solid waste disposal facility.* — For purposes of this section, the term “solid waste disposal facility” means any approved solid waste facility or open dump in this state and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by such person in such person’s regular business or personal activities or by persons utilizing the facility on a cost-sharing or nonprofit basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the director of the Division of Environmental Protection as exempt from the fee imposed pursuant to section eleven, article fifteen, chapter twenty-two of this code; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of thirty percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. Such records must be made available to the appropriate inspectors from the Division of Environmental Protection of solid waste authority, upon request.

(f) *Procedure and administration.* — Notwithstanding section three, article ten, chapter eleven of this code, each and every provision of the “West Virginia Tax Procedure and Administration Act” set forth in article ten, chapter eleven of this code applies to the fee imposed by this section with like effect as if said act were applicable only to the fee imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* — Notwithstanding section two, article nine, chapter eleven of this code, sections three through seventeen, article nine, chapter eleven of this code apply to the fee imposed by this section with like effect as if said sections were the only fee imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* — The net proceeds of the fee collected by the Tax Commissioner pursuant to this section shall be deposited, at least monthly, in a special revenue account known as the “Solid Waste Planning Fund” which is hereby continued. The solid waste management board shall allocate the proceeds of the said fund as follows:

(1) ~~Fifty~~ Seventy-five percent of the total proceeds shall be divided equally among, and paid over to, each county solid waste authority to be expended for the purposes of this article: *Provided*, That where a regional solid waste authority exists, such funds shall be paid over to the regional solid waste authority to be expended for the purposes of this article in an amount equal to the total share of all counties within the jurisdiction of said regional solid waste authority; and

(2) ~~Fifty~~ Twenty-five percent of the total proceeds shall be expended by the solid waste management board for:

(A) Grants to the county or regional solid waste authorities for the purposes of this article; and

(B) Administration, technical assistance or other costs of the solid waste management board necessary to implement the purposes of this article and article three of this chapter.

(i) *Effective date.* — This section is effective on July 1, 1990.

Delegate Wilson moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 570**), and there were—yeas 62, nays 37, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Bates, Boggs, Butler, Byrd, Campbell, Caputo, Cooper, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Shott, Skaff, Sponaugle, Storch, Swartzmiller, C. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

Delegate Hansen requested to be excused from voting on S. B. 544 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

On the adoption of the amendment to the amendment, Delegate Longstreth demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 571**), and there were—yeas 32, nays 67, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Boggs, N. Brown, Byrd, Canestraro, Caputo, Diserio, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Lavender-Bowe, Longstreth, McGeehan, Miley, Miller, Pethtel, Pushkin, Pyles, Rodighiero, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kump.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The Committee on Finance amendment was then adopted,

The bill was then ordered to third reading.

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill as follows on page one, following the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.**§61-11-26. Expungement of certain criminal convictions; procedures; effect.**(a) *Eligibility for expungement.* —(1) *Misdemeanors.*

~~Subject to the limitations set forth in this section, a~~ Any person convicted of a misdemeanor offense or offenses arising from the same transaction committed while he or she was between the ages of eighteen and twenty-six, inclusive, may, pursuant to the provisions of this section, petition the circuit court in which the conviction or convictions occurred for expungement of the conviction or convictions and the records associated with the conviction or convictions. ~~therewith. The clerk of the circuit court shall charge and collect in advance the same fee as is charged for instituting a civil action pursuant to subdivision (1), subsection (a), section eleven, article one, chapter fifty-nine of this code for a petition for expungement.~~

(2) *Nonviolent felonies.*

~~Subject to the limitations set forth in this section, a person convicted of a nonviolent felony offense or offenses arising from the same transaction or series of transactions may, pursuant to the provisions of this section, petition the circuit court in which the conviction or convictions occurred for expungement of the conviction or convictions and the records associated with the conviction or convictions.~~

~~(b) Expungement shall not be available for any conviction of an offense listed in subsection (i) of this section. The relief afforded by this subsection is only available to persons having no other prior or subsequent convictions other than minor traffic violations at the time the petition is filed: *Provided,* That at the time the petition is filed and during the time the petition is pending, petitioner may not be the subject of an arrest or any other pending criminal proceeding. No person shall be eligible for expungement pursuant to the provisions of subsection (a) of this section until one year after the conviction, completion of any sentence of incarceration or probation, whichever is later in time.~~

(b) *Temporal requirements.* —

(1) Misdemeanor - A person is not eligible for expungement pursuant to subdivision (1), subsection (a) of this section until one year after conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(2) More than one misdemeanor – A person is not eligible for expungement of multiple misdemeanors pursuant to subdivision (1), subsection (a) of this section until two years after the last conviction, completion of any sentence of incarceration or completion of any period of supervision ordered for the last conviction, whichever is later in time.

(3) Non-violent felonies – A person is not eligible for expungement of a nonviolent felony pursuant to subdivision (2), subsection (a) of this section until five years after conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(c) *Limitations on eligibility for expungement.* — A person is not eligible for expungement pursuant to subsection (a) of this section for convictions of the following offenses:

(1) Any felony offense of violence against the person as defined in subdivision (2), subsection (p) of this section or any misdemeanor offense involving the intentional infliction of physical injury to a minor or law-enforcement officer;

(2) Any felony offense in which the victim of the crime was a minor as defined in subdivision (3), subsection (p) of this section;

(3) Any violation of §61-8B-1 et seq. of this code;

(4) Any offense in which the petitioner used or exhibited a deadly weapon or dangerous instrument;

(5) Any violation of §61-2-28 of this code, or any offense which violates §61-2-9(b) or §61-2-9(c) of this code in which the victim was a spouse, a person with whom the person seeking expungement had a child in common, or with whom the person seeking expungement ever cohabited prior to the offense or a violation of §61-2-28(c) of this code;

(6) Any violation of §61-2-29 of this code;

(7) Any offense of driving under the influence of alcohol or a controlled substance;

(8) Any offense which violates §17B-4-3 of this code;

(9) Any offense which violates §61-8-12 or §61-8-19 of this code;

(10) Any violation of §61-2-9a of this code;

(11) Any violation of §61-8B-8 and 9 of this code;

(12) Any violation of §61-3-11 of this code;

(13) Any conviction for which the sentencing judge made a written finding that the offense was sexually motivated;

(14) Any offense which violates §17E-1-13(g) of this code; and

(15) Any offense of conspiracy or attempt to commit a felony set forth in subdivisions (1) through (13), inclusive, of this subsection.

(e) (d) Content of petition for expungements. — Each petition to expunge a conviction or convictions pursuant to this section shall be verified under oath and include the following information, *Provided*, That a petition for the expungement of multiple misdemeanors shall identify and group such information by circuit court, as applicable, from which expungement of a particular conviction or convictions is being sought:

(1) The Petitioner's ~~petitioner's~~ current name and all other legal names or aliases by which the petitioner has been known at any time;

(2) All of the petitioner's addresses from the date of the offense or ~~alleged offense~~ in connection with which an expungement order is sought to date of the petition;

(3) The Petitioner's ~~petitioner's~~ date of birth and Social Security number;

(4) ~~The Petitioner's~~ petitioner's date of arrest, the court of jurisdiction, and criminal complaint, indictment, summons, or case number;

(5) The statute or statutes and offense or offenses for which the petitioner was charged and of which the petitioner was convicted;

(6) The names of any victim or victims, or a statement that there were no identifiable victims;

(7) Whether there is any current order for restitution, protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for restitution, protection, or restraining order prohibiting the petitioner from contacting the victim. If there is ~~such~~ a current order, the petitioner shall attach a copy of that order to his or her petition;

(8) The ~~court's~~ disposition of the matter and ~~punishment~~ sentence imposed, if any;

(9) ~~Why~~ The grounds on which expungement is sought, ~~such as,~~ including, but not limited to, employment or licensure purposes ~~and why it should be granted~~;

(10) The steps the petitioner has taken since the time of the offense or offenses toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(11) Whether petitioner has ever been granted expungement or similar relief regarding a criminal conviction by any court in this state, by the court of any other state, or by any federal court; ~~and~~

(12) Any supporting documents, sworn statements, affidavits, or other information supporting the petition ~~to expunge~~ for expungement.

~~(d)~~ (e) Service of petition for expungement. — The petitioner shall serve a copy of the petition, with any supporting documentation, ~~shall be served by petitioner~~ pursuant to the rules of the trial court upon the following persons or entities:

(1) The Superintendent of the State Police;

(2) The prosecuting attorney of the county of conviction;

(3) The chief of police or other executive head of the municipal police department ~~wherein~~ where the offense was committed;

(4) The chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner;

(5) The superintendent or warden of any institution in which the petitioner was confined; and

(6) The circuit court, magistrate court, or municipal court which disposed of the petitioner's criminal charge. ~~and all other state and local government agencies whose records would be affected by the proposed expungement.~~

~~(f)~~ The prosecutorial office that had jurisdiction over the offense or offenses for The prosecuting attorney of the county in which expungement is sought shall serve ~~by first class mail~~ the petition for expungement, accompanying documentation, and any proposed expungement order by first class mail to any identified victims.

~~(e)~~ (g) Notice of opposition. —

(1) Upon receipt of a petition for expungement, the ~~Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law enforcement officer of any other law enforcement agency which participated in the arrest of the petitioner; the superintendent or warden of any institution in which the petitioner was confined; the magistrate court or municipal court which disposed of the petitioner's criminal charge; all other state and local government agencies whose records would be affected by the proposed expungement~~ persons and entities listed in subsection (e) of this section, and any other interested individual person or agency that desires to oppose the expungement shall may, within 30 days of receipt of the petition, file a notice of opposition with the court with supporting documentation and sworn statements setting forth the reasons for resisting the petition for expungement.

(2) A copy of any notice of opposition with supporting documentation and sworn statements shall be served upon the petitioner in accordance with trial court rules.

(3) The petitioner may file a reply to a notice of opposition no later than ~~ten~~ 30 days after service of any notice of opposition to the petition for expungement.

~~(f)~~ (h) Burden of proof. — The burden of proof shall be on the petitioner seeking an order of expungement to prove by clear and convincing evidence ~~that~~:

(1) That the conviction or convictions for which expungement is sought are the only convictions against the petitioner and that the conviction or convictions are not excluded from expungement by ~~subsection (j)~~ the provisions of this section;

(2) That the requisite time ~~period~~ has passed since the conviction or convictions or ~~end of the completion of any sentence of incarceration or probation~~ period of supervision as set forth in subsection (b) of this section;

(3) That the petitioner has no criminal charges pending against him or her;

(4) That the expungement is consistent with the public welfare;

(5) That the petitioner has, by his or her behavior since the conviction or convictions, evidenced that he or she has been rehabilitated and is law-abiding; and

(6) Any other ~~matter~~ facts deemed considered appropriate or necessary by the court to make a determination regarding the petition for expungement.

~~(g)~~ (i) Court procedure for petition for expungement. —

Within 60 days of the filing of a petition for expungement the circuit court shall:

(1) Summarily grant the petition;

(2) Set the matter for hearing; or

(3) Summarily deny the petition if the court determines that the petition is insufficient or, based upon supporting documentation and sworn statements filed in opposition to the petition, the court determines that the petitioner, as a matter of law, is not entitled to expungement;

~~(h)~~ (i) Hearing on petition for expungement. —

If the court sets the matter for hearing, all interested parties who have filed a notice of opposition shall be notified. At the hearing, the court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with any law-enforcement authority, the institution of confinement, if any, and parole authority or other agency which was in any way involved with the petitioner's arrest, conviction, sentence, and post-conviction supervision, including any record of arrest or conviction in any other state or federal court. The court may hear testimony of witnesses and any other matter the court deems considers proper and relevant to its determination regarding the petition. The court shall enter an order reflecting its ruling on the petition for expungement with appropriate findings of fact and conclusions of law.

~~(i) No person shall be eligible for expungement of a conviction and the records associated therewith pursuant to the provisions of subsection (a) of this section for any violation involving the infliction of serious physical injury; involving the provisions of article eight b of this chapter where the petitioner was eighteen years old, or older, at the time the violation occurred and the victim was twelve years of age, or younger, at the time the violation occurred; involving the use or exhibition of a deadly weapon or dangerous instrument; of the provisions of subsection (b) or (c), section nine, article two of this chapter where the victim was a spouse, a person with whom the person seeking expungement had a child in common or with whom the person seeking expungement ever cohabitated prior to the offense; any violation of the provisions of section twenty-eight of said article; a conviction for driving under the influence of alcohol, controlled substances or a conviction for a violation of section three, article four, chapter seventeen b of this code or section nineteen, article eight of this chapter.~~

~~(j)(k) Sealing of records. —~~ If the court grants the petition for expungement, it shall order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official, including law-enforcement records. Every agency with records relating to the arrest, charge, or other matters arising out of the arrest or conviction that is ordered to expunge records shall certify to the court within 60 days of the entry of the expungement order that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed. For the purposes of this section, "records" do not include the records of the Governor, the Legislature or the Secretary of State that pertain to a grant of pardon. Such records that pertain to a grant of pardon are not subject to an order of expungement. The amendment to this section during the fourth extraordinary session of the Legislature in the year 2009 is not for the purpose of changing existing law, but is intended to clarify the intent of the Legislature as to existing law regarding expungement.

~~(k)~~ (l) Disclosure of expunged matters. —

(1) Subject to the exceptions set forth in this section, upon expungement, the proceedings in the matter shall be deemed, considered, as a matter of law, never to have occurred. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto to the record on an application for employment, credit, or other type of application: Provided, That any person applying for a position in which he or she would be engaging in the prevention, detection, investigation, prosecution, or incarceration of persons for violations of the law shall disclose any and all convictions to his or her prospective employer, regardless of whether the conviction or convictions have been expunged pursuant to this section.

(2) A person for whom an order of expungement has been entered pursuant to this section may not be found guilty of perjury or otherwise giving a false statement, under any provision of this code.

because of that person's failure to recite or acknowledge the arrest, indictment, information, trial, or conviction, as long as the person is in compliance with subdivision (1) of this subsection.

(3) Notwithstanding any provisions of this code to the contrary, any person required by state or federal law to obtain a criminal history record check on a prospective employee are authorized to have knowledge of any convictions expunged under this section.

(4) (m) *Inspection of sealed records.* — Inspection of the sealed records in the court's possession may thereafter be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney that inspection and possible use of the records in question are necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that there is a legitimate reason for access and the interests of justice will be served by granting a petition to inspect the sealed record, it may ~~be granted~~ grant access under the terms and conditions determined by the court.

(n) *Fees for filing petition for expungement and processing orders of expungement.* — The clerk of the circuit court shall charge and collect in advance the same fee for a petition for expungement as is charged for instituting a civil action pursuant to §59-1-11(a)(1) of this code. A person obtaining an order of expungement pursuant to the provisions of this section shall pay a fee of \$100 to the records division of the West Virginia State Police for the cost of processing the order of expungement deposited into a special revenue account within the State Treasurer's office to be known as the West Virginia State Police Criminal History Account.

(o) Notwithstanding any provision of this code to the contrary, a person may only obtain the relief afforded by the provisions of this section and §61-11-26a of this code once.

(p) For the purposes of this section:

(1) "Court record" means an official record of a court about a proceeding that the clerk of the court or other court personnel maintains. "Court record" includes an index, a docket entry, a petition or other pleading, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment.

(2) "Felony crime of violence against the person" means those felony offenses set forth in §61-2-1 *et seq.*, §61-3E-1 *et seq.*, §61-8B-1 *et seq.*, and §61-8D-1 *et seq.* of this code.

(3) "Felony offenses in which the victim was a minor" means felony violation of §61-3C-14b, §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

(4) "Nonviolent felony" means a felony that:

(A) Is not an offense listed in subsection (c) of this section;

(B) Is not an offense involving the intentional infliction of serious bodily injury;

(C) Is an offense the conviction of which is based on facts and circumstances of which the circuit court finds to be consistent with the purposes of this article; and

(D) Is an offense the conviction of which the circuit court finds does not involve violence or potential violence to another person or the public.

(5) "Records" do not include the records of the Governor, the Legislature, or the Secretary of State that pertain to a grant of pardon. Records that pertain to a grant of pardon are not subject to an order of expungement.

(6) "Seal" means removing information from public inspection in accordance with this section.

(7) "Sealing" means:

(A) For a record kept in a courthouse, removing the record to a separate, secure area to which persons who do not have a legitimate reason for access are denied access;

(B) For electronic information about a proceeding on the website maintained by a magistrate court, circuit court, or the Supreme Court of Appeals, removing the record from the public website; and

(C) For a record maintained by any law-enforcement agency, removing the record to a separate, secure area to which persons who do not have a legitimate reason for access are denied access.

(g) Statutory construction. — Nothing in this section may be construed to allow a person obtaining relief pursuant to this section to be eligible for reinstatement of any retirement or employment benefit which he or she lost or forfeited due to the conviction or convictions expunged.

(r) The enactment of this section during the 2019 regular session includes the repeal of the provisions of §61-11B-1 *et seq.* of this code. Any person that had a sentence reduction pursuant to the provisions of §61-11B-1 *et seq.* of this code may petition the court of record to have the criminal offense reduction order converted into an order of expungement. Upon verification by the court that the petitioner qualifies, the court shall enter an order of expungement of the petitioner's conviction.

§61-11-26a. Expungement of certain criminal convictions with approved treatment or recovery and job program.

(a) Notwithstanding any provisions of §61-11-26 of this code to the contrary, any person who has been convicted of a nonviolent felony offense or multiple misdemeanors and that would be eligible for expungement pursuant to the provisions of §61-11-26 of this code and who: (1) has a medically documented history of substance abuse and successful compliance with a substance abuse treatment or recovery and counseling program approved by the Secretary of the Department of Health and Human Resources; or (2) graduates from a West Virginia Department of Education approved Job Readiness Adult Training course, or both, if applicable, may petition the circuit court or circuit courts in which the conviction or convictions occurred for expungement of the conviction or convictions and the records associated therewith as provided in §61-11-26 of this code as follows:

(1) Any person who has been convicted of a single misdemeanor that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section, is eligible for expungement pursuant to §61-11-26(a)(1) of this code upon successful compliance with an approved substance abuse treatment and recovery and counseling program for 90 days or upon completion of an approved Job Readiness Adult Training course, or both, if applicable, but after the completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(2) Any person who has been convicted of multiple misdemeanors that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section, is not eligible for expungement pursuant to §61-11-26(a)(1) of this code until 1 year after the last conviction,

completion of any sentence of incarceration or completion of any period of supervision ordered for the last conviction, whichever is later in time.

(3) Any person who has been convicted of a nonviolent felony offense that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section, is not eligible for expungement pursuant to §61-11-26(a)(2) of this code until three years after conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(b) In addition to the required content of a petition for expungement as required by §61-11-26(d) of this code, any person petitioning for an expungement pursuant to the provisions of this section, shall also include the following, if applicable:

(1) Documentation of compliance with an approved treatment or recovery and counseling program; and

(2) Certificate of graduation from an approved Adult Training Job Readiness Course.

(c) A person may file only one petition for expungement, to the circuit court or circuit courts as applicable, pursuant to the provisions of this section and the provisions of §61-11-26 of this code.

(d) The fee of \$100 to the records division of the West Virginia State Police for the cost of processing the order of expungement required in §61-11-26(n) of this code is waived for petitions of expungement filed pursuant to the provisions of this section.

ARTICLE 11B. CRIMINAL OFFENSE REDUCTION.

§61-11B-1. Legislative intent.

[Repealed.]

§61-11B-2. Definitions.

[Repealed.]

§61-11B-3. Criminal offense reduction.

[Repealed.]

§61-11B-4. Petition for reduction.

[Repealed.]

§61-11B-5. Employer protections.

[Repealed.]”

The bill was then ordered to third reading.

Com. Sub. for S. B. 264, Requiring courts to order restitution to crime victims where economically practicable; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 1, section 1, line 5, following the word "law-enforcement", by inserting the word "agency".

And,

On page 2, section 2, line 22, following the word "law-enforcement", by inserting the word "agency".

The bill was then and ordered to third reading.

Com. Sub. for S. B. 329, Relating to agricultural education in high schools; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 345, Relating to fire service equipment and training funds for VFDs; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-8b. Authorized expenditures of revenues from the Municipal Pensions and Protection Fund and the Fire Protection Fund; deductions for unauthorized expenditures; record retention.

~~(a) Revenues allocated to volunteer and part-volunteer fire companies and departments may be expended only for the items listed in subdivisions (1) through (15) of this section. Funds~~ Money received from the state for volunteer and part-volunteer fire companies and departments, pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code, may not be commingled with ~~funds~~ moneys received from any other source, ~~except money received as a grant from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code. Expenditures may be made~~ Distributions from the Municipal Pensions and Protection Fund and the Fire Protection Fund allocated to volunteer and part-volunteer fire companies and departments may be expended only for the following:

(1) Personal protective equipment, including protective head gear, bunker coats, pants, boots, combination of bunker pants and boots, coats, and gloves;

(2) Equipment for compliance with the national fire protection standard or automotive fire apparatus, NFPA-1901;

(3) Compliance with insurance service office recommendations relating to fire departments;

(4) Rescue equipment, communications equipment, and ambulance equipment: *Provided*, That no moneys received from the Municipal Pensions and Protection Fund or the Fire Protection Fund may be used for equipment for personal vehicles owned or operated by volunteer or part-volunteer fire company or department members;

(5) Capital improvements reasonably required for effective and efficient fire protection service and maintenance of the capital improvements;

(6) Retirement of debts;

(7) Payment of utility bills;

(8) Payment of the cost of immunizations, including any laboratory work incident to the immunizations, for firefighters against hepatitis-b and other blood-borne pathogens: *Provided*, That the vaccine shall be purchased through the state immunization program or from the lowest-cost vendor available: *Provided, however*, That volunteer and part-volunteer fire companies and departments shall seek to obtain no-cost administration of the vaccinations through local boards of health: *Provided further*, That in the event any volunteer or part-volunteer fire company or department is unable to obtain no-cost administration of the vaccinations through a local board of health, the company or department shall seek to obtain the lowest cost available for the administration of the vaccinations from a licensed health care provider;

(9) Any filing fee required to be paid to the Legislative Auditor's Office under §12-4-14 of this code relating to sworn statements of annual expenditures submitted by volunteer or part-volunteer fire companies or departments that receive state funds or grants;

(10) Property/casualty insurance premiums for protection and indemnification against loss or damage or liability;

(11) Operating expenses reasonably required in the normal course of providing effective and efficient fire protection service, which include, but are not limited to, gasoline, bank fees, postage, and accounting costs;

(12) Dues paid to national, state, and county associations;

(13) Workers' compensation premiums;

(14) Life insurance premiums to provide a benefit not to exceed \$20,000 for firefighters; and

(15) Educational and training supplies and fire prevention promotional materials, not to exceed \$500 per year.

(b) If a volunteer or part-volunteer fire company or department spends any amount of money received from the Municipal Pensions and Protection Fund or the Fire Protection Fund for an item, service, or purpose not authorized by this section, that amount, when determined by an official audit, review, or investigation, shall be deducted from future distributions to the volunteer fire company or part-volunteer fire department.

(c) If a volunteer or part-volunteer fire company or department purchases goods or services authorized by this section, but then returns the goods or cancels the services for a refund, then any money refunded shall be deposited back into the same, dedicated bank account used for the deposit of distributions from the Municipal Pensions and Protection Fund and the Fire Protection Fund.

(d) Each volunteer or part-volunteer fire company and department shall retain, for five calendar years, all invoices, receipts, and payment records for the goods and services paid with money received from the state for volunteer and part-volunteer fire companies and departments, pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code and money received as a grant from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 4. ACCOUNTS, REPORTS, AND GENERAL PROVISIONS.

§12-4-14. Accountability of ~~persons~~ grantees receiving state funds or grants; sworn statements by volunteer fire departments; criminal penalties.

(a) For the purposes of this section:

(1) "Grantor" means a state spending unit awarding a state grant.

(2) "Person" "Grantee" means any entity receiving a state grant, including a state spending unit, local government, corporation, partnership, association, individual, or other legal entity. ~~The term "person" does not include a state spending unit or a local government as defined in section one-a, article nine, chapter six of this code~~

(3) "Report" means an engagement, such as an agreed-upon procedures engagement or other attestation engagement, performed and prepared by a certified public accountant to test whether state grants were spent as intended. The term "report" does not mean a full-scope audit or review of the person receiving state funds.

(4) "State grant" means funding provided by a state spending unit, regardless of the original source of the funds, to a ~~person~~ grantee upon application for a specific purpose. The term "state grant" does not include: (A) Payments for goods and services purchased by a state spending unit; (B) compensation to state employees and public officials; (C) reimbursements to state employees and public officials for travel or incidental expenses; (D) grants of student aid; (E) government transfer payments; (F) direct benefits provided under state insurance and welfare programs; (G) funds reimbursed to a person for expenditures made for qualified purposes when receipts for the expenditures are required prior to receiving the funds; (H) retirement benefits; and (I) federal pass-through funds that are subject to the federal Single Audit Act Amendments of 1996, 31 U.S.C. § 7501, *et seq.* The term "state grant" does not include formula distributions to volunteer and part-volunteer fire departments and fire companies made pursuant to §33-3-14d, §33-3-33, §33-12C-7 ~~of said chapter of this code and does not include money received from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code.~~

(b) (1) Any ~~person~~ grantee who receives one or more state grants in the amount of \$50,000 or more in the aggregate in a state's fiscal year shall file with the grantor a report of the disbursement of the state grant funds. When the grantor causes an audit, by an independent certified public accountant, to be conducted of the grant funds, the audit is performed using generally accepted government auditing standards, and a copy of the audit is available for public inspection, no report is required to be filed under this section. An audit performed that complies with Office of Management and Budget circular A-133, ~~as published on June 27, 2003,~~ and submitted within the period provided in this section may be substituted for the report.

(2) Any ~~person~~ grantee who receives a state grant in an amount less than \$50,000 or who is not required to file a report because an audit has been conducted or substituted as provided by

subdivision (1) of this subsection shall file with the grantor a sworn statement of expenditures made under the grant.

(3) Reports and sworn statements of expenditures required by ~~subdivisions (1) and (2)~~ of this subsection shall be filed within two years of the end of the ~~person's grantee's~~ fiscal year in which the disbursement of state grant funds by the grantor was made. The report shall be made by an independent certified public accountant at the cost of the ~~person receiving the state grant grantee~~. State grant funds may be used to pay for the report if the applicable grant provisions allow. The scope of the report is limited to showing that the state grant funds were spent for the purposes intended when the grant was made.

(c)(1) Any ~~person~~ grantee failing to file a required report or sworn statement of expenditures within the two-year period provided in subdivision (3), subsection (b) of this section for state grant funds ~~disbursed after July 1, 2003~~, is barred from subsequently receiving state grants until the ~~person~~ grantee has filed the report or sworn statement of expenditures and is otherwise in compliance with the provisions of this section.

(2) Any grantor of a state grant shall report any ~~persons~~ grantee failing to file a required report or sworn statement of expenditures within the required period provided in ~~subdivision (3), subsection (b)~~ of this section for a state grant ~~disbursed after July 1, 2003~~, to the Legislative Auditor for purposes of debarment from receiving state grants.

(d) (1) The state agency administering the state grant shall notify the ~~person~~ grantee of the reporting requirements set forth in this section.

(2) All grantors awarding state grants shall, prior to awarding a state grant, take reasonable actions to verify that the ~~person~~ grantee is not barred from receiving state grants pursuant to this section. The verification process shall, at a minimum, include:

(A) A requirement that the ~~person~~ grantee seeking the state grant provide a sworn statement from an authorized representative that the ~~person~~ grantee has filed all reports and sworn statements of expenditures for state grants received as required under this section; and

(B) Confirmation from the Legislative Auditor by the grantor that the ~~person~~ grantee has not been identified as one who has failed to file a report or sworn statement of expenditures under this section. Confirmation may be accomplished by accessing the computerized database provided in subsection (e) of this section.

(3) If any report or sworn statement of expenditures submitted pursuant to the requirements of this section provides evidence of a reportable condition or violation, the grantor shall provide a copy of the report or sworn statement of expenditures to the Legislative Auditor within 30 days of receipt by the grantor.

(4) The grantor shall maintain copies of reports and sworn statements of expenditures required by this section and make the reports or sworn statements of expenditures available for public inspection, as well as for use in audits and performance reviews of the grantor.

(5) The Secretary of the Department of Administration has authority to promulgate procedural and interpretive rules and propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code to assist in implementing the provisions of ~~subsections (a), (b), (c) and (d)~~ of this section.

(e)(1) Any state agency administering a state grant shall, in the manner designated by the Legislative Auditor, notify the Legislative Auditor of the maximum amount of funds to be disbursed, the identity of the ~~person~~ grantee authorized to receive the funds, the ~~person's~~ grantee's fiscal year and federal employer identification number, and the purpose and nature of the state grant within 30 days of making the state grant or authorizing the disbursement of the funds, whichever is later. ~~If the state grant was awarded prior to October 1, 2005, the grantor shall provide the information required by this section by December 1, 2005.~~

(2) The State Treasurer shall provide the Legislative Auditor the information concerning formula distributions to volunteer and part-volunteer fire departments, made pursuant to §33-3-14d, §33-3-33, and §33-12C-7 ~~of said chapter~~ of this code, the Legislative Auditor requests, and in the manner designated by the Legislative Auditor.

(3) The Legislative Auditor shall maintain a list identifying ~~persons~~ grantees who have failed to file reports and sworn statements required by this section. The list may be in the form of a computerized database that may be accessed by state agencies over the Internet.

(f) An audit of state grant funds may be authorized at any time by the Joint Committee on Government and Finance to be conducted by the Legislative Auditor at no cost to the grantee.

~~(g) (1) Volunteer and part-volunteer fire departments receiving formula distributions pursuant to §33-3-14D, §33-3-33, §33-12C-7 of this code shall either:~~

~~(A) File a report, as defined in §12-4-14(a)(3) of this code with the Legislative Auditor within the same time frames as are required for sworn statements of annual expenditures to be filed under this section. The report shall be made by an independent certified public accountant at the cost of the volunteer or part-volunteer fire department. The scope of the report is limited to showing that the funds distributed were spent for authorized purposes; or~~

~~(B) File a sworn statement of annual expenditures with the Legislative Auditor on or before February 14 of each year. The sworn statement of expenditures shall be signed by the chief or director of the volunteer fire department and shall be made under oath and acknowledged before a notary public.~~

~~(2) If the sworn statement or report required by this subsection is not filed on or before May 15, unless the time period is extended by the Legislative Auditor, the Legislative Auditor may conduct an audit of the volunteer or part-volunteer fire department.~~

~~(3) If the sworn statement of annual expenditures or report required by this subsection is not filed with the Legislative Auditor by July 1, unless the time period is extended by the Legislative Auditor, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the fire department under the provisions of §33-3-14D, §33-3-33, §33-12C-7 of this code until the report is complete. Moneys withheld pursuant to this subdivision are to be deposited in the special revenue account created in the State Treasury in §12-4-14(g)(4) of this code.~~

~~(4) The Legislative Auditor may assign an employee or employees to perform audits or reviews at the direction of the Legislative Auditor of the disbursement of state grant funds to volunteer fire departments. The volunteer fire department shall cooperate with the Legislative Auditor, the Legislative Auditor's employees and the State Auditor in performing their duties under this section. If the Legislative Auditor determines a volunteer fire department is not cooperating, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the fire department under the provisions of §33-3-14D, §33-3-33, §33-~~

~~12C-7 of this code until the Legislative Auditor informs the Treasurer that the fire department has cooperated as required by this section. The State Treasurer shall pay the amount withheld into a special revenue account hereby created in the State Treasury and designated the "Volunteer Fire Department Audit Account". If, after one year from payment of the amount withheld into the special revenue account, the Legislative Auditor informs the State Treasurer of continued noncooperation by the fire department, the State Treasurer shall pay the amount withheld to the fund from which it was distributed to be redistributed the following year pursuant to the applicable provisions of those sections.~~

~~(5) Whenever the State Auditor performs an audit of a volunteer fire department for any purpose the Auditor shall also conduct an audit of other state funds received by the fire department pursuant to §33-3-14D, §33-3-33, §33-12C-7 of this code. The Auditor shall send a copy of the audit to the Legislative Auditor. The Legislative Auditor may accept an audit performed by the Auditor in lieu of performing an audit under this section.~~

~~(6) If the Legislative Auditor is notified by a grantor that a fire department has failed to file a report or a sworn statement of expenditures for a state grant it received, the Legislative Auditor shall notify the Treasurer who shall withhold further distributions to the fire department in the same manner provided in §12-4-14(g)(3) of this code.~~

~~(h) (g) Any report submitted pursuant to the provisions of this section may be filed electronically in accordance with the provisions of §39A-1-1 et seq. of this code.~~

~~(i) (h) Any person grantee who files a fraudulent sworn statement of expenditures under subsection (b) or (g) of this section subsection (b) of the section, a fraudulent sworn statement under subsection (d) of this section, or a fraudulent report under this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.~~

§12-4-14b. Accountability of volunteer and part-volunteer fire companies or departments receiving state funds for equipment and training; review or audit of expenditures; withholding of state funds for delinquency or misuse; notifications.

(a) Definitions. — For the purposes of this section:

"Equipment and training grant" means a grant of money to a volunteer fire company or a part-volunteer fire department from the Fire Service Equipment and Training Fund created in §29-3-5f of this code;

"Formula distribution" means a distribution of money to volunteer and part-volunteer fire companies or departments made pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code; and

"State funds account" means a bank account established by a volunteer or part-volunteer fire company or department and maintained for the exclusive use and accounting of money from formula distributions and equipment and training grants.

(b) Filing required documentation. — Every volunteer and part-volunteer fire company or department seeking to receive formula distributions or an equipment and training grant shall file copies of bank statements and check images from the company's or department's state funds account for the previous calendar year with the Legislative Auditor on or before February 1 of each year.

(c) *Reviews and audits.* — The Legislative Auditor is authorized to conduct regular reviews or audits of deposits and expenditures from formula distribution and equipment and training grant funds by volunteer and part-volunteer fire companies or departments. The Legislative Auditor may assign an employee or employees to perform audits or reviews at his or her direction. The State Treasurer shall provide the Legislative Auditor information, in the manner designated by the Legislative Auditor, concerning formula distributions and equipment and training grants paid to volunteer or part-volunteer fire companies and departments. The volunteer or part-volunteer fire company or department shall cooperate with the Legislative Auditor, the Legislative Auditor's employees, and the State Auditor in performing their duties under the laws of this state.

(d) *State Auditor.* — Whenever the State Auditor performs an audit of a volunteer or part-volunteer fire company or department for any purpose, the Auditor shall also conduct an audit of other state funds received by the company or department pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code. The Auditor shall send a copy of the audit to the Legislative Auditor. The Legislative Auditor may accept an audit performed by the Auditor in lieu of performing an audit under this section.

(e) *Withholding of funds.* —The Treasurer is authorized to withhold payment of a formula distribution or an equipment and training grant from a volunteer or part-volunteer fire company or department, when properly notified by the Legislative Auditor pursuant to this section, of any of the following conditions:

(1) Failure to file, in a timely manner, copies of bank statements and check images with the Legislative Auditor;

(2) Failure to cooperate with a review or audit conducted by the Legislative Auditor;

(3) Misapplication of state funds; or

(4) Failure to file a report or a sworn statement of expenditures as required by §12-4-14 of this code for a state grant other than an equipment and training grant.

(f) *Delinquency in filing.* — If, after February 1, a volunteer or part-volunteer fire company or department has failed to file the required bank statements and check images with the Legislative Auditor, the Legislative Auditor shall notify the delinquent company or department at two separate times in writing of the delinquency and of possible forfeiture of its Fire Service Equipment and Training Fund distribution for the year. If the required bank statements and check images are not filed with the Legislative Auditor by March 31, unless the time period is extended by the Legislative Auditor, the Legislative Auditor shall then notify the Treasurer who shall withhold payment of any amount that would otherwise be distributed to the company or department. Prior to each subsequent quarterly disbursement of funds by the Treasurer, the Legislative Auditor shall notify each delinquent company or department twice per each quarter in which the company or department is delinquent. The Legislative Auditor may choose the method or methods of notification most likely to be received by the delinquent company or department.

(g) *Noncooperation.* — If, in the course of an audit or review by the Legislative Auditor, a volunteer or part-volunteer fire company or department fails to provide documentation of its accounts and expenditures in response to a request of the Legislative Auditor, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the company or department under the provisions of §33-3-14d, §33-3-33, and §33-12C-7 of this code until the Legislative Auditor informs the State Treasurer that the company or department has cooperated with the review or audit.

(h) Reporting of other grants. — Nothing in this section alters the duties and responsibilities of a volunteer or part-volunteer fire company or department imposed under §12-4-14 of this code if that company or department has received funds from any state grant program other than from the Fire Service Equipment and Training Fund. If the Legislative Auditor is notified by a grantor that a volunteer or part-volunteer fire company or department has failed to file a report or a sworn statement of expenditures for a state grant it received, the Legislative Auditor shall notify the State Treasurer who shall withhold further distributions to the company or department in the manner provided in this section.

(i) Escrow and forfeiture of moneys withheld. — The Volunteer Fire Department Audit Account previously created in the Treasury is hereby continued. When the State Treasurer receives notice to withhold the distribution of money to a volunteer or part-volunteer fire company or department pursuant to this section, the Treasurer shall instead deposit the amounts withheld into the Volunteer Fire Department Audit Account. If the Treasurer receives notice that the volunteer or part-volunteer fire company or department has come into compliance in less than one year from the date of deposit into this special revenue account, then the Treasurer shall release and distribute the withheld amounts to the company or department, except that any interest that has accrued thereon shall be credited to the general revenue of the state. If, after one year from payment of the amount withheld into the special revenue account, the Legislative Auditor informs the State Treasurer of continued noncooperation by the company or department, the delinquent company or department forfeits the amounts withheld and the State Treasurer shall pay the amounts withheld into Fire Service Equipment and Training Fund created in §29-3-5f of this code.

(j) Misuse of state money. — If the Legislative Auditor determines that a volunteer or part-volunteer fire company or department has used formula distribution money for purposes not authorized by §8-15-8b of this code or has used equipment and training grant money for purposes not authorized by the grant program, the Legislative Auditor shall give a written notice of noncompliance to the company or department. If a volunteer or part-volunteer fire company or department disagrees or disputes the finding, the company or department may contest the finding by submitting a written objection to the Legislative Auditor within five working days of receipt of the Legislative Auditor's finding. The department or company shall then have 60 days from the date of the Legislative Auditor's finding to provide documentation to substantiate that the expenditures were made for authorized purposes. If the volunteer or part-volunteer fire company or department does not dispute the findings of the Legislative Auditor or if the company or department is not able to substantiate an authorized purpose for the expenditure, the Legislative Auditor shall notify the Treasurer of the amount of misapplied money and the Treasurer shall deduct that amount from future distributions to that company or department until the full amount of unauthorized expenditure is offset.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5f. Fire Service Equipment and Training Fund; creation of fire service equipment and training grant; reports of ineligibility to State Fire Marshal.

(a) There is hereby created in the Treasury a special revenue fund to be known as the Fire Service Equipment and Training Fund. Expenditures from the fund by the State Fire Marshal are authorized from collections. The fund may only be used for the purpose of providing grants to equip volunteer and part-volunteer fire companies and departments and their members, and to train volunteer and part-volunteer firefighters. Any balance remaining in the fund at the end of any fiscal year does not revert to the General Revenue Fund, but remains in the Special Revenue Fund. ~~The State Fire~~

~~Marshal shall propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code to implement the grant program established pursuant to this section~~

(b) The State Fire Marshal shall establish a grant program for equipment and training for volunteer and part-volunteer fire companies and departments. Such grant program shall be open to all volunteer and part-volunteer fire companies and departments. In making grants pursuant to this section, the State Fire Marshal shall consider:

(1) The number of emergency and nonemergency calls responded to by the company or department;

(2) The activities and responses of the company or department;

(3) The revenues received by the company or department from federal, state, county, municipal, local, and other sources; and

(4) The company's or department's assets, expenditures, and other liabilities, including whether the fire company or department has availed itself of available statewide contracts.

(c) The State Fire ~~Commission~~ Marshal shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program established pursuant to this section.

(d) The Legislative Auditor shall notify the State Fire Marshal of any volunteer or part-volunteer fire company or department that is ineligible to receive grant funds due to the company's or department's failure to file required bank statements or financial reports or failure to comply with an audit or review by the Legislative Auditor. A volunteer or part-volunteer fire company or department reported by the Legislative Auditor shall be ineligible to receive funds under this section until the Legislative Auditor notifies the State Fire Marshal that the company or department has come into compliance.

§29-3-8. Comprehensive report by State Fire Marshal.

~~(a) On or before July 1, 2019, the State Fire Marshal shall submit a comprehensive report to the Joint Committee on Government and Finance containing a recommended plan for transferring authority and responsibility for providing fire services to the counties. Such report shall include, but not be limited to, recommendations regarding recommended state oversight of such fire services; financial support for fire services, a plan and timeline for transitioning responsibility and oversight to the counties; and county authority, oversight, and accountability of operations, fiscal planning, financial accountability, and risk management planning. The State Fire Marshal shall solicit input from appropriate state agencies, county officials, and other interested parties, which shall provide requested information to the State Fire Marshal to assist in preparation of the report and recommendation.~~

~~(b) On or before July 1, 2019, the State Fire Marshal shall study, prepare, and submit a report to the Joint Committee on Government and Finance regarding reciprocity of firefighter and fire officer certification with other states. Such report shall include recommendations regarding ways to increase availability of reciprocal certification, including any necessary changes to state code or regulation necessary to facilitate additional reciprocity."~~

The bill was then ordered to third reading.

Com. Sub. for S. B. 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page eight, section fourteen, following subdivision (l), by adding a new subdivision (m) to read as follows:

“(m) Notwithstanding any other provision of this code to the contrary, any records obtained in response to solicitations for bids from the Division shall not be subject to disclosure pursuant to §29B-1-1 et seq. of this code, until and unless the time frame for submission of bids has closed: *Provided*, That once bids close, the records may be exempt from disclosure pursuant to §29B-1-4 of this code. Any record relating to any solicitation for, or purchase of, any item related to the safe and secure running of any facility under the jurisdiction of the Commissioner of the Division is not subject to disclosure pursuant to §29B-1-1 et seq. of this code.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 369, Relating to generic drug products; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 398, Relating to compensation for senior judges; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, immediately following the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

“CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-48. Reemployment after retirement; options for holder of elected public office.

(a) The Legislature finds that a compelling state interest exists in maintaining an actuarially sound retirement system and that this interest necessitates that certain limitations be placed upon an individual's ability to retire from the system and to then later return to state employment as an employee with a participating public employer while contemporaneously drawing an annuity from the system. The Legislature hereby further finds and declares that the interests of the public are served when persons having retired from public employment are permitted, within certain limitations, to render post-retirement employment in positions of public service, either in elected or appointed capacities. The Legislature further finds and declares that it has the need for qualified employees and that in many cases an employee of the Legislature will retire and be available to return to work for the

Legislature as a per diem employee. The Legislature further finds and declares that in many instances these employees have particularly valuable expertise which the Legislature cannot find elsewhere. The Legislature further finds and declares that reemploying these persons on a limited per diem basis after they have retired is not only in the best interests of this state but has no adverse effect whatsoever upon the actuarial soundness of this particular retirement system.

(b) For the purposes of this section: (1) "Regularly employed on a full-time basis" means employment of an individual by a participating public employer, in a position other than as an elected or appointed public official, which normally requires 12 months per year service and at least 1,040 hours of service per year in that position; (2) "temporary full-time employment" or "temporary part-time employment" means employment of an individual on a temporary or provisional basis by a participating public employer, other than as an elected or appointed public official, in a position which does not otherwise render the individual as regularly employed; (3) "former employee of the Legislature" means any person who has retired from employment with the Legislature and who has at least 10 years' contributing service with the Legislature; and (4) "reemployed by the Legislature" means a former employee of the Legislature who has been reemployed on a per diem basis not to exceed 175 days per calendar year.

(c) ~~In the event~~ If a retirant becomes regularly employed on a full-time basis by a participating public employer, payment of his or her annuity shall be suspended during the period of his or her reemployment and he or she shall become a contributing member to the retirement system. If his or her reemployment is for a period of one year or longer, his or her annuity shall be recalculated and he or she shall be granted an increased annuity due to the additional employment, the annuity to be computed according to §5-10-22 of this code. If his or her reemployment is for a period less than one year, he or she may request in writing that the employee and employer retirement contributions submitted during reemployment be credited to the participating public employer pursuant to §5-10-44 of this code, and his or her previous annuity shall be reinstated effective the first day of the month following termination of reemployment and the board's receipt of written notice thereof. A retirant may accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity so long as he or she does not receive annual compensation in excess of \$20,000.

(d) Senior judges, justices, and magistrates. –

(1) Notwithstanding the provisions of subsection (c) of this section, a retired judge or justice who is recalled and assigned to temporary service as a senior judge or justice by the West Virginia Supreme Court of Appeals may receive per diem compensation pursuant to the requirements of §51-9-10 of this code while continuing to receive his or her annuity.

(2) Notwithstanding the provisions of subsection (c) of this section, a retired magistrate who is recalled and assigned to temporary service as a senior magistrate by the West Virginia Supreme Court of Appeals may receive per diem compensation pursuant to the requirements of §50-1-6a of this code while continuing to receive his or her annuity.

~~(d)~~ (e) ~~In the event~~ If a member retires and is then subsequently elected to a public office or is subsequently appointed to hold an elected public office, or is a former employee of the Legislature who has been reemployed by the Legislature, he or she has the option, notwithstanding subsection (c) of this section, to either:

(1) Continue to receive payment of his or her annuity while holding public office or during any reemployment of a former employee of the Legislature on a per diem basis, in addition to the salary

he or she may be entitled to as an office holder or as a per diem reemployed former employee of the Legislature; or

(2) Suspend the payment of his or her annuity and become a contributing member of the retirement system as provided in subsection (c) of this section. Notwithstanding the provisions of this subsection, a member who is participating in the system as an elected public official may not retire from his or her elected position and commence to receive an annuity from the system and then be elected or reappointed to the same position unless and until a continuous 12-month period has passed since his or her retirement from the position: *Provided*, That a former employee of the Legislature may not be reemployed by the Legislature on a per diem basis until at least 60 days after the employee has retired: *Provided, however*, That the limitation on compensation provided by subsection (c) of this section does not apply to the reemployed former employee: *Provided further*, That in no event may reemployment by the Legislature of a per diem employee exceed 175 days per calendar year.

~~(e)~~ (f) A member who is participating in the system simultaneously as both a regular, full-time employee of a participating public employer and as an elected or appointed member of the legislative body of the state or any political subdivision may, upon meeting the age and service requirements of this article, elect to retire from his or her regular full-time state employment and may commence to receive an annuity from the system without terminating his or her position as a member of the legislative body of the state or political subdivision: *Provided*, That the retired member shall not, during the term of his or her retirement and continued service as a member of the legislative body of a political subdivision, be eligible to continue his or her participation as a contributing member of the system and shall not continue to accrue any additional service credit or benefits in the system related to the continued service.

~~(f)~~ (g) Notwithstanding the provisions of §5-10-27b of this Code, any publicly elected member of the legislative body of any political subdivision or of the State Legislature, the Clerk of the House of Delegates, and the Clerk of the Senate may elect to commence receiving in-service retirement distributions from this system upon attaining the age of 70 and one-half years: *Provided*, That the member is eligible to retire under the provisions of §5-10-20 or §5-10-21 of this code: *Provided, however*, That the member elects to stop actively contributing to the system while receiving the in-service distributions.

~~(g)~~ (h) The provisions of §5-10-22h of this code are not applicable to the amendments made to this section during the 2006 regular session.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-6a. Temporary appointment of retired magistrates.

(a) The West Virginia Supreme Court of Appeals is authorized and empowered to create a panel of senior magistrates to consist of, and to utilize the talent and experience of, retired magistrates of this state. ~~The Supreme Court of Appeals shall promulgate rules providing for such senior magistrates to be assigned duties as needed and as feasible toward the objective of reducing caseloads and providing for replacement of magistrates who are unavailable. *Provided*, That reasonable payment shall be made to said senior magistrates on a per diem basis: *Provided, however*, That the per diem and retirement compensation of a senior magistrate shall not exceed the salary of a sitting magistrate and allowances shall also be made for necessary expenses pursuant to the travel regulations of the Supreme Court of Appeals.~~

(b) Senior magistrates recalled and assigned to service shall receive per diem compensation set by the Supreme Court of Appeals, but not to exceed \$200 for each day actually served: *Provided*, That the combined total of per diem compensation and retirement benefits paid to a senior magistrate during a single calendar year may not exceed the annual salary of a sitting magistrate, except as set forth in subsection (c) of this section.

(c) Notwithstanding subsection (b) of this section, for purposes of maintaining magisterial efficacy and continuity of magisterial decision-making, a senior magistrate may continue to receive per diem compensation after the combined total of per diem compensation and retirement benefits paid to the senior magistrate during that calendar year exceeds the annual salary of a sitting magistrate if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying there are certain extraordinary circumstances involving the necessary absence of a sitting magistrate because of a protracted, but temporary, illness or medical condition or a lengthy suspension which necessitate the extended assignment of the senior magistrate. Immediately upon entering such an order, the chief justice shall submit copies of the order to the State Auditor and the State Treasurer.

(d) In addition to the compensation authorized by this section, senior magistrates recalled to service may be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-10. Services of senior judges and justices.

(a) The Legislature finds that:

(1) Section seven, article VIII of the Constitution of West Virginia expressly requires the Legislature to fix judicial salaries by statute, providing that: "[j]ustices, judges and magistrates shall receive the salaries fixed by law".

(2) When originally enacted in 1949, this section of the code required any retired judge receiving retirement benefits to serve as a special judge, when assigned to temporary service, "without charge or compensation, per diem or otherwise to him".

(3) In 1974, the Judicial Reorganization Amendment to the Constitution of West Virginia was ratified. Among other matters, in section eight, article VIII, the amendment addressed the ongoing practice of recalling retired judicial officers to service by empowering the Chief Justice of the Supreme Court of Appeals to recall a retired judge or justice to service, "with his permission and with the approval of the supreme court of appeals", for temporary assignment.

(4) Absent from the Judicial Reorganization Amendment and article VIII of the Constitution of West Virginia is any provision authorizing the Supreme Court of Appeals to fix compensation for recalled judges or justices. Indeed, the Judicial Reorganization Amendment added language to section seven, article VIII of the Constitution of West Virginia, unequivocally stating that "[j]ustices, judges and magistrates shall receive the salaries fixed by law".

(5) In 1975, the Legislature amended and reenacted this section of the code, which still then required any retired judge receiving retirement benefits to serve as a special judge, when assigned to temporary service "without charge or compensation, per diem or otherwise to him".

(6) In 1991, the Legislature amended and reenacted this section of the code again, authorizing and empowering the Supreme Court of Appeals to create a panel of senior judges and justices “to be assigned duties as needed and as feasible toward the objective of reducing caseloads and providing speedier trials to litigants throughout the State”.

(7) The 1991 reenactment of this section of the code statutorily authorized, for the first time, “reasonable payment” to senior judges and justices “on a per diem basis”, and provided that “the per diem and retirement compensation of a senior judge shall not exceed the salary of a sitting judge”.

(8) In 2018, the West Virginia House of Delegates adopted and communicated Articles of Impeachment to the West Virginia Senate, naming justices of the Supreme Court of Appeals serving at that time as respondents. Several of the articles alleged that certain justices, each while serving as Chief Justice of the Supreme Court of Appeals, had intentionally signed contracts agreeing to pay retired judges recalled to service above the compensation limitations of this section of the code.

(9) In a petition to the Supreme Court of Appeals, styled *State ex. rel. Workman v. Carmichael*, one justice named as respondent in the 2018 impeachment proceedings challenged the constitutionality of the Articles of Impeachment in which she was named, including the articles alleging payment of senior judges above the limitations of this section of the code.

(10) In ruling on the petition in *State ex. rel. Workman v. Carmichael*, the Supreme Court of Appeals, at that time composed of five circuit judges temporarily assigned to sit as justices for that case, issued a writ of prohibition staying impeachment proceedings.

(11) In direct contradiction of section seven, article VIII of the Constitution of West Virginia, the decision in *State ex. rel. Workman v. Carmichael* held, in part, that this section of the code, providing for and limiting the compensation of senior judges, is “unconstitutional and unenforceable”.

(12) The majority opinion in *State ex. rel. Workman v. Carmichael* ignored the plain language of section seven, article VIII of the Constitution of West Virginia, which explicitly provides that “[j]ustices, judges and magistrates shall receive the salaries fixed by law”.

(13) Syllabus point four of the majority opinion in *State ex. rel. Workman v. Carmichael* mischaracterizes what the Legislature had done in enacting this section of the code, by providing that: “West Virginia Code §51-9-10 (1991) violates the Separation of Powers Clause of Article V, § 1 of the West Virginia Constitution, insofar as that statute seeks to regulate judicial appointment matters that are regulated exclusively by this Court pursuant to Article VIII, § 3 and § 8 of the West Virginia Constitution. Consequently, W.Va. Code §51-9-10, in its entirety, is unconstitutional and unenforceable”.

(14) Occasionally, circumstances may require the extended assignment of senior judges and justices, necessitating the Legislature to prescribe such circumstances when the limitations on compensation of senior judges and justices receiving retirement benefits may be exceeded.

(b) The West Virginia Supreme Court of Appeals is authorized and empowered to The Legislature recognizes and acknowledges the authority of the West Virginia Supreme Court of Appeals to recall retired judges and justices for temporary assignment and to create a panel of senior judges and justices to utilize the talent and experience of former circuit court judges and supreme court justices of this state: *Provided*, That extended assignment of retired judges and justices must not be utilized in such a way as to threaten the qualified status of the Judges Retirement System under applicable provisions of the Internal Revenue Code, including Treasury Regulation section 1.401(a)-1(b)(1) requiring that a qualified plan must be established primarily to provide payment of definitely determinable benefits to its employees after retirement or attainment of normal retirement age. The

~~Supreme Court of Appeals shall promulgate rules providing for said judges and justices to be assigned duties as needed and as feasible toward the objective of reducing caseloads and providing speedier trials to litigants throughout the state. Provided, That Reasonable payment shall be made to said judges and justices on a per diem basis: Provided, however, That the per diem and retirement compensation of a senior judge shall not exceed the salary of a sitting judge and allowances shall also be made for necessary expenses as provided for special judges under §51-2-1 et seq. and §51-9-1 et seq. of this Code~~

(c) Senior judges and justices recalled and assigned to service shall receive per diem compensation set by the Supreme Court of Appeals, but not to exceed \$430 for each day actually served: *Provided*, That the combined total of per diem compensation and retirement benefits paid to a senior judge or justice during a single calendar year may not exceed the annual salary of a sitting circuit judge, except as set forth in subsection (d) of this section.

(d) Notwithstanding subsection (c) of this section, for purposes of maintaining judicial efficacy and continuity in judicial decision-making, a senior judge or justice may continue to receive per diem compensation after the combined total of per diem compensation and retirement benefits paid to the senior judge or justice during that calendar year exceeds the annual salary of a sitting circuit judge if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying there are certain extraordinary circumstances involving the necessary absence of a sitting judicial officer because of a protracted, but temporary, illness or medical condition or a lengthy suspension which necessitate the extended assignment of the senior judge or justice. Immediately upon entering such an order, the Chief Justice shall submit copies of the order to the State Auditor and the State Treasurer.

(e) In addition to the per diem compensation authorized by this section, senior judges and justices recalled to service may be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(f) Within 90 days after the effective date of this section, the Treasurer, as the chief custodian of public funds, shall petition the West Virginia Supreme Court of Appeals for a writ of prohibition pursuant to the court's original jurisdiction, naming as respondent the State Auditor and petitioning the court to prohibit the State Auditor from issuing any warrant for the payment of per diem compensation to senior judges and justices in excess of the limitation on the daily rate of per diem compensation in subsection (c) of this section."

The bill was then ordered to third reading.

S. B. 461, Providing for personal income tax withholding on certain lottery winnings; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section three, line three, following the words "tax on coal", by striking out the comma and inserting in lieu thereof a semicolon and the following: "(3) the"; and by renumbering the remaining subdivisions in the sentence.

On page three, section three, line twenty, following the citation "11-10-5 -f" and inserting in lieu thereof "§11-10-5f".

On page fourteen, section fifteen, line twenty-nine, following the citation §11-21-1 et seq.”, by inserting a comma.

On page seventeen, section eighteen-c, line three, by striking out the words “tracking report under IRC § 6226(b)(4)(a)” and inserting in lieu thereof the words “report under §11-21A-3 of this code”.

On page thirty-eight, section fifty-nine, line one, at the beginning of subsection “(a)”, by striking out the word “If” and inserting in lieu thereof the words “Unless the provision of §11-21A-1 et seq. of this code apply, if”.

On page fifty-one, section one, line nineteen, following the words “any person that”, by inserting the word “is”.

On page sixty-five, section twenty, line one, at the beginning of subsection “(a)”, by striking out the word “If” and inserting in lieu thereof the words “Unless the provision of §11-21A-1 et seq. of this code apply, if”.

And,

On page sixty-six, section twenty, beginning on line twenty-one, by striking out subsections (c) and (d) in their entirety and inserting in lieu thereof the following:

“(c) For the purposes of this section, assessments under a partial agreement, closing agreement covering specific matters, jeopardy or advance payment are considered part of the final determination and must be submitted to the Tax Commissioner with the final determination.

“(d) If a partial agreement, a closing agreement covering specific matters or any other agreement with the United States Treasury Department would be final except for a federal extension still open for flow through adjustments from other entities or other jurisdictions, the final determination is the date the taxpayer signs the agreement. Flow-through adjustments include, but are not limited to, items of income gain, loss and deduction that flow through to equity owners, of a partnership, or other passthrough entity. Flow through adjustments are finally determined based on criteria specified in §11-24-20(g) of this code.

“(e) The Tax Commissioner is not required to issue refunds based on any agreement other than a final determination.

“(f) If a taxpayer has filed an amended federal return, and no corresponding West Virginia amended return has been filed with the Tax Commissioner, then the period of limitations for issuing a notice of assessment shall be reopened and shall not expire until three years from the date of delivery to the Tax Commissioner by the taxpayer of the amended federal return. However, upon the expiration of the period of limitations as provided in §11-10-15 of this code, then only those specific items of income, deductions, gains, losses, or credits, which were adjusted in the amended federal return shall be subject to adjustment for purposes of recomputing West Virginia income, deductions, gains, losses, credits, and the effect of such adjustments on West Virginia allocations and apportionments.

“(g) For the purposes of this section, “final determination” means the appeal rights of both parties have expired or have been exhausted relative to the tax year for federal income tax purposes.

“(h) The amendments made to this section in the year 2019 shall apply, without regard to taxable year, to federal determinations that become final on or after the effective date of the amendments to this section in the year 2019.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 502, Exempting sales of investment metal bullion and coins; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 522, Creating Special Road Repair Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by inserting a new section to read as follows:

“ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-6b. Country roads accountability and transparency.

(a) The Legislature finds that taxpayers should be able to easily access the details of how the state is spending their tax dollars to build and repair state and public roads. The taxpayers should also be able to easily access and compare the budgeted moneys and the performance results that are achieved for those expenditures. It is the intent of the Legislature, therefore, to direct the Auditor to create and maintain a searchable website detailing where, how much, and from what source the taxpayer moneys in state government are expended for payment to third party vendors for state roads.

(b) No later than July 1, 2019, the Auditor shall develop and make publicly available a searchable website containing, at a minimum, the following information for a given fiscal year, and the three immediately preceding fiscal years, to the extent that the commissioner has the ability to provide the information to the Auditor:

(1) The project number or name for each state road in which moneys have been expended to pay vendors to build, repair or maintain a state road;

(2) The county location for each such project;

(3) The funding source for a given funding action or expenditure to pay vendors;

(4) The budget program or activity related to a given funding action or expenditure;

(5) The name and the address, principal location or residence of the vendors receiving payment from a given funding action or expenditure; and

(6) Additional information as to the funding action or expenditure the Auditor considers valuable for the public.

(c) For the purposes of this section:

(1) “Auditor” means the State Auditor of West Virginia, or his or her designee appointed to perform the service;

(2) “Funding action or expenditure” includes details on the type of spending to vendors, including, but not limited to, grants, contracts, and any expenditure from the state road fund, federal funds, special revenue funds, including any civil contingency or similar fund. Where possible, a hyperlink to the actual grants or contracts shall be provided;

(3) "Funding source" means the state account from which the funding action or expenditure is appropriated;

(4) "Vendor" means any person or entity that is authorized by the State of West Virginia to supply the Division of Highways with commodities or services;

(5) "Searchable website" means a website that allows the public at no cost to search and aggregate information regarding the state's budget and spending for state roads.

(d) The searchable website shall be updated periodically as new data becomes available and is submitted by the commissioner to the Auditor. The commissioner shall provide to the Auditor, in a format specified by the Auditor, all the data that is required to be included in the searchable website no later than 30 days after the data becomes available to the agency. The Auditor shall provide guidance and specifications to the commissioner to promote compliance with this section. The commissioner and the Auditor shall communicate and cooperate to develop methodologies for the efficient transfer of the data, including, but not limited to, methodologies to convert noncompatible electronic formats of data into data formats that can be reasonably converted and transferred to the website.

(e) The Auditor and the commissioner shall each report to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability as to the status of the website and shall advise the Committee and the Commission of any issues related to the transfer and receipt of the information from the commissioner to the Auditor in a timely manner as required in this section. The reports shall be submitted at the end of each quarter for the 2019-2020 fiscal year; and annually thereafter, beginning December 1, 2020, and on December 1 of each year thereafter, until the Joint Committee finds that the annual reports are no longer required.;

And,

On page one, section eleven, beginning on line one, by striking out subsections (a) and (b) in their entirety and inserting in lieu thereof the following:

There is created a special sub-account in the State Road Fund, designated the Special Road Repair Fund, to be expended solely for the purposes specified in §17-30-1 et seq. of this code for the maintenance and repair of the state's roads and highways."

The bill was then ordered to third reading.

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 1, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

"CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT BOARD.**§5-10D-1. Consolidated Public Retirement Board continued; members; vacancies; investment of plan funds.**

(a) The Consolidated Public Retirement Board is continued to administer all public retirement plans in this state. It shall administer the Public Employees Retirement System established in §5-10-1 *et seq.* of this code; the Teachers Retirement System established in §18-7A-1 *et seq.* of this code; the Teachers' Defined Contribution Retirement System created by §18-7B-1 *et seq.* of said code; the West Virginia State Police Death, Disability and Retirement Fund created by §15-2-1 *et seq.* of this code; the West Virginia State Police Retirement System created by §15-2A-1 *et seq.* article two-a of said code; the Deputy Sheriff Death, Disability and Retirement Fund created by article fourteen-d, chapter seven §7-14D-1 *et seq.* of this code; the Judges' Retirement System created under §51-9-1 *et seq.* of this code; the Emergency Medical Services Retirement System established in §16-5V-1 *et seq.* of this code; and the Municipal Police Officers and Firefighters Retirement System established in §8-22A-1 *et seq.* of this code.

(b) The membership of the Consolidated Public Retirement Board consists of:

(1) The Governor or his or her designee;

(2) The State Treasurer or his or her designee;

(3) The State Auditor or his or her designee;

(4) The Secretary of the Department of Administration or his or her designee;

(5) Four residents of the state, who are not members, retirants or beneficiaries of any of the public retirement systems, to be appointed by the Governor, with the advice and consent of the Senate; and

(6) A member, annuitant or retirant of the Public Employees Retirement System who is or was a state employee; a member, annuitant or retirant of the Public Employees Retirement System who is not or was not a state employee; a member, annuitant or retirant of the Teachers Retirement System; a member, annuitant or retirant of the West Virginia State Police Death, Disability and Retirement Fund; a member, annuitant or retirant of the West Virginia State Police Retirement System; a member, annuitant or retirant of the Deputy Sheriff Death, Disability and Retirement Fund; a member, annuitant or retirant of the Teachers' Defined Contribution Retirement System; a member, annuitant or retirant of the Emergency Medical Services Retirement System; and beginning as soon as practicable after January 1, 2010, one person who is a member, annuitant or retirant of a municipal policemen's or firemen's pension and relief fund or the West Virginia Municipal Police Officers and Firefighters Retirement System, all to be appointed by the Governor, with the advice and consent of the Senate. The Governor shall choose the member representing the municipal policemen's or firemen's pension and relief fund or the West Virginia Municipal Police Officers and Firefighters Retirement System from two names submitted by the state's largest organization of professional police officers and two names submitted by the state's largest organization of professional firefighters. Representation of the municipal police officers and firefighters shall alternate after each term on the board between persons having police officer and firefighter affiliation so that each professional group is represented on the board every other term.

All appointees to the board shall have recognized competence or significant experience in pension management or administration, actuarial analysis, institutional management or accounting. Those members appointed prior to January 1, 2010, shall be considered to have met these qualifications. One trustee shall be an attorney experienced in finance and pension matters and one

trustee shall be a certified public accountant. Each member of the board must complete annual fiduciary training and timely complete any conflict of interest forms required to serve as a trustee.

(c) The appointed members of the board shall serve five-year terms. A member appointed pursuant to subdivision (6), subsection (b) of this section ceases to be a member of the board if he or she ceases to be a member of the represented system. If a vacancy occurs in the appointed membership, the Governor, within sixty days, shall fill the vacancy by appointment for the unexpired term. No more than six appointees may be of the same political party.

(d) The Consolidated Public Retirement Board has all the powers, duties, responsibilities and liabilities of the Public Employees Retirement System established pursuant to §5-10-1 *et seq.* of this code; the Teachers Retirement System established pursuant to §18-7A-1 *et seq.* of this code; the Teachers' Defined Contribution Retirement System established pursuant to §18-7B-1 *et seq.* of this code; the West Virginia State Police Death, Disability and Retirement Fund created pursuant to §15-2-1 *et seq.* of this code; the West Virginia State Police Retirement System created by §15-2A-1 *et seq.* of this code; the Deputy Sheriff Death, Disability and Retirement Fund created pursuant to §7-14D-1 *et seq.* of this code; the Judges' Retirement System created pursuant to §51-9-1 *et seq.* of this code; the Emergency Medical Services Retirement System established in §16-5V-1 *et seq.* of this code; and the Municipal Police Officers and Firefighters Retirement System created pursuant to §8-22A-1 *et seq.* of this code, and their appropriate governing boards.

(e) The Consolidated Public Retirement Board may propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, necessary to effectuate its powers, duties and responsibilities: *Provided*, That the board may adopt any or all of the rules, previously promulgated, of a retirement system which it administers.

(f) (1) The Consolidated Public Retirement Board shall continue to transfer all funds received for the benefit of the retirement systems, including, but not limited to, all employer and employee contributions, to the West Virginia Investment Management Board: *Provided*, That the employer and employee contributions of the Teachers' Defined Contribution Retirement System, established in §18-7B-3 of this code, and voluntary deferred compensation funds invested by the West Virginia Consolidated Public Retirement Board pursuant to §5-10B-5 of this code may not be transferred to the West Virginia Investment Management Board.

(2) The board may recover from a participating employer that fails to pay any amount due a retirement system in a timely manner the contribution due and an additional amount not to exceed interest or other earnings lost as a result of the untimely payment, or a reasonable minimum fee, whichever is greater, as provided by legislative rule promulgated pursuant to the provisions of §29A-3-1 *et seq.* of this code. Any amounts recovered shall be administered in the same manner in which the amount due is required to be administered.

(g) Notwithstanding any provision of this code or any legislative rule to the contrary, all assets of the public retirement plans set forth in subsection (a) of this section shall be held in trust. The Consolidated Public Retirement Board is a trustee for all public retirement plans, except with regard to the investment of funds: *Provided*, That the Consolidated Public Retirement Board is a trustee with regard to the investments of the Teachers' Defined Contribution Retirement System and any other assets of the public retirement plans administered by the Consolidated Public Retirement Board as set forth in subsection (a) of this section for which no trustee has been expressly designated in this code.

(h) The board may employ the West Virginia Investment Management Board to provide investment management consulting services for the investment of funds in the Teachers' Defined Contribution Retirement System.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.

§15-2A-6. Retirement; commencement of benefits.

(a) A member may retire with full benefits upon attaining the age of fifty and completing twenty-five or more years of service or attaining the age of fifty-two and completing twenty years or more of service by filing with the board his or her voluntary application in writing for retirement. A member who is less than age fifty-two may retire upon completing twenty years or more of service: *Provided*, That he or she will receive a reduced benefit that is of equal actuarial value to the benefit the member would have received if the member deferred commencement of his or her accrued retirement benefit to the age of fifty-two.

(b) When the board retires a member with full benefits under the provisions of this section, the board, by order in writing, shall make a determination that the member is entitled to receive an annuity equal to two and three-fourths percent of his or her final average salary multiplied by the number of years, and fraction of a year, of his or her service at the time of retirement; *Provided*, That beginning July 1, 2019, the member is entitled to receive an annuity equal to three percent of this or her final average salary multiplied by the number of years, and fraction of a year, of his or her service at the time of retirement: *Provided, however*, That the amendments to this subsection enacted during the 2019 regular session of the Legislature apply to current retirants. Any annuity calculated pursuant to the provisions of this subsection are subject to reduction if necessary to comply with the maximum benefit provisions of Section 415 of the Internal Revenue Code and section six-a of this article. The retirant's annuity shall begin the first day of the calendar month following the month in which the member's application for the annuity is filed with the board on or after his or her attaining age and service requirements and termination of employment.

(c) In no event may the provisions of section thirteen, article sixteen, chapter five of this code be applied in determining eligibility to retire with either a deferred or immediate commencement of benefit."

The bill was then ordered to third reading.

Com. Sub. for S. B. 543, Relating generally to automobile warranties and inspections; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 6. GENERAL CONSUMER PROTECTION.

§46A-6-107a. Used motor vehicles sold "as is".

(a) Notwithstanding the provisions of §46A-6-107 of this code, a used motor vehicle may be sold "as is" if:

(1) The vehicle is inoperable and a total loss;

(2) The vehicle has been custom built or modified for show purposes or racing; or

(3) The vehicle is the following:

(A) Sold for less than \$4,000;

(B) Driven more than 100,000 miles at the time sold; or

(C) Seven years of age or older as calculated from January 1 of the designated model year of the vehicle.

(b) A buyer who purchases a vehicle "as is" that meets the criteria set out in the provisions of §46A-6-107a(a)(3) of this code shall have the right to cancel the sale by the end of the dealer's third business day following the sale. To cancel the sale, the "as is" vehicle must have a significant mechanical issue or issues that can be reasonably expected to have existed at the time of the sale. Cancellation shall become effective when the buyer returns the "as is" vehicle to the point of sale by the end of the dealer's third business day following the sale.

(c) For the purposes of this section, a used motor vehicle is a "total loss" only if:

(1) There is material damage to the vehicle's frame, unitized structure, or suspension system;
and

(2) The projected cost of repairing the damage exceeds the market value of the vehicle at the time of the incident causing it to be declared a total loss.

(d) If a used motor vehicle is sold "as is" pursuant to this section, a merchant shall satisfy the following disclaimer requirements:

(1) A disclaimer must appear on the front page of the contract of sale;

(2) The disclaimer shall read as follows:

"AS IS"

THIS VEHICLE IS SOLD "AS IS". THIS MEANS THAT YOU WILL LOSE YOUR IMPLIED WARRANTIES. YOU WILL HAVE TO PAY FOR ANY REPAIRS NEEDED AFTER THE SALE. IF WE HAVE MADE ANY PROMISES TO YOU, THE LAW SAYS WE MUST KEEP OUR PROMISES EVEN IF WE SELL "AS IS". TO PROTECT YOURSELF, ASK US TO PUT ALL PROMISES IN WRITING. YOU MAY HAVE THE RIGHT TO CANCEL THIS SALE BY THE END OF THE DEALER'S THIRD BUSINESS DAY FOLLOWING THE SALE IF THE VEHICLE HAS SIGNIFICANT MECHANICAL ISSUE THAT CAN BE REASONABLY EXPECTED TO HAVE EXISTED AT THE TIME OF THE SALE.

(3) The text of the disclaimer must be printed in 12-point boldfaced type, except the heading, which must be in 16-point extra boldfaced type;

(4) The entire disclaimer must be boxed;

(5) The consumer shall sign and date within the box containing the disclaimer prior to the sale;

(6) The merchant shall describe in writing any defects or malfunctions, if any, disclosed to the merchant by a previous owner of the used motor vehicle or discoverable by the merchant after an inspection of the used motor vehicle; and

(7) The merchant shall provide the consumer a copy of a nationally recognized vehicle history report for the used motor vehicle.

(e) An “as is” sale of a used motor vehicle waives implied warranties, but does not waive any express warranties, either oral or written, upon which the consumer relied in entering into the transaction.

(f) The provisions of this section do not apply to motor vehicles sold as surplus by a state agency.”

On motion of Delegates Criss, Westfall and D. Jeffries, the Committee on Finance amendment was amended on page three, section one hundred seven-a, following line forty-eight, by adding the following language:

“(g) The provisions of this section only apply to sales directly to consumers.”

Delegates Byrd and Cowles moved to amend the Committee on Finance amendment on page 1, Section 107a, line 7, by striking out the word “or” and inserting in lieu thereof, the word “and”.

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 572**), and there were—yeas 31, nays 68, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Fleischauer, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe, Shott, Sponaugle, Staggers, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Kump.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

Delegate Byrd moved to amend the Finance Committee amendment on page 1, section 107a, lines 11 and 12 by striking out the words “by the end of the dealer’s third business day” and inserting in lieu thereof, the words “seven days”.

The question being on the adoption of the amendment, the same was put and did not prevail.

Delegate Fleischauer moved to amend the Committee on Finance amendment on page two, section 107a, line 33, following the period, by inserting the following: “TO CANCEL THE SALE YOU MUST RETURN THE VEHICLE TO THE POINT OF SALE.”

The question being on the adoption of the amendment, the same was put and did not prevail.

The Committee on Finance amendment, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 544, Increasing salaries for members of WV State Police over three-year period; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk, on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant, and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on July 1, ~~2018~~ 2019, members shall receive annual salaries payable at least twice per month as follows:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

Cadet During Training.....	\$ 36,154
Cadet Trooper After Training.....	43,414
Trooper Second Year.....	44,426
Trooper Third Year.....	44,809
Senior Trooper.....	45,208
Trooper First Class.....	45,814
Corporal.....	46,420
Sergeant.....	50,721
First Sergeant.....	52,872

Second Lieutenant	55,022
First Lieutenant	57,173
Captain	59,324
Major	61,474
Lieutenant Colonel	63,625

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

I	44,426
II	45,208
III	45,814
IV	46,420
V	50,721
VI	52,872
VII	55,022
VIII	57,173

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I	44,426
II	45,208
III	45,814
IV	46,420
V	50,721
VI	52,872
VII	55,022
VIII	57,173

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training</u>	<u>\$ 38,524</u>
<u>Cadet Trooper After Training</u>	<u>45,784</u>
<u>Trooper Second Year</u>	<u>46,796</u>
<u>Trooper Third Year</u>	<u>47,179</u>
<u>Senior Trooper</u>	<u>47,578</u>
<u>Trooper First Class</u>	<u>48,184</u>
<u>Corporal</u>	<u>48,790</u>
<u>Sergeant</u>	<u>53,091</u>
<u>First Sergeant</u>	<u>55,242</u>
<u>Second Lieutenant</u>	<u>57,392</u>
<u>First Lieutenant</u>	<u>59,543</u>
<u>Captain</u>	<u>61,694</u>
<u>Major</u>	<u>63,844</u>
<u>Lieutenant Colonel</u>	<u>65,995</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

<u>I</u>	<u>46,796</u>
<u>II</u>	<u>47,578</u>
<u>III</u>	<u>48,184</u>
<u>IV</u>	<u>48,790</u>
<u>V</u>	<u>53,091</u>
<u>VI</u>	<u>55,242</u>
<u>VII</u>	<u>57,392</u>
<u>VIII</u>	<u>59,543</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

<u>I</u>	<u>46,796</u>
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<u>II</u>	<u>47,578</u>
<u>III</u>	<u>48,184</u>
<u>IV</u>	<u>48,790</u>
<u>V</u>	<u>53,091</u>
<u>VI</u>	<u>55,242</u>
<u>VII</u>	<u>57,392</u>
<u>VIII</u>	<u>59,543</u>

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in §15-2-5(e) of this code and supplemental pay as provided in §15-2-5(g) of this code.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in §15-2-5(d) of this code for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours per month which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.”

Delegate Espinosa was addressing the House when Delegate Canestraro arose to a point of order, regarding the content of the Member's remarks not being directed to the question before the House, to which point the Speaker replied that the point was well taken.

Delegate Hott requested to be excused from voting on S. B. 544 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

On the adoption of the amendment, the yeas were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 573**), and there were—yeas 56, nays 43, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then ordered to third reading.

S. B. 550, Declaring certain claims to be moral obligations of state; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page 2, claim (7), by striking the word "Hensley-Johnson" and inserting in lieu thereof the word "Helsley-Johnson".

The Committee on Finance amendment was then adopted.

The amendment was adopted.

The bill was then ordered to third reading.

S. B. 554, Removing salary caps for director of State Rail Authority; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting the following:

"ARTICLE 18. WEST VIRGINIA STATE RAIL AUTHORITY.

§29-18-4a. Supervision of West Virginia State Rail Authority; executive director's salary set by the authority compensation.

The West Virginia State Rail Authority is under the supervision of the Secretary of the Department of Transportation pursuant to the provisions of §5F-1-1 of this code. Notwithstanding any other provisions of this code to the contrary, the salary of the Executive Director of the State Rail Authority shall be set by the authority.:-*Provided*, That the salary set by the State Rail Authority for the Executive Director may not be less than \$60,000 and not more than \$70,000 per year".

The bill was then ordered to third reading.

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

"CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 2. ALCOHOL BEVERAGE CONTROL COMMISSIONER.

§60-2-17a. Law enforcement cooperation.

In addition to the assistance of law enforcement provided under §15-2-12 of this code, the commissioner may obtain assistance in the enforcement of §11-16-1 *et seq.* and §60-1-1 *et seq.* of this code from county or municipal law-enforcement agencies by making a written request therefor. The assistance authorized by this section is limited only to accompanying the Commissioner and his or her agents and may not be unreasonably withheld. Any law enforcement officer acting pursuant to this section may further act upon crimes committed in his or her presence: *Provided*, that any officer so acting must be within his or her geographic jurisdiction, and nothing in this section authorizes any officer to act outside of the scope of his or her geographic jurisdiction.

§60-2-17b. Wine and liquor operating fund established; operations fee; fund issues.

(a) As of July 1, 2019, there is an annual nonrefundable and nonprorated operational fee of \$100 for all distilleries, mini-distilleries, wineries, farm wineries, Class A retail licensees, Class B retail licensees, private clubs, private wine retailers, wine specialty shops, wine restaurants, private wine spas, private wine bed and breakfasts, wine suppliers, and wine distributors which shall be paid on or before July 1, 2019, and every July 1 thereafter. All fees collected by the commissioner pursuant to this section shall be deposited in a special revenue account in the State Treasury, hereby created, to be known as the Wine and Liquor Operations Fund. Moneys in the fund may only be expended by the commissioner for the administration of this chapter, as appropriated by law.

(b) Licensees holding multiple licenses for nonintoxicating beer, nonintoxicating craft beer, wine, or liquor shall be subject to paying only one operations fee of \$100 under this chapter and under §11-16-10(d) of this code.

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-7. Specific acts forbidden; indictment.

A person shall not:

(1) Manufacture or sell in this state without a license any alcoholic liquor, except as permitted by this article;

(2) Aid or abet in the manufacture or sale of alcoholic liquor without a license, except as permitted by this article;

(3) Sell or tender without a license any alcoholic liquor other than permitted by this article;

(4) Adulterate any alcoholic liquor by the addition of any drug, methyl alcohol, crude, unrectified or impure form of ethyl alcohol, or other foreign or deleterious substance or liquid;

(5) Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has been sold at retail in this state;

(6) Advertise any alcoholic liquor in this state except in accordance with the rules and regulations of the commissioner; or

(7) Distribute, deal in, process, or use crowns, stamps, or seals required under the authority of this chapter, except in accordance with the rules and regulations prescribed by the commissioner; or

(8) Manufacture or sell, aid or abet in the manufacture or sale, possess, transport or ship, use, or in any other manner provide or furnish powdered alcohol.

A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$500, or confined in jail not less than 30 days nor more than one year or both such fine and imprisonment, for the first offense. Upon conviction of a second or subsequent offense, the court may in its discretion impose a penalty of confinement in the penitentiary for a period not to exceed three years. A person who violates any provision of this section for the second or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a period not to exceed three years.

An indictment for any first violation of subdivisions (1), (2) and (3) of this section, or any of them, shall be sufficient if in form or effect as follows:

State of West Virginia

County of, to wit:

The Grand Jurors of the State of West Virginia, in and for the body of the County of, upon their oaths present that, on the day of, 20...., in the said County of, did unlawfully, without a State license and without authorization under the Alcohol Beverage Control Act, manufacture and sell, and aid and abet in the manufacture and sale of a quantity of alcoholic liquor, against the peace and dignity of the state.

Any indictment under this section shall otherwise be in conformity with §62-9-1 *et seq.* of this code.

§60-6-8. Unlawful sale or possession by licensee.

A licensed person shall not:

(1) Sell, furnish, tender, or serve alcoholic liquors of a kind other than that which such license or this chapter authorizes him or her to sell;

(2) Sell, furnish, tender, or serve beer to which wine, spirits, or alcohol has been added;

(3) Sell, furnish, tender, or serve wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture thereof under regulations of the commission;

(4) Sell, furnish, tender, or serve alcoholic liquors to a person specified in §60-3-22 of this code;

(5) Sell, furnish, tender, or serve alcoholic liquors other than by the drink, poured from the alcoholic liquors' original container: *Provided*, That Class A licensees licensed under §60-7-1 *et seq.* and §60-8-1 *et seq.* of this code may sell or serve alcoholic liquor by the bottle to two or more persons;

(6) Sell, furnish, tender, or serve premixed alcoholic liquor that is not in the original container: *Provided*, That a licensee may sell, furnish, tender, and serve premixed beverages consisting of alcoholic liquors, nonalcoholic mixer, and ice if:

(A) The frozen drink mixing machine is emptied and sanitized daily; and

(B) That a written record reflecting the cleaning and sanitizing of the frozen drink machine is maintained for inspection by the commissioner and health inspectors;

~~(6)~~ (7) Sell, furnish, tender, or serve any alcoholic liquor when forbidden by the provisions of this chapter;

~~(7)~~ (8) Sell, possess, possess for sale, tender, serve, furnish, or provide any powdered alcohol;

~~(8)~~ (9) Keep on the premises covered by his or her license alcoholic liquor other than that which he or she is authorized to sell, furnish, tender, or serve by such license or by this chapter.

A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$500 or confined in jail not less than 30 days nor more than one year, or both such fine and confinement for the first offense. Upon conviction of a second or subsequent offense, the court may in its discretion impose a penalty of confinement in ~~the penitentiary~~ a state correctional facility for a period not to exceed three years. A person who

violates any provision of this section for the second or any subsequent offense under this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a period not to exceed three years.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; power to lease building for establishment of private club.

Unless the context in which used clearly requires a different meaning, as used in this article:

(a) "Applicant" means a private club applying for a license under the provisions of this article.

(b) "Code" means the official Code of West Virginia, 1931, as amended.

(c) "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner.

(d) "Licensee" means the holder of a license to operate a private club granted under this article, which license shall remain unexpired, unsuspended, and unrevoked.

(e) "Private club" means any corporation or unincorporated association which either: (1) Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; or (2) is a nonprofit social club, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; or (3) is organized and operated for legitimate purposes which has at least 100 duly elected or approved dues-paying members in good standing, which owns or leases a building or other premises, including any vessel licensed or approved by any federal agency to carry or accommodate passengers on navigable waters of this state, to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment and employs a sufficient number of persons for serving meals to members and their guests; or (4) is organized for legitimate purposes and owns or leases a building or other delimited premises in any state, county or municipal park or at any airport, in which building or premises a club has been established, to which club are admitted only duly elected and approved dues-paying members in good standing and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in connection with the club a suitable kitchen and dining facility and related equipment and employs a sufficient number of persons for serving meals in the club to the members and their guests.

(f) "Private fair and festival" means an applicant for a private club or a licensed private club meeting the requirements of §60-7-8a of this code for a temporary event, and the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Has been sponsored, endorsed, or approved, in writing, by the governing body (or its duly elected or appointed officers) of either the municipality or of the county wherein the festival, fair, or other event is to be conducted;

(3) Shall prepare, provide, or engage a food caterer to provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and further shall provide any documentation or agreements of such to the commissioner prior to approval;

(4) Shall not use third-party entities or individuals to purchase, sell, furnish, or serve alcoholic liquors (liquor and wine), nonintoxicating beer, or nonintoxicating craft beer;

(5) Shall provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the festival, fair, or other event;

(6) Shall provide a floorplan for the proposed premises with a defined and bounded area to safely account for the ingress and egress of stated members and guests who will be attending the festival, fair, or other event; and

(7) Utilizes an age verification system approved by the commissioner.

(g) "Private hotel" means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 2,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 30 separate bedrooms, and also offers a conference center for meetings;

(3) Operates a restaurant and full kitchen with ovens, four-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 20 hours per week;

(4) Maintains, at any one time, \$2,500 of fresh food inventory capable of being prepared in the private hotel's full kitchen, and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to more than one acre but fewer than three acres, which are contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for hotel and conferences and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists in the application referenced in subdivision (5) of this subsection the entire property and all adjoining buildings and structures on the private hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private hotel's licensed premises and as noted on the private hotel's floorplan;

(7) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises; and

(8) Utilizes an age verification system approved by the commissioner.

~~(f)~~ (h) "Private resort hotel" means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 5,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 50 separate bedrooms;

(3) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 25 hours per week;

(4) Maintains, at any one time, \$5,000 of fresh food inventory capable of being prepared in the private resort hotel's full kitchen, and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least 10 contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for destination, resort, and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private resort hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private resort hotel's licensed premises and as noted on the private resort hotel's floorplan;

(7) Has an identified person or persons or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(8) Utilizes an age verification system approved by the commissioner; and

(9) May have a separately licensed resident brewer with a brewpub license inner-connected via a walkway, doorway, or entryway, all as determined and approved by the commissioner, for limited access during permitted hours of operation for tours and complimentary samples at the resident brewery.

~~(g)~~ (i) "Private golf club" means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least ~~one thousand~~ 100 members;

(2) Maintains at least one 18-hole golf course with separate and distinct golf playing holes, not reusing nine golf playing holes to comprise the 18 golf playing holes, and a clubhouse;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 80 contiguous acres of bounded or fenced real property which would be listed on the private golf club's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private golf club's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private golf club's licensed premises and as noted on the private golf club's floorplan;

(6) Has an identified person or persons or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises; and

(7) Utilizes an age verification system approved by the commissioner.

(j) "Private nine-hole golf course" means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 50 members;

(2) Maintains at least one nine-hole golf course with separate and distinct golf playing holes;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 30 contiguous acres of bounded or fenced real property which would be listed on the private nine-hole golf course's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private nine-hole golf course's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private nine-hole golf course's licensed premises and as noted on the private nine-hole golf course's floorplan;

(6) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises; and

(7) Utilizes an age verification system approved by the commissioner.

The Department of Natural Resources, the authority governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation or public authority operating any park or airport may lease as lessor a building or portion thereof or other limited premises in any such park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to this article.

§60-7-3. Sale of alcoholic liquors and nonintoxicating beer by licensee authorized.

Notwithstanding any other provisions of this code to the contrary, licensees are hereby authorized to sell, tender, and serve alcoholic liquors other than in sealed packages, for consumption on the

premises of the licensees, to their members and their guests in accordance with the provisions of this article, rules of the commissioner, and as authorized under §60-6-8 of this code. The licensees may keep and maintain on their premises a supply of those lawfully acquired alcoholic liquors in such quantities as may be appropriate for the conduct of operations thereof.

§60-7-4. Application for license; information required; verification; application to be accompanied by fees; bond; college fraternities and sororities ineligible for license; racial discrimination by applicants prohibited.

(a) Application for a license to operate a private club shall be made on such form as may be prescribed by the commissioner and shall include:

(1) The name of the applicant;

(2) If the applicant is an unincorporated association, the names and addresses of the members of its governing board;

(3) If the applicant is a corporation, the names and addresses of its officers and directors;

(4) The place at which the applicant will conduct its operations and whether the same is owned or leased by the applicant;

(5) The number of members of the applicant;

(6) The name or names of any national organizations with which applicant is affiliated and the nature of such affiliation;

(7) The size and nature of the dining and kitchen facilities operated by applicant;

(8) Accurate and complete ownership information;

(9) An attestation that the information in the application is true and accurate; and

(10) Such other information as the commissioner may reasonably require which shall include, but not be limited to, the criminal records, if any, of each member of the applicant's governing board and/or its officers and directors who have been convicted of a felony or a crime involving moral turpitude.

(b) The application shall be verified by each member of the governing board of the applicant if an unincorporated association or, if the applicant is a corporation, by each of its officers and all members of its board of directors. The application shall be accompanied by the license fee hereinafter prescribed and by a bond of the applicant in the penal sum of \$5,000 with a corporate surety authorized to transact business in the state of West Virginia, payable to the State of West Virginia, which bond shall be conditioned on the payment of all fees herein prescribed and on the faithful performance of and compliance with the provisions of this article.

(c) Under no circumstance may any college fraternity or sorority be issued a license to operate a private club.

(d) No license to operate a private club will be issued to applicants who discriminate against any person or group of persons because of race or color of such person or group of persons.

§60-7-5. Investigation by commissioner; issuance or refusal of license; special requirements for clubs at parks and airports; form of license; license valid at one location only; expiration and renewal; transferability.

(a) Upon receipt of ~~the~~ a completed application referred to in §60-7-4 of this code, together with the accompanying fee and bond, the commissioner shall conduct an investigation to determine the accuracy of the matters contained in such completed application and whether applicant is a bona fide private club of good reputation in the community in which it shall operate. For the purpose of conducting such investigation, the commissioner may withhold the granting or refusal to grant such license for a period not to exceed 30 days or until the applicant has completed the conditions set forth in this article and in §60-7-4(a) of this code, all as determined by the commissioner. If it shall appear that such applicant is a bona fide private club of good reputation in the community in which it shall operate and that there is no false statement, no material misrepresentations, no hidden ownership, or persons with an undisclosed pecuniary interest, and no omissions or failures to disclose in such application as determined by the commissioner, ~~the commissioner~~ he or she shall issue a license authorizing the applicant to sell alcoholic liquors as provided in §60-7-3 of this code, and otherwise shall refuse to issue such license, except that in the case of an application by a corporation or association to operate a private club in connection with:

(1) A state park, the Director of the Department of Natural Resources must grant his or her approval before the license can be issued; or

(2) A county or municipal park, or an airport, the authority governing the park or airport must grant its approval before the license can be issued.

A license may not be issued for a private club in any state park unless a dining facility comparable to the dining facility for the proposed private club will be available to serve meals to the general public. A license may not be issued for a private club in any county or municipal park, or an airport, unless a dining facility comparable to the dining facility for the proposed private club will be available to serve meals to the general public.

(b) Upon refusal to issue such license the commissioner shall make and enter an order denying such application, which denial and refusal shall be final unless a hearing is requested in accordance with the provisions of §60-7-13 of this code. When such refusal or denial becomes final the commissioner shall forthwith refund to the applicant his or her fees and bond accompanying the application.

(c) Such license shall be of such form and design as the commissioner may prescribe by reasonable rule or regulation and shall authorize the licensee to sell alcoholic liquors at only one location.

(d) Such license shall expire on June 30 next following the date of issue and may be renewed upon the same showing as required for the issuance of the initial license, together with the payment of fees and filing of the bond as required by this article.

(e) A license issued under the provisions of this article may not be transferable.

§60-7-6. Annual license fee; partial fee; and reactivation fee.

(a) The annual license fee for a license issued under the provisions of this article to a fraternal or veterans' organization or a nonprofit social club shall be \$750.

(b) The annual license fee for a license issued under the provisions of this article to a private club other than a private club of the type specified in subsection (a) of this section shall be \$1,000 if the private club has less fewer than 1,000 members, \$2,000 if the private club is a private nine-hole golf course as defined in §60-7-2 of this code; \$2,500 if the private club has 1,000 or more members, \$4,000 if the private club is a private hotel with three or fewer designated areas or a private golf club as defined in §60-7-2 of this code, and further, if the private club is a private resort hotel as defined in §60-7-2 of this code, said private resort hotel may designate areas within the licensed premises for the lawful sale, service, and consumption of alcoholic liquors as provided for by this article. The annual license fee for a private resort hotel with five or fewer designated areas shall be \$7,500, and the annual license fee for a private resort hotel with at least six but no more than 10 designated areas shall be \$12,500. The annual license fee for a private resort hotel with at least 11 but no more than 15 designated areas shall be \$17,500. The annual license fee for a private resort hotel with no fewer than 15 nor more than 20 designated areas shall be \$22,500: *Provided*, That a private resort hotel having obtained the license and paid the \$22,500 annual license fee may, upon application to and approval of the commissioner, designate additional areas for a period not to exceed seven days for an additional fee of \$150 per day, per designated area.

(c) The fee for any such license issued following January 1 of any year and to expire on June 30 of such year shall be one half of the annual license fee prescribed by subsections (a) and (b) of this section.

(d) A licensee that fails to complete a renewal application and make payment of its annual license fee in renewing its license on or before June 30 of any subsequent year, after initial application, shall be charged an additional \$150 reactivation fee. The fee payment may not be prorated or refunded, and the reactivation fee must be paid prior to the processing of any renewal application and payment of the applicable full year annual license fee. A licensee who continues to operate upon the expiration of its license is subject to all fines, penalties, and sanctions available in §60-7-13 and §60-7-13a of this code, all as determined by the commissioner.

~~(d)~~ (e) All such fees shall be paid by the commissioner to the State Treasurer and credited to the General Revenue Fund of the state.

§60-7-6a. Special privilege of Class A private club licensee to operate separate but connected Class B license.

A Class A private club licensee with 1,000 or more members may, in the commissioner's discretion, operate Class B licenses for the off-premises sale of nonintoxicating beer and wine in a connected but separately operated area of the Class A private club premises: *Provided*, That each business is licensed separately and operates separate cash registers and maintains separation barriers between the different licensed operations. Failure of a licensee to license two innerconnected businesses shall subject the licensee to the penalties under this article.

§60-7-8a. Special license for a private fair and festival; licensee fee and application; license fee; license subject to provisions of article; exception.

(a) There is hereby created a special license designated Class S2 private fair and festival license for the retail sale of liquor, wine, nonintoxicating beer, and non-intoxicating craft beer for on-premises consumption.

(b) To be eligible for the license authorized by subsection (a) of this section, the private fair and festival or other event shall:

(1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private fair and festival or other event is located;

(2) Shall make application with the commission at least 15 days pursuant to the private fair, festival, or other event;

(3) Pay a nonrefundable nonprorated license fee of \$750; and

(4) Be approved by the commissioner to operate the private fair, festival, or other event.

(c) A private fair and festival license under this section shall be for a duration of no more than 10 consecutive days and no more than six licenses may be issued to the same person or entity in a calendar year.

(d) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section must be purchased from the licensed distributor that services the area in which the private fair and festival is held or from a resident brewer acting in a limited capacity as a distributor, all in accordance with §11-16-1 et seq. of this code.

(e) Wine sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed distributor, winery, or farm winery in accordance with §60-8-1 et seq. of this code.

(f) Liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private fair or festival is occurring, all in accordance with §60-3A-1 et seq. of this code.

(g) A licensee authorized by this section may utilize bona fide employees or volunteers to sell, furnish, tender, or serve the nonintoxicating beer, nonintoxicating craft beer, wine, or liquor.

(h) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, and liquor broker representatives may attend a private fair and festival and discuss their respective products but shall not engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer, nonintoxicating craft beer, wine, or liquor.

(i) A license issued under this section and the licensee are subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may by rule or order allow certain waivers or exceptions with respect to those provisions, rules, or orders as the circumstances of each private fair and festival require, including without limitation, the right to revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee or member thereof, on such licensee's premises to:

(1) Sell, or offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by duly licensed charitable or public service organization, (or its auxiliaries) pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries) pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code, rules, and regulations;

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

(4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be deemed legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith, between the hours of 3:00 a.m. and 1:00 p.m., or, between the hours of 3:00 a.m. and 10:00 a.m. in any county upon approval as provided for in ~~§7-1-3pp~~ §7-1-3ss of this code, on any Sunday; and

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of age;

(7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues paying member in good standing of said private club or a guest of such member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption except as authorized by the commissioner;

(10)(A) Employ any person who is less than 18 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is between the ages of 18 and 21 who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) Any person who violates any of the foregoing provisions is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in ~~the county~~ jail for a period not to exceed 1 year, or both fined and imprisoned.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.**§61-8-27. Unlawful admission of children to dance house, etc.; penalty.**

Any proprietor or any person in charge of a dance house, concert saloon, theater, museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors are sold or given away, or any place of entertainment injurious to health or morals who admits or permits to remain therein any minor under the age of 18 years, unless accompanied by his or her parent or guardian, is guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding \$200: *Provided*, That there is exemption from this prohibition for: (a) A private hotel, private nine-hole golf course, private resort hotel, and private golf club licensed pursuant to §60-7-1 et seq. of this code and in compliance with subdivision (8), subsection (f), section two of said article §60-7-2(g)(8), §60-7-2(h)(7), §60-7-2(i)(7), and §60-7-2(j)(7) of this code; or (b) a private club with more than 1,000 members that is in good standing with the Alcohol Beverage Control Commissioner, that has been approved by the Alcohol Beverage Control Commissioner and which has designated certain seating areas on its licensed premises as nonalcoholic liquor and nonintoxicating beer areas, as noted in the licensee's floorplan; or (c) a private fair and festival that is in compliance with §60-7-2(f)(7) of this code, by utilizing a mandatory carding or identification program whereby all members or guests being served or sold alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer are asked and must provide their proper identification to verify their identity and further that they are of legal drinking age, 21 years of age or older, prior to each sale or service of alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer."

On motion of Delegates Westfall and Storch the Committee on the Judiciary amendment was amended on page one, after the enacting clause by inserting the following:

"CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**ARTICLE 1. COUNTY COMMISSIONS GENERALLY.****§7-1-3ss. County option election on ~~allowing~~ forbidding nonintoxicating beer, wine or alcoholic liquors to be sold, given or dispensed after 10:00 a.m. on Sundays.**

Beginning July 1, 2019, the county commission of any county may conduct a county option election on the question of whether the sale or dispensing of nonintoxicating beer, wine or alcoholic liquors in or on a licensed premises shall be allowed in the county beginning ~~ten o'clock a.m.~~ 1:00 p.m. on any Sunday, as provided §11-16-18 of this code, ~~sections three a and three b, article four, chapter sixty of this code~~ §60-7-12 of this code, §60-8-34 of this code upon approval as provided in this section. The option election on this question may be placed on the ballot in each county at any primary or general election. The county commission of the county shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of §60-59-3 of this code, and the publication area for publication shall be the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election. On the local option election ballot shall be printed the following: "Shall the beginning hour at which non-intoxicating beer, wine and alcoholic liquor be sold or dispensed for licensed on premises consumption only in _____ County on Sundays be changed from 10:00 a.m. ~~one o'clock p.m.~~ to ten o'clock a.m. 1:00 p.m.

If approved by the voters this would ~~allow~~ forbid private clubs and restaurants licensed to sell and dispense non-intoxicating beer, wine and alcoholic liquor; licensed private wine restaurants, private wine spas, and private wine bed and breakfasts to sell and dispense wine; and licensed Class A retail dealers to sell and dispense nonintoxicating beer for on premises consumption ~~only beginning at ten~~

~~o'clock a.m. until 1:00 p.m. If prior to July 1, 2019, a county commission had voted against 10:00 a.m. on premises sales, then notwithstanding this section, on premises sales of nonintoxicating beer, wine and alcoholic liquors shall not begin until 1:00 p.m. Additionally, if approved, it would also allow any mini-distilleries, wineries or farm wineries in this county to offer complimentary samples for on premises consumption only beginning at ten o'clock a.m."~~

Yes No

(Place a cross mark in the square opposite your choice.)

The ballots shall be counted, returns made and canvassed as in general elections and the results certified by the commissioners of election to the county commission. The county commission shall, without delay, certify the result of the election. Upon receipt of the results of the election, in the event a majority of the votes are marked "Yes" all applicable licensees shall be ~~permitted prohibited~~ forbidden to sell and dispense beer, wine or alcoholic liquors ~~beginning at 10:00 a.m. until 1:00 p.m.~~ on Sundays. In the event a majority of the votes are marked "No" all applicable licensees will continue to be required to comply with existing law.

CHAPTER 11. TAXATION

ARTICLE 16. NONINTOXICATING BEER.

§11-16-18. Unlawful acts of licensees; criminal penalties.

(a) It shall be unlawful:

(1) For any licensee, his, her, its or their servants, agents or employees to sell, give, or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and ~~one p.m.~~ 10:00 a.m., or a Class A retail dealer who sells nonintoxicating beer for on premises consumption only between the hours of 2:00 a.m. and ~~ten a.m.~~ 1:00 p.m. in any county upon approval as provided for in ~~section three pp, article one, chapter seven~~ §7-1-3ss of this code, on any Sunday, except in private clubs licensed under the provisions of article seven, chapter sixty of this code, where the hours shall conform with the hours of sale of alcoholic liquors;

(2) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer as defined in this article to any person who is less than twenty-one years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this article, except for cash and no right of action shall exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing herein contained in this section prohibits a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating

beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor shall initiate the transfer no later than noon of one business day after the delivery;

(5) For any brewer or distributor or brew-pub or his, her, its or their agents to transport or deliver nonintoxicating beer as defined in this article to any retail licensee on Sunday;

(6) For any brewer or distributor to give, furnish, rent, or sell any equipment, fixtures, signs or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas. Nothing herein contained in this section prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events: *Provided*, however, That no event shall be sponsored which permits actual participation by athletes or other persons who are minors, unless specifically authorized by the commissioner;

(7) For any licensee to permit in his or her premises any lewd, immoral or improper entertainment, conduct or practice;

(8) For any licensee except the holder of a license to operate a private club issued under the provisions of article seven, chapter sixty of this code or a holder of a license or a private wine restaurant issued under the provisions of article eight of said chapter to possess a federal license, tax receipt or other permit entitling, authorizing or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(9) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of article seven, chapter sixty of this code or the premises of a private wine restaurant licensed under the provisions of article eight of said chapter;

(10) For any licensee to manufacture, import, sell, trade, barter, possess or acquiesce in the sale, possession, or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of article seven, chapter sixty of this code nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of article eight of said chapter insofar as the private wine restaurant is authorized to serve wine;

(11) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased, or acquired from any source other than a distributor, brewer or manufacturer licensed under the laws of this state;

(12) For any licensee to permit loud, boisterous, or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community where the business is located: *Provided*, That a licensee may have speaker systems for outside broadcasting so long as the noise levels do not create a public nuisance or violate local noise ordinances;

(13) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

(14) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

(15) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

(16) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

(17) For any Class A licensee, his, her, its or their servants, agents or employees, or for any licensee by or through any servants, agents, or employees, to allow, suffer or permit any person less than eighteen years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of eighteen years is in or upon the premises in the immediate company of his or her parent or parents, or where and while a person under the age of eighteen years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food, drink or soft drink therein lawfully prepared and served or sold for consumption on the premises;

(18) For any distributor to sell, offer for sale, distribute, or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute, or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of such nonintoxicating beer: *Provided*, That nothing in this section is considered to prohibit sales of convenience between distributors licensed in this state where one distributor sells, transfers or delivers to another distributor a particular brand or brands for sale at wholesale; and

(19) For any licensee or any agent, servant, or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter twenty-nine-a of this code.

(b) Any person who violates any provision of this article including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting application for license or for a renewal of a license or in any hearing concerning the revocation thereof, or who commits any of the acts herein declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than thirty days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and

(B) Can demonstrate that it requires each employee, servant or agent to verify the age of any individual to whom nonintoxicating beer is sold, furnished, or given away by the use of the transaction device may not be subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil

liability whatsoever for the improper sale, furnishing, or giving away of nonintoxicating beer to an individual who is less than 21 years of age by one of his or her employees, servants or agents. Any agent, servant, or employee who has improperly sold, furnished or given away nonintoxicating beer to an individual less than 21 years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished, or given away; (B) that it has communicated this policy to each employee, servant, or agent; and (C) that it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) "Transaction scan" means the process by which a person checks, by means of a transaction scan device, the age, and identity of the cardholder, and "transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver's license or other governmental identity card.

(d) Nothing in this article nor any rule or regulation of the commissioner shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in the licensee's lawful employ, including the sale or delivery of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family-oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than 18 years of age but at least 16 years of age: *Provided*, That the person's duties may not include the sale or delivery of nonintoxicating beer or alcoholic liquors: *Provided, however*, That the authorization to employ persons under the age of 18 years shall be clearly indicated on the licensee's license.

And on page 17 by striking the provisions of §60-7-12 and inserting in lieu thereof a new §60-7-12 to read as follows:

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee or member thereof, on such licensee's premises to:

(1) Sell, ~~or~~ offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by duly licensed charitable or public service organization, (or its auxiliaries) pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries) pursuant to

§47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code, rules, and regulations:

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

(4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be deemed legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. the 7:00 a.m. on weekdays or Saturdays, between the hours of 3:00 a.m. and 4:00 p.m. 10:00 a.m. on any Sunday or, between the hours of 3:00 a.m. and ~~10:00 a.m.~~ 1:00 p.m. in any county upon approval as provided for in ~~§7-1-3pp~~ §7-1-3ss of this code, on any Sunday; and

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of age;

(7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues paying member in good standing of said private club or a guest of such member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption except as authorized by the commissioner;

(10)(A) Employ any person who is less than 18 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is between the ages of 18 and 21 who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is ~~unlawful~~ lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises., ~~the fact that alcoholic liquors may be purchased thereat.~~

(c) Any person who violates any of the foregoing provisions is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in ~~the county~~ jail for a period not to exceed 1 year, or both fined and imprisoned."

And on page 19 after line 45 by inserting the following:

"ARTICLE 8. SALE OF WINES.

§60-8-34. WHEN RETAIL SALES PROHIBITED.

It shall be unlawful for a retailer, farm winery, wine specialty shop retailer, private wine bed and breakfast, private wine restaurant, or private wine spa licensee, his or her servants, agents or employees to sell or deliver wine between the hours of ~~two o'clock a.m. and one o'clock p.m.~~, 2:00 a.m. and 10:00 a.m. or, it shall be unlawful for a winery, farm winery, private wine bed and breakfast, private wine restaurant, or private wine spa, his or her servants, agents or employees to sell wine between the hours of ~~two o'clock a.m. and ten o'clock a.m.~~ 2:00 a.m. and 1:00 p.m. in any county upon approval as provided for in ~~section three pp, article one, chapter seven~~ §7-1-3ss of this code, on Sundays, or between the hours of 2:00 a.m. and 7:00 a.m. on weekdays and Saturdays.”

On motion of Delegate Westfall, the Committee on the Judiciary amendment was amended on page 3, after line 36 by striking the entirety of §60-6-8 and inserting a new §60-6-8 to read as follows:

“§60-6-8. Unlawful sale or possession by licensee.

A licensed person shall not:

(1) Sell, furnish, tender, or serve alcoholic liquors of a kind other than that which such license or this chapter authorizes him or her to sell;

(2) Sell, furnish, tender, or serve beer to which wine, spirits, or alcohol has been added;

(3) Sell, furnish, tender, or serve wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture thereof under regulations of the commission;

(4) Sell, furnish, tender, or serve alcoholic liquors to a person specified in §60-3-22 of this chapter;

(5) Sell, furnish, tender, or serve alcoholic liquors except as authorized by his or her license;

(6) Sell, furnish, tender, or serve alcoholic liquors other than by the drink, poured from the alcoholic liquors' original container: *Provided*, That under certain requirements exceptions to liquor by the drink are as follows:

(A) a private club licensed under §60-7-1: *et seq.* of this code, that is in good standing with the commissioner and has paid a \$1000 on-premises only bottle service fee to the commissioner, may sell or serve liquor by the bottle to two or more persons for consumption on the licensed premises only, and any liquor bottle sold by such a private club shall be sold at retail for personal use, and not for resale, to a person for not less than 300 percent of the private club's cost, and no such liquor bottle shall be removed from the licensed premises by any person or the licensee; and

(B) a Class A licensee licensed under §60-8-1 *et seq.* of this code may sell or serve wine by the bottle to two or more persons for consumption on the licensed premises only, unless such licensee has obtained a license or privilege authorizing other activity.

(7) Sell, furnish, tender, or serve pre-mixed alcoholic liquor that is not in the original container: *Provided*, That a licensee may sell, furnish, tender, and serve pre-mixed beverages consisting of alcoholic liquors, non-alcoholic mixer, and ice if:

(A) The frozen drink mixing machine is emptied and sanitized daily; and

(B) That a written record reflecting the cleaning and sanitizing of the frozen drink machine is maintained for inspection by the commissioner and health inspectors.

~~(6)~~ (8) Sell, furnish, tender, or serve any alcoholic liquor when forbidden by the provisions of this chapter;

~~(7)~~ (9) Sell, possess, possess for sale, tender, serve, furnish, or provide any powdered alcohol;

~~(8)~~ (10) Keep on the premises covered by his or her license alcoholic liquor other than that which he or she is authorized to sell, furnish, tender, or serve by such license or by this chapter.

A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$500 or confined in jail not less than 30 days nor more than one year, or both such fine and confinement for the first offense. Upon conviction of a second or subsequent offense, the court may in its discretion impose a penalty of confinement in ~~the penitentiary~~ a state correction facility for a period not to exceed three years. A person who violates any provision of this section for the second or any subsequent offense under this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correction facility for a period not to exceed three years.

And on page four, after line 32 by inserting the following:

§60-6-9. Intoxication or drinking in public places; illegal possession of alcoholic liquor; arrests by sheriffs or their deputies for violation in their presence; penalties.

(a) A person may not:

(1) Appear in a public place in an intoxicated condition;

(2) Drink alcoholic liquor in a public place;

(3) Tender a drink of alcoholic liquor to another person in a public place;

(4) Operate a business without a license issued under §60-1-1 et seq. of this code which knowingly facilitates the consumption of alcoholic liquors in a public place by providing for on-site items such as cups, glasses, ice, and non-alcoholic beverages used to mix with alcoholic liquors, refrigeration, or on-site storage of alcoholic liquors in a lounge area or space for persons to gather, perhaps offering musical entertainment, exotic dancing or other such nude entertainment, or other similar activity or entertainment. Such business may be commonly known as a "bring your own bottle", "bring your own booze", or BYOB" establishments.

~~(4)~~(5) Possess alcoholic liquor in the amount in excess of 10 gallons, in containers not bearing stamps or seals of the commissioner, without having first obtained written authority from the commissioner therefor; or

~~(5)~~(6) Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of this chapter.

(b) Any law-enforcement officer may arrest without a warrant and take the following actions against a person who, in his or her presence, violates subdivision (1) of subsection (a) of this section: (1) If there is some nonintoxicated person who will accept responsibility for the intoxicated person, the officer may issue the intoxicated person a citation specifying a date for appearance before a judicial officer and release him or her to the custody of the individual accepting responsibility: *Provided*, That the issuance of a citation shall be used whenever feasible; (2) if it does not impose an undue burden on the officer, he or she may, after issuance of a citation, transport the individual to the individual's present residence or arrange for the transportation; (3) if the individual is incapacitated

or the alternatives provided in subdivisions (1) and (2) of this subsection are not possible, the officer shall transport or arrange for transportation to the appropriate judicial officer; or (4) if the individual is incapacitated and, in the law-enforcement officer's judgment, is in need of acute medical attention, that officer shall arrange for transportation by ambulance or otherwise to a hospital emergency room. The officer shall accompany the individual until he or she is discharged from the emergency room or admitted to the hospital. If the individual is released from the emergency room, the officer may proceed as described in subdivisions (1), (2), and (3) of this subsection. If the individual is admitted to the hospital, the officer shall issue a citation to the individual specifying a date for appearance before a judicial officer.

(c) Upon presentment before the proper judicial officer, the law-enforcement officer serves as the chief complaining witness. The judicial officer shall determine if there is probative evidence that the individual may be guilty of the charge of public intoxication. If such evidence is not presented, the charge shall be dismissed and the individual released. If sufficient evidence is presented, the judicial officer shall issue a warrant and establish bail or issue a summons to the individual. Once a warrant or summons has been issued, the following actions may be taken:

(1) If the individual is no longer incapacitated, he or she may be released;

(2) If the individual is still incapacitated but a non-intoxicated person is available to accept responsibility for him or her, he or she may be released to the responsible person; or

(3) If the individual is still incapacitated and no responsible person is available, the judicial officer shall proceed under §27-5-1 *et seq.* and §27-6A-1 *et seq.* of this code.

(d) Any law-enforcement officer may arrest and hold in custody, without a warrant, until complaint may be made before a judicial officer and a warrant or summons issued, any person who in the presence of the law-enforcement officer violates any one or more of subdivisions (1) through (6), subsection (a) of this section: *Provided*, That the law-enforcement officer may use reasonable force to prevent harm to himself or herself, the individual arrested, or others in carrying out the provisions of this section.

(e) Any person who violates subdivision (1), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be sentenced by a judicial officer in accordance with the following options:

(1) Upon first offense, a fine of not less than \$5 nor more than \$100. If the individual, prior to conviction, agrees to voluntarily attend an alcohol education program of not more than six hours duration at the nearest community mental health – mental retardation center, the judicial officer may delay sentencing until the program is completed and upon completion may dismiss the charges;

(2) Upon conviction for a second offense, a fine of not less than \$5 nor more than \$100 and not more than 60 days in jail or completion of not less than five hours of alcoholism counseling at the nearest community mental health – mental retardation center;

(3) Upon third and subsequent convictions, a fine of not less than \$5 nor more than \$100 and not less than five nor more than 60 days in jail or a fine of not less than \$5 nor more than \$100 and completion of not less than five hours of alcoholism counseling at the nearest community mental health – mental retardation center: *Provided*, That three convictions for public intoxication within the preceding six months is considered evidence of alcoholism. For the educational counseling programs described in this subsection the community mental health – mental retardation center may charge each participant its usual and customary fee and shall certify in writing to the referring judicial officer the completion or failure to complete the prescribed program for each individual.

(f) A person charged with a violation of subdivision (1), subsection (a) of this section who is an alcoholic shall be found not guilty by reason of addiction and proper disposition made pursuant to §27-5-1 *et seq.* and §27-6A-1 *et seq.* of this code.

(g) Any person who violates subdivision (2), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor more than \$100; and upon a second or subsequent conviction thereof, shall be fined not less than \$5 nor more than \$100, or confined in jail not more than 60 days, or both.

(h) Any person who violates subdivision (3), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor more than \$100, or confined in jail not more than 60 days, or both.

(i) Any person who violates subdivision (5) or (6), subsection (a) of this section is guilty of a misdemeanor and, upon his or her first conviction, shall be fined not less than \$100 nor more than \$500; and upon conviction of second or subsequent offense, he or she is guilty of a felony and, shall be confined in a state correctional facility for a period of not less than one year nor more than three years.

And on page 11, after line 157 by striking the provisions of §60-7-3 and inserting a new §60-7-34 to read as follows:

§60-7-3. Sale of alcoholic liquors and nonintoxicating beer by licensee authorized.

Notwithstanding any other provisions of this code to the contrary, licensees are hereby authorized to sell, tender, and serve alcoholic liquors by the drink and as otherwise authorized by the provisions of §60-1-1 *et seq.* of this code, other than in sealed packages, for consumption on the premises of the licensees, to their members and their guests in accordance with the provisions of this article, rules of the commissioner and as authorized under §60-6-8 of this code. The licensees may keep and maintain on their premises a supply of those lawfully acquired alcoholic liquors in such quantities as may be appropriate for the conduct of operations thereof.”

Delegate Sponaugle moved to amend the Committee on Judiciary amendment on page 1, lines 1 through 9, by striking out Section 17a in its entirety, and renumbering Section 17b accordingly.

On the adoption of the amendment to the amendment, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 574**), and there were—yeas 36, nays 62, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Dean, Diserio, Estep-Burton, Evans, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, McGeehan, Paynter, Pushkin, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Steele, Summers, Swartzmiller, C. Thompson, Tomblin, Walker, Waxman, Williams and Zukoff.

Absent and Not Voting: Kump and Westfall.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

On motion of Delegate Steele, the Judiciary Committee amendment was amended on page 17 at Line 13 by inserting after “regulations” and the colon, the following:

“Provided, That a holder of a license issued pursuant to §29-22A-7 of this code may sell, give, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, during the licensee’s hours of operation” and the semicolon.

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 564, Expanding comprehensive coverage for pregnant women through Medicaid; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 601, Relating to mandatory supervision of adult inmates; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof, the following:

“CHAPTER 62. CRIMINAL PROCEDURE.

§62-12-6. Powers and duties of probation officers.

(a) Each probation officer shall:

(1) Investigate all cases which the court refers to the officer for investigation and shall report in writing on each case;

(2) Conduct a standardized risk and needs assessment, using the instrument adopted by the Supreme Court of Appeals of West Virginia, for any probationer for whom an assessment has not been conducted either prior to placement on probation or by a specialized assessment officer. The results of all standardized risk and needs assessments are confidential;

(3) Supervise the probationer and enforce probation according to assessment and supervision standards adopted by the Supreme Court of Appeals of West Virginia;

(4) Furnish to each person released on probation under the officer’s supervision a written statement of the probationer’s conditions of probation together with a copy of the rules prescribed by the Supreme Court of Appeals of West Virginia;

(5) Stay informed concerning the conduct and condition of each probationer under the officer’s supervision and report on the conduct and condition of each probationer in writing as often as the court requires;

(6) Use all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition;

(7) Perform random drug and alcohol testing on probationers under his or her supervision as directed by the circuit court;

(8) Maintain detailed work records; and

(9) Perform any other duties the court requires.

(b) The probation officer may, with or without an order or warrant, arrest any probationer as provided in section ten of this article, and arrest any person on supervised release when there is reasonable cause to believe that the person on supervised release has violated a condition of release. A person on supervised release who is arrested shall be brought before the court for a prompt and summary hearing.

(c) Notwithstanding any provision of this code to the contrary:

(1) Any probation officer appointed on or after July 1, 2002, may carry handguns in the course of the officer's official duties after meeting specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction. The qualifications shall include the successful completion of handgun training, which is comparable to the handgun training provided to law-enforcement officers by the West Virginia State Police and includes a minimum of four hours' training in handgun safety.

(2) Probation officers may only carry handguns in the course of their official duties after meeting the specialized qualifications set forth in subdivision (1) of this subsection.

(3) Nothing in this subsection includes probation officers within the meaning of law-enforcement officers as defined in section one, article twenty-nine, chapter thirty of this code.

(d) The Supreme Court of Appeals of West Virginia ~~may~~ shall adopt a standardized risk and needs assessment with risk cut-off scores for use by probation officers, taking into consideration the assessment instrument adopted by the Division of Corrections under subsection (h), section thirteen of this article and the responsibility of the Division of Justice and Community Services to evaluate the use of the standardized risk and needs assessment. The results of any standardized risk and needs assessment are confidential.

§62-12-9. Conditions of release on probation.

(a) Release on probation is conditioned upon the following:

(1) That the probationer may not, during the term of his or her probation, violate any criminal law of this or any other state or of the United States;

(2) That the probationer may not, during the term of his or her probation, leave the state without the consent of the court which placed him or her on probation;

(3) That the probationer complies with the conditions prescribed by the court for his or her supervision by the probation officer;

(4) That when a probationer has been determined, by the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under §62-12-6(d) to have a history of substance abuse, he or she shall participate in an appropriate support service, for a minimum of 60 days on a schedule approved by the probation officer.

~~(4)~~ (5) That in every case in which the probationer has been convicted of an offense defined in section twelve, article eight, chapter sixty-one of this code or article eight-b or eight-d of said chapter, against a child, the probationer may not live in the same residence as any minor child, nor exercise visitation with any minor child and may have no contact with the victim of the offense: *Provided*, That the probationer may petition the court of the circuit in which he or she was convicted for a modification of this term and condition of his or her probation and the burden rests upon the probationer to demonstrate that a modification is in the best interest of the child;

~~(5)~~ (6) That the probationer pay a fee, not to exceed \$20 per month, to defray costs of supervision: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the fee without undue hardship. All moneys collected as fees from probationers pursuant to this subdivision shall be deposited with the circuit clerk who shall, on a monthly basis, remit the moneys collected to the State Treasurer for deposit in the State General Revenue Fund; and

~~(6)~~ (7) That the probationer is required to pay the fee described in section four, article eleven-c of this chapter: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the fee without undue hardship.

(b) In addition, the court may impose, subject to modification at any time, any other conditions which it may determine advisable, including, but not limited to, any of the following:

(1) That the probationer make restitution or reparation, in whole or in part, immediately or within the period of probation, to any party injured by the crime for which he or she has been convicted: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay restitution without undue hardship;

(2) That the probationer pays any fine assessed and the costs of the proceeding in installments directed by the court: *Provided*, That the court conducts a hearing prior to imposition of probation and makes a determination on the record that the offender is able to pay the costs without undue hardship;

(3) That the probationer makes contributions from his or her earnings, in sums directed by the court, for the support of his or her dependents; and

(4) That the probationer, in the discretion of the court, is required to serve a period of confinement in jail of the county in which he or she was convicted for a period not to exceed one third of the minimum sentence established by law or one third of the least possible period of confinement in an indeterminate sentence, but in no case may the period of confinement exceed six consecutive months. The court may sentence the defendant within the six-month period to intermittent periods of confinement including, but not limited to, weekends or holidays and may grant to the defendant intermittent periods of release in order that he or she may work at his or her employment or for other reasons or purposes as the court may determine appropriate: *Provided*, That the provisions of article eleven-a of this chapter do not apply to intermittent periods of confinement and release except to the extent directed by the court. If a period of confinement is required as a condition of probation, the court shall make special findings that other conditions of probation are inadequate and that a period of confinement is necessary.

(c) Circuit courts may impose, as a condition of probation, participation in a day report center.

(1) To be eligible, the probationer must be identified as moderate to high risk of reoffending and moderate to high criminogenic need, as determined by the standardized risk and needs assessment adopted by the Supreme Court of Appeals of West Virginia under subsection (d), section six of this article, and applied by a probation officer or day report staff. In eligible cases, circuit courts may impose a term of up to one year: *Provided*, That notwithstanding the results of the standardized risk and needs assessment, a judge may impose, as a term of probation, participation in a day report center program upon making specific written findings of fact as to the reason for departing from the requirements of this subdivision.

(2) The day report center staff shall determine which services a person receives based on the results of the standardized risk and needs assessment and taking into consideration the other conditions of probation set by the court.

(d) For the purposes of this article, "day report center" means a court-operated or court-approved facility where persons ordered to serve a sentence in this type of facility are required to report under the terms and conditions set by the court for purposes which include, but are not limited to, counseling, employment training, alcohol or drug testing or other medical testing."

Delegate Shott arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the purpose of the amendment was not germane to the bill.

The bill was then ordered to third reading.

Com. Sub. for S. B. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 2. CHECKS AND MONEY ORDER SALES, MONEY TRANSMISSION SERVICES, TRANSPORTATION AND CURRENCY EXCHANGE.

§32A-2-3. Exemptions.

(a) The following are exempt from the provisions of this article:

(1) Banks, trust companies, foreign bank agencies, credit unions, savings banks, and savings and loan associations authorized to do business in the state or which qualify as federally insured depository institutions, whether organized under the laws of this state, any other state, or the United States;

(2) The United States and any department or agency of the United States;

(3) The United States Postal Service;

(4) This state and any political subdivision of this state;

(5) The provision of electronic transfer of government benefits for any federal, state, or county governmental agency as defined in Federal Reserve Board Regulation E, by a contractor for and on behalf of the United States or any department, agency, or instrumentality of the United States, or any state or any political subdivisions of a state;

(6) Persons engaged solely in the business of currency transportation who operate an armored car service in this state pursuant to licensure under §30-18-1 *et seq.* of this code: *Provided*, That the net worth of the licensee exceeds \$5 million. The term "armored car service" as used in this article means a service provided by a person transporting or offering to transport, under armed security guard, currency or other things of value in a motor vehicle specially equipped to offer a high degree of security. Persons seeking to claim this exemption shall notify the commissioner of their intent to do so and demonstrate that they qualify for its use. Persons seeking an exemption under this subdivision are not exempt from the provisions of this article if they also engage in currency exchange or currency transmission;

(7) Persons engaged in the business of currency transportation whose activities are limited exclusively to providing services to federally insured depository institutions, or to any federal, state, or local governmental entities;

(8) Persons engaged solely in the business of removing currency from vending machines providing goods or services, if the machines are not used for gambling purposes or to convey any gambling ticket, token, or other device used in a game of chance;

(9) The State Regulatory Registry, LLC, which administers the Nationwide Mortgage Licensing System and Registry on behalf of states and federal banking regulators; ~~and~~

(10) The North American Securities Administrators Association and any subsidiaries, which administer the Electronic Filing Depository system on behalf of state securities regulators; and

(11)(A) Persons operating a payment system that provides processing, clearing, or settlement services, between or among persons who are all excluded by this section, in connection with wire transfers, credit card transactions, debit card transactions, prepaid access transactions, automated clearinghouse transfers, or similar funds transfers;

(B) Contracted service providers of an entity set forth in §32A-2-3(a)(1) of this code that provide processing, clearing, or settlement services in connection with wire transfers, credit card transactions, debit card transactions, prepaid access transactions, automated clearinghouse transfers, or similar funds transfers; or

(C) Persons facilitating payment for goods or services (not including currency transmission or money transmission itself) pursuant to a contract with the payee and either payment to the person or persons facilitating the payment processing satisfies the payor's obligation to the payee or that obligation is extinguished.

(b) Any person who holds and maintains a valid license under this article may engage in the business of money transmission or currency exchange at one or more locations through or by means of an authorized delegate or delegates as set forth in §32A-2-27 of this code, as the licensee may designate and appoint from time to time. No such authorized delegate is required to obtain a separate license under this article, but the use of sub-delegates is prohibited and the authorized delegate may only conduct business on behalf of its licensee.

(c) The issuance and sale of stored value cards or similar prepaid products which are intended to purchase items only from the issuer or seller of the stored value card is exempt from the provisions of this article.

(d) Any person who is required and properly obtains a license under this article to transport currency is exempt from the requirements of §30-18-1 *et seq.* of this code.”

The bill was then ordered to third reading.

S. B. 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments pending and the right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

S. B. 627, Relating generally to Rural Rehabilitation Loan Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 632, Improving student safety; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk on page 1, following the article heading, by striking the section heading and inserting in lieu thereof a new section heading to read as follows:

“§18-5-48. Safety and security measures for school facilities; Safe Schools Fund created.

And on page 2, following the article heading, by striking the section heading and inserting in lieu thereof a new section heading to read as follows:

§18-20-11. Video cameras required in certain special education classrooms.

And on page 2, section 11, line 3, following the subsection designation (a), by inserting the following:

“Upon appropriation of funds by the Legislature” and a comma

And on page 5, section 11, line 72, by striking subdivision (2) in its entirety on lines 72 and 73, and renumbering subsequent subdivisions

And on page 7, section 11, line 109, by striking subsection (q) in its entirety and inserting in lieu thereof a new subsection (q) to read as follows:

(q)(1) A public school or school district may use funds distributed from the Safe Schools Fund created in §18-5-48 of this code to meet the requirements of this section.

(2) A public school or school district may accept gifts, grants, or donations to meet the requirements of this section.

And on page 8, following the article heading, by striking section §18A-3-6 in its entirety and inserting in lieu thereof a new section §18A-3-6 to read as follows:

§18A-3-6. Grounds for revocation of certificates; recalling certificates for correction.

(a) The state superintendent may, after 10 days' notice and upon proper evidence, revoke the certificates of any teacher for any of the following causes: Intemperance; untruthfulness; cruelty; immorality; the conviction of a felony or a guilty plea or a plea of no contest to a felony charge; the conviction, guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student; or for using fraudulent, unapproved or insufficient credit to obtain the certificates: ~~Provided, That the certificates of a teacher may not be revoked for any matter for which the teacher was disciplined, less than dismissal, by the county board that employs the teacher, nor~~

~~for which the teacher is meeting or has met an improvement plan determined by the county board, unless it can be proven by clear and convincing evidence that the teacher has committed one of the offenses listed in this subsection and his or her actions render him or her unfit to teach: *Provided, however,* That in order for any conduct of a teacher involving intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit to obtain the certificates to constitute grounds for the revocation of the certificates of the teacher, there must be a rational nexus between the conduct of the teacher and the performance of his or her job. The state superintendent may designate the West Virginia commission for professional teaching standards or members thereof to conduct hearings on revocations or certificate denials and make recommendations for action by the state superintendent: *Provided further,* That a teacher, as defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, any criminal offense that requires the teacher to register as a sex offender, any criminal offense which has as an element delivery or distribution of a controlled substance, or upon a finding of abuse by the Department of Health and Human Resources under §49-1-1 et seq. of this code, shall have his or her certificate or license automatically revoked. Should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this State or the United States, the teacher's certification shall be reinstated unless otherwise prohibited by law.~~

~~(b) It shall be the duty of~~ Any county superintendent who knows of any acts on the part of any teacher for which a certificate may be revoked in accordance with this section ~~to shall~~ report ~~the same~~ this, together with all the facts and evidence, to the state superintendent for such action as in the state superintendent's judgment may be proper.

~~(c) If a certificate has been granted through an error, oversight, or misinformation, the state superintendent has authority to may~~ recall the certificate and make such corrections as will conform to the requirements of law and the state board.”

On motion of Delegate Hamrick, the Committee on Education amendment was amended on page two, by striking out section §18A-3-6 of the bill and inserting in lieu thereof a new §18A-3-6 to read as follows:

“§18A-3-6. Grounds for revocation of certificates; recalling certificates for correction.

(a) The state superintendent may, after 10 days' notice and upon proper evidence, revoke the certificates of any teacher for any of the following causes: Intemperance; untruthfulness; cruelty; immorality; the conviction of a felony or a guilty plea or a plea of no contest to a felony charge; the conviction, guilty plea or plea of no contest to any charge involving sexual misconduct with a minor or a student; or for using fraudulent, unapproved or insufficient credit to obtain the certificates: *Provided,* That the certificates of a teacher may not be revoked for any matter for which the teacher was disciplined, less than dismissal, by the county board that employs the teacher, nor for which the teacher is meeting or has met an improvement plan determined by the county board, unless it can be proven by clear and convincing evidence that the teacher has committed one of the offenses listed in this subsection and his or her actions render him or her unfit to teach: *Provided, however,* That in order for any conduct of a teacher involving intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit to obtain the certificates to constitute grounds for the revocation of the certificates of the teacher, there must be a rational nexus between the conduct of the teacher and the performance of his or her job. The state superintendent may designate the West Virginia commission for professional teaching standards or members thereof to conduct hearings on revocations or certificate denials and make recommendations for action by the state superintendent: *Provided further,* That a teacher, as defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, any criminal offense that requires the teacher to register as a sex offender, or any criminal offense which

has as an element delivery or distribution of a controlled substance, shall have his or her certificate or license automatically revoked. Should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court of this State or the United States, the teacher's certification shall be reinstated unless otherwise prohibited by law.

(b) It shall be the duty of any county superintendent who knows of any acts on the part of any teacher for which a certificate may be revoked in accordance with this section to shall report the same this, together with all the facts and evidence, to the state superintendent for such action as in the state superintendent's judgment may be proper.

(c) If a certificate has been granted through an error, oversight, or misinformation, the state superintendent has authority to may recall the certificate and make such corrections as will conform to the requirements of law and the state board."

The Committee on Education amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 640, Regulating sudden cardiac arrest prevention; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 656, Relating to electronic filing of tax returns; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page four, by striking out section §11-13V-7 in its entirety.

The bill was then ordered to third reading.

S. B. 665, Allowing for expedited oil and gas well permitting; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Energy, was reported by the Clerk and adopted, amending the bill on page one, after the enacting clause, by striking the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 6A. NATURAL GAS HORIZONTAL WELL CONTROL ACT."

§22-6A-7. Horizontal well permit required; permit fee; application; soil erosion control plan; well site safety plan; site construction plan; water management plan; permit fee; installation of permit number; suspension and transfer of a permit.

(a) It is unlawful for any person to commence any well work, including site preparation work which involves any disturbance of land, for a horizontal well without first securing from the secretary a well work permit pursuant to this article.

(b) Every permit application filed under this section shall be on a form as may be prescribed by the secretary, shall be verified, and shall contain the following information:

(1) The names and addresses of: (A) The well operator; (B) the agent required to be designated under subsection (k) of this section; and (C) every person whom the applicant shall notify under any section of this article, together with a certification and evidence that a copy of the application and all other required documentation has been delivered to all such persons;

(2) The names and addresses of every coal operator operating coal seams under the tract of land on which the well is or may be located, and the coal seam owner of record and lessee of record required to be given notice by §22-6A-5(a)(6) of this code, if any, if the owner or lessee is not yet operating the coal seams;

(3) The number of the well or other identification the secretary may require;

(4) The well work for which a permit is requested;

(5) The approximate total depth to which the well is to be drilled or deepened, or the actual depth if the well has been drilled; the proposed angle and direction of the well; the actual depth or the approximate depth at which the well to be drilled deviates from vertical, the angle, and direction of the nonvertical well bore until the well reaches its total target depth or its actual final depth; and the length and direction of any actual or proposed horizontal lateral or well bore;

(6) Each formation in which the well will be completed if applicable;

(7) A description of any means used to stimulate the well;

(8) If the proposed well work will require casing or tubing to be set, the entire casing program for the well, including the size of each string of pipe, the starting point and depth to which each string is to be set and the extent to which each such string is to be cemented;

(9) If the proposed well work is to convert an existing well, all information required by this section, all formations from which production is anticipated, and any plans to plug any portion of the well;

(10) If the proposed well work is to plug or replug the well, all information necessary to demonstrate compliance with the legislative rules promulgated by the secretary in accordance with §22-6A-13 of this code;

(11) If the proposed well work is to stimulate a horizontal well, all information necessary to demonstrate compliance with the requirements of §22-6A-5(a)(7) of this code;

(12) The erosion and sediment control plan required under subsection (c) of this section for applications for permits to drill;

(13) A well site safety plan to address proper safety measures to be employed for the protection of persons on the site as well as the general public. The plan shall encompass all aspects of the operation, including the actual well work for which the permit was obtained, completion activities and production activities, and shall provide an emergency point of contact for the well operator. The well operator shall provide a copy of the well site safety plan to the local emergency planning committee established pursuant to §15-5A-7 of this code for the emergency planning district in which the well work will occur at least seven days before commencement of well work or site preparation work that involves any disturbance of land;

(14) A certification from the operator that: (A) It has provided the owners of the surface described in §22-6A-10(b)(1), §22-6A-10(b)(2), and §22-6A-10(b)(4) of this code, the information required by §22-6A-16(b) and §22-6A-16(c) of this code; (B) that the requirement was deemed satisfied as a result of giving the surface owner notice of entry to survey pursuant to §22-6A-10(a) of this code; or (C) the notice requirements of §22-6A-16(b) of this code were waived in writing by the surface owner; and

(15) Any other relevant information which the secretary may reasonably require.

(c)(1) An erosion and sediment control plan shall accompany each application for a well work permit under this article. The plan shall contain methods of stabilization and drainage, including a map of the project area indicating the amount of acreage disturbed. The erosion and sediment control plan shall meet the minimum requirements of the West Virginia Erosion and Sediment Control Manual as adopted and from time to time amended by the department. The erosion and sediment control plan shall become part of the terms and conditions of any well work permit that is issued pursuant to this article and the provisions of the plan shall be carried out where applicable in the operation. The erosion and sediment control plan shall set out the proposed method of reclamation which shall comply with the requirements of §22-6A-14 of this code.

(2) For well sites that disturb three acres or more of surface, excluding pipelines, gathering lines and roads, the erosion and sediment control plan submitted in accordance with this section shall be certified by a registered professional engineer.

(d) For well sites that disturb three acres or more of surface, excluding pipelines, gathering lines and roads, the operator shall submit a site construction plan that shall be certified by a registered professional engineer and contains information that the secretary may require by rule.

(e) In addition to the other requirements of this section, if the drilling, fracturing, or stimulating of the horizontal well requires the use of water obtained by withdrawals from waters of this state in amounts that exceed 210,000 gallons during any 30-day period, the application for a well work permit shall include a water management plan, which may be submitted on an individual well basis or on a watershed basis, and which shall include the following information:

(1) The type of water source, such as surface or groundwater, the county of each source to be used by the operation for water withdrawals and the latitude and longitude of each anticipated withdrawal location;

(2) The anticipated volume of each water withdrawal;

(3) The anticipated months when water withdrawals will be made;

(4) The planned management and disposition of wastewater after completion from fracturing, refracturing, stimulation, and production activities;

(5) A listing of the anticipated additives that may be used in water utilized for fracturing or stimulating the well. Upon well completion, a listing of the additives that were actually used in the fracturing or stimulating of the well shall be submitted as part of the completion log or report required by §22-6A-5(a)(14) of this code;

(6) For all surface water withdrawals, a water management plan that includes the information requested in subdivisions (1) through (5) of this subsection and the following:

(A) Identification of the current designated and existing water uses, including any public water intakes within one mile downstream of the withdrawal location;

(B) For surface waters, a demonstration, using methods acceptable to the secretary, that sufficient in-stream flow will be available immediately downstream of the point of withdrawal. A sufficient in-stream flow is maintained when a pass-by flow that is protective of the identified use of the stream is preserved immediately downstream of the point of withdrawal; and

(C) Methods to be used for surface water withdrawal to minimize adverse impact to aquatic life; and

(7) This subsection is intended to be consistent with and does not supersede, revise, repeal, or otherwise modify §22-11-1 *et seq.*, §22-12-1 *et seq.*, or §22-26-1 *et seq.* of this code and does not revise, repeal, or otherwise modify the common law doctrine of riparian rights in West Virginia law.

(f) An application may propose and a permit may approve two or more activities defined as well work; however, a separate permit shall be obtained for each horizontal well drilled.

(g) The application for a permit under this section shall be accompanied by the applicable bond as required by §22-6A-15 of this code, the applicable plat required by §22-6A-5(a)(6) of this code, and a permit fee of \$10,000 for the initial horizontal well drilled at a location and a permit fee of \$5,000 for each additional horizontal well drilled on a single well pad at the same location.

(h)(1) An applicant may enter into an expedited permit application process with the secretary for a well permit and pay an additional expedited permit fee of \$10,000 for the initial horizontal well drilled at a location and an additional expedited permit fee of \$5,000 for each additional horizontal well drilled on a single well pad at the same location: *Provided*, That deep well permitting is excluded from this expedited permit process due to the independent board review and approval requirement which is outside the secretary's control.

(2) Upon entering into an expedited permit process and meeting all the criteria set forth in this article, the secretary shall issue or deny a permit within 45 days of the submission of a permit application under this article, unless the secretary seeks additional information or modification from the applicant, which would toll the 45 day period until the secretary receives the required responsive information from the applicant.

(3) Each day the agency exceeds: (A) The 45-day deadline for approval or denial of an expedited initial horizontal well drilled, the secretary shall refund \$666.66 per day up to and including day 60 after the submission of a permit application until the expedited fee is reduced to the normal permit fee amount; or (B) the 45-day deadline for approval or denial of an expedited permit for any additional horizontal well drilled on a single well pad at the same location, the secretary shall be required to refund \$333.33 per day up to and including day 60 after the submission of a permit application, until the expedited fee is reduced to the normal permit fee amount.

(4)(A) After all refunds are paid by the secretary, one half of the additional expedited permit fee shall be deposited in the Oil and Gas Operating Permit and Processing Fund and shall be used by the agency to cover costs to review, process, and approve or deny the applicable horizontal well permit applications and modifications pending before the agency, but not to exceed \$1,000,000 annually in combination with proceeds received through §22-6A-7(i)(4)(A) of this code and any residuary fee proceeds to be distributed as set forth in §22-6A-7(h)(4)(B) of this code.

(B) After all refunds are paid by the secretary, one half of the additional expedited permit fee, plus any residuary as set forth in §22-6A-7(h)(4)(A) of this code, shall be deposited in the Oil and Gas Reclamation Fund and used specifically for the reclamation and plugging of orphaned oil or gas wells.

(i)(1) An applicant may enter into an expedited permit modification application process with the secretary for a well permit and pay an expedited permit modification fee of \$5,000 for the modification of the permit for any horizontal well drilled at a location: *Provided*, That deep well permit modifications are excluded from this expedited permit modification process if the modification is subject to independent board review and approval.

(2) Upon entering into an expedited permit modification process and meeting all the criteria set forth in this article, the secretary shall issue or deny a permit modification within 20 days of the submission of a permit modification application under this article, unless the secretary seeks

additional information or further modification from the applicant, which would toll the 20 day period until the secretary receives the required responsive information from the applicant.

(3) Each day the agency exceeds the 20-day deadline for approval or denial of an expedited horizontal well permit modification, the secretary shall refund \$500 per day up to and including day 30 after the submission of an expedited permit modification application, until the expedited permit modification fee of \$5,000 is reduced to zero.

(4)(A) After all refunds are paid by the secretary, one half of the expedited permit modification fee shall be deposited in the Oil and Gas Operating Permit and Processing Fund and shall be used by the agency to cover costs to review, process, and approve or deny the applicable horizontal well permit applications and modifications pending before the agency, but not to exceed \$1,000,000 annually in combination with proceeds received through §22-6A-7(h)(4)(A) of this code and any residuary fee proceeds to be distributed as set forth in §22-6A-7(i)(4)(B) of this code.

(B) After all refunds are paid by the secretary, one half of the expedited permit modification fee, plus any residuary as set forth in §22-6A-7(i)(4)(A) of this code, shall be deposited in the Oil and Gas Reclamation Fund and used specifically for the reclamation and plugging of orphaned oil or gas wells.

(j) Any balance in the Oil and Gas Reclamation Fund, earmarked specifically for the reclamation and plugging of orphaned oil or gas wells pursuant to §22-6A-7(h)(4)(B) and §22-6A-7(i)(4)(B) of this code, which remains at the end of any state fiscal year does not revert to the General Revenue Fund but shall remain in the special revenue account as indicated and may be used only as provided in §22-6-29(b) of this code. The revenues deposited in the Oil and Gas Reclamation Fund, earmarked specifically for the reclamation and plugging of orphaned oil or gas wells pursuant to §22-6A-7(h)(4)(B) and §22-6A-7(i)(4)(B) of this code may not be designated as nonaligned state special revenue funds under §11B-2-32 of this code.

~~(h)~~ (k) The well operator named in the application shall designate the name and address of an agent for the operator who is the attorney-in-fact for the operator and who is a resident of the State of West Virginia upon whom notices, orders, or other communications issued pursuant to this article or §22-11-1 *et seq.* of this code may be served, and upon whom process may be served. Every well operator required to designate an agent under this section shall, within five days after the termination of the designation, notify the secretary of the termination and designate a new agent.

~~(i)~~ (l) The well owner or operator shall install the permit number as issued by the secretary and a contact telephone number for the operator in a legible and permanent manner to the well upon completion of any permitted work. The dimensions, specifications, and manner of installation shall be in accordance with the rules of the secretary.

~~(j)~~ (m) The secretary may waive the requirements of this section and §22-6A-8, §22-6A-10, §22-6A-11, and §22-6A-24 of this code in any emergency situation if the secretary considers the action necessary. In that case the secretary may issue an emergency permit which is effective for not more than 30 days, unless reissued by the secretary.

~~(k)~~ (n) The secretary shall deny the issuance of a permit if the secretary determines that the applicant has committed a substantial violation of a previously issued permit for a horizontal well, including the applicable erosion and sediment control plan associated with the previously issued permit, or a substantial violation of one or more of the rules promulgated under this article, and in each instance has failed to abate or seek review of the violation within the time prescribed by the secretary pursuant to the provisions of §22-6A-5(a)(1) and §22-6A-5(a)(2) of this code and the rules promulgated hereunder, which time may not be unreasonable.

~~(f)~~ (o) If the secretary finds that a substantial violation has occurred and that the operator has failed to abate or seek review of the violation in the time prescribed, the secretary may suspend the permit on which the violation exists, after which suspension the operator shall forthwith cease all well work being conducted under the permit. However, the secretary may reinstate the permit without further notice, at which time the well work may be continued. The secretary shall make written findings of the suspension and may enforce the same in the circuit courts of this state. The operator may appeal a suspension pursuant to the provisions of §22-6A-5(a)(23) of this code. The secretary shall make a written finding of any such determination.

~~(m)~~ (p) Any well work permit issued in accordance with this section may be transferred with the prior written approval of the secretary upon his or her finding that the proposed transferee meets all requirements for holding a well work permit, notwithstanding any other provision of this article or rule adopted pursuant to this article. Application for the transfer of any well work permit shall be upon forms prescribed by the secretary and submitted with a permit transfer fee of \$500. Within 90 days of the receipt of approval by the secretary, the transferee shall give notice of the transfer to those persons entitled to notice in §22-6A-10(b) of this code by personal service or by registered mail or by any method of delivery that requires a receipt or signature confirmation, and shall further update the emergency point of contact provided pursuant to subdivision (13), subsection (b) of this section.”

The bill was then ordered to third reading.

S. B. 669, Allowing appointment of commissioners to acknowledge signatures; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page 3, section 3, line 6, after the word “matters.” by adding a new subdivision (4) to read as follows:

“(4) No provision of this section shall be construed to prohibit the practice of law by a duly licensed attorney.”

The bill was then ordered to third reading.

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

In the absence of objection, the House returned to Unfinished Business.

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

S. C. R. 23, Jeffrey Alan Clovis Memorial Bridge,

Com. Sub. for S. C. R. 25, US Army PFC Andrew “Bo” Martin Harper Memorial Bridge,

H. C. R. 10, Resiliency Week,

H. C. R. 14, U. S. Army CPT Benjamin Ronk Memorial Bridge,

H. C. R. 28, Charleston Police Capt. Jerry D. Hill Memorial Bridge,

H. C. R. 36, SPEC 5 Garry Monzel 'Michael' Shannon Memorial Bridge,

Com. Sub. for H. C. R. 42, U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge,

H. C. R. 54, U. S. Navy AOAN David 'Wayne' Cornell Memorial Bridge,

Com. Sub. for H. C. R. 64, U. S. Army CPL Jerry Lee Noble Memorial Bridge,

H. C. R. 68, Bluefield Police Lt. Aaron L. Crook Memorial Road,

Com. Sub. for H. C. R. 72, U. S. Army PFC Harold Paul Cottle Memorial Highway,

H. C. R. 73, U. S. Army SGT Matthew T. Miller Memorial Bridge,

Com. Sub. for H. C. R. 76, Reverend Lonnie Ramsey Memorial Bridge,

H. C. R. 85, Requesting the Joint Committee on Government and Finance study the feasibility of combining the volunteer fire departments,

H. C. R. 86, Requesting study of municipal and county governments for efficiencies and economies of scale,

H. C. R. 87, Requesting the Joint Committee on Government and Finance study the Public Service Commission,

H. C. R. 88, Requesting the Joint Committee on Government and Finance study the Board of Risk and Insurance Management,

H. C. R. 91, U. S. Army SGT. Robert Henry Waggy Memorial Bridge,

And,

H. R. 6, Recognizing the importance of West Virginia's energy resources and critical energy infrastructure to support economic development and national security.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein on those requiring the same.

H. R. 11, Recognizing the importance of the Atlantic Coast Pipeline; coming up in regular order, as unfinished business, was reported by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 575**), and there were—yeas 80, nays 17, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Doyle, Estep-Burton, Fleischauer, Hansen, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Pushkin, Pyles, Rowe, Staggers, Walker, Williams and Zukoff.

Absent and Not Voting: Kump, Sponaugle and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 11) adopted.

In the absence of objection, the House of Delegates returned to the Seventh Order of Business.

Resolutions Introduced

The following House Concurrent Resolutions were introduced pursuant to House Rule 109:

Delegates Hill, Azinger, Cooper, Hott, J. Jeffries, Mandt, C. Martin, Maynard, and Steele offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 97- “Designating the Mountain Cur as West Virginia’s official state dog.”

Whereas, The Mountain Cur was considered one of the most valuable assets to early mountain pioneers, settlers, and homesteaders; and

Whereas, The Mountain Cur was used to catch, tree, or hole wild game, which provided food and furs for families; and

Whereas, The Mountain Cur is a medium sized dog, standing 16 to 25 inches when full grown and weighs approximately 45 to 60 pounds. The breed has a rough coat that is brindle, black, brindle black, and yellow, has high set hanging ears, and a strong neck; and

Whereas, The Mountain Cur was declared a breed in 1957 with the organization of the Original Mountain Cur Breeders of America; therefore, be it

Resolved by the Legislature of West Virginia:

That the Mountain Cur be designated as the official state dog; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Governor and the schools of this state.

Delegates Ellington, Bibby, Capito, Cooper, Dean, Fast, Foster, Harshbarger, Hill, Hollen, Hott, Howell, D. Jeffries, D. Kelly, Kessinger, Kump, Linville, Malcolm, Mandt, Nelson, Pack, Phillips, Rohrbach, Rowan, Shott, Steele, Storch and Sypolt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 98 - “Requesting the Joint Committee on Government and Finance to study and analyze the potential use of audio telemedicine in West Virginia.”

Whereas, The use of telemedicine in West Virginia is far below usage in other states; and

Whereas, West Virginia is a largely rural state that lacks significant broadband coverage, has difficult geography, and has an aging demographic; and

Whereas, Under current West Virginia law, the initial physician-patient telemedicine encounter must be via video encounter; and

Whereas, These combined factors remove the ability for telemedicine via video technology to be a feasible option for most West Virginia residents; and

Whereas, At least 17 states do not prohibit audio-only telemedicine; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the potential use of telemedicine via audio for physicians and their patients in West Virginia.

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegate Rohrbach offered the following resolution, which was read by its title and referred to the Committee Rules:

H. C. R. 99 - "Requesting the House Committee on Prevention and Treatment of Substance Abuse study the national standards established to constitute proficiency in the treatment of Substance Use Disorders (SUD), both medical and counseling, in West Virginia."

Whereas, The Legislature is committed to facilitating increased access to substance abuse treatment; and

Whereas, The Legislature is committed to assuring that all services provided are best practice thus assuring successful outcomes for persons with Substance Use Disorders; and

Whereas, the American Society of Addiction Medicine sets the standards for competency in the medical treatment of SUD; and

Whereas, the International Certification & Reciprocity Consortium (IC & RC) and its State Affiliate the **West Virginia Certification Board for Addiction & Prevention Professionals** (WVCBAPP), as well as the National Association for Addiction Professionals (NAADAC) and its State Affiliate the West Virginia Association of Alcoholism and Drug Abuse Counselors (WVAADC) sets the standards for competency in addiction counseling; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the House Committee on Prevention and Treatment of Substance Abuse study establishing minimum qualifications for the medical and counseling treatment for SUD using ASAM guidelines and, be it

Further Resolved, That the House Committee on Prevention and Treatment of Substance Abuse study establishing minimum qualifications for counseling for SUD using WVCBAPP and WVAADC guidelines and, be it

Further Resolved, the House Committee on Prevention and Treatment of Substance Abuse report to the Regular Session of the Legislature 2020, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate any recommendations; and, be it

Further Resolved, That The Department of Commerce, the Development Office, the Tax Department, and the State Auditor shall cooperate with the Legislature to obtain the necessary research for this study; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the House Committee on Prevention and Treatment of Substance Abuse.

Delegates Bibby, Butler, Cadle, Espinosa, Fast, Foster, Hanna, Hardy, Harshbarger, Hollen, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Kessinger, Linville, Malcolm, C. Martin, P. Martin, Maynard, Phillips, Porterfield, Rowan, Summers, Sypolt, Toney and Waxman offered the following resolution, which shall lie over one day:

H. R. 20 - "Censuring Delegate Mike Caputo, Member of the West Virginia House of Delegates."

Whereas, The West Virginia House of Delegates finds that civil and respectful debate and behavior is a foundational principle of a free society; and

Whereas, The West Virginia House of Delegates believes in not only the First Amendment guarantee of free speech, but the right to freely debate differences in opinions and beliefs; and

Whereas, The West Virginia House of Delegates believes that, while individuals may passionately disagree about those opinions and beliefs, these differences should be resolved with civility and respect; and

Whereas, The House of Delegates vehemently condemns acts of violence, bullying and verbal assault as a means of expressing political discontent; and

Whereas, The House of Delegates believes its members should embody these principles and behave in a way that serves as an example for all citizens in how they should peaceably resolve their differences; and

Whereas, On March 1, 2019, while an assistant doorkeeper of the House of Delegates was rightfully and properly performing his job by preventing members from entering the House during the Prayer and Pledge of Allegiance, Delegate Caputo did forcefully and violently kick the door to the House of Delegates striking the assistant Doorkeeper forcefully, causing bodily injury to the assistant Doorkeeper; and

Whereas, Delegate Caputo did verbally abuse the assistant Doorkeeper and did use language that was inappropriate to the decorum and order of the House of Delegates.; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby censures Delegate Mike Caputo for his disorderly conduct and physical assault upon an assistant Doorkeeper.

Delegate Wilson offered the following resolution, which shall lie over one day:

H. R. 21 - "Expelling Delegate Mike Caputo from membership in the West Virginia House of Delegates for the remainder of the term for which he was elected to the West Virginia House of Delegates at the general election held in the year 2018."

Whereas, on March 1, 2019, Delegate Mike Caputo engaged in verbal and physical conduct unbecoming of a representative of the people of West Virginia during the House Floor Session. As he attempted to enter the House Chamber during the time reserved for the pledge and prayer, he

found the door being kept shut by an assistant doorkeeper. Despite being aware of the assistant doorkeeper's duties, Delegate Caputo deliberately and violently forced his way into the House Chamber, resulting in physical injury of the assistant doorkeeper and requiring him to seek medical attention.

Whereas, As Delegate Caputo entered the House Chamber, he addressed the injured doorkeeper in passing using disrespectful and vulgar language, saying "Open the G** D*** Door I am a member and I can come in any time I want." Prior to taking his seat, Delegate Caputo expressed no interest in the assistant doorkeeper's well-being; and

Whereas, Delegate Caputo then disrespectfully and aggressively accosted Delegate Malcolm after she commented on his behavior, saying "get the f*** out of my way" and elbowed her shoulder and chest as he passed her to walk toward his seat; and

Whereas, After Delegate Caputo took his seat, he requested permission to address the House and boasted "I'm the one kicked the door open. That's how angry I was. I tried to get in here between the prayer and the pledge, and I'm a member of this House, and nobody's going to keep me from opening that door, but the point I'm trying to get to- I have always preached to Freshman Delegates. When it gets personal with me, it's bad. Is it proper to do it here and take away from the business of the state of West Virginia when we've got doorkeepers going nose to nose with members? The Sergeant at Arms going nose to nose with members? We have created an anger that I have not witnessed in twenty-three years in this body, and it sickens me... but yeah, I kicked that door open. I'll own it. I did. I said some things that I don't normally say; so, the point should be we shouldn't do what's going on outside here there's no place for that. I apologize for my anger because I don't like getting this way, but I'm very angry today."

Whereas, Leader Miley requested "time to handle Delegate Caputo's behavior internally."

And,

Whereas, Speaker Hanshaw agreed with the expectation that Delegate Caputo would be disciplined by Leader Miley; and

Whereas, Leader Miley took no decisive action concerning Delegate Caputo's position or authority within the House; and

Whereas, Delegate Caputo was elected to the House of Delegates for a two-year term from the Fiftieth Delegate District at the general election held in the year 2018; and

Whereas, The West Virginia House of Delegates has high standards for the conduct of its members. Paramount to the orderly functioning of our form of government is the minimum requirement that members conduct themselves in a civil manner. This minimum requirement exists so that delegates may engage in the work for which they were elected: to engage in ardent and passionate debate concerning the business of the people of West Virginia; and

Whereas, While a delegate serves in the house, House Rule 32 binds him or her to "avoid all personalities and indecorous or disrespectful language"; and

Whereas, There is no House Rule that contemplates the situation wherein a member engages in a physical act that results in the injury of an individual employee because that conduct is so far outside the bounds of acceptable behavior that this body felt no need to address it.

Whereas, When the conduct of a member goes so far outside that which is expected of a representative of the citizens of this state, the remaining members must act to preserve the honor and credibility of that body. Not to act and repudiate such conduct destroys the credibility of the House and the faith of the people in their government.

Resolved by two-thirds of the members elected to the House of Delegates:

That for the conduct of Delegate Mike Caputo on March 1, 2019, he be and is hereby expelled from membership in the West Virginia House of Delegates for the remainder of the term for which he was elected to the West Virginia House of Delegates at the general election held in 2018.

Miscellaneous Business

Delegate J. Kelly announced that he was absent on today when the vote was taken on Roll No. 518, and that had he been present, he would have voted "Yea" thereon.

Delegate Pyles announced that he was absent on today when the vote was taken on Roll No. 522, and that had he been present, he would have voted "Yea" thereon.

Delegates Boggs announced that he was absent on today when the votes were taken on Roll Nos. 514, 515, 516 and 517, and that had he been present, he would have voted "Yea" thereon. He also announced that he was absent on yesterday when the vote was taken on Roll No. 484 and that had he been present, he would have voted "Yea" thereon.

Delegate Doyle announced that he was absent on today when the vote was taken on Roll No. 510, and that had he been present, he would have voted "Nay" thereon.

Delegate Nelson noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 514 through 518, and that had he been present, he would have voted "Yea" thereon.

Delegate Rohrbach noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 509 through 517 and had he been present he would have voted "Yea" thereon. He also noted that he was absent on Roll Nos. 507 and 508 and had he been present he would have voted "Nay" thereon.

Delegate Caputo noted to the Clerk that he be recorded in the Journal as having voted "Nay" on H. C. R. 32.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Worrell regarding Com. Sub. for S. B. 4

At 8:38 p.m., the House of Delegates adjourned until 10:00 a.m., Friday, March 8, 2019.

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

SPECIAL CALENDAR

Friday, March 8, 2019

59th Day

10:00 A. M.

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 4 - US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road
- S. C. R. 9 - US Army PFC Winten L. Wayts Memorial Bridge
- S. C. R. 12 - US Army CPL Lee Roy Young Memorial Bridge
- S. C. R. 20 - US Air Force SSGT Ryan David Hammond Memorial Bridge
- Com. Sub. for S. C. R. 40 - US Army CPL Roy E. Clark Memorial Bridge
- Com. Sub. for H. C. R. 5 - U. S. Army T/5 Maurice V. Mann Memorial Bridge
- Com. Sub. for H. C. R. 6 - U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge
- H. C. R. 33 - Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V
- Com. Sub. for H. C. R. 37 - SSGT Thomas Gavin Hess Memorial Bridge
- Com. Sub. for H. C. R. 40 - U. S. Army CAPT William H. Denney, Jr. Memorial Bridge
- Com. Sub. for H. C. R. 49 - U. S. Marine Corps PFC Danny Marshall Memorial Bridge
- Com. Sub. for H. C. R. 52 - Dr. H. Luke Eye Memorial Bridge
- Com. Sub. for H. C. R. 55 - U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge
- H. C. R. 61 - Applying to and urging Congress to call a convention of the states to limit the terms of office
- Com. Sub. for H. C. R. 70 - Danny Wayne Marks Memorial Bridge
- Com. Sub. for H. C. R. 79 - U. S. Army PFC Homer Jacob Day Memorial Bridge
- H. C. R. 83 - The creation of the West Virginia Distressed Water and Wastewater Utility Systems Viability Study Committee

- H. C. R. 93 - Requesting the Joint Committee on Energy study legislation relating to the deregulation of natural gas
- H. R. 20 - Censuring Delegate Mike Caputo of the West Virginia House of Delegates
- H. R. 21 - Expelling Delegate Mike Caputo from membership in the West Virginia House of Delegates

THIRD READING

- S. B. 16 - Authorizing expenditure of surplus funds by Wyoming County Commission (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 30 - Eliminating tax on annuity considerations collected by life insurer (HOUSEHOLDER) (REGULAR)
- S. B. 36 - Allowing adjustment of gross income for calculating personal income liability for certain retirees (HOLLEN) (JULY 1, 2019)
- Com. Sub. for S. B. 40 - Establishing Military Service Members Court program (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 90 - Transferring Safety and Treatment Program from DHHR to DMV (SHOTT) (REGULAR)
- Com. Sub. for S. B. 103 - Relating generally to Public Defender Services (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 147 - Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 152 - Relating generally to criminal offense expungement (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 264 - Requiring courts to order restitution to crime victims where economically practicable (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 291 - Relating generally to survivor benefits for emergency response providers (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 329 - Relating to agricultural education in high schools (HAMRICK) (REGULAR)
- Com. Sub. for S. B. 340 - Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company (SHOTT) (REGULAR)

- Com. Sub. for S. B. 345 - Relating to fire service equipment and training funds for VFDs (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 352 - Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 369 - Relating to generic drug products (SHOTT) (REGULAR)
- Com. Sub. for S. B. 392 - Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work (HOWELL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 396 - Waiving occupational licensing fees for low-income individuals and military families (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 398 - Relating to compensation for senior judges (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 461 - Providing for personal income tax withholding on certain lottery winnings (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 499 - Amending WV tax laws to conform to changes in partnerships for federal income tax purposes (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 502 - Exempting sales of investment metal bullion and coins (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 522 - Creating Special Road Repair Fund (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 538 - Relating to WV Highway Design-Build Pilot Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 539 - Relating to accrued benefit of retirees in WV State Police Retirement System Plan B (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 543 - Relating generally to automobile warranties and inspections (HOUSEHOLDER) (JULY 1, 2019)
- S. B. 544 - Increasing salaries for members of WV State Police over three-year period (HOUSEHOLDER) (JULY 1, 2019)
- S. B. 550 - Declaring certain claims to be moral obligations of state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

S. B. 554 - Removing salary caps for director of State Rail Authority (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 561 - Permitting Alcohol Beverage Control Administration request assistance of local law enforcement (SHOTT) (REGULAR)

Com. Sub. for S. B. 564 - Expanding comprehensive coverage for pregnant women through Medicaid (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 601 - Relating to mandatory supervision of adult inmates (SHOTT) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 603 - Exempting certain activities from licensing requirements for engaging in business of currency exchange (SHOTT) (REGULAR)

S. B. 605 - Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries (HAMRICK) (REGULAR)

Com. Sub. for S. B. 613 - Requiring DNR include election of organ donation on hunting licenses (SHOTT) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 622 - Relating generally to regulation and control of financing elections (SHOTT) (REGULAR) [RIGHT TO AMEND]

S. B. 627 - Relating generally to Rural Rehabilitation Loan Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 632 - Improving student safety (HAMRICK) (REGULAR)

Com. Sub. for S. B. 640 - Regulating sudden cardiac arrest prevention (ELLINGTON) (REGULAR)

S. B. 656 - Relating to electronic filing of tax returns (HOUSEHOLDER) (JULY 1, 2019)

S. B. 665 - Allowing for expedited oil and gas well permitting (ANDERSON) (EFFECTIVE FROM PASSAGE)

S. B. 669 - Allowing appointment of commissioners to acknowledge signatures (SHOTT) (REGULAR)

S. B. 670 - Relating to WV College Prepaid Tuition and Savings Program (HOUSEHOLDER) (REGULAR)

SECOND READING

- Com. Sub. for S. J. R. 5 - Clarification of the Judiciary's Role in Impeachment Proceedings Amendment (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT)
- S. B. 677 - Supplemental appropriation to Division of Health and Division of Human Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 678 - Supplemental appropriation from State Excess Lottery Revenue Fund to Office of Technology (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 679 - Supplemental appropriation to Division of Finance (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 680 - Supplemental appropriations to various divisions in DMAPS (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 681 - Supplemental appropriation from Lottery Net Profits to Educational Broadcasting Authority (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Friday, March 8, 2019

59th Day

10:00 A. M.

THIRD READING

- S. B. 233 - Relating to age requirements for deputy sheriff (HOWELL) (REGULAR)
- H. B. 2729 - Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2931 - Clarifying that the State Lottery Commission has no authority over nonlottery games (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3105 - Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement (HOWELL) (REGULAR)
- H. B. 3136 - Relating to the Centers for Medicare and Medicaid Services (HOUSEHOLDER) (REGULAR)
- H. B. 3137 - Relating to the personal income tax fund (HOWELL) (REGULAR)

SECOND READING

- S. B. 535 - Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019 (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2433 - Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2441 - Removing certain requirements related to wages for construction of public improvements (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2597 - Creating a hunting permit to safely accommodate visually impaired hunters (SHOTT) (REGULAR)
- H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)

- H. B. 2732 - Defend the Guard Act (MCGEEHAN) (REGULAR)
- H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- H. B. 2953 - Permitting a critical access hospital to become a community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2976 - Economic Diversification Act of 2019 (CRISS) (REGULAR)
- Com. Sub. for H. B. 2980 - Mine Trespass Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3100 - Clarifying certain provisions of the Nonintoxicating Beer Act (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3103 - Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3116 - Removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growlers (HOWELL) (REGULAR)
- H. B. 3147 - Requiring the Board of Insurance and Risk Management purchase life insurance products from state resident agents (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 124 - Creating felony offense for actions of cruelty to animals which causes serious injury or death of animal (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2179 - Allowing nonmembers of a political party to request that party's partisan ballot at a primary election (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 8, 2019

HOUSE CONVENES AT 10:00 A.M.

**COMMITTEE ON RULES
9:45 A.M. – BEHIND CHAMBER**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470