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HOUSE of DELEGATES

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March 10, 2023
FIFTY-NINTH DAY

Friday, March 10, 2023

FIFTY-NINTH DAY

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

The House of Delegates 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 Thursday, March 9, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Messages from the Executive
and Other Communications**

The Clerk announced that **H. B. 3340** had become law without the signature of the Governor.

A communication from His Excellency, the Governor, advised that on March 9, 2023, he approved **Com. Sub. for H. B. 3042**.

Communication from the Clerk of the Senate to His Excellency, the Governor, advised that S. B. 142, S. B. 237, Com. Sub. for S. B. 335, Com. Sub. for S. B. 439, S. B. 449, Com. Sub. for S. B. 450, Com. Sub. for S. B. 453, Com. Sub. for S. B. 455, S. B. 458, Com. Sub. for S. B. 475, S. B. 529 and S. B. 605 were presented to the Governor on March 9, 2023.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2024, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On motion of Delegate Criss, 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:

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 2024.

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 2024” shall mean the period from July 1, 2023, through June 30, 2024.

“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.V. 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.V. 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*, Notwithstanding any previous provision no more than ten percent of the general revenue funds appropriated to the following funds xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx and xxxx within the Department of Health and Human Resources may be transferred between the aforementioned funds: 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,” “buildings” and “contract nursing” 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 except that during Fiscal Year 2024, and upon approval from the State Budget Office, agencies with the appropriation “Salary and Benefits of Cabinet Secretary and Agency Heads” may transfer between this appropriation and the appropriation “Personal Services and Employee Benefits” an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2024, as provided by W.V. Code §6-7-2a: *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, within any fiscal year 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 fund 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 2024.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2024 Org 2100

	General
Appro-	Revenue
priation	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	321,392
Repairs and Alterations (R).....	06400	35,000
Technology Repair and Modernization (R).....	29800	80,000
Expenses of Members (R)	39900	450,000
BRIM Premium (R).....	91300	<u>44,482</u>
Total.....		\$ 5,952,206

The appropriations for the Senate for the fiscal year 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances so reappropriated may be transferred and credited to the fiscal year 2023 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.

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 2024 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
Capital Outlay, Repairs and Equipment (R).....	58900	500,000
BRIM Premium (R).....	91300	<u>80,000</u>
Total		\$ 9,904,031

The appropriations for the House of Delegates for the fiscal year 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances so reappropriated may be transferred and credited to the fiscal year 2023 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.

3 - Joint Expenses

(W.V. Code Chapter 4)

Fund 0175 FY 2024 Org 2300

Joint Committee on Government and Finance (R)	10400	\$	7,725,138
Legislative Printing (R).....	10500		260,000
Legislative Rule-Making Review Committee (R).....	10600		147,250
Legislative Computer System (R).....	10700		1,447,500
Legislative Dues and Fees (R).....	10701		600,000
BRIM Premium (R).....	91300		<u>60,569</u>
Total		\$	10,240,457

The appropriations for the Joint Expenses for the fiscal year 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances reappropriated may be transferred and credited to the fiscal year 2023 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 2024 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$	129,136,873
Current Expenses (R)	13000		21,482,914
Repairs and Alterations (R).....	06400		40,000
Equipment (R).....	07000		1,814,000

2023]	HOUSE OF DELEGATES	1451
Military Services Members Court (R).....	09002	300,000
Judges' Retirement System (R)	11000	854,000
Buildings (R)	25800	10,000
Other Assets (R)	69000	80,000
BRIM Premium (R).....	91300	<u>716,410</u>
Total		\$ 154,434,197

The appropriations to the Supreme Court of Appeals for the fiscal years 2021, 2022 and 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances so reappropriated may be transferred and credited to the fiscal year 2023 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 therefrom 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

(W.V. Code Chapter 5)

Fund 0101 FY 2024 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 3,409,542
Current Expenses (R)	13000	799,000
Repairs and Alterations.....	06400	25,000
Equipment.....	07000	1,000
National Governors Association	12300	60,700
Herbert Henderson Office of Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	613,421
BRIM Premium.....	91300	<u>183,645</u>
Total		\$ 6,489,034

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), and Office of Resiliency (fund 0101, appropriation 18600) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 5)

Fund 0102 FY 2024 Org 0100

Personal Services and Employee Benefits.....	00100	\$	410,065
Current Expenses (R)	13000		182,158
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>1,000</u>
Total.....		\$	598,223

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 5)

Fund 0105 FY 2024 Org 0100

Milton Flood Wall (R).....	75701	\$	3,500,000
Local Economic Development Assistance (R).....	81900		<u>5,000,000</u>
Total.....		\$	8,500,000

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), Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation

22599), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), Local Economic Development Assistance (fund 0105, appropriation 81900), and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 12)

Fund 0116 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,546,998
Current Expenses (R)	13000		13,429
BRIM Premium.....	91300		<u>12,077</u>
Total		\$	2,572,504

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 12)

Fund 0126 FY 2024 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,711,818
Unclassified	09900		31,463
Current Expenses (R)	13000		572,684

Abandoned Property Program.....	11800	41,794
Other Assets	69000	10,000
ABLE Program.....	69201	150,000
BRIM Premium.....	91300	<u>59,169</u>
Total		\$ 3,576,928

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 19)

Fund 0131 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 6,808,433
Current Expenses (R)	13000	848,115
Animal Identification Program	03900	136,407
State Farm Museum.....	05500	87,759
Gypsy Moth Program (R)	11900	1,098,069
WV Farmers Market.....	12801	150,467
Black Fly Control.....	13700	459,453
HEMP Program.....	13701	375,033
Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program (R)	36301	268,572
Predator Control (R).....	47000	176,400
Bee Research	69100	74,662
Microbiology Program	78500	105,583
Moorefield Agriculture Center.....	78600	1,056,879
Chesapeake Bay Watershed.....	83000	120,911

2023]	HOUSE OF DELEGATES	1455
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	778,539
Threat Preparedness	94200	77,869
WV Food Banks.....	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 13,297,711

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 19)

Fund 0132 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 869,296
Unclassified	09900	77,059
Current Expenses (R)	13000	317,848
Soil Conservation Projects (R)	12000	10,107,529
BRIM Premium.....	91300	<u>34,428</u>
Total.....		\$ 11,406,160

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

12 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 0135 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	1,032,292
Unclassified	09900		7,090
Current Expenses	13000		<u>82,605</u>
Total		\$	1,121,987

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

(W.V. Code Chapter 19)

Fund 0136 FY 2024 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

(W.V. Code Chapter 8A)

Fund 0607 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	105,302
Unclassified	09900		<u>950</u>
Total		\$	106,252

15 - Attorney General

(W.V. Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2024 Org 1500

Personal Services and Employee Benefits (R).....	00100	\$	3,387,827
Unclassified (R).....	09900		24,428
Current Expenses (R)	13000		681,295
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		7,500
Criminal Convictions and Habeas Corpus Appeals (R)	26000		988,021
Better Government Bureau	74000		287,469
BRIM Premium.....	91300		<u>120,654</u>
Total		\$	5,498,194

Any unexpended balances remaining in the 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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapters 3, 5, and 59)

Fund 0155 FY 2024 Org 1600

Personal Services and Employee Benefits.....	00100	\$	118,794
Unclassified (R).....	09900		8,352
Current Expenses (R)	13000		781,584

BRIM Premium.....	91300	<u>34,500</u>
Total		\$ 943,230

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 3)

Fund 0160 FY 2024 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

18 - Department of Administration –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0186 FY 2024 Org 0201

Personal Services and Employee Benefits.....	00100	\$ 479,079
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	153,400
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	14,850,000

2023]	HOUSE OF DELEGATES		1459
Design-Build Board	54000		4,000
Other Assets	69000		100
BRIM Premium.....	91300		<u>6,736</u>
Total		\$	15,616,147

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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

19 - Consolidated Public Retirement Board

(W.V. Code Chapter 5)

Fund 0195 FY 2024 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

(W.V. Code Chapter 5A)

Fund 0203 FY 2024 Org 0209

Personal Services and Employee Benefits.....	00100	\$	66,135
Unclassified	09900		1,400
Current Expenses	13000		53,563
GAAP Project (R).....	12500		650,070
BRIM Premium.....	91300		<u>20,675</u>
Total		\$	791,843

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

21 - Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Personal Services and Employee Benefits.....	00100	\$	2,985,695
Unclassified	09900		20,000
Current Expenses	13000		1,148,349
Repairs and Alterations.....	06400		500
Equipment.....	07000		5,000
Fire Service Fee.....	12600		14,000
Preservation and Maintenance of Statues and Monuments			
on Capitol Grounds	37100		68,000
Capital Outlay, Repairs and Equipment (R).....	58900		23,660,888
BRIM Premium.....	91300		<u>129,983</u>
Total		\$	28,032,415

Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) and Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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

(W.V. Code Chapter 5A)

Fund 0210 FY 2024 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,105,767
Unclassified	09900		144
Current Expenses	13000		1,285
Repairs and Alterations.....	06400		200

2023] HOUSE OF DELEGATES 1461

BRIM Premium.....	91300	<u>6,922</u>
Total		\$ 1,114,318

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

23 - Travel Management

(W.V. Code Chapter 5A)

Fund 0615 FY 2024 Org 0215

Personal Services and Employee Benefits.....	00100	\$ 842,645
Unclassified	09900	12,032
Current Expenses	13000	440,247
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	5,000
Buildings	25800	100
Other Assets	69000	<u>100</u>
Total		\$ 1,301,124

24 - Commission on Uniform State Laws

(W.V. Code Chapter 29)

Fund 0214 FY 2024 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

(W.V. Code Chapter 6C)

Fund 0220 FY 2024 Org 0219

Personal Services and Employee Benefits.....	00100	\$ 1,027,173
Unclassified	09900	1,000
Current Expenses	13000	145,295
Equipment.....	07000	50

BRIM Premium.....	91300	<u>8,740</u>
Total		\$ 1,182,258

26 - Ethics Commission

(W.V. Code Chapter 6B)

Fund 0223 FY 2024 Org 0220

Personal Services and Employee Benefits.....	00100	\$ 640,224
Unclassified	09900	2,200
Current Expenses	13000	105,501
Repairs and Alterations.....	06400	500
Other Assets	69000	100
BRIM Premium.....	91300	<u>4,574</u>
Total		\$ 753,099

27 - Public Defender Services

(W.V. Code Chapter 29)

Fund 0226 FY 2024 Org 0221

Personal Services and Employee Benefits.....	00100	\$ 1,921,914
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	119,000
Unclassified	09900	333,300
Current Expenses	13000	12,740
Public Defender Corporations	35200	23,014,199
Appointed Counsel Fees (R).....	78800	12,691,113
BRIM Premium.....	91300	<u>10,575</u>
Total		\$ 38,102,841

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees - Surplus (fund 0226, appropriation 43500) and Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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*

(W.V. Code Chapter 5A)

Fund 0233 FY 2024 Org 0224

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

29 - Public Employees Insurance Agency

(W.V. Code Chapter 5)

Fund 0200 FY 2024 Org 0225

PEIA Subsidy	80100	\$	71,373,750
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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

(W.V. Code Chapter 7)

Fund 0557 FY 2024 Org 0228

Forensic Medical Examinations (R).....	68300	\$	568,607
Federal Funds/Grant Match (R)	74900		112,555
Total		\$	681,162

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

31 - Real Estate Division

(W.V. Code Chapter 5A)

Fund 0610 FY 2024 Org 0233

Personal Services and Employee Benefits.....	00100	\$	728,108
Unclassified	09900		124
Current Expenses	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500
BRIM Premium.....	91300		<u>9,784</u>
Total		\$	877,997

DEPARTMENT OF COMMERCE

32 - Division of Forestry

(W.V. Code Chapter 19)

Fund 0250 FY 2024 Org 0305

Personal Services and Employee Benefits.....	00100	\$	4,987,129
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		111,674
Unclassified	09900		21,435
Current Expenses	13000		558,024
Repairs and Alterations.....	06400		80,000
BRIM Premium.....	91300		<u>98,754</u>
Total		\$	5,857,016

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

Any unexpended balances remaining in the appropriations for Current Expenses – Surplus (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at

the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

33 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 0253 FY 2024 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,705,320
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		112,753
Unclassified	09900		27,678
Current Expenses	13000		51,524
Repairs and Alterations.....	06400		968
Mineral Mapping System (R).....	20700		1,136,567
BRIM Premium.....	91300		<u>24,486</u>
Total		\$	3,059,296

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

The above Unclassified and Current Expenses 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.

34 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 0260 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,666,653
Current Expenses	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment.....	07000		15,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	1,945,153

35 - *Division of Natural Resources*

(W.V. Code Chapter 20)

Fund 0265 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 20,400,532
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	113,188
Unclassified	09900	184,711
Current Expenses	13000	529,654
Repairs and Alterations.....	06400	100
Equipment.....	07000	100
Buildings (R)	25800	100
Capital Outlay – Parks (R)	28800	6,000,000
Litter Control Conservation Officers	56400	151,662
Upper Mud River Flood Control (R).....	65400	175,210
Other Assets	69000	100
Land (R).....	73000	100
Law Enforcement	80600	2,628,555
BRIM Premium.....	91300	<u>45,141</u>
Total.....		\$ 30,229,153

Any unexpended balances remaining in the appropriations for Equine Enrichment - Surplus (fund 0265, appropriation 22899), Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Upper Mud River Flood Control (fund 0265, appropriation 65400), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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.

36 - *Division of Miners' Health, Safety and Training*

(W.V. Code Chapter 22A)

Fund 0277 FY 2024 Org 0314

Personal Services and Employee Benefits.....	00100	\$	9,924,652
Unclassified	09900		111,016
Current Expenses	13000		1,396,141
Coal Dust and Rock Dust Sampling	27000		499,261
BRIM Premium.....	91300		<u>80,668</u>
Total		\$	12,011,738

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.

37 - Board of Coal Mine Health and Safety

(W.V. Code Chapter 22)

Fund 0280 FY 2024 Org 0319

Personal Services and Employee Benefits.....	00100	\$	245,490
Unclassified	09900		3,480
Current Expenses	13000		<u>118,138</u>
Total		\$	367,108

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.

38 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 0572 FY 2024 Org 0323

Personal Services and Employee Benefits.....	00100	\$	51,433
Unclassified	09900		584
Current Expenses	13000		<u>6,456</u>
Total		\$	58,473

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

(W.V. Code Chapter 19)

Fund 0606 FY 2024 Org 0327

Personal Services and Employee Benefits.....	00100	\$	1,417,755
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		153,750
Unclassified	09900		1,490
Current Expenses	13000		<u>353,147</u>
Total		\$	1,926,142

40 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 0310 FY 2024 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,317,698
Current Expenses	13000		558,815
Independent Living Services	00900		429,418
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		\$	15,744,185

The above appropriation for Workshop Development (fund 0310, appropriation 16300) 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 TOURISM

41 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2024 Org 0304

Tourism – Brand Promotion (R)	61803	\$	3,000,000
Tourism – Public Relations (R).....	61804		1,500,000
Tourism – Events and Sponsorships (R).....	61805		500,000
Tourism – Industry Development (R).....	61806		500,000
State Parks and Recreation Advertising (R)	61900		<u>1,500,000</u>
Total.....		\$	7,000,000

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0246, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), and State Parks and Recreation Advertising (fund 0246, appropriation 61900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The Secretary of the Department of Tourism shall have the authority to transfer between the above items of appropriation.

DEPARTMENT OF ECONOMIC DEVELOPMENT*42 - Department of Economic Development –**Office of the Secretary*

(W.V. Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,261,881
Unclassified	09900		108,055
Current Expenses	13000		4,738,464
National Youth Science Camp	13200		241,570
Local Economic Development Partnerships (R)	13300		1,250,000
ARC Assessment.....	13600		152,585
Marshall University Research Corporation	xxxxx		500,000

Global Economic Development Partnerships (R)	20201	150,000
Guaranteed Work Force Grant (R).....	24200	988,088
Directed Transfer	70000	15,000,000
Mainstreet Program	79400	173,222
BRIM Premium.....	91300	3,157
Hatfield McCoy Recreational Trail.....	96000	<u>198,415</u>
Total.....		\$ 27,765,437

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), and Guaranteed Work Force Grant (fund 0256, appropriation 24200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership, \$100,000 shall be used for Advantage Valley, \$750,000 shall be used for the Robert C. Byrd Institute, \$548,915 shall be used for West Virginia University, and \$298,915 shall be used for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the Department of Economic Development 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.V. Code §5B-2-14. The Department of Economic Development shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$30,000 per county served by an economic development or redevelopment corporation or authority.

The above appropriation for Directed Transfer (fund 0256, appropriation 70000) shall be transferred to the Economic Enhancement Grant Fund (fund 3382).

DEPARTMENT OF EDUCATION

43 - State Board of Education –

School Lunch Program

(W.V. Code Chapters 18 and 18A)

Fund 0303 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 368,331
Current Expenses	13000	<u>2,118,865</u>

2023]

HOUSE OF DELEGATES

1471

Total \$ 2,487,196

44 - State Board of Education –

State Department of Education

(W.V. Code Chapters 18 and 18A)

Fund 0313 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 4,825,679
Unclassified (R).....	09900	420,000
Current Expenses (R)	13000	4,580,000
Teachers' Retirement Savings Realized.....	09500	37,543,000
Center for Professional Development (R).....	11500	150,000
Increased Enrollment	14000	4,250,000
Safe Schools.....	14300	4,509,127
Attendance Incentive Bonus (R).....	15001	2,262,389
National Teacher Certification (R)	16100	300,000
Jobs & Hope – Childhood Drug Prevention Education	21901	5,000,000
Technology Repair and Modernization	29800	951,003
Hope Scholarship Program	30401	23,970,739
HVAC Technicians	35500	541,248
Early Retirement Notification Incentive.....	36600	300,000
MATH Program	36800	386,532
Assessment Programs (R)	39600	3,953,638
Benedum Professional Development Collaborative (R).....	42700	429,775
Governor's Honors Academy (R)	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	277,954
Youth in Government	61600	100,000
High Acuity Special Needs (R)	63400	1,500,000
Foreign Student Education.....	63600	101,445
State Board of Education Administrative Costs	68400	285,887
IT Academy (R).....	72100	500,000
Early Literacy Program.....	75600	5,717,133
School Based Truancy Prevention (R)	78101	2,063,740
Communities in Schools (R).....	78103	4,905,755
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program	86401	415,500
21 st Century Learners (R).....	88600	1,821,209
BRIM Premium.....	91300	342,859
21 st Century Assessment and Professional Development	93100	2,012,157
21 st Century Technology Infrastructure Network		
Tools and Support (R)	93300	9,885,992
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total.....		\$ 126,696,368

The above appropriations include funding for the State Board of Education and its executive office.

From the above appropriation for Current Expenses (fund 0313, appropriation 13000), \$2,000,000 shall be used for the Department of Education Child Nutrition Program – Non-traditional Child Hunger Solutions.

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), Attendance Incentive Bonus (fund 0313, appropriation 15001), National Teacher Certification (fund 0313, appropriation 16100), Hope Scholarship Program (fund 313, appropriation 30401), Assessment Programs (fund 0313, appropriation 39600), 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), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), and 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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 and CLEP exam fees.

From the above appropriation for MATH Program (fund 0313, appropriation 36800), \$50,000 shall be for Math Counts.

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 the Morgan County Board of Education for Paw Paw Schools; \$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.

45 - State Board of Education –

Aid for Exceptional Children

(W.V. Code Chapters 18 and 18A)

Fund 0314 FY 2024 Org 0402

Special Education – Counties	15900	\$	7,425,757
Special Education – Institutions	16000		4,161,325
Education of Juveniles Held in Predispositional			
Juvenile Detention Centers.....	30200		702,582
Education of Institutionalized Juveniles and Adults (R)	47200		<u>21,780,531</u>
Total		\$	34,070,195

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 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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.

46 - State Board of Education –

State Aid to Schools

(W.V. Code Chapters 18 and 18A)

Fund 0317 FY 2024 Org 0402

Other Current Expenses	02200	\$ 180,202,533
Advanced Placement	05300	635,238
Professional Educators	15100	940,631,329
Service Personnel.....	15200	350,277,867
Fixed Charges.....	15300	111,993,457
Transportation.....	15400	87,405,241
Improved Instructional Programs	15600	57,738,239
Professional Student Support Services	65500	64,943,783
21 st Century Strategic Technology Learning Growth	93600	37,971,242
Teacher and Leader Induction	93601	<u>17,006,361</u>
Basic Foundation Allowances		1,848,805,290
Less Local Share		(533,898,170)
Adjustments		<u>(1,679,011)</u>
Total Basic State Aid.....		1,313,228,109
Public Employees' Insurance Matching.....	01200	218,605,348
Teachers' Retirement System	01900	70,894,634
School Building Authority	45300	0
Retirement Systems – Unfunded Liability.....	77500	<u>285,469,999</u>
Total		\$ 1,888,198,090

47 - State Board of Education –

School Building Authority

(W.V. Code Chapters 18 and 18A)

Fund 0318 FY 2024 Org 0404

School Building Authority	45300	\$	36,000,000
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The above appropriation for School Building Authority (fund 0318, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

48 - State Board of Education –

Vocational Division

(W.V. Code Chapters 18 and 18A)

Fund 0390 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,409,342
Unclassified	09900		268,800
Current Expenses	13000		883,106
Wood Products – Forestry Vocational Program.....	14600		82,713
Albert Yanni Vocational Program	14700		132,123
Vocational Aid	14800		24,540,570
Adult Basic Education	14900		5,468,396
Jobs & Hope (R)	14902		6,252,729
Program Modernization.....	30500		884,313
High School Equivalency Diploma Testing (R).....	72600		812,028
FFA Grant Awards	83900		11,496
Pre-Engineering Academy Program.....	84000		<u>265,294</u>
Total		\$	41,010,910

Any unexpended balances remaining in the appropriations for Jim’s Dream (fund 0390, appropriation 14901), Jobs and Hope (fund 0390, appropriation 14902), and High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(W.V. Code Chapters 18 and 18A)

Fund 0320 FY 2024 Org 0403

Personal Services and Employee Benefits.....	00100	\$	10,875,030
Unclassified (R).....	09900		110,000
Current Expenses (R)	13000		2,250,696
Repairs and Alterations.....	06400		164,675
Equipment.....	07000		77,000
Buildings (R)	25800		45,000
Capital Outlay and Maintenance (R)	75500		1,670,000
BRIM Premium.....	91300		<u>130,842</u>
Total		\$	15,323,243

Any unexpended balances remaining in the appropriations for Unclassified (fund 0320, appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*50 - Division of Culture and History*

(W.V. Code Chapter 29)

Fund 0293 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$	3,658,720
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		120,106
Unclassified (R).....	09900		28,483
Current Expenses	13000		610,843
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1
WV Humanities Council	16800		250,000

2023]	HOUSE OF DELEGATES	1477
Buildings	25800	1
Other Assets	69000	1
Educational Enhancements.....	69500	73,500
Land	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.....		\$ 5,090,714

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), 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), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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

The Current Expenses 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 WV Code.

51 - Library Commission

(W.V. Code Chapter 10)

Fund 0296 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 1,154,498
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	112,000
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		\$	1,592,544
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52 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 0300 FY 2024 Org 0439

Personal Services and Employee Benefits.....	00100	\$	3,391,551
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		120,106
Current Expenses	13000		113,844
Mountain Stage.....	24900		450,000
Capital Outlay and Maintenance (R)	75500		49,250
BRIM Premium.....	91300		<u>47,727</u>
Total		\$	4,172,478

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(W.V. Code Chapter 20)

Fund 0270 FY 2024 Org 0311

Personal Services and Employee Benefits.....	00100	\$	94,048
Current Expenses	13000		28,453
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Other Assets	69000		400
BRIM Premium.....	91300		<u>791</u>
Total		\$	124,992

54 - Division of Environmental Protection

2023] HOUSE OF DELEGATES 1479

(W.V. Code Chapter 22)

Fund 0273 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	4,266,202
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		168,000
Current Expenses.....	13000		85,816
Water Resources Protection and Management.....	06800		585,133
Environmental Response and Cleanups.....	27101		91,888
Dam Safety.....	60700		253,074
West Virginia Stream Partners Program.....	63700		77,396
W.V. Contributions to River Commissions.....	77600		148,485
Office of Water Resources Non-Enforcement Activity.....	85500		<u>1,074,298</u>
Total.....		\$	6,750,292

55 - Air Quality Board

(W.V. Code Chapter 16)

Fund 0550 FY 2024 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

(W.V. Code Chapter 5F)

Fund 0400 FY 2024 Org 0501

Personal Services and Employee Benefits.....	00100	\$	389,301
Unclassified	09900		6,459
Current Expenses	13000		50,613
Commission for the Deaf and Hard of Hearing.....	70400		<u>234,018</u>
Total.....		\$	680,391

*57 - Division of Health –**Central Office*

(W.V. Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	13,513,717
Unclassified	09900		671,795
Current Expenses	13000		5,388,459
Chief Medical Examiner (R)	04500		10,684,766
State Aid for Local and Basic Public Health Services.....	18400		17,285,283
Safe Drinking Water Program (R).....	18700		1,942,818
Women, Infants and Children.....	21000		38,621
Early Intervention	22300		8,134,060
Cancer Registry	22500		219,600
Office of Drug Control Policy (R)	35401		567,875
Statewide EMS Program Support (R).....	38300		1,722,828
Office of Medical Cannabis (R)	42001		1,519,966
Black Lung Clinics.....	46700		170,885
Vaccine for Children.....	55100		341,261
Tuberculosis Control	55300		343,494

Maternal and Child Health Clinics, Clinicians and

Medical Contracts and Fees (R)	57500	6,242,965
Epidemiology Support.....	62600	1,568,269
Primary Care Support	62800	1,241,505
Sexual Assault Intervention and Prevention	72300	2,000,000
Health Right Free Clinics	72700	4,250,000
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles.....	77800	902,808
Maternal Mortality Review	83400	51,660
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System	91800	1,950,095
WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
Total		\$ 81,802,588

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), 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), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical Cannabis-Surplus (fund 0407, appropriation 42099), 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), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation xxxxx) the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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 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 \$1,000,000 shall be used for the administration of the Telestroke program.

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.

58 - Consolidated Medical Services Fund

(W.V. Code Chapter 16)

Fund 0525 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,744,950
Current Expenses	13000		164,113
Behavioral Health Program (R)	21900		70,868,956
Institutional Facilities Operations (R).....	33500		12,031,796
Substance Abuse Continuum of Care (R)	35400		1,840,000
Capital Outlay and Maintenance (R)	75500		0
BRIM Premium.....	91300		<u>53,249</u>
Total.....		\$	86,703,064

Any unexpended balances remaining in the appropriations for Jim’s Dream (fund 0525, appropriation 14901), Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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 Recovery Point of Huntington.

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 2024, 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 10 percent of the funds from the Institutional Facilities

Operations appropriation to facilitate cost effective and cost saving services at the community level.

The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) shall be transferred to Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

59 - Division of Health –

West Virginia Drinking Water Treatment

(W.V. Code Chapter 16)

Fund 0561 FY 2024 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 (fund 3386) or appropriate bank depository and the Drinking Water Treatment Revolving – Administrative Expense Fund (fund 3387) as provided by Chapter 16 of the Code.

60 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 0416 FY 2024 Org 0510

Personal Services and Employee Benefits.....	00100	\$	1,044,845
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		112,000
Unclassified	09900		4,024
Current Expenses	13000		331,304
BRIM Premium.....	91300		<u>10,764</u>
Total.....		\$	1,502,937

61 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$	56,266,691
Unclassified	09900		5,688,944
Current Expenses	13000		12,240,425
Child Care Development.....	14400		3,138,536
Medical Services.....	18900		267,202,774
Social Services	19500		224,478,972
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		373,424
I/DD Waiver	46600		108,541,736
Child Protective Services Case Workers.....	46800		30,347,953
Title XIX Waiver for Seniors	53300		13,593,620
WV Teaching Hospitals Tertiary/Safety Net	54700		6,356,000
In-Home Family Education.....	68800		1,000,000
WV Works Separate State Program.....	69800		1,535,000
Child Support Enforcement.....	70500		6,933,494
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		43,786,785
Traumatic Brain Injury Waiver	83500		800,000

2023]	HOUSE OF DELEGATES	1485
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	703,452
CHIP Services.....	85602	10,489,660
BRIM Premium.....	91300	892,642
Rural Hospitals Under 150 Beds	94000	2,596,000
Children’s Trust Fund – Transfer.....	95100	220,000
PATH	95400	<u>7,265,970</u>
Total.....		\$ 844,754,256

From the above appropriation of Current Expenses (fund 0403, appropriation 13000), \$300,000 shall be used for Green Acres Regional Center, Inc.

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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 WV 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 percent of the total shall be divided equally and distributed among the 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).

62 - Health Facilities –

Central Office

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits.....	00100	\$	1,535,120
Current Expenses	13000		360,480
BRIM Premium.....	91300		<u>1,242,849</u>
Total.....		\$	3,138,449

63 - Health Facilities –

Health Facilities Capital Projects Fund

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Capital Outlay and Maintenance	75500	\$	550,000
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The Secretary shall have the ability to transfer between appropriations for Capital Outlay and Maintenance within the funds xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx and xxxx as needed.

64 - Health Facilities –

Hopemont Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$	5,809,271
Contract Nursing.....	xxxxx		2,693,811

2023]	HOUSE OF DELEGATES		1487
Repairs and Alterations.....	06400		1
Equipment.....	07000		1
Current Expenses	13000	1,873,082	
Buildings	25800		1
Other Assets	69000		1
Capital Outlay and Maintenance	75500	<u>50,000</u>	
Total.....		\$	10,426,168

65 - Health Facilities –

Lakin Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$	7,148,761
Contract Nursing.....	xxxxx		1,339,262
Repairs and Alterations.....	06400		1
Equipment.....	07000		1
Current Expenses	13000	2,363,676	
Buildings	25800		1
Other Assets	69000		1
Capital Outlay and Maintenance	75500	<u>50,000</u>	
Total.....		\$	10,901,703

66 - Health Facilities –

John Manchin Senior Health Care Center

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$	3,669,817
Contract Nursing.....	xxxxx		907,556

Repairs and Alterations.....	06400	1
Equipment.....	07000	1
Current Expenses	13000	1,471,878
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	75500	<u>50,000</u>
Total.....		\$ 6,099,255

67 - Health Facilities –

Jackie Withrow Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$ 6,832,977
Contract Nursing.....	xxxxx	1,625,311
Repairs and Alterations.....	06400	1
Equipment.....	07000	1
Current Expenses	13000	2,655,893
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	77550	<u>50,000</u>
Total.....		\$ 11,164,185

68 - Health Facilities –

Welch Community Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$ 14,925,683
Contract Nursing.....	xxxxx	2,576,401

2023]	HOUSE OF DELEGATES	1489
Repairs and Alterations.....	06400	1
Equipment.....	07000	1
Current Expenses	13000	13,199,285
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	77550	<u>50,000</u>
Total.....		\$ 30,751,373

69 - Health Facilities –

William R. Sharpe Jr. Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$ 23,869,659
Contract Nursing.....	xxxxx	10,469,835
Repairs and Alterations.....	06400	1
Equipment.....	07000	1
Current Expenses	13000	10,280,300
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	77550	<u>50,000</u>
Total.....		\$ 44,669,798

The above appropriation for Personal Services and Employee Benefits (fund xxxx, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of \$2,202,013.

70 - Health Facilities –

Mildred Mitchell-Bateman Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$	24,011,880
Contract Nursing	xxxxx		6,457,520
Repairs and Alterations.....	06400		1
Equipment.....	07000		1
Current Expenses	13000		2,967,683
Buildings	25800		1
Other Assets	69000		1
Capital Outlay and Maintenance	77550		<u>50,000</u>
Total.....		\$	33,487,087

The above appropriation for Personal Services and Employee Benefits (fund xxxx, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of \$2,067,984.

71 - Health Facilities –

William R. Sharpe Jr. Hospital -

Transitional Living Facility

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$	1,488,296
Contract Nursing	xxxxx		10,000
Repairs and Alterations.....	06400		1
Equipment.....	07000		1
Current Expenses	13000		171,794
Buildings	25800		1
Other Assets	69000		1
Capital Outlay and Maintenance	77550		<u>50,000</u>
Total.....		\$	1,720,094

DEPARTMENT OF HOMELAND SECURITY*72 - Department of Homeland Security –**Office of the Secretary*

(W.V. Code Chapter 5F)

Fund 0430 FY 2024 Org 0601

Personal Services and Employee Benefits.....	00100	\$	677,939
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		168,000
Unclassified (R).....	09900		30,000
Current Expenses.....	13000		91,636
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Fusion Center (R).....	46900		2,973,178
Other Assets.....	69000		500
Directed Transfer.....	70000		32,000
BRIM Premium.....	91300		22,563
WV Fire and EMS Survivor Benefit (R).....	93900		<u>200,000</u>
Total.....		\$	4,196,816

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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).

73 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 0443 FY 2024 Org 0606

Personal Services and Employee Benefits.....	00100	\$	2,228,903
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		61,250
Unclassified	09900		21,022
Current Expenses	13000		51,065
Repairs and Alterations.....	06400		600
Radiological Emergency Preparedness	55400		17,052
SIRN.....	55401		600,000
Federal Funds/Grant Match (R)	74900		1,488,195
Mine and Industrial Accident Rapid Response Call Center	78100		504,586
Early Warning Flood System (R).....	87700		1,298,686
BRIM Premium.....	91300		<u>96,529</u>
Total		\$	6,367,888

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

74 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(W.V. Code Chapter 62)

Fund 0440 FY 2024 Org 0608

Personal Services and Employee Benefits.....	00100	\$	313,598
Unclassified	09900		10,000
Current Expenses	13000		334,440
Salaries of Members of West Virginia Parole Board.....	22700		758,847
BRIM Premium.....	91300		<u>6,149</u>
Total		\$	1,423,034

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.V. Code §5-5-1), and related employee benefits of board members.

75 - Division of Corrections and Rehabilitation –

Central Office

(W.V. Code Chapter 15A)

Fund 0446 FY 2024 Org 0608

Personal Services and Employee Benefits.....	00100	\$	253,306
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		126,000
Current Expenses	13000		<u>2,400</u>
Total		\$	381,706

76 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 0450 FY 2024 Org 0608

Employee Benefits	01000	\$	1,258,136
Unclassified	09900		1,578,800
Current Expenses (R)	13000		57,690,483
Children's Protection Act (R).....	09000		838,437
Facilities Planning and Administration (R).....	38600		1,274,200
Charleston Correctional Center	45600		3,656,034
Beckley Correctional Center.....	49000		2,729,359
Anthony Correctional Center	50400		6,447,805
Huttonsville Correctional Center.....	51400		20,401,425
Northern Correctional Center	53400		8,347,868
Inmate Medical Expenses (R)	53500		62,226,064

Pruntytown Correctional Center	54300	9,309,903
Corrections Academy.....	56900	2,038,045
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	4,604,918
Parole Services.....	68600	6,247,435
Special Services	68700	6,071,838
Investigative Services	71600	3,595,775
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center.....	77400	12,013,827
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center.....	82800	6,669,363
St. Mary's Correctional Center	88100	15,556,307
Denmar Correctional Center	88200	5,531,288
Ohio County Correctional Center	88300	2,254,692
Mt. Olive Correctional Complex.....	88800	23,580,960
Lakin Correctional Center	89600	11,523,549
BRIM Premium.....	91300	<u>2,527,657</u>
Total.....		\$ 293,139,005

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 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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The Commissioner of Corrections and Rehabilitation shall have the authority to transfer between appropriations.

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).

77 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(W.V. Code Chapter 15A)

Fund 0570 FY 2024 Org 0608

Statewide Reporting Centers	26200	\$	7,201,627
Robert L. Shell Juvenile Center.....	26700		2,761,055
Resident Medical Expenses (R).....	53501		3,604,999
Central Office.....	70100		1,839,891
Capital Outlay and Maintenance (R)	75500		250,000
Gene Spadaro Juvenile Center	79300		2,901,456
BRIM Premium.....	91300		115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000		6,116,258
Vicki Douglas Juvenile Center.....	98100		2,544,867
Northern Regional Juvenile Center	98200		2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300		2,636,094
Sam Perdue Juvenile Center	98400		2,853,458
Tiger Morton Center.....	98500		2,863,241
Donald R. Kuhn Juvenile Center	98600		5,508,620
J.M. "Chick" Buckbee Juvenile Center	98700		<u>2,708,143</u>
Total.....		\$	46,781,978

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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).

78 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 0453 FY 2024 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 76,151,187
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	139,300
Children's Protection Act.....	09000	1,069,244
Current Expenses	13000	10,384,394
Repairs and Alterations.....	06400	450,523
Trooper Class	52100	3,207,832
Barracks Lease Payments	55600	237,898
Communications and Other Equipment (R).....	55800	1,070,968
Trooper Retirement Fund	60500	15,519,212
Handgun Administration Expense	74700	83,647
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded Liability.....	77500	9,984,000
Automated Fingerprint Identification System	89800	2,243,491
BRIM Premium.....	91300	<u>5,743,921</u>
Total.....		\$ 126,535,617

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800) and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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.

2023] HOUSE OF DELEGATES 1497

79 - Fire Commission

(W.V. Code Chapter 29)

Fund 0436 FY 2024 Org 0619

Current Expenses	13000	\$	63,061
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80 - Division of Protective Services

(W.V. Code Chapter 5F)

Fund 0585 FY 2024 Org 0622

Personal Services and Employee Benefits.....	00100	\$	3,315,050
Unclassified (R).....	09900		21,991
Current Expenses	13000		422,981
Repairs and Alterations.....	06400		8,500
Equipment (R).....	07000		64,171
BRIM Premium.....	91300		<u>32,602</u>
Total		\$	3,865,295

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

81 - Division of Administrative Services -

Criminal Justice Fund

(W.V. Code Chapter 15A)

Fund 0546 FY 2024 Org 0623

Personal Services and Employee Benefits.....	00100	\$	609,397
Current Expenses	13000		233,360
Repairs and Alterations.....	06400		1,804
Child Advocacy Centers (R).....	45800		2,211,436
Community Corrections (R).....	56100		4,602,566
Statistical Analysis Program.....	59700		50,395

Sexual Assault Forensic Examination Commission (R).....	71400	280,977
Qualitative Analysis and Training for Youth Services (R)	76200	86,829
Law Enforcement Professional Standards.....	83800	175,630
Justice Reinvestment Initiative (R).....	89501	2,338,707
BRIM Premium.....	91300	<u>2,123</u>
Total.....		\$ 10,593,224

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), Justice Reinvestment Initiative (fund 0546, appropriation 89501) and Victims of Crime Act – Surplus (fund 0546, appropriation xxxxx) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Current Expenses (fund 0546, appropriation 13000), \$100,000 shall be used for Court Appointed Special Advocates.

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.

82 - Division of Administrative Services

(W.V. Code Chapter 15A)

Fund 0619 FY 2024 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 5,447,439
Unclassified	09900	50,000
Current Expenses	13000	<u>555,000</u>
Total.....		\$ 6,052,439

DEPARTMENT OF REVENUE

83 - Office of the Secretary

(W.V. Code Chapter 11)

Fund 0465 FY 2024 Org 0701

Personal Services and Employee Benefits.....	00100	\$ 374,950
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Salary and Benefits of Cabinet Secretary and

Agency Heads	00201	168,000
Unclassified	09900	437
Current Expenses	13000	81,594
Repairs and Alterations.....	06400	1,262
Equipment.....	07000	8,000
Other Assets	69000	<u>500</u>
Total.....		\$ 634,743

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

84 - Tax Division

(W.V. Code Chapter 11)

Fund 0470 FY 2024 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$ 19,746,554
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	147,000
Unclassified (R).....	09900	174,578
Current Expenses (R)	13000	6,823,635
Repairs and Alterations.....	06400	10,150
Equipment.....	07000	54,850
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.....		\$ 30,760,304

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

85 - State Budget Office

(W.V. Code Chapter 11B)

Fund 0595 FY 2024 Org 0703

Personal Services and Employee Benefits.....	00100	\$	852,844
Unclassified (R).....	09900		9,200
Current Expenses (R)	13000		<u>119,449</u>
Total.....		\$	981,493

Any unexpended balances remaining in the appropriations for Unclassified (fund 0595, appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

86 - West Virginia Office of Tax Appeals

(W.V. Code Chapter 11)

Fund 0593 FY 2024 Org 0709

Personal Services and Employee Benefits.....	00100	\$	949,360
Unclassified	09900		5,255
Current Expenses (R)	13000		229,374
BRIM Premium.....	91300		<u>3,062</u>
Total.....		\$	1,187,051

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

87 - State Athletic Commission

(W.V. Code Chapter 29)

Fund 0523 FY 2024 Org 0933

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

Total \$ 36,811

DEPARTMENT OF TRANSPORTATION

88 - Division of Multimodal Transportation Facilities –

State Rail Authority

(W.V. Code Chapter 17)

Fund 0506 FY 2024 Org 0810

Personal Services and Employee Benefits.....	00100	\$	378,891
Current Expenses	13000		287,707
Other Assets (R).....	69000		1,270,019
BRIM Premium.....	91300		<u>201,541</u>
Total		\$	2,138,158

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

89 - Division of Multimodal Transportation Facilities –

Public Transit

(W.V. Code Chapter 17)

Fund 0510 FY 2024 Org 0810

Equipment (R).....	07000	\$	100,000
Current Expenses (R)	13000		2,242,989
Buildings (R)	25800		100,000
Other Assets (R).....	69000		<u>50,000</u>
Total		\$	2,492,989

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Current Expenses (fund 0510, appropriation 13000), \$30,000 shall be used to support the Sistersville Ferry.

90 - Division of Multimodal Transportation Facilities –

(W.V. Code Chapter 17)

Fund 0580 FY 2024 Org 0810

Personal Services and Employee Benefits (R).....	00100	\$	700,000
Current Expenses (R)	13000		750,000
BRIM Premium.....	91300		<u>7,500</u>
Total.....		\$	1,457,500

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0580, appropriation 00100), Current Expenses (fund 0580, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

91 - Division of Multimodal Transportation Facilities –

Aeronautics Commission

(W.V. Code Chapter 17)

Fund 0582 FY 2024 Org 0810

Personal Services and Employee Benefits.....	00100	\$	235,249
Current Expenses (R)	13000		591,839
Repairs and Alterations.....	06400		100
BRIM Premium.....	91300		<u>4,438</u>
Total.....		\$	831,626

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

DEPARTMENT OF VETERANS' ASSISTANCE

92 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 0456 FY 2024 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,431,023
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Salary and Benefits of Cabinet Secretary and

Agency Heads	00201	110,880
Unclassified	09900	20,000
Current Expenses	13000	161,450
Repairs and Alterations	06400	5,000
Veterans' Field Offices (R)	22800	405,550
Veterans' Nursing Home (R)	28600	7,989,445
Veterans' Toll Free Assistance Line	32800	2,015
Veterans' Reeducation Assistance (R)	32900	40,000
Veterans' Grant Program (R)	34200	560,000
Veterans' Grave Markers	47300	10,000
Directed Transer	70000	1,500,000
Veterans' Cemetery (R)	80800	408,896
BRIM Premium.....	91300	<u>50,000</u>
Total		\$ 13,694,259

Any unexpended balances remaining in the appropriations for Veterans' Field Offices (fund 0456, appropriation 22800), Buildings – Surplus (fund 0456, appropriation 25899), 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), Veterans' Cemetery (fund 0456, appropriation 80800), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Directed Transfer (fund 0456, appropriation 70000) shall be transferred to Veterans' Facilitates Support Fund (fund 6703).

93 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 0460 FY 2024 Org 0618

Personal Services and Employee Benefits.....	00100	\$ 1,439,267
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Current Expenses (R)	13000	46,759
Veterans Outreach Programs.....	61700	<u>206,495</u>
Total		\$ 1,695,785

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0460, appropriation 13000) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

BUREAU OF SENIOR SERVICES

94 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 0420 FY 2024 Org 0508

Transfer to Division of Human Services for Health Care

and Title XIX Waiver for Senior Citizens	53900	\$ 10,839,825
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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

95 - West Virginia Council for

Community and Technical College Education –

Control Account

(W.V. Code Chapter 18B)

Fund 0596 FY 2024 Org 0420

West Virginia Council for Community

and Technical Education (R)	39200	\$ 751,721
Transit Training Partnership	78300	34,293
Community College Workforce Development (R)	87800	2,789,705
College Transition Program.....	88700	278,222

2023]	HOUSE OF DELEGATES	1505
West Virginia Advance Workforce Development (R)	89300	3,123,576
Technical Program Development (R)	89400	1,800,735
WV Invests Grant Program (R)	89401	<u>7,040,309</u>
Total		\$ 15,818,561

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 WV Invests Grant Program (fund 0596, appropriation 89401) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

96 - Mountwest Community and Technical College

(W.V. Code Chapter 18B)

Fund 0599 FY 2024 Org 0444

Mountwest Community and Technical College.....	48700	\$ 6,903,571
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97 - New River Community and Technical College

(W.V. Code Chapter 18B)

Fund 0600 FY 2024 Org 0445

New River Community and Technical College.....	35800	\$ 6,302,132
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98 - Pierpont Community and Technical College

(W.V. Code Chapter 18B)

Fund 0597 FY 2024 Org 0446

Pierpont Community and Technical College.....	93000	\$ 8,370,981
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99 - Blue Ridge Community and Technical College

(W.V. Code Chapter 18B)

Fund 0601 FY 2024 Org 0447

Blue Ridge Community and Technical College.....	88500	\$ 8,416,425
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100 - West Virginia University at Parkersburg

(W.V. Code Chapter 18B)

Fund 0351 FY 2024 Org 0464

West Virginia University – Parkersburg 47100 \$ 11,193,778

101 - Southern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0380 FY 2024 Org 0487

Southern West Virginia Community and Technical College..... 44600 \$ 8,849,656

102 - West Virginia Northern Community and Technical College

(W.V. Code Chapter 18B)

Fund 0383 FY 2024 Org 0489

West Virginia Northern Community and Technical College 44700 \$ 7,818,075

103 - Eastern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0587 FY 2024 Org 0492

Eastern West Virginia Community and Technical College..... 41200 \$ 2,349,856

104 - BridgeValley Community and Technical College

(W.V. Code Chapter 18B)

Fund 0618 FY 2024 Org 0493

BridgeValley Community and Technical College 71700 \$ 8,629,476

HIGHER EDUCATION POLICY COMMISSION

105 - Higher Education Policy Commission –

Administration –

Control Account

(W.V. Code Chapter 18B)

Fund 0589 FY 2024 Org 0441

Personal Services and Employee Benefits..... 00100 \$ 2,845,271

Current Expenses 13000 1,096,902

RHI Program and Site Support –

RHEP Program Administration (R)	03700	80,000
Mental Health Provider Loan Repayment (R).....	11301	330,000
Higher Education Grant Program	16400	40,619,864
Tuition Contract Program (R)	16500	1,225,676
Underwood-Smith Scholarship Program-Student Awards	16700	628,349
Facilities Planning and Administration.....	38600	1,760,254
Higher Education System Initiatives	48801	1,640,884
PROMISE Scholarship – Transfer.....	80000	18,500,000
HEAPS Grant Program (R)	86700	5,020,954
Health Professionals’ Student Loan Program (R).....	86701	547,470
Dual Enrollment Program	xxxxx	4,200,000
BRIM Premium.....	91300	<u>17,817</u>
Total		\$ 78,513,441

Any unexpended balances remaining in the appropriations for RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation 16500), HEAPS Grant Program (fund 0589, appropriation 86700), and Health Professionals’ Student Loan Program (fund 0589, appropriation 86701) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Regional 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) established by W.V. 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 Teaching Scholars Program Fund (4922) established by W.V. 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) established by W.V. Code §18C-7-7.

The above appropriation for Dual Enrollment Program (fund 0589, appropriation xxxxx) shall be used for the dual enrollment program established by House Bill 2005 during the 2023 Regular Session.

106 - West Virginia University –

School of Medicine

Medical School Fund

(W.V. Code Chapter 18B)

Fund 0343 FY 2024 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,332,926
WVU – School of Health Sciences	17400		15,840,755
WVU – School of Health Sciences – Charleston Division	17500		2,424,011
Rural Health Outreach Programs (R)	37700		168,616
West Virginia University School of Medicine			
BRIM Subsidy	46000		<u>1,203,087</u>
Total		\$	21,969,395

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

107 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2024 Org 0463

West Virginia University	45900	\$	92,753,136
Jackson’s Mill.....	46100		510,382
West Virginia University Institute of Technology.....	47900		8,578,613
State Priorities – Brownfield Professional Development.....	53100		816,556
West Virginia University Land Grant Match	xxxxx		8,549,644
Energy Express.....	86100		382,935

West Virginia University – Potomac State	99400	<u>4,880,803</u>
Total		\$ 116,472,069

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.

108 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 0347 FY 2024 Org 0471

Marshall Medical School	17300	\$ 7,750,340
Rural Health Outreach Programs (R)	37700	158,970
Forensic Lab (R)	37701	227,415
Center for Rural Health (R)	37702	164,735
Marshall University Medical School BRIM Subsidy	44900	<u>872,612</u>
Total		\$ 9,174,072

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0347, appropriation 37700), Forensic Lab (fund 0347, appropriation 37701), and Center for Rural Health (fund 0347, appropriation 37702) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

109 - Marshall University –

General Administration Fund

(W.V. Code Chapter 18B)

Fund 0348 FY 2024 Org 0471

Marshall University.....	44800	\$ 50,873,019
Luke Lee Listening Language and Learning Lab (R).....	44801	154,576
VISTA E-Learning (R)	51900	229,019
State Priorities – Brownfield Professional Development (R)	53100	809,606
Marshall University Graduate College Writing Project (R)	80700	25,412
Marshall University Minority Health Institute	xxxxx	100,000

WV Autism Training Center (R).....	93200	<u>1,922,515</u>
Total		\$ 54,114,147

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), 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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

110 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 0336 FY 2024 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$ 5,402,148
Rural Health Outreach Programs (R).....	37700	171,672
West Virginia School of Osteopathic Medicine		
BRIM Subsidy	40300	153,405
Rural Health Initiative – Medical Schools Support.....	58100	<u>408,713</u>
Total		\$ 6,135,938

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

111 - Bluefield State University

(W.V. Code Chapter 18B)

Fund 0354 FY 2024 Org 0482

Bluefield State University	40800	\$ 6,855,771
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112 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2024 Org 0483

Concord University.....	41000	\$ 11,170,362
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113 - Fairmont State University

(W.V. Code Chapter 18B)

<u>Fund 0360 FY 2024 Org 0484</u>		
Fairmont State University	41400	\$ 19,961,302
<i>114 - Glenville State University</i>		
(W.V. Code Chapter 18B)		
<u>Fund 0363 FY 2024 Org 0485</u>		
Glenville State University	42800	\$ 7,071,784
<i>115 - Shepherd University</i>		
(W.V. Code Chapter 18B)		
<u>Fund 0366 FY 2024 Org 0486</u>		
Shepherd University.....	43200	\$ 13,374,828
<i>116 - West Liberty University</i>		
(W.V. Code Chapter 18B)		
<u>Fund 0370 FY 2024 Org 0488</u>		
West Liberty University	43900	\$ 9,964,386
<i>117 - West Virginia State University</i>		
(W.V. Code Chapter 18B)		
<u>Fund 0373 FY 2024 Org 0490</u>		
West Virginia State University	44100	\$ 11,700,408
Healthy Grandfamilies (R).....	62101	800,000
West Virginia State University Land Grant Match.....	95600	<u>4,350,192</u>
Total		\$ 16,850,600

Any unexpended balance remaining in the appropriation for Healthy Grandfamilies (fund 0373, appropriation 62101) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

118 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(W.V. Code Chapter 18B)

Fund 0551 FY 2024 Org 0495

WVNET	16900	\$	1,873,368
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MISCELLANEOUS BOARDS AND COMMISSIONS

119 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 0433 FY 2024 Org 0603

Salary and Benefits of Cabinet Secretary and

Agency Heads	00201	\$	189,000
Unclassified (R).....	09900		106,798
College Education Fund	23200		4,000,000
Civil Air Patrol	23400		249,664
Armory Board Transfer.....	70015		2,317,555
Mountaineer ChalleNGe Academy	70900		3,432,008
Military Authority (R).....	74800		6,415,000
Drug Enforcement and Support.....	74801		<u>1,558,845</u>
Total.....		\$	18,268,870

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriations an amount approved by the Adjutant General 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 \$3,453,019 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

120 - Adjutant General –

Military Fund

(W.V. Code Chapter 15)

Fund 0605 FY 2024 Org 0603

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

Total TITLE II, Section 1 – General Revenue

(Including claims against the state)..... \$ 4,874,575.878

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 2024.

DEPARTMENT OF TRANSPORTATION

121 - Division of Motor Vehicles

(W.V. Code Chapters 17, 17A, 17B, 17C, 17D, 20, and 24A)

Fund 9007 FY 2024 Org 0802

			State
			Road
			Fund
	Appro-		
	priation		
Personal Services and Employee Benefits.....	00100	\$	40,182,297
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		129,500
Current Expenses	13000		22,556,730
Repairs and Alterations.....	06400		144,000
Equipment.....	07000		1,080,000
Buildings	25800		10,000
Other Assets	69000		2,480,000

BRIM Premium.....	91300	<u>110,000</u>
Total		\$ 66,692,527

122 - Division of Highways

(W.V. Code Chapters 17 and 17C)

Fund 9017 FY 2024 Org 0803

Salary and Benefits of Cabinet Secretary and

Agency Heads.....	00201	\$ 200,000
Debt Service	04000	138,000,000
Maintenance	23700	553,773,844
Inventory Revolving	27500	4,000,000
Equipment Revolving	27600	51,250,386
General Operations.....	27700	181,700,457
Interstate Construction	27800	200,000,000
Other Federal Aid Programs	27900	350,000,000
Appalachian Programs.....	28000	150,000,000
Highway Litter Control.....	28200	<u>1,650,000</u>
Total.....		\$ 1,630,574,687

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.

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state)..... \$ 1,697,782,874

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 2024.

LEGISLATIVE

123 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 1731 FY 2024 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
Economic Loss Claim Payment Fund.....	33400		2,000,000
Other Assets	69000		<u>3,700</u>
Total		\$	2,636,623

JUDICIAL

124 - Supreme Court –

Court Advanced Technology Subscription Fund

(W.V. Code Chapter 51)

Fund 1704 FY 2024 Org 2400

Current Expenses	13000	\$	100,000
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125 - Supreme Court –

Adult Drug Court Participation Fund

(W.V. Code Chapter 62)

Fund 1705 FY 2024 Org 2400

Current Expenses	13000	\$	200,000
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126 - Supreme Court –

Family Court Fund

(W.V. Code Chapter 51)

Fund 1763 FY 2024 Org 2400

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

Court Facilities Maintenance Fund

(W.V. Code Chapter 51)

Fund 1766 FY 2024 Org 2400

Current Expenses	13000	\$	250,000
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Repairs and Alterations.....	06400		<u>250,000</u>
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Total		\$	500,000
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EXECUTIVE

128 - Governor's Office –

Minority Affairs Fund

(W.V. Code Chapter 5)

Fund 1058 FY 2024 Org 0100

Personal Services and Employee Benefits.....	00100	\$	236,517
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Current Expenses	13000		453,200
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Martin Luther King, Jr. Holiday Celebration	03100		<u>8,926</u>
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Total		\$	698,643
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129 - Auditor's Office –

Grant Recovery Fund

2023] HOUSE OF DELEGATES 1517

(W.V. Code Chapter 12)

Fund 1205 FY 2024 Org 1200

Repairs and Alterations.....	06400	\$	2,000
Equipment.....	07000		7,000
Current Expenses	13000		<u>191,000</u>
Total		\$	200,000

130 - Auditor's Office –

Land Operating Fund

(W.V. Code Chapters 11A, 12, and 36)

Fund 1206 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$	863,144
Unclassified	09900		15,139
Current Expenses	13000		715,291
Repairs and Alterations.....	06400		2,600
Equipment.....	07000		426,741
Cost of Delinquent Land Sale.....	76800		<u>1,841,168</u>
Total		\$	3,864,083

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.

131 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(W.V. Code Chapter 6)

Fund 1224 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$	653,525
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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		\$ 4,502,360

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.V. Code §6-9-2b.

132 - Auditor's Office –

Securities Regulation Fund

(W.V. Code Chapter 32)

Fund 1225 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$ 2,906,017
Unclassified	09900	31,866
Current Expenses	13000	1,463,830
Repairs and Alterations.....	06400	12,400
Equipment.....	07000	594,700
Other Assets	69000	<u>1,200,000</u>
Total		\$ 6,208,813

133 - Auditor's Office –

Technology Support and Acquisition Fund

(W.V. Code Chapter 12)

Fund 1233 FY 2024 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.V. Code §12-3-10c.

134 - Auditor’s Office –

Purchasing Card Administration Fund

(W.V. Code Chapter 12)

Fund 1234 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,284,440
Current Expenses	13000		2,303,622
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		850,000
Other Assets	69000		508,886
Statutory Revenue Distribution.....	74100		<u>8,000,000</u>
Total		\$	14,952,448

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 Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.V. Code §12-3-10d.

135 - Auditor’s Office –

Chief Inspector’s Fund

(W.V. Code Chapter 6)

Fund 1235 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,786,468
Current Expenses	13000		765,915
Equipment.....	07000		<u>50,000</u>
Total		\$	4,602,383

136 - Auditor’s Office –

Volunteer Fire Department Workers’

Compensation Premium Subsidy Fund

(W.V. Code Chapters 12 and 33)

Fund 1239 FY 2024 Org 1200

Volunteer Fire Department

Workers' Compensation Subsidy.....	83200	\$	2,500,000
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*137 - Department of Agriculture –**Agriculture Fees Fund*

(W.V. Code Chapter 19)

Fund 1401 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,634,966
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		\$	5,133,284

*138 - Department of Agriculture –**West Virginia Rural Rehabilitation Program*

(W.V. Code Chapter 19)

Fund 1408 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	82,884
Unclassified	09900		10,476
Current Expenses	13000		<u>2,200,000</u>
Total		\$	2,293,360

*139 - Department of Agriculture –**General John McCausland Memorial Farm Fund*

2023] HOUSE OF DELEGATES 1521

(W.V. Code Chapter 19)

Fund 1409 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	80,453
Unclassified	09900		2,100
Current Expenses	13000		89,500
Repairs and Alterations.....	06400		36,400
Equipment.....	07000		<u>15,000</u>
Total.....		\$	223,453

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

140 - Department of Agriculture –

Farm Operating Fund

(W.V. Code Chapter 19)

Fund 1412 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	908,740
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.....		\$	3,099,492

141 - Department of Agriculture –

Capital Improvements Fund

(W.V. Code Chapter 19)

Fund 1413 FY 2024 Org 1400

Unclassified	09900		20,000
Current Expenses	13000		510,000

Repairs and Alterations.....	06400	250,000
Equipment.....	07000	350,000
Buildings	25800	670,000
Other Assets	69000	<u>200,000</u>
Total		\$ 2,000,000

*142 - Department of Agriculture –
Agriculture Development Fund
(W.V. Code Chapter 19)
Fund 1423 FY 2024 Org 1400*

Current Expenses	13000	\$ 100,000
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*143 - Department of Agriculture –
Donated Food Fund
(W.V. Code Chapter 19)
Fund 1446 FY 2024 Org 1400*

Personal Services and Employee Benefits.....	00100	\$ 1,113,891
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		\$ 4,985,740

*144 - Department of Agriculture –
Integrated Predation Management Fund
(W.V. Code Chapter 7)
Fund 1465 FY 2024 Org 1400*

2023] HOUSE OF DELEGATES 1523

Current Expenses 13000 \$ 112,500

*145 - Department of Agriculture –
West Virginia Spay Neuter Assistance Fund
(W.V. Code Chapter 19)
Fund 1481 FY 2024 Org 1400*

Current Expenses 13000 \$ 1,000,000

*146 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund
(W.V. Code Chapter 19)
Fund 1483 FY 2024 Org 1400*

Current Expenses 13000 \$ 7,500

*147 - Department of Agriculture –
State FFA-FHA Camp and Conference Center
(W.V. Code Chapters 18 and 18A)
Fund 1484 FY 2024 Org 1400*

Personal Services and Employee Benefits..... 00100 \$ 1,251,311

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

Total \$ 2,582,117

*148 - Attorney General –
Antitrust Enforcement Fund*

(W.V. Code Chapter 47)

Fund 1507 FY 2024 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

*149 - Attorney General –**Preneed Burial Contract Regulation Fund*

(W.V. Code Chapter 47)

Fund 1513 FY 2024 Org 1500

Personal Services and Employee Benefits.....	00100	\$	234,077
Current Expenses	13000		54,615
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>1,000</u>
Total		\$	290,692

*150 - Attorney General –**Preneed Funeral Guarantee Fund*

(W.V. Code Chapter 47)

Fund 1514 FY 2024 Org 1500

Current Expenses	13000	\$	901,135
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*151 - Secretary of State –**Service Fees and Collection Account*

(W.V. Code Chapters 3, 5, and 59)

Fund 1612 FY 2024 Org 1600

Personal Services and Employee Benefits.....	00100	\$	1,148,695
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2023]	HOUSE OF DELEGATES		1525
Unclassified	09900		4,524
Current Expenses	13000		<u>8,036</u>
Total		\$	1,161,255

152 - Secretary of State –

General Administrative Fees Account

(W.V. Code Chapters 3, 5, and 59)

Fund 1617 FY 2024 Org 1600

Personal Services and Employee Benefits.....	00100	\$	3,131,478
Unclassified	09900		25,529
Current Expenses	13000		1,276,716
Technology Improvements.....	59900		<u>870,000</u>
Total		\$	5,303,723

DEPARTMENT OF ADMINISTRATION

153 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(W.V. Code Chapter 4)

Fund 2041 FY 2024 Org 0201

Tobacco Settlement Securitization Trustee Passthru	65000	\$	80,000,000
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154 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(W.V. Code Chapter 18)

Fund 2044 FY 2024 Org 0201

Current Expenses	13000	\$	37,543,000
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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).

155 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(W.V. Code Chapter 5A)

Fund 2020 FY 2024 Org 0209

Personal Services and Employee Benefits.....	00100	\$	1,586,318
Current Expenses	13000		<u>500,000</u>
Total		\$	2,086,318

156 - Division of Information Services and Communications

(W.V. Code Chapter 5A)

Fund 2220 FY 2024 Org 0210

Personal Services and Employee Benefits.....	00100	\$	22,681,040
Unclassified	09900		344,119
Current Expenses	13000		14,418,001
Equipment.....	07000		2,050,000
Other Assets	69000		<u>1,045,000</u>
Total		\$	40,538,160

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.

157 - Division of Purchasing –

Vendor Fee Fund

(W.V. Code Chapter 5A)

Fund 2263 FY 2024 Org 0213

2023]	HOUSE OF DELEGATES		1527
Personal Services and Employee Benefits.....	00100	\$	593,486
Current Expenses	13000		9,115
BRIM Premium.....	91300		<u>810</u>
Total		\$	603,411

*158 - Division of Purchasing –
Purchasing Improvement Fund
(W.V. Code Chapter 5A)
Fund 2264 FY 2024 Org 0213*

Personal Services and Employee Benefits.....	00100	\$	1,016,493
Unclassified	09900		5,562
Current Expenses	13000		492,066
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Other Assets	69000		500
BRIM Premium.....	91300		<u>850</u>
Total		\$	1,516,471

*159 - Travel Management –
Aviation Fund
(W.V. Code Chapter 5A)
Fund 2302 FY 2024 Org 0215*

Unclassified	09900	\$	1,000
Current Expenses	13000		149,700
Repairs and Alterations.....	06400		1,275,237
Equipment.....	07000		1,000
Buildings	25800		100
Other Assets	69000		100

Land	73000	<u>100</u>
Total		\$ 1,427,237

160 - Fleet Management Division Fund

(W.V. Code Chapter 5A)

Fund 2301 FY 2024 Org 0216

Personal Services and Employee Benefits.....	00100	\$ 808,935
Unclassified	09900	4,000
Current Expenses	13000	11,630,614
Repairs and Alterations.....	06400	12,000
Equipment.....	07000	800,000
Other Assets	69000	<u>2,000</u>
Total		\$ 13,257,549

161 - Division of Personnel

(W.V. Code Chapter 29)

Fund 2440 FY 2024 Org 0222

Personal Services and Employee Benefits.....	00100	\$ 4,896,513
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	122,500
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		\$ 6,418,244

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

162 - West Virginia Prosecuting Attorneys Institute

2023] HOUSE OF DELEGATES 1529

(W.V. Code Chapter 7)

Fund 2521 FY 2024 Org 0228

Personal Services and Employee Benefits.....	00100	\$	139,194
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		119,000
Unclassified	09900		4,023
Current Expenses	13000		297,528
Repairs and Alterations.....	06400		600
Equipment.....	07000		500
Other Assets	69000		<u>500</u>
Total		\$	561,345

163 - Office of Technology –

Chief Technology Officer Administration Fund

(W.V. Code Chapter 5A)

Fund 2531 FY 2024 Org 0231

Personal Services and Employee Benefits.....	00100	\$	462,599
Unclassified	09900		6,949
Current Expenses	13000		2,196,504
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		50,000
Other Assets	69000		<u>10,000</u>
Total		\$	2,727,052

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

DEPARTMENT OF COMMERCE

164 - Division of Forestry

(W.V. Code Chapter 19)

Fund 3081 FY 2024 Org 0305

Personal Services and Employee Benefits.....	00100	\$	224,509
Current Expenses	13000		439,830
Repairs and Alterations.....	06400		53,000
Equipment.....	07000		<u>300,000</u>
Total		\$	1,017,339

165 - Division of Forestry –

Timbering Operations Enforcement Fund

(W.V. Code Chapter 19)

Fund 3082 FY 2024 Org 0305

Personal Services and Employee Benefits.....	00100	\$	253,779
Current Expenses	13000		54,873
Repairs and Alterations.....	06400		<u>11,250</u>
Total		\$	319,902

166 - Division of Forestry –

Severance Tax Operations

(W.V. Code Chapter 11)

Fund 3084 FY 2024 Org 0305

Current Expenses	13000		333,757
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167 - Geological and Economic Survey –

Geological and Analytical Services Fund

(W.V. Code Chapter 29)

Fund 3100 FY 2024 Org 0306

Personal Services and Employee Benefits.....	00100	\$	37,966
Unclassified	09900		2,182
Current Expenses	13000		141,631

2023]	HOUSE OF DELEGATES		1531
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.V. Code §29-2-4.

168 - Division of Labor –

West Virginia Jobs Act Fund

(W.V. Code Chapter 21)

Fund 3176 FY 2024 Org 0308

Current Expenses.....	13000		75,000
Equipment.....	07000		<u>25,000</u>
Total.....		\$	100,000

169 - Division of Labor –

HVAC Fund

(W.V. Code Chapter 21)

Fund 3186 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	422,640
Unclassified.....	09900		4,000
Current Expenses.....	13000		82,000
Repairs and Alterations.....	06400		4,500
Buildings.....	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total.....		\$	522,640

170 - Division of Labor –

Elevator Safety Fund

(W.V. Code Chapter 21)

Fund 3188 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	306,835
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		111,680
Unclassified	09900		2,261
Current Expenses	13000		94,712
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	526,988

*171 - Division of Labor –**Steam Boiler Fund*

(W.V. Code Chapter 21)

Fund 3189 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	83,471
Unclassified	09900		1,000
Current Expenses	13000		20,000
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>1,000</u>
Total		\$	108,471

*172 - Division of Labor –**Crane Operator Certification Fund*

(W.V. Code Chapter 21)

Fund 3191 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	199,719
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2023]	HOUSE OF DELEGATES		1533
Unclassified	09900		1,380
Current Expenses	13000		51,265
Repairs and Alterations.....	06400		1,500
Buildings	25800		1,000
BRIM Premium.....	91300		<u>7,000</u>
Total		\$	261,864

173 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(W.V. Code Chapter 21)

Fund 3192 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	196,626
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		\$	253,927

174 - Division of Labor –

State Manufactured Housing Administration Fund

(W.V. Code Chapter 21)

Fund 3195 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	299,557
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		\$ 350,508

175 - Division of Labor –

Weights and Measures Fund

(W.V. Code Chapter 47)

Fund 3196 FY 2024 Org 0308

Unclassified	09900	\$ 1,200
Current Expenses	13000	93,000
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
BRIM Premium.....	91300	<u>7,000</u>
Total		\$ 121,200

176 - Division of Labor –

Bedding and Upholstery Fund

(W.V. Code Chapter 21)

Fund 3198 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 154,316
Unclassified	09900	2,000
Current Expenses	13000	145,400
Repairs and Alterations.....	06400	2,000
Buildings	25800	1,000
BRIM Premium.....	91300	<u>8,700</u>
Total		\$ 313,416

177 - Division of Labor –

Psychophysiological Examiners Fund

(W.V. Code Chapter 21)

Fund 3199 FY 2024 Org 0308

Current Expenses	13000	\$	4,000
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178 - Division of Natural Resources –

License Fund – Wildlife Resources

(W.V. Code Chapter 20)

Fund 3200 FY 2024 Org 0310

Wildlife Resources	02300	\$	10,522,336
Administration	15500		2,410,691
Capital Improvements and Land Purchase (R).....	24800		3,023,480
Law Enforcement	80600		<u>9,810,311</u>
Total		\$	25,766,818

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 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

179 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(W.V. Code Chapter 22)

Fund 3202 FY 2024 Org 0310

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

Nongame Fund

(W.V. Code Chapter 20)

Fund 3203 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$	699,611
Current Expenses	13000		201,810
Equipment.....	07000		<u>106,615</u>

Total \$ 1,008,036

181 - Division of Natural Resources –
Planning and Development Division
(W.V. Code Chapter 20)
Fund 3205 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 475,576
Current Expenses	13000	1,056,876
Repairs and Alterations.....	06400	15,016
Equipment.....	07000	8,300
Buildings	25800	8,300
Other Assets	69000	1,900,000
Land	73000	<u>31,700</u>
Total		\$ 3,495,768

182 - Division of Natural Resources –
State Parks and Recreation Endowment Fund
(W.V. Code Chapter 20)
Fund 3211 FY 2024 Org 0310

Current Expenses	13000	\$ 6,000
Repairs and Alterations.....	06400	3,000
Equipment.....	07000	2,000
Buildings	25800	3,000
Other Assets	69000	3,504,000
Land	73000	<u>2,000</u>
Total		\$ 3,520,000

183 - Division of Natural Resources –
Whitewater Study and Improvement Fund

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(W.V. Code Chapter 20)

Fund 3253 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$	73,395
Current Expenses	13000		64,778
Equipment.....	07000		1,297
Buildings	25800		<u>6,969</u>
Total		\$	146,439

184 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(W.V. Code Chapter 20)

Fund 3256 FY 2024 Org 0310

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

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

Special Health, Safety and Training Fund

(W.V. Code Chapter 22A)

Fund 3355 FY 2024 Org 0314

Personal Services and Employee Benefits.....	00100	\$	524,542
Unclassified	09900		40,985
Current Expenses	13000		1,954,557
W.V. Mining Extension Service	02600		150,000
Buildings	25800		2,481,358
Land	73000		<u>1,000,000</u>
Total		\$	6,151,442

186 - Department of Commerce –

*Office of the Secretary –
Marketing and Communications Operating Fund
(W.V. Code Chapter 5B)*

Fund 3002 FY 2024 Org 0327

Personal Services and Employee Benefits.....	00100	\$	2,213,512
Unclassified	09900		30,000
Current Expenses	13000		1,315,078
Equipment.....	07000		36,000
Total.....		\$	3,594,590

*187 - State Board of Rehabilitation –
Division of Rehabilitation Services –
West Virginia Rehabilitation Center Special Account
(W.V. Code Chapter 18)*

Fund 8664 FY 2024 Org 0932

Personal Services and Employee Benefits.....	00100	\$	119,738
Current Expenses	13000		1,180,122
Repairs and Alterations.....	06400		85,500
Equipment.....	07000		220,000
Buildings	25800		150,000
Other Assets	69000		150,000
Total.....		\$	1,905,360

DEPARTMENT OF ECONOMIC DEVELOPMENT

*188 - Department of Economic Development –
Office of Energy –
Energy Assistance
(W.V. Code Chapter 5B)*

Fund 3010 FY 2024 Org 0307

Energy Assistance - Total	64700	\$	7,211
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189 - Department of Economic Development –

Office of the Secretary –

Broadband Enhancement Fund

(W.V. Code Chapter 31G)

Fund 3013 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$	131,682
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Current Expenses	13000		<u>1,648,318</u>
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Total		\$	1,780,000
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190 - Department of Economic Development –

Office of the Secretary –

Entrepreneurship and Innovation Investment Fund

(W.V. Code Chapter 5B)

Fund 3014 FY 2024 Org 0307

Entrepreneurship and Innovation Investment Fund.....	70301	\$	1,500,000
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191 - Department of Economic Development –

Office of the Secretary –

Broadband Development Fund

(W.V. Code Chapter 31G)

Fund 3034 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$	668,906
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Unclassified	09900		2,000,000
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Current Expenses	13000		<u>235,302,925</u>
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Total		\$	237,971,831
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192 - Department of Economic Development –

*Office of the Secretary –**Office of Coalfield Community Development*

(W.V. Code Chapter 5B)

Fund 3162 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$	438,687
Unclassified	09900		8,300
Current Expenses	13000		<u>399,191</u>
Total.....		\$	846,178

DEPARTMENT OF EDUCATION*193 - State Board of Education –**Strategic Staff Development*

(W.V. Code Chapter 18)

Fund 3937 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$	35,000
Unclassified	09900		26,000
Current Expenses	13000		<u>2,539,000</u>
Total.....		\$	2,600,000

*194 - School Building Authority –**School Construction Fund*

(W.V. Code Chapters 18 and 18A)

Fund 3952 FY 2024 Org 0404

SBA Construction Grants	24000	\$	102,345,818
Directed Transfer	70000		<u>1,371,182</u>
Total.....		\$	103,717,000

The above appropriation for Directed Transfer (fund 3952, appropriation 70000) shall be transferred to the School Building Authority Fund (fund 3959) for the administrative expenses of the School Building Authority.

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HOUSE OF DELEGATES

1541

195 - School Building Authority

(W.V. Code Chapter 18)

Fund 3959 FY 2024 Org 0404

Personal Services and Employee Benefits.....	00100	\$	1,198,718
Current Expenses	13000		244,195
Repairs and Alterations.....	06400		13,150
Equipment.....	07000		<u>26,000</u>
Total.....		\$	1,482,063

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

196 - Division of Culture and History –

Public Records and Preservation Revenue Account

(W.V. Code Chapter 5A)

Fund 3542 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$	244,348
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.....		\$	1,235,917

DEPARTMENT OF ENVIRONMENTAL PROTECTION

197 - Solid Waste Management Board

(W.V. Code Chapter 22C)

Fund 3288 FY 2024 Org 0312

Personal Services and Employee Benefits.....	00100	\$	891,366
Current Expenses	13000		2,059,457

Repairs and Alterations.....	06400	1,000
Equipment.....	07000	5,000
Other Assets.....	69000	<u>4,403</u>
Total.....		\$ 2,961,226

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

(W.V. Code Chapter 22)

Fund 3023 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 819,765
Unclassified.....	09900	8,072
Current Expenses.....	13000	155,969
Repairs and Alterations.....	06400	500
Equipment.....	07000	1,505
Other Assets.....	69000	<u>2,000</u>
Total.....		\$ 987,811

*199 - Division of Environmental Protection –
Air Pollution Education and Environment Fund*

(W.V. Code Chapter 22)

Fund 3024 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 814,372
Unclassified.....	09900	14,647
Current Expenses.....	13000	876,863
Repairs and Alterations.....	06400	13,000
Equipment.....	07000	53,105
Other Assets.....	69000	<u>20,000</u>
Total.....		\$ 1,791,987

*200 - Division of Environmental Protection –**Special Reclamation Fund*

(W.V. Code Chapter 22)

Fund 3321 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,721,232
Current Expenses	13000		16,185,006
Repairs and Alterations.....	06400		79,950
Equipment.....	07000		130,192
Other Assets	69000		<u>32,000</u>
Total		\$	18,148,380

*201 - Division of Environmental Protection –**Oil and Gas Reclamation Fund*

(W.V. Code Chapter 22)

Fund 3322 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	555,414
Current Expenses	13000		<u>1,956,094</u>
Total		\$	2,511,508

*202 - Division of Environmental Protection –**Oil and Gas Operating Permit and Processing Fund*

(W.V. Code Chapter 22)

Fund 3323 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	2,240,459
Unclassified	09900		15,700
Current Expenses	13000		932,300
Repairs and Alterations.....	06400		9,500
Equipment.....	07000		500

Other Assets	69000	<u>500</u>
Total		\$ 3,198,959

203 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(W.V. Code Chapter 22)

Fund 3324 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 3,684,989
Unclassified	09900	920
Current Expenses	13000	2,202,231
Repairs and Alterations.....	06400	60,260
Equipment.....	07000	83,000
Other Assets	69000	<u>57,500</u>
Total		\$ 6,088,900

204 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(W.V. Code Chapter 22)

Fund 3325 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 492,391
Unclassified	09900	7,520
Current Expenses	13000	318,420
Repairs and Alterations.....	06400	5,350
Equipment.....	07000	3,610
Other Assets	69000	<u>3,500</u>
Total		\$ 830,791

205 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(W.V. Code Chapter 22)

Fund 3331 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	627,683
Unclassified	09900		10,616
Current Expenses	13000		767,905
Repairs and Alterations.....	06400		7,014
Equipment.....	07000		9,000
Other Assets	69000		<u>3,500</u>
Total		\$	1,425,718

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

(W.V. Code Chapter 22)

Fund 3332 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	873,713
Unclassified	09900		22,900
Current Expenses	13000		3,604,737
Repairs and Alterations.....	06400		25,000
Equipment.....	07000		31,500
Buildings.....	25800		500
Other Assets	69000		<u>1,000</u>
Total		\$	4,559,350

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

(W.V. Code Chapter 22)

Fund 3333 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,442,454
Unclassified	09900		31,145
Current Expenses	13000		940,229
Repairs and Alterations.....	06400		30,930
Equipment.....	07000		23,356
Other Assets	69000		<u>25,554</u>
Total.....		\$	4,493,668

*208 - Division of Environmental Protection –**Air Pollution Control Fund*

(W.V. Code Chapter 22)

Fund 3336 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	6,263,887
Unclassified	09900		70,572
Current Expenses	13000		1,469,467
Repairs and Alterations.....	06400		84,045
Equipment.....	07000		103,601
Other Assets	69000		<u>52,951</u>
Total.....		\$	8,044,523

*209 - Division of Environmental Protection –**Environmental Laboratory**Certification Fund*

(W.V. Code Chapter 22)

Fund 3340 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	375,851
Unclassified	09900		1,120

2023]	HOUSE OF DELEGATES		1547
Current Expenses	13000		201,146
Repairs and Alterations.....	06400		1,000
Other Assets	69000		<u>163,000</u>
Total		\$	742,117

210 - Division of Environmental Protection –

Stream Restoration Fund

(W.V. Code Chapter 22)

Fund 3349 FY 2024 Org 0313

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

Litter Control Fund

(W.V. Code Chapter 22)

Fund 3486 FY 2024 Org 0313

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

Recycling Assistance Fund

(W.V. Code Chapter 22)

Fund 3487 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	695,250
Unclassified	09900		400
Current Expenses	13000		2,754,258
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Other Assets	69000		<u>2,500</u>
Total		\$	3,453,708

213 - Division of Environmental Protection –

Mountaintop Removal Fund

(W.V. Code Chapter 22)

Fund 3490 FY 2024 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,145,549
Unclassified	09900		1,180
Current Expenses	13000		589,834
Repairs and Alterations.....	06400		27,612
Equipment.....	07000		23,500
Other Assets	69000		<u>11,520</u>
Total		\$	1,799,195

214 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(W.V. Code Chapter 22C)

Fund 3371 FY 2024 Org 0315

Personal Services and Employee Benefits.....	00100	\$	167,915
Current Expenses	13000		161,225
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		9,481
Other Assets	69000		<u>1,500</u>
Total		\$	341,121

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

215 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(W.V. Code Chapter 19)

Fund 5111 FY 2024 Org 0506

Current Expenses	13000	\$	10,667,392
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*216 - Division of Health –**The Vital Statistics Account*

(W.V. Code Chapter 16)

Fund 5144 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,144,311
Unclassified	09900		15,500
Current Expenses	13000		<u>3,557,788</u>
Total.....		\$	4,717,599

*217 - Division of Health –**Hospital Services Revenue Account**Special Fund**Capital Improvement, Renovation and Operations*

(W.V. Code Chapter 16)

Fund 5156 FY 2024 Org 0506

Institutional Facilities Operations.....	33500	\$	59,195,646
Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
Total.....		\$	86,995,646

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.V. 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 2024, 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 10 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 for Institutional Facilities Operations may be used for medical facilities operations, either in connection with this fund or in connection with the appropriations designated for Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

218 - Division of Health –

Laboratory Services Fund

(W.V. Code Chapter 16)

Fund 5163 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,028,784
Unclassified	09900		18,114
Current Expenses	13000		<u>2,209,105</u>
Total		\$	3,256,003

*219 - Division of Health –**The Health Facility Licensing Account*

(W.V. Code Chapter 16)

Fund 5172 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	688,753
Unclassified	09900		7,113
Current Expenses	13000		<u>98,247</u>
Total		\$	794,113

*220 - Division of Health –**Hepatitis B Vaccine*

(W.V. Code Chapter 16)

Fund 5183 FY 2024 Org 0506

Current Expenses	13000	\$	9,740
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*221 - Division of Health –**Lead Abatement Account*

(W.V. Code Chapter 16)

Fund 5204 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$	19,100
Unclassified	09900		373

2023]	HOUSE OF DELEGATES	1551
Current Expenses	13000	<u>17,875</u>
Total		\$ 37,348

222 - Division of Health –

West Virginia Birth-to-Three Fund

(W.V. Code Chapter 16)

Fund 5214 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 738,310
Unclassified	09900	223,999
Current Expenses	13000	<u>33,372,684</u>
Total		\$ 34,334,993

223 - Division of Health –

Tobacco Control Special Fund

(W.V. Code Chapter 16)

Fund 5218 FY 2024 Org 0506

Current Expenses	13000	\$ 7,579
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224 - Division of Health –

Medical Cannabis Program Fund

(W.V. Code Chapter 16A)

Fund 5420 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 509,658
Current Expenses	13000	<u>2,046,040</u>
Total		\$ 2,555,698

225 - Division of Health –

Emergency Medical Service Workers Salary Enhancement Fund

(W.V. Code Chapter 16A)

Fund xxxx FY 2024 Org 0506

Current Expenses	13000	\$	10,000,000
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226 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(W.V. Code Chapter 16)

Fund 5375 FY 2024 Org 0507

Personal Services and Employee Benefits.....	00100	\$	556,513
Unclassified	09900		13,500
Current Expenses	13000		<u>785,445</u>
Total.....		\$	1,355,458

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.V. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

227 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(W.V. Code Chapter 16)

Fund 5377 FY 2024 Org 0507

Personal Services and Employee Benefits.....	00100	\$	555,842
Current Expenses	13000		<u>392,267</u>
Total.....		\$	948,109

228 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(W.V. Code Chapter 11)

Fund 5090 FY 2024 Org 0511

Medical Services.....	18900	\$	393,594,315
Medical Services Administrative Costs.....	78900		<u>259,746</u>
Total.....		\$	393,854,061

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 Medical Services Program Fund (fund 5084).

229 - Division of Human Services –

Child Support Enforcement Fund

(W.V. Code Chapter 48A)

Fund 5094 FY 2024 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

230 - Division of Human Services –

Medical Services Trust Fund

(W.V. Code Chapter 9)

Fund 5185 FY 2024 Org 0511

Medical Services.....	18900	\$	55,000,000
Medical Services Administrative Costs.....	78900		<u>686,674</u>
Total		\$	55,686,674

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.V. 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.

231 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(W.V. Code Chapter 16)

Fund 5454 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$	136,984
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Unclassified	09900		4,000
Current Expenses	13000		<u>396,000</u>
Total		\$	536,984

*232 - Division of Human Services –
Domestic Violence Legal Services Fund
(W.V. Code Chapter 48)*

Fund 5455 FY 2024 Org 0511

Current Expenses	13000	\$	900,000
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*233 - Division of Human Services –
West Virginia Works Separate State College Program Fund
(W.V. Code Chapter 9)*

Fund 5467 FY 2024 Org 0511

Current Expenses	13000	\$	500,000
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*234 - Division of Human Services –
West Virginia Works Separate State Two-Parent Program Fund
(W.V. Code Chapter 9)*

Fund 5468 FY 2024 Org 0511

Current Expenses	13000	\$	1,500,000
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*235 - Division of Human Services –
Marriage Education Fund
(W.V. Code Chapter 9)*

Fund 5490 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$	10,000
Current Expenses	13000		<u>25,000</u>
Total		\$	35,000

DEPARTMENT OF HOMELAND SECURITY

236 - Department of Homeland Security –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(W.V. Code Chapter 15)

Fund 6003 FY 2024 Org 0601

Current Expenses	13000	\$	32,000
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237 - Division of Emergency Management –

Statewide Interoperable Radio Network Account

(W.V. Code Chapter 15)

Fund 6208 FY 2024 Org 0606

Current Expenses	13000	\$	80,000
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238 - Division of Emergency Management –

West Virginia Interoperable Radio Project

(W.V. Code Chapter 24)

Fund 6295 FY 2024 Org 0606

Unclassified	09900	\$	20,000
Current Expenses	13000		3,980,000
Repairs and Alterations.....	06400		250,000
Equipment.....	07000		<u>250,000</u>
Total		\$	4,500,000

239 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(W.V. Code Chapter 15A)

Fund 6362 FY 2024 Org 0608

Personal Services and Employee Benefits.....	00100	\$	1,199,557
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Unclassified	09900	9,804
Current Expenses	13000	758,480
Equipment.....	07000	30,000
Other Assets	69000	<u>40,129</u>
Total		\$ 2,037,970

240 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(W.V. Code Chapter 15A)

Fund 6675 FY 2024 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 2,027,746
Debt Service	04000	1,900,000
Repairs and Alterations.....	06400	5,000,000
Equipment.....	07000	2,000,000
Unclassified	09900	100,000
Current Expenses	13000	<u>245,472</u>
Total		\$ 11,273,218

241 - West Virginia State Police –

Motor Vehicle Inspection Fund

(W.V. Code Chapter 17C)

Fund 6501 FY 2024 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 2,019,791
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		\$ 8,324,685

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.

242 - West Virginia State Police –

Forensic Laboratory Fund

(W.V. Code Chapter 15)

Fund 6511 FY 2024 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 1,623,315
Current Expenses	13000	90,000
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>545,000</u>
Total		\$ 2,263,315

243 - West Virginia State Police –

Drunk Driving Prevention Fund

(W.V. Code Chapter 15)

Fund 6513 FY 2024 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.V. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

244 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(W.V. Code Chapter 15)

Fund 6516 FY 2024 Org 0612

Buildings	25800	\$	1,022,778
Land	73000		1,000
BRIM Premium.....	91300		<u>77,222</u>
Total		\$	1,101,000

245 - West Virginia State Police –

Surplus Transfer Account

(W.V. Code Chapter 15)

Fund 6519 FY 2024 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>
Total		\$	585,000

246 - West Virginia State Police –

Central Abuse Registry Fund

(W.V. Code Chapter 15)

Fund 6527 FY 2024 Org 0612

Personal Services and Employee Benefits.....	00100	\$	279,648
Current Expenses	13000		376,443
Repairs and Alterations.....	06400		500
Equipment.....	07000		300,500
Other Assets	69000		300,500
BRIM Premium.....	91300		<u>18,524</u>
Total		\$	1,276,115

247 - West Virginia State Police –

Bail Bond Enforcer Account

(W.V. Code Chapter 15)

Fund 6532 FY 2024 Org 0612

Current Expenses	13000	\$	8,300
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248 - West Virginia State Police –

State Police Academy Post Exchange

(W.V. Code Chapter 15)

Fund 6544 FY 2024 Org 0612

Current Expenses	13000	\$	160,000
Repairs and Alterations.....	06400		<u>40,000</u>
Total		\$	200,000

249 - Fire Commission –

Fire Marshal Fees

(W.V. Code Chapter 29)

Fund 6152 FY 2024 Org 0619

Personal Services and Employee Benefits.....	00100	\$	3,742,215
Unclassified	09900		3,800
Current Expenses	13000		1,646,550
Repairs and Alterations.....	06400		58,500
Equipment.....	07000		140,800
BRIM Premium.....	91300		<u>65,000</u>
Total		\$	5,656,865

250 - Division of Administrative Services –

W.V. Community Corrections Fund

(W.V. Code Chapter 62)

Fund 6386 FY 2024 Org 0623

Personal Services and Employee Benefits.....	00100	\$	171,789
Unclassified	09900		750
Current Expenses	13000		1,846,250
Repairs and Alterations.....	06400		<u>1,000</u>
Total		\$	2,019,789

*251 - Division of Administrative Services –**Court Security Fund*

(W.V. Code Chapter 51)

Fund 6804 FY 2024 Org 0623

Personal Services and Employee Benefits.....	00100	\$	25,430
Current Expenses	13000		<u>1,478,135</u>
Total		\$	1,503,565

*252 - Division of Administrative Services –**Second Chance Driver's License Program Account*

(W.V. Code Chapter 17B)

Fund 6810 FY 2024 Org 0623

Current Expenses	13000	\$	125,000
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DEPARTMENT OF REVENUE*253 - Division of Financial Institutions*

(W.V. Code Chapter 31A)

Fund 3041 FY 2024 Org 0303

Personal Services and Employee Benefits.....	00100	\$	2,720,504
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		119,000
Current Expenses	13000		650,475

2023] HOUSE OF DELEGATES 1561

Equipment.....	07000	<u>8,500</u>
Total		\$ 3,498,479

254 - Office of the Secretary –

State Debt Reduction Fund

(W.V. Code Chapter 29)

Fund 7007 FY 2024 Org 0701

Retirement Systems – Unfunded Liability.....	77500	\$ 20,000,000
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The above appropriation for Retirement Systems – Unfunded Liability (fund 7007, appropriation 77500) shall be transferred to the School Aid Formula Funds Holding Account Fund (fund 2606).

255 - Home Rule Board Operations

(W.V. Code Chapter 8)

Fund 7010 FY 2024 Org 0701

Personal Services and Employee Benefits.....	00100	\$ 25,000
Unclassified	09900	680
Current Expenses	13000	42,000
Repairs and Alterations.....	06400	120
Equipment.....	07000	<u>200</u>
Total		\$ 68,000

256 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(W.V. Code Chapter 47)

Fund 7092 FY 2024 Org 0702

Current Expenses	13000	\$ 35,000
Equipment.....	07000	<u>15,000</u>
Total		\$ 50,000

257 - State Budget Office –

Public Employees Insurance Reserve Fund

(W.V. Code Chapter 11B)

Fund 7400 FY 2024 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).

258 - Insurance Commissioner –

Examination Revolving Fund

(W.V. Code Chapter 33)

Fund 7150 FY 2024 Org 0704

Personal Services and Employee Benefits.....	00100	\$	771,781
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.....		\$	2,233,071

259 - Insurance Commissioner –

Consumer Advocate

(W.V. Code Chapter 33)

Fund 7151 FY 2024 Org 0704

Personal Services and Employee Benefits.....	00100	\$	592,264
Current Expenses	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		34,225
Buildings	25800		4,865

2023] HOUSE OF DELEGATES 1563

Other Assets	69000	<u>19,460</u>
Total		\$ 857,966

260 - Insurance Commissioner –
Insurance Commission Fund
(W.V. Code Chapter 33)
Fund 7152 FY 2024 Org 0704

Personal Services and Employee Benefits.....	00100	\$ 25,074,593
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	136,500
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		\$ 36,171,366

261 - Insurance Commissioner –
Insurance Fraud Prevention Fund
(W.V. Code Chapter 33)
Fund 7153 FY 2024 Org 0704

Current Expenses	13000	\$ 15,000
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262 - Insurance Commissioner –
Workers' Compensation Old Fund
(W.V. Code Chapter 23)
Fund 7162 FY 2024 Org 0704

Employee Benefits	01000	\$ 50,000
Current Expenses	13000	<u>250,500,000</u>

Total \$ 250,550,000

263 - Insurance Commissioner –
Workers' Compensation Uninsured Employers' Fund
(W.V. Code Chapter 23)
Fund 7163 FY 2024 Org 0704

Current Expenses 13000 \$ 15,000,000

264 - Insurance Commissioner –
Self-Insured Employer Guaranty Risk Pool
(W.V. Code Chapter 23)
Fund 7164 FY 2023 Org 0704

Current Expenses 13000 \$ 9,000,000

265 - Insurance Commissioner –
Self-Insured Employer Security Risk Pool
(W.V. Code Chapter 23)
Fund 7165 FY 2024 Org 0704

Current Expenses 13000 \$ 14,000,000

266 - Municipal Bond Commission
(W.V. Code Chapter 13)
Fund 7253 FY 2024 Org 0706

Personal Services and Employee Benefits 00100 \$ 373,348

Current Expenses 13000 154,344

Equipment 07000 100

Total \$ 527,792

267 - Racing Commission –
Relief Fund
(W.V. Code Chapter 19)

Fund 7300 FY 2024 Org 0707

Medical Expenses – Total	24500	\$	154,000
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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.

268 - Racing Commission –

Administration and Promotion Account

(W.V. Code Chapter 19)

Fund 7304 FY 2024 Org 0707

Personal Services and Employee Benefits.....	00100	\$	279,525
Current Expenses	13000		85,433
Other Assets	69000		<u>5,000</u>
Total		\$	369,958

269 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7305 FY 2024 Org 0707

Personal Services and Employee Benefits.....	00100	\$	2,450,028
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		48,443
Current Expenses	13000		497,284
Repairs and Alterations.....	06400		5,000
Other Assets	69000		<u>40,000</u>
Total		\$	3,040,755

270 - Racing Commission –

Administration, Promotion, Education, Capital Improvement

*and Greyhound Adoption Programs
to include Spaying and Neutering Account
(W.V. Code Chapter 19)*

Fund 7307 FY 2024 Org 0707

Personal Services and Employee Benefits.....	00100	\$	930,289
Current Expenses	13000		160,099
Other Assets	69000		<u>200,000</u>
Total.....		\$	1,290,388

271 - Alcohol Beverage Control Administration –

Wine License Special Fund

(W.V. Code Chapter 60)

Fund 7351 FY 2024 Org 0708

Personal Services and Employee Benefits.....	00100	\$	152,670
Current Expenses	13000		54,186
Repairs and Alterations.....	06400		7,263
Equipment.....	07000		10,000
Buildings	25800		100,000
Transfer Liquor Profits and Taxes	42500		30,750
Other Assets	69000		<u>100</u>
Total.....		\$	354,969

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

272 - Alcohol Beverage Control Administration

(W.V. Code Chapter 60)

Fund 7352 FY 2024 Org 0708

Personal Services and Employee Benefits.....	00100	\$	6,016,074
Salary and Benefits of Cabinet Secretary and			

2023]	HOUSE OF DELEGATES	1567
Agency Heads	00201	122,500
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	100,000,000
Transfer Liquor Profits and Taxes	42500	30,000,000
Other Assets	69000	125,100
Land	73000	<u>100</u>
Total		\$ 139,728,451

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.

273 - State Athletic Commission Fund

(W.V. Code Chapter 29)

Fund 7009 FY 2024 Org 0933

Personal Services and Employee Benefits.....	00100	\$ 17,500
Current Expenses	13000	<u>28,000</u>
Total		\$ 45,500

DEPARTMENT OF TRANSPORTATION

274 - Division of Motor Vehicles –

Dealer Recovery Fund

(W.V. Code Chapter 17)

Fund 8220 FY 2024 Org 0802

Current Expenses	13000	\$	189,000
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275 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(W.V. Code Chapter 17B)

Fund 8223 FY 2024 Org 0802

Personal Services and Employee Benefits.....	00100	\$	4,109,846
Current Expenses	13000		4,337,712
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000
Other Assets	69000		10,000
BRIM Premium.....	91300		<u>110,000</u>
Total		\$	8,658,558

276 - Division of Highways –

A. James Manchin Fund

(W.V. Code Chapter 22)

Fund 8319 FY 2024 Org 0803

Current Expenses	13000	\$	2,500,000
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277 - WV Division of Multimodal Transportation Facilities -

State Rail Authority -

West Virginia Commuter Rail Access Fund

(W.V. Code Chapter 29)

Fund 8402 FY 2024 Org 0810

Current Expenses	13000	\$	600,000
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DEPARTMENT OF VETERANS' ASSISTANCE

278 - Veterans' Facilities Support Fund

2023] HOUSE OF DELEGATES 1569

(W.V. Code Chapter 9A)

Fund 6703 FY 2024 Org 0613

Current Expenses	13000	\$ 1,654,234
Other Assets	69000	<u>10,000</u>
Total		\$ 1,664,234

279 - Department of Veterans' Assistance –

W.V. Veterans' Home –

Special Revenue Operating Fund

(W.V. Code Chapter 9A)

Fund 6754 FY 2024 Org 0618

Current Expenses	13000	\$ 289,400
Repairs and Alterations.....	06400	<u>10,600</u>
Total		\$ 300,000

BUREAU OF SENIOR SERVICES

280 - Bureau of Senior Services –

Community Based Service Fund

(W.V. Code Chapter 29)

Fund 5409 FY 2024 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 144,813
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	25,795
Current Expenses	13000	<u>10,348,710</u>
Total		\$ 10,519,318

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

281 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(W.V. Code Chapters 18 and 18B)

Fund 4903 FY 2024 Org 0442

Debt Service	04000	\$	27,411,984
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration.....	38600		<u>467,154</u>
Total		\$	32,879,138

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.V. 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.

282 - Tuition Fee Revenue Bond Construction Fund

(W.V. Code Chapters 18 and 18B)

Fund 4906 FY 2024 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

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.V. Code §18-12B-8, which have since been refunded.

283 - West Virginia University –

West Virginia University Health Sciences Center

(W.V. Code Chapters 18 and 18B)

Fund 4179 FY 2024 Org 0463

Personal Services and Employee Benefits.....	00100	\$	11,425,515
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.....		\$	17,086,815

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

(W.V. Code Chapter 18B)

Fund 4271 FY 2024 Org 0471

Marshall Medical School	17300	\$	5,500,000
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285 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 4272 FY 2024 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$	3,996,878
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MISCELLANEOUS BOARDS AND COMMISSIONS*286 - Board of Barbers and Cosmetologists –**Barbers and Beauticians Special Fund*

(W.V. Code Chapters 16 and 30)

Fund 5425 FY 2024 Org 0505

Personal Services and Employee Benefits.....	00100	\$	587,300
Current Expenses	13000		234,969
Repairs and Alterations.....	06400		<u>5,000</u>

Total		\$	827,269
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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.

287 - Hospital Finance Authority –

Hospital Finance Authority Fund

(W.V. Code Chapter 16)

Fund 5475 FY 2024 Org 0509

Personal Services and Employee Benefits.....	00100	\$	10,000
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		93,339
Unclassified	09900		1,501
Current Expenses	13000		<u>55,268</u>
Total		\$	160,108

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.

288 - State Armory Board –

General Armory Fund

(W.V. Code Chapter 15)

Fund 6057 FY 2024 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,688,662
Current Expenses	13000		650,000
Repairs and Alterations.....	06400		385,652
Equipment.....	07000		250,000
Buildings	25800		520,820
Other Assets	69000		350,000
Land	73000		<u>200,000</u>
Total		\$	4,045,134

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).

289 - W.V. State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(W.V. Code Chapter 30)

Fund 8517 FY 2024 Org 0906

Personal Services and Employee Benefits.....	00100	\$	988,523
Current Expenses	13000		<u>253,007</u>
Total		\$	1,241,530

290 - W.V. Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(W.V. Code Chapter 30)

Fund 8520 FY 2024 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,381,175
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets	69000		<u>4,500</u>
Total		\$	1,726,330

291 - Public Service Commission

(W.V. Code Chapter 24)

Fund 8623 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,882,976
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		318,640
Unclassified	09900		147,643

Current Expenses	13000	2,507,202
Repairs and Alterations.....	06400	270,000
Equipment.....	07000	160,000
Buildings	25800	10
PSC Weight Enforcement	34500	4,870,957
Debt Payment/Capital Outlay	52000	350,000
Land	73000	10
BRIM Premium.....	91300	<u>172,216</u>
Total.....		\$ 21,679,654

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.V. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

292 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(W.V. Code Chapter 24B)

Fund 8624 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 294,103
Salary and Benefits of Cabinet Secretary and		
Agency Heads	00201	11,949
Unclassified	09900	3,851
Current Expenses	13000	93,115
Repairs and Alterations.....	06400	<u>4,000</u>
Total.....		\$ 407,018

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.

293 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8625 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,420,468
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		67,711
Unclassified	09900		29,233
Current Expenses	13000		577,557
Repairs and Alterations.....	06400		23,000
Equipment.....	07000		<u>50,000</u>
Total.....		\$	3,167,969

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.

294 - Public Service Commission –

Consumer Advocate Fund

(W.V. Code Chapter 24)

Fund 8627 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$	978,337
Current Expenses	13000		536,472
Equipment.....	07000		9,872
BRIM Premium.....	91300		<u>4,660</u>
Total.....		\$	1,529,341

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.

295 - Real Estate Commission –

Real Estate License Fund

(W.V. Code Chapter 30)

Fund 8635 FY 2024 Org 0927

Personal Services and Employee Benefits.....	00100	\$	644,650
Current Expenses	13000		293,122
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		<u>5,000</u>
Total.....		\$	945,272

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

296 - W.V. Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(W.V. Code Chapter 30)

Fund 8646 FY 2024 Org 0930

Personal Services and Employee Benefits.....	00100	\$	100,292
Current Expenses	13000		<u>63,499</u>
Total.....		\$	163,791

297 - W.V. Board of Respiratory Care –

Board of Respiratory Care Fund

(W.V. Code Chapter 30)

Fund 8676 FY 2024 Org 0935

Personal Services and Employee Benefits.....	00100	\$	91,632
Current Expenses	13000		<u>62,709</u>
Total.....		\$	154,341

298 - W.V. Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(W.V. Code Chapter 30)

Fund 8680 FY 2024 Org 0936

Personal Services and Employee Benefits.....	00100	\$	20,219
Current Expenses	13000		<u>20,250</u>
Total		\$	40,469

299 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(W.V. Code Chapter 30)

Fund 8671 FY 2024 Org 0938

Personal Services and Employee Benefits.....	00100	\$	118,869
Current Expenses	13000		<u>47,388</u>
Total		\$	166,257

300 - Board of Medicine –

Medical Licensing Board Fund

(W.V. Code Chapter 30)

Fund 9070 FY 2024 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,623,608
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>
Total		\$	2,740,397

301 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(W.V. Code Chapter 12)

Fund 9080 FY 2024 Org 0947

Personal Services and Employee Benefits.....	00100	\$	5,577,966
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Unclassified	09900	132,000
Current Expenses	13000	19,214,993
Repairs and Alterations.....	06400	300
Equipment.....	07000	502,000
Buildings	25800	2,000
Other Assets	69000	<u>2,004,500</u>
Total		\$ 27,433,759

302 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(W.V. Code Chapter 12)

Fund 9152 FY 2024 Org 0950

Personal Services and Employee Benefits.....	00100	\$ 857,714
Unclassified	09900	14,850
Current Expenses	13000	580,889
BRIM Premium.....	91300	31,547
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.

303 - Contractor Licensing Board Fund

(W.V. Code Chapter 21)

Fund 3187 FY 2024 Org 0951

Personal Services and Employee Benefits.....	00100	\$ 2,559,000
Repairs and Alterations.....	06400	10,000

2023]	HOUSE OF DELEGATES	1579
Unclassified	09900	21,000
Current Expenses	13000	500,000
BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 3,098,500

Total TITLE II, Section 3 – Other Funds

(Including claims against the state)..... \$ 2,071,416.872

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.V. 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.

304 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(W.V. Code Chapter 5)

Fund 2252 FY 2024 Org 0211

	Appro-		Lottery
	priation		Funds
Debt Service – Total	31000	\$	10,000,000

305 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 3067 FY 2024 Org 0304

Tourism – Telemarketing Center	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407

Tourism – Operations (R).....	66200	<u>4,451,771</u>
Total		\$ 6,956,258

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

306 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 3267 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 2,667,436
Current Expenses	13000	26,900
Pricketts Fort State Park	32400	106,560
Non-Game Wildlife (R).....	52700	483,485
State Parks and Recreation Advertising (R).....	61900	<u>494,578</u>
Total		\$ 3,778,959

Any unexpended balances remaining in the appropriations for 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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

307 - State Board of Education

(W.V. Code Chapters 18 and 18A)

Fund 3951 FY 2024 Org 0402

FBI Checks	37200	\$ 122,303
Vocational Education Equipment Replacement.....	39300	800,000
Assessment Program (R).....	39600	490,439
Literacy Project	89900	350,000
21 st Century Technology Infrastructure		
Network Tools and Support (R).....	93300	<u>12,622,796</u>
Total		\$ 14,385,538

Any unexpended balances remaining in the appropriations for 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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

308 - State Department of Education –

School Building Authority –

Debt Service Fund

(W.V. Code Chapter 18)

Fund 3963 FY 2024 Org 0404

Debt Service – Total	31000	\$	15,239,213
Directed Transfer	70000		<u>2,760,787</u>
Total		\$	18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.V. Code §29-22-18.

The above appropriation for Directed Transfer (fund 3963, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects.

309 - Division of Culture and History –

Lottery Education Fund

(W.V. Code Chapter 29)

Fund 3534 FY 2024 Org 0432

Huntington Symphony.....	02700	\$	59,058
Preservation West Virginia (R).....	09200		491,921
Fairs and Festivals (R).....	12200		1,346,814
Commission for National and Community Service (R).....	19300		387,916
Archeological Curation/Capital Improvements (R).....	24600		40,593
Historic Preservation Grants (R)	31100		417,933
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	811,500
West Virginia State Fair	65700	31,241
Save the Music	68000	40,000
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 Childrens' Chorus	91600	<u>54,554</u>
Total		\$ 4,283,415

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Commission for National and Community Service (fund 3534, appropriation 19300), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), and Grants for Competitive Arts Program (fund 3534, appropriation 62400) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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) \$20,000, 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) \$3,500, Chuck Mathena Center (Mercer) \$62,532, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company (Cabell) \$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) \$9,029, Hardy County Tour and Crafts Association (Hardy) \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Henderson Hall (Wood) \$20,000, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society (Jefferson) \$2,970, Jefferson County Historical Landmark Commission (Jefferson) \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society (Marshall) \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, 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, Oil and Gas Museum (Wood) \$20,000, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House (Pocahontas) \$3,564, Raleigh County All Wars Museum (Raleigh) \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program (Roane) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum (Raleigh) \$3,393, Summers County Historic Landmark Commission (Summers) \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, 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 A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$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 Don Redman Heritage Concert & Awards (Jefferson) \$938, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Armed Forces Day-South Charleston (Kanawha) \$2,000, 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, Back Home Festival (Wetzel) \$5,000, Barbour County Fair (Barbour) \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$3,340, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$3,000, Belleville Homecoming (Wood) \$11,881, Berkeley County Youth Fair (Berkeley) \$10,990, 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 Labor Day Celebration (Boone) \$2,376, Boone Day (Kanawha) \$1,000, Bradshaw Fall Festival (McDowell) \$1,188, Bramwell Labor Day (Mercer) \$5,000, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair (Braxton) \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival (Braxton) \$1,485, Brooke County Fair (Brooke) \$2,079, Buckwheat Festival (Preston) \$5,050, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Auxiliary (Mineral) \$13,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burlington Volunteer Fire and Rescue Carnival (Mineral) \$4,000, Burnsville Freedom Festival (Braxton) \$1,407, Calhoun County Wood Festival (Calhoun) \$1,188, Cameron 4th of July (Marshall) \$500, Cameron VFD Fireman's Festival (Marshall) \$2,500, Campbell's Creek Community Fair (Kanawha) \$2,000, Cape Coalwood Festival Association (McDowell) \$1,485, Cacapon River Fest (Hampshire) \$2,500, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Celebration of America (Monongalia) \$3,564, 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, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Chillin' on the Elk (Kanawha) \$1,000, 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, Christmas on Main Street (Hancock) \$11,881, City of Dunbar Critter Dinner (Kanawha) \$5,000, Clay County Golden Delicious Apple Festival (Clay) \$4,158, Clay District Fair (Monongalia) \$3,341, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Wetzel) \$3,200, Covered Bridge Festival (Marion) \$3,000, 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 (Doddridge) \$4,158, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$12,000, Fly in Festival (Cabell) \$5,000, 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) \$10,709, Freedom Festival (Wood) \$8,000, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,500, Gassaway Days Celebration (Braxton) \$2,970, Gilmer County Farm Show (Gilmer) \$2,376, Grant County Arts Council (Grant) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, 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 (Hampshire) \$11,881, Hampshire County Fair (Hampshire) \$5,002, Hampshire Highlands Art & Music Festival (Hampshire) \$4,252, Hancock County Oldtime Fair (Hancock) \$2,970, Hardy County Commission - 4th of July (Hardy) \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Head for the Hills Festival (Ritchie) \$3,000, Head of the Dragon (McDowell) \$1,500, Heritage Craft Festival (Monroe) \$1,044, Hilltop Festival (Cabell) \$684, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hometown Trail Days (McDowell) \$1,188, Hundred 4th of July (Wetzel) \$4,307, Huntersville Traditions Day (Pocahontas) \$4,000, 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 (Jackson) \$2,970, Jamboree (Pocahontas) \$2,970, Jefferson County Fair Association (Jefferson) \$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, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, Knights of Columbus Irish Road Bowling (Marshall County) \$3,000, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, 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 (Lewis) \$3,000, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival (Lincoln) \$4,752, Lincoln County Winterfest (Lincoln) \$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, Main Street Martinsburg Food Truck Fest (Berkeley) \$4,700, Malden Salt Fest (Kanawha) \$3,000, Mannington District Fair (Marion) \$3,564, Marmet Labor Day Celebration (Kanawha) \$3,500, Marshall County Antique Power Show (Marshall) \$1,485, Marshall County Fair (Marshall) \$5,000, Mason County Fair (Mason) \$2,970, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County (McDowell) \$11,881, 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 County Fair (Mercer) \$1,188, Mercer County Heritage Festival (Mercer) \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Veterans Day Parade (Mineral) \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Monongalia County Fair (Monongalia) \$7,250, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan

County Fair-History Wagon (Morgan) \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain Roots Community Theater (Kanawha) \$5,000, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,988, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New Martinsville Regatta (Wetzel) \$9,000, New Martinsville Vintage Regatta (Wetzel) \$5,000, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Potato Festival (Nicholas) \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$4,000, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Old Brick Playhouse (Randolph) \$7,000, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Osage Street Fair (Monongalia) \$2,188, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend (Pendleton) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$2,000, 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 (Pleasants) \$2,970, Pocahontas County Pioneer Days (Pocahontas) \$4,159, Pratt Fall Festival (Kanawha) \$2,500, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair (Putnam) \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$2,500, Randolph County Community Arts Council (Randolph) \$1,782, Randolph County Fair (Randolph) \$4,158, Randolph County Ramps and Rails (Randolph) \$2,188, 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 (Ritchie) \$2,970, Ritchie County Pioneer Days (Ritchie) \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day (Roane) \$1,782, Rock the Park (Kanawha) \$3,000, Rocket Boys Festival (Raleigh) \$1,710, 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) \$7,500, Southern Wayne County Fall Festival (Wayne) \$684, Spirit of Grafton Celebration (Taylor) \$6,240, Spring Mountain Festival (Grant) \$2,500, St. Albans City of Lights - December (Kanawha) \$4,000, St. Albans Train Fest (Kanawha) \$7,000, Sternwheel Festival (Wood) \$1,782, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, 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 (Taylor) \$3,567, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming (Putnam) \$3,240, Treasure Mountain Festival (Pendleton) \$18,000, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration (Tucker) \$10,692, Tucker County Fair (Tucker) \$2,821, Tucker County Health Fair (Tucker) \$1,188, Turkey Festival (Hardy) \$1,782, Tyler County Fireworks Celebration (Tyler) \$2,000, Upper Kanawha Valley Oktoberfest (Kanawha) \$2,000, Upper Ohio Valley Italian Festival (Ohio) \$7,128, 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 (Wayne) \$2,970, Wayne County Fall Festival (Wayne) \$2,970, Webster County Fair (Webster) \$3,600, Webster County Wood Chopping Festival (Webster) \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County (Brooke) \$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 Freedom Festival (Logan) \$4,456, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$5,166, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Rivers and Rails Festival (Pleasants) \$1,099, West Virginia State Folk Festival (Gilmer) \$2,970, Wetzel County Autumnfest (Wetzel) \$3,267, Wetzel County Town and Country Days (Wetzel) \$10,098, Wheeling City of Lights (Ohio) \$4,752, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Winfield Watersports Weekend (Putnam) \$3,240, Wirt County Fair (Wirt) \$1,485, Wirt County Pioneer Days (Wirt) \$1,188, Youth Stockman Beef Expo (Lewis) \$1,188.

Any Fairs and Festivals awards shall be funded in addition to, and not in lieu of, individual grant allocations derived from the Arts Council and Cultural Grant Program allocations.

310 - Division of Culture and History –

Library Commission -

Lottery Education Fund

(W.V. Code Chapter 10)

Fund 3559 FY 2024 Org 0432

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

311 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 3587 FY 2024 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

312 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(W.V. Code Chapters 18B and 18C)

Fund 4925 FY 2024 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,918,886
RHI Program and Site Support –			
RHEP Program Administration	03700		146,653
RHI Program and Site Support – Grad Med			
Ed and Fiscal Oversight (R).....	03800		90,192
Minority Doctoral Fellowship (R)	16600		129,604
Health Sciences Scholarship (R).....	17600		226,251
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.....		\$	3,027,142

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (fund 4925, appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.V. Code §18C-6-1.

313 - Community and Technical College –

Capital Improvement Fund

(W.V. Code Chapter 18B)

Fund 4908 FY 2024 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) and Capital Improvements - Total (fund 4908, appropriation 95800) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical Colleges Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

314 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4185 FY 2024 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R)	03500	\$	1,223,320
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		1,847,803
Center for Excellence in Disabilities (R)	96700		<u>321,875</u>
Total		\$	3,782,430

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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

315 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4896 FY 2024 Org 0471

Marshall Medical School –

RHI Program and Site Support (R)	03300	\$	444,614
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Vice Chancellor for Health Sciences –

Rural Health Residency Program (R)	60100		<u>176,614</u>
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Total		\$	621,228
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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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

*316 - Bureau of Senior Services –**Lottery Senior Citizens Fund*

(W.V. Code Chapter 29)

Fund 5405 FY 2024 Org 0508

Personal Services and Employee Benefits	00100	\$	145,914
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Salary and Benefits of Cabinet Secretary and

Agency Heads	00201		70,720
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Current Expenses	13000		332,284
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Repairs and Alterations	06400		1,000
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Local Programs Service Delivery Costs	20000		2,435,250
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Silver Haired Legislature	20200		18,500
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Transfer to Division of Human Services for Health Care

and Title XIX Waiver for Senior Citizens	53900		23,726,633
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Roger Tompkins Alzheimers Respite Care	64300		2,306,333
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WV Alzheimers Hotline	72400		45,000
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Regional Aged and Disabled Resource Center	76700		425,000
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Senior Services Medicaid Transfer.....	87100	16,400,070
Legislative Initiatives for the Elderly	90400	9,671,239
Long Term Care Ombudsmen.....	90500	297,226
BRIM Premium.....	91300	7,718
In-Home Services and Nutrition for Senior Citizens (R).....	91700	<u>6,845,941</u>
Total.....		\$ 62,728,828

Any unexpended balances remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) and In-Home Services and Nutrition for Senior Citizens (fund 5405, appropriation 91700) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

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.

Total TITLE II, Section 4 – Lottery Revenue..... \$ 144,077,498

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.V. 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.V. 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.

317 - Governor's Office

(W.V. Code Chapter 5)

Fund 1046 FY 2024 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 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

318 - Office of Technology

(W.V. Code Chapter 5A)

Fund 2532 FY 2024 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

319 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(W.V. Code Chapter 5B)

Fund 3170 FY 2024 Org 0307

Any unexpended balance remaining in the appropriation for Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

320 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2024 Org 0310

	Appro-		Excess
	priation		Lottery
			Funds
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 appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), 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 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

321 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2024 Org 0316

Directed Transfer 70000 \$ 46,000,000

The above appropriation shall be allocated pursuant to W.V. Code §29-22-18d and §31-15-9.

322 - Department of Education –

School Building Authority

Fund 3514 FY 2024 Org 0404

Debt Service - Total 31000 \$ 18,948,000

Directed Transfer 70000 52,000

Total \$ 19,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.V. Code §29-22-18a.

The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund (fund 3952, organization 0404) to be used for school construction and maintenance projects.

323 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2024 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.V. 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.

324 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2024 Org 0441

Directed Transfer 70000 \$ 15,000,000

The above appropriation for Directed Transfer shall be transferred to Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (fund 4903, org 0442) as authorized by Senate Concurrent Resolution No. 41.

325 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2024 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

326 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 5365 FY 2024 Org 0511

Medical Services.....	18900	\$	60,716,750
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327 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 6283 FY 2024 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 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

328 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2024 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.V. Code §29-22-18a.

329 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2024 Org 0705

Directed Transfer	70000	\$	10,000,000
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The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.V. 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.

330 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2024 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
Economic Development Promotion and			
Closing 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 Capital 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		<u>22,383,247</u>
Total.....		\$	61,022,040

331 - Racing Commission

Fund 7308 FY 2024 Org 0707

Special Breeders Compensation

(W.V. Code §29-22-18a, subsection (l)) 21800 \$ 2,000,000

332 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2024 Org 0944

Debt Service – Total 31000 \$ 19,000,000

Pursuant to W.V. 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.V. Code §29-22-18, subsection (f).

333 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2024 Org 0944

Debt Service 04000 \$ 2,032,000

334 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2024 Org 0944

Debt Service 04000 \$ 4,395,000

Total TITLE II, Section 5 – Excess Lottery Funds..... \$ 334,670,790

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 2024.

LEGISLATIVE

335 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 8738 FY 2024 Org 2300

	Appro-		Federal
	priation		Funds
Economic Loss Claim Payment Fund.....	33400	\$	900,000

JUDICIAL*336 - Supreme Court*Fund 8867 FY 2024 Org 2400

Personal Services and Employee Benefits.....	00100	\$	1,813,000
Current Expenses	13000		1,557,000
Repairs and Alterations.....	06400		100,000
Equipment.....	07000		250,000
Other Assets	69000		<u>280,000</u>
Total		\$	4,000,000

EXECUTIVE*337 - Governor's Office –**Coronavirus State Fiscal Recovery Fund*

(W.V. Code Chapter 4)

Fund 8823 FY 2024 Org 0100

Personal Services and Employee Benefits.....	00100	\$	941,932,089
Unclassified	09900		13,554,899
Current Expenses	13000		400,000,000
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Other Assets	69000		<u>1,000</u>
Total		\$	1,355,489,988

338 - Department of Agriculture

(W.V. Code Chapter 19)

2023]

HOUSE OF DELEGATES

1597

Fund 8736 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,754,576
Unclassified	09900		50,534
Current Expenses	13000		6,828,661
Repairs and Alterations.....	06400		650,000
Equipment.....	07000		910,500
Buildings	25800		1,000,000
Other Assets	69000		550,000
Land	73000		500,000
Federal Coronavirus Pandemic.....	89101		<u>4,721,430</u>
Total		\$	17,965,701

339 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 8737 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	710,478
Unclassified	09900		8,755
Current Expenses	13000		136,012
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		<u>114,478</u>
Total		\$	975,223

340 - Department of Agriculture –

State Conservation Committee

(W.V. Code Chapter 19)

Fund 8783 FY 2024 Org 1400

Personal Services and Employee Benefits.....	00100	\$	99,978
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Current Expenses	13000	<u>15,599,974</u>
Total		\$ 15,699,952

*341 - Department of Agriculture –
Land Protection Authority
Fund 8896 FY 2024 Org 1400*

Personal Services and Employee Benefits.....	00100	\$ 46,526
Unclassified	09900	5,004
Current Expenses	13000	<u>448,920</u>
Total		\$ 500,450

*342 - Attorney General –
Medicaid Fraud Unit
Fund 8882 FY 2024 Org 1500*

Personal Services and Employee Benefits.....	00100	\$ 1,708,686
Unclassified	09900	15,336
Current Expenses	13000	599,513
Repairs and Alterations.....	06400	4,313
Equipment.....	07000	7,500
Other Assets	69000	<u>11,336</u>
Total		\$ 2,346,684

*343 - Secretary of State –
State Election Fund
(W.V. Code Chapter 3)*

Fund 8854 FY 2024 Org 1600

Personal Services and Employee Benefits.....	00100	\$ 210,240
Unclassified	09900	7,484
Current Expenses	13000	415,727

2023]	HOUSE OF DELEGATES		1599
Repairs and Alterations.....	06400		15,000
Other Assets	69000		<u>100,000</u>
Total		\$	748,451

DEPARTMENT OF COMMERCE

344 - Division of Forestry

(W.V. Code Chapter 19)

Fund 8703 FY 2024 Org 0305

Personal Services and Employee Benefits.....	00100	\$	623,959
Unclassified	09900		51,050
Current Expenses	13000		3,962,013
Repairs and Alterations.....	06400		155,795
Equipment.....	07000		100,000
Other Assets	69000		<u>3,078,847</u>
Total		\$	7,971,664

345 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 8704 FY 2024 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

346 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 8706 FY 2024 Org 0308

Personal Services and Employee Benefits.....	00100	\$	441,444
Unclassified	09900		5,572
Current Expenses	13000		167,098
Repairs and Alterations.....	06400		<u>500</u>
Total		\$	614,614

347 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 8707 FY 2024 Org 0310

Personal Services and Employee Benefits.....	00100	\$	11,177,236
Unclassified	09900		107,693
Current Expenses	13000		7,887,660
Repairs and Alterations.....	06400		566,250
Equipment.....	07000		2,126,141
Administration	15500		50,325
Buildings	25800		951,000
Other Assets	69000		4,768,670
Land	73000		<u>2,893,920</u>
Total		\$	30,528,895

*348 - Division of Miners' Health,**Safety and Training*

(W.V. Code Chapter 22)

Fund 8709 FY 2024 Org 0314

Personal Services and Employee Benefits.....	00100	\$	680,944
Current Expenses	13000		<u>150,000</u>
Total		\$	830,944

349 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 8835 FY 2024 Org 0323

Unclassified	09900	\$	5,127
Current Expenses	13000		667,530
Reed Act 2002 – Unemployment Compensation.....	62200		4,446,737
Reed Act 2002 – Employment Services	63000		<u>3,246,737</u>
Total.....		\$	8,366,131

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.V. 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.

350 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 8734 FY 2024 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,295,366
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		153,000
Current Expenses	13000		68,440,940
Repairs and Alterations.....	06400		350,400
Equipment.....	07000		<u>1,275,870</u>
Total.....		\$	82,515,576

351 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(W.V. Code Chapter 18)

Fund 8890 FY 2024 Org 0932

Personal Services and Employee Benefits.....	00100	\$	13,359,886
Current Expenses	13000		13,383,206
Repairs and Alterations.....	06400		1,100
Equipment.....	07000		<u>83,350</u>
Total.....		\$	26,827,542

DEPARTMENT OF TOURISM

352 - Department of Tourism –

Tourism Workforce Development Fund

(W.V. Code Chapter 5B)

Fund 8903 FY 2024 Org 0304

Federal Coronavirus Pandemic.....	89101	\$	5,148,017
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DEPARTMENT OF ECONOMIC DEVELOPMENT

353 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 8705 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,641,850
Unclassified	09900		50,000
Current Expenses	13000		<u>21,304,019</u>
Total.....		\$	22,995,869

354 - Department of Economic Development –

Office of Energy

(W.V. Code Chapter 5B)

Fund 8892 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$	993,648
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2023]	HOUSE OF DELEGATES	1603
Unclassified	09900	7,350
Current Expenses	13000	<u>8,266,076</u>
Total		\$ 9,267,074

355 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity

(W.V. Code Chapter 5)

Fund 8901 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 854,189
Repairs and Alterations.....	06400	250
Equipment.....	07000	6,000
Unclassified	09900	106,795
Current Expenses	13000	<u>20,303,081</u>
Total		\$ 21,270,315

DEPARTMENT OF EDUCATION

356 - State Board of Education –

State Department of Education

(W.V. Code Chapters 18 and 18A)

Fund 8712 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 6,006,039
Unclassified	09900	2,000,000
Current Expenses	13000	1,434,146,008
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	10,000
Federal Coronavirus Pandemic.....	89101	<u>4,990,123</u>

Total \$ 1,447,172,170

357 - State Board of Education –

School Lunch Program

(W.V. Code Chapters 18 and 18A)

Fund 8713 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,962,329
Unclassified	09900	1,150,500
Current Expenses	13000	258,781,265
Repairs and Alterations.....	06400	20,000
Equipment.....	07000	100,000
Other Assets	69000	25,000
Federal Coronavirus Pandemic.....	89101	<u>743,436</u>
Total		\$ 262,782,530

358 - State Board of Education –

Vocational Division

(W.V. Code Chapters 18 and 18A)

Fund 8714 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,976,812
Unclassified	09900	155,000
Current Expenses	13000	20,820,081
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	<u>10,000</u>
Total		\$ 22,981,893

359 - State Board of Education –

Aid for Exceptional Children

(W.V. Code Chapters 18 and 18A)

Fund 8715 FY 2024 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,595,092
Unclassified	09900		1,000,000
Current Expenses	13000		133,346,390
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Federal Coronavirus Pandemic.....	89101		<u>17,336,635</u>
Total		\$	155,308,117

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*360 - Division of Culture and History*

(W.V. Code Chapter 29)

Fund 8718 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$	882,376
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		360
Federal Coronavirus Pandemic.....	89101		<u>765,400</u>
Total		\$	3,599,508

361 - Library Commission

(W.V. Code Chapter 10)

Fund 8720 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 376,710
Current Expenses	13000	1,076,162
Equipment.....	07000	543,406
Federal Coronavirus Pandemic.....	89101	<u>2,388,880</u>
Total		\$ 4,385,158

362 - Commission for National and Community Service

(W.V. Code Chapter 5F)

Fund 8841 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 458,335
Current Expenses	13000	5,587,325
Repairs and Alterations.....	06400	1,000
Federal Coronavirus Pandemic.....	89101	<u>1,960,558</u>
Total		\$ 8,007,218

363 - National Coal Heritage Area Authority

(W.V. Code Chapter 29)

Fund 8869 FY 2024 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 198,501
Current Expenses	13000	328,008
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	3,000
Other Assets	69000	<u>2,000</u>
Total		\$ 536,509

DEPARTMENT OF ENVIRONMENTAL PROTECTION

364 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 8708 FY 2024 Org 0313

2023] HOUSE OF DELEGATES 1607

Personal Services and Employee Benefits.....	00100	\$ 36,118,029
Unclassified	09900	1,923,580
Current Expenses	13000	347,447,019
Repairs and Alterations.....	06400	739,783
Equipment.....	07000	1,712,238
Other Assets	69000	2,177,261
Land	73000	<u>80,000</u>
Total.....		\$ 390,197,910

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

365 - Division of Health –

Consolidated Medical Service Fund

(W.V. Code Chapter 16)

Fund 8723 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 1,701,896
Unclassified	09900	73,307
Current Expenses	13000	92,583,302
Federal Coronavirus Pandemic.....	89101	<u>4,886,344</u>
Total.....		\$ 99,244,849

366 - Division of Health –

Central Office

(W.V. Code Chapter 16)

Fund 8802 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 20,144,404
Unclassified	09900	856,614
Current Expenses	13000	152,758,622
Equipment.....	07000	456,972

Buildings	25800	155,000
Other Assets	69000	380,000
Federal Coronavirus Pandemic.....	89101	<u>195,982,333</u>
Total		\$ 370,733,945

367 - Division of Health –

West Virginia Safe Drinking Water Treatment

(W.V. Code Chapter 16)

Fund 8824 FY 2024 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund – Transfer	68900	\$ 80,753,300
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368 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 8725 FY 2024 Org 0510

Personal Services and Employee Benefits.....	00100	\$ 466,840
Unclassified	09900	5,050
Current Expenses	13000	<u>64,950</u>
Total		\$ 536,840

369 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 8722 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 83,474,243
Unclassified	09900	22,855,833
Current Expenses	13000	162,181,984
Medical Services.....	18900	4,151,432,776
Medical Services Administrative Costs.....	78900	133,070,682
CHIP Administrative Costs.....	85601	4,559,061

2023]	HOUSE OF DELEGATES	1609
CHIP Services.....	85602	54,410,807
Federal Economic Stimulus.....	89100	2,456
Federal Coronavirus Pandemic.....	89101	<u>51,642,105</u>
Total		\$ 4,663,629,947

DEPARTMENT OF HOMELAND SECURITY

370 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 8727 FY 2024 Org 0606

Personal Services and Employee Benefits.....	00100	\$ 1,658,977
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	61,250
Current Expenses	13000	20,429,281
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>100,000</u>
Total		\$ 22,254,508

371 - Division of Corrections and Rehabilitation

(W.V. Code Chapters 15A)

Fund 8836 FY 2024 Org 0608

Unclassified	09900	\$ 1,100
Current Expenses	13000	<u>108,900</u>
Total		\$ 110,000

372 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 8741 FY 2024 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 2,512,971
Current Expenses	13000	2,250,971

Repairs and Alterations.....	06400	42,000
Equipment.....	07000	13,356,035
Buildings	25800	1,740,500
Other Assets	69000	1,065,750
Land	73000	<u>500</u>
Total		\$ 20,968,727

373 - Fire Commission

(W.V. Code Chapter 29)

Fund 8819 FY 2024 Org 0619

Current Expenses	13000	\$ 80,000
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374 - Division of Administrative Services

(W.V. Code Chapter 15)

Fund 8803 FY 2024 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 1,310,150
Unclassified	09900	25,185
Current Expenses	13000	75,381,973
Repairs and Alterations.....	06400	<u>1,750</u>
Total		\$ 76,719,058

DEPARTMENT OF REVENUE

375 - Insurance Commissioner

(W.V. Code Chapter 33)

Fund 8883 FY 2024 Org 0704

Personal Services and Employee Benefits.....	00100	\$ 145,000
Current Expenses	13000	2,825,000
Equipment.....	07000	<u>30,000</u>
Total		\$ 3,000,000

DEPARTMENT OF TRANSPORTATION*376 - Division of Motor Vehicles*

(W.V. Code Chapter 17B)

Fund 8787 FY 2024 Org 0802

Personal Services and Employee Benefits.....	00100	\$	551,394
Current Expenses	13000		5,448,106
Repairs and Alterations.....	06400		<u>500</u>
Total.....		\$	6,000,000

*377 - Division of Multimodal Transportation Facilities -**Public Transit*

(W.V. Code Chapter 17)

Fund 8745 FY 2024 Org 0810

Personal Services and Employee Benefits.....	00100	\$	1,062,407
Current Expenses	13000		19,863,149
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		3,501,714
Buildings	25800		2,450,000
Other Assets	69000		<u>250,000</u>
Total.....		\$	27,129,770

*378 - Division of Multimodal Transportation Facilities -**Aeronautics Commission*

(W.V. Code Chapter 29)

Fund 8831 FY 2024 Org 0810

Current Expenses	13000	\$	400,000
Other Assets	69000		<u>100</u>
Total.....		\$	400,100

DEPARTMENT OF VETERANS' ASSISTANCE*379 - Department of Veterans' Assistance*

(W.V. Code Chapter 9A)

Fund 8858 FY 2024 Org 0613

Personal Services and Employee Benefits.....	00100	\$	3,130,016
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		57,120
Current Expenses	13000		2,840,300
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		25,000
Buildings	25800		22,750,000
Land	73000		500
Veterans' Cemetery	80800		175,000
Federal Coronavirus Pandemic.....	89101		<u>1,900,000</u>
Total.....		\$	30,897,936

*380 - Department of Veterans' Assistance –**Veterans' Home*

(W.V. Code Chapter 9A)

Fund 8728 FY 2024 Org 0618

Personal Services and Employee Benefits.....	00100	\$	995,321
Current Expenses	13000		595,700
Repairs and Alterations.....	06400		60,500
Equipment.....	07000		10,500
Buildings	25800		500
Other Assets	69000		6,500
Land	73000		100

2023] HOUSE OF DELEGATES 1613

Federal Coronavirus Pandemic.....	89101	<u>1,600,000</u>
Total		\$ 3,269,121

BUREAU OF SENIOR SERVICES

381 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 8724 FY 2024 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 804,860
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	8,840
Current Expenses	13000	13,811,853
Repairs and Alterations.....	06400	<u>3,000</u>
Total		\$ 14,628,553

MISCELLANEOUS BOARDS AND COMMISSIONS

382 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 8726 FY 2024 Org 0603

Unclassified	09900	\$ 982,705
Mountaineer ChalleNGe Academy.....	70900	11,896,281
Martinsburg Starbase.....	74200	566,904
Charleston Starbase	74300	533,211
Military Authority	74800	<u>88,956,147</u>
Total		\$ 102,935,248

The Adjutant General shall have the authority to transfer between appropriations.

383 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(W.V. Code Chapter 15)

Fund 8785 FY 2024 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,350,000
Current Expenses	13000		150,000
Repairs and Alterations.....	06400		50,000
Equipment.....	07000		200,000
Buildings	25800		100,000
Other Assets	69000		100,000
Land	73000		<u>50,000</u>
Total		\$	2,000,000

384 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8743 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,460,622
Current Expenses	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment.....	07000		<u>1,000</u>
Total		\$	1,869,575

385 - Public Service Commission –

Gas Pipeline Division

(W.V. Code Chapter 24B)

Fund 8744 FY 2024 Org 0926

Personal Services and Employee Benefits.....	00100	\$	655,854
Unclassified	09900		4,072
Current Expenses	13000		124,628

2023] HOUSE OF DELEGATES 1615

Equipment.....	07000	<u>3,000</u>
Total		\$ 787,554

386 - Economic Development Authority

(W.V. Code Chapter 31)

Fund 8893 FY 2024 Org 0944

Current Expenses	13000	5,000,000
Total TITLE II, Section 6 - Federal Funds.....		<u>\$ 9,443,163,508</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 2024.

387 - Department of Economic Development –

Office of the Secretary –

Community Development

Fund 8746 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 10,662,609
Unclassified	09900	2,375,000
Current Expenses	13000	<u>224,476,883</u>
Total		\$ 237,514,492

388 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2024 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 771,289
Unclassified	09900	125,000
Current Expenses	13000	17,781,811
Repairs and Alterations.....	06400	1,500
Equipment.....	07000	<u>9,000</u>

Total		\$	18,688,600
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389 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2024 Org 0323

Personal Services and Employee Benefits	00100	\$	2,981,825
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		124,018
Unclassified	09900		23,023
Current Expenses	13000		63,381,511
Repairs and Alterations	06400		1,600
Equipment	07000		500
Buildings	25800		<u>1,100</u>
Total		\$	66,513,577

390 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2024 Org 0506

Personal Services and Employee Benefits	00100	\$	2,412,071
Unclassified	09900		81,439
Current Expenses	13000		<u>5,794,267</u>
Total		\$	8,287,777

391 - Division of Health –

Preventive Health

Fund 8753 FY 2024 Org 0506

Personal Services and Employee Benefits	00100	\$	278,481
Unclassified	09900		22,457
Current Expenses	13000		1,895,366

Equipment.....	07000	<u>165,642</u>
Total		\$ 2,361,946

392 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 705,630
Unclassified	09900	115,924
Current Expenses	13000	10,853,740
Federal Coronavirus Pandemic.....	89101	<u>14,973,256</u>
Total		\$ 26,648,550

393 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2024 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 590,137
Unclassified	09900	33,533
Current Expenses	13000	4,883,307
Federal Coronavirus Pandemic.....	89101	<u>12,483,247</u>
Total		\$ 17,990,224

394 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 2,572,965
Unclassified	09900	350,000
Current Expenses	13000	44,952,003
Federal Coronavirus Pandemic.....	89101	<u>22,832,540</u>
Total		\$ 70,707,508

395 - Division of Human Services –

Social Services

Fund 8757 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 9,381,007
Unclassified	09900	171,982
Current Expenses	13000	<u>8,870,508</u>
Total		\$ 18,423,497

396 - Division of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 21,939,537
Unclassified	09900	1,250,000
Current Expenses	13000	105,871,588
Federal Coronavirus Pandemic.....	89101	<u>4,617,546</u>
Total		\$ 133,678,671

397 - Division of Human Services –

Child Care and Development

Fund 8817 FY 2024 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 3,584,890
Unclassified	09900	350,000
Current Expenses	13000	57,150,000
Federal Coronavirus Pandemic.....	89101	<u>170,000,000</u>
Total		\$ 231,084,890

Total TITLE II, Section 7 – Federal Block Grants		<u>\$ 831,899,732</u>
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Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2024, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$709,597, special revenue funds in the amount of \$397,169 and state road funds in the amount of \$515,660 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following items are hereby appropriated from the state fund, general revenue, and are to be available for expenditure during the fiscal year 2024 out of surplus funds only, accrued from the fiscal year ending June 30, 2023, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2023 from the fiscal year ending June 30, 2023, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2023, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriations 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.

398 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2024 Org 0310

Capital Outlay, Repairs and Equipment - Surplus	67700	\$	52,000,000
Current Expenses – Surplus	13099		<u>900,000</u>
Total.....		\$	52,900,000

399 - Department of Transportation

Division of Highways

(WV Code Chapter 17 and 17C)

Fund 0620 FY 2024 Org 0803

Directed Transfer - Surplus	70099	\$	10,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0620, appropriation 70099) shall be transferred to Division of Highways (fund 9017, appropriation 23700).

400 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2024 Org 0304

Tourism – Brand Promotion - Surplus	61893	\$	7,000,000
Tourism – Industry Development – Surplus.....	61896		<u>8,000,000</u>

Total \$ 15,000,000

401 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2024 Org 0100

Federal Funds/Grant Match - Surplus 85700 \$ 282,000,000

The funds shall be used for the purpose of grants to address deferred maintenance issues at the State's Colleges, Universities and Community and Technical Schools, and for deferred maintenance at the State's correctional units. They may also be used for federal grant and match programs that may become available to the State.

402 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2024 Org 0432

Current Expenses - Surplus 13099 \$ 2,200,000

403 - State Board of Education –

School Building Authority

(W.V. Code Chapters 18 and 18A)

Fund 0318 FY 2024 Org 0404

School Building Authority - Surplus XXXXX \$ 40,000,000

The above appropriation for School Building Authority – Surplus (fund 0318, appropriation XXXXX), shall be transferred to the School Construction Fund (3952).

404 - Higher Education Policy Commission -

Administration -

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2024 Org 0441

Nursing Program Expansion Support - Surplus XXXXX \$ 20,000,000

405 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2024 Org 0402

Jobs & Hope - Surplus XXXXX \$ 1,600,000

406 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2024 Org 1400

Soil Conservation Projects - Surplus 26900 \$ 21,060,000

407 - Department of Economic Development -

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Directed Transfer– Surplus 70099 \$ 38,000,000

The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to Water Development Authority (fund 3382).

408 - Department of Administration –

Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Capital Outlay, Repairs and Equipment - Surplus 67700 \$ 5,000,000

The above appropriation for Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700) shall be expended for the Holly Grove Mansion.

409 - Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Current Expenses - Surplus 13099 \$ 500,000

WV Land Stewardship Corporation - Surplus	xxxxx	1,500,000
Directed Transfer – Surplus	70099	35,000,000
Back Roads to Appalachia - Surplus	xxxxx	<u>200,000</u>
Total		\$ 37,200,000

The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to the WVEDA Credit Insurance Fund (fund 9063)

410 - Governor’s Office -

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2024 Org 0100

Civil Contingent Fund – Surplus	26300	\$ 500,000
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411 - Department of Homeland Security -

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2024 Org 0601

Current Expenses – Surplus	13099	\$ 800,000
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412 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2024 Org 0603

Armory Board Transfer - Surplus	70299	\$ 3,318,000
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Civil Air Patrol – Surplus	23499	<u>1,400,000</u>
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Total		\$ 4,718,000
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413 - Division of Health -

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Directed Transfer - Surplus 70099 \$ 10,000,000

The above appropriation for Directed Transfer – Surplus (fund 0407, appropriation 70099) shall be transferred to the Emergency Medical Services Salary Enhancement Fund, Current Expenses (fund xxxx, appropriation 13000).

414 - Department of Commerce –

Office of the Secretary

(W.V. Code Chapter 19)

Fund 0606 FY 2024 Org 0327

Jobs for WV Graduates - Surplus..... xxxxx \$ 1,000,000

415 - Division of Multimodal Transportation Facilities -

Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2024 Org 0810

Current Expenses - Surplus 13099 \$ 1,000,000

416 - Division of Health -

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Current Expenses - Surplus 13099 \$ 2,000,000

The above appropriation for Current Expenses – Surplus (fund 0407, appropriation 13099) shall be used for the Hardy County Health Department.

417 - Department of Administration -

Office of the Secretary

(WV Code Chapters 5F)

Fund 0186 FY 2024 Org 0201

Directed Transfer - Surplus 70099 \$ 500,000

The above appropriation for Directed Transfer – Surplus (fund 0204, appropriation 70099) shall be transferred to the Department of Administration, Office of Technology – Chief Officer Administration Fund (fund 2531).

418 - State Board of Education -

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2024 Org 0403

Fire Protection - Surplus XXXXX \$ 500,000

419 - Department of Revenue -

Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2024 Org 0701

Directed Transfer - Surplus 70099 \$ 400,000,000

The above appropriation for Directed Transfer – Surplus (fund 0465, appropriation 70099), shall be transferred to the Personal Income Tax Reserve Fund (fund 1313).

420 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Consolidated State Laboratory - Surplus..... XXXXX \$ 125,000,000

The above appropriation shall only be used for the construction of a consolidated laboratory facility to be used by the West Virginia State Police, Department of Agriculture and the Department of Health and Human Resources.

421 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2024 Org 0476

West Virginia School of Osteopathic Medicine - Surplus 17299 \$ 29,000,000

422 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2024 Org 0463

National Cancer Institute - Surplus..... xxxxx \$ 50,000,000

423 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2024 Org 0432

Educational Enhancements - Surplus	92700	\$	500,000
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The above appropriation for Educational Enhancements – Surplus (fund 0293, appropriation 92700) shall be used for Save the Children.

424 - Governor’s Office –

(WV Code Chapter 5)

Fund 0101 FY 2024 Org 0100

Posey Perry Emergency Food Bank Fund - Surplus	XXXXX	\$	10,000,000
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425 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2024 Org 0402

Communities in Schools - Surplus.....	XXXXX	\$	5,000,000
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Total TITLE II, Section 9 – General Revenue Surplus Accrued			<u>\$ 1,165,478,000</u>
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Sec. 10. Appropriations from lottery net profits surplus accrued. — The following items are hereby appropriated from the lottery net profits, and are to be available for expenditure during the fiscal year 2024 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2023, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2023.

In the event that surplus revenues available from the fiscal year ending June 30, 2023, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

426 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2024 Org 0508

Senior Services Medicaid Transfer – Lottery Surplus	68199	\$	14,750,000
In-Home Services and Nutrition for Senior Citizens – Surplus.	76699		<u>2,000,000</u>
Total			16,750,000
Total TITLE II, Section 10 – Surplus Accrued.....		\$	<u>16,750,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following items are hereby appropriated from the state excess lottery revenue fund, and are to be available for expenditure during the fiscal year 2024 out of surplus funds only, as determined by the Director of Lottery, accrued from the fiscal year ending June 30, 2023, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2023.

In the event that surplus revenues available from the fiscal year ending June 30, 2023, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

427 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7308 FY 2024 Org 0707

Directed Transfer	70000	\$	800,000
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The above appropriation for Directed Transfer (fund 7308, appropriation 70000), \$800,000 shall be transferred to the Racing Commission – General Administration (Fund 7305).

428 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2023 Org 0511

Medical Services – Lottery Surplus	68100	\$	17,000,000
Total TITLE II, Section 11 – Surplus Accrued.....		\$	<u>17,800,000</u>

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2024 special revenues collected pursuant to general law enactment of the Legislature which are not paid into the state fund as general revenue under the provisions of W.V. Code §12-2-2 and are not expressly appropriated under this act: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.V. Code §12-2-1 *et seq.*, W.V. Code §12-3-1 *et seq.*, and W.V. Code §11B-2-1 *et seq.*, 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: *Provided, however,* That federal funds received by the state may be expended only in accordance with Sections (6) or (7) of this Title and with W.V. Code §4-11-1, *et seq.* *Provided further,* That federal funds that become available to a spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W. Va. Code §4-11-5(d): *And provided further,* That no provision of this act may be construed to authorize the expenditure of federal funds except as provided in this section.

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 2024, 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 2024 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.V. 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.V. 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.

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. 623**), and there were—yeas 91, nays 6, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Kirby, E. Pritt, Pushkin and Vance.

Absent and Not Voting: Hillenbrand, Mallow and Ridenour.

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. 2024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 624**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kirby and Vance.

Absent and Not Voting: Hillenbrand, Mallow, Ridenour and Steele.

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. 2024) 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 that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2004, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct.

On motion of Delegate Householder, 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 2A. MAXWELL GOVERNMENTAL ACCESS TO FINANCIAL RECORDS ACT.

§31A-2A-4. Exceptions.

(a) Nothing in this article is intended to, or shall prohibit, apply to, or interfere with:

(1) The lawful authority or ability of the commissioner of banking or any other state or federal regulatory agency of a bank, savings and loan association, trust company, or credit union to obtain or to share between such regulatory agencies any records which the commissioner of banking or such state or federal regulatory agency may deem appropriate for the examination and regulation of the financial institution: Provided, That nothing in this subdivision permits disclosure of protected financial information in violation of §31A-2B-1 et seq. of this code;

(2) The lawful authority or ability of the ~~Commissioner of Insurance~~ Commissioner or the State Auditor to obtain any records from a financial institution relating to the financial institution's sale of insurance or securities;

(3) The dissemination or publication of information derived from financial records if the information cannot be identified to any particular customer, deposit, or account, or if the information is in composite form and is not disseminated or published in a way which identifies any particular customer, deposit, or account;

(4) The making of reports or returns specifically required or permitted by federal or state law, including applicable tax law or regulations;

(5) The disclosure of any information under the provisions of the uniform commercial code governing the dishonor of a negotiable instrument, or the disclosure to any purported state entity payee or to any purported state entity holder of a check, draft, order, or other item, whether or not such instrument has been accepted by such payee or holder as payment, as to whether or not such instrument would be honored if presented at the time of such disclosure;

(6) A state entity obtaining a credit report or consumer credit report from anyone other than a financial institution;

(7) The exchange, in the regular course of business, of information showing the outstanding balance of a mortgage loan account in connection with a sale, refinancing, or foreclosure of real property in a transaction to which the state entity is a party; or the disclosure, in the regular course of business, of information on a mortgage or deed of trust on a subject property to a state entity as holder of any subordinate mortgage, deed of trust or security interest;

(8) The disclosure to the Department of Health and Human Resources, upon written request, of an individual's financial records which the department determines are necessary to verify or confirm the individual's eligibility or ineligibility for public assistance;

(9) The disclosure of an individual's financial records in response to a written request by the Department of Health and Human Resources, as authorized by the federal parent locator service of the United States Department of Health and Human Services;

(10) The examination or audit of financial records relating to preneed funeral trust accounts pursuant to §47-14-1 *et seq.* of this code;

(11) The disclosure of financial records relating to unclaimed property pursuant to §36-8-1 *et seq.* of this code, including the examination of financial records by the State Treasurer or his or her agent to determine compliance with the handling and reporting of unclaimed property as provided by, and subject to, the limitations set forth in §36-8-20 of this code;

(12) The presentation to appropriate local, state, or federal law-enforcement authorities of a certificate under oath by an authorized representative of a financial institution drawee that declares the dishonor of the check, draft, or order by the drawee, the lack of an account with the drawee at the time of utterance or the insufficiency of the drawer's funds at the time of presentation and utterance in connection with any criminal action for obtaining property or services by a worthless check, draft, or order;

(13) The notification to appropriate local, state, or federal law-enforcement authorities or regulatory agencies that the financial institution, its officers, employees or agents thereof have information which may be relevant to a possible violation of any statute or regulation: Provided, That nothing in this subdivision permits disclosure of protected financial information in violation of §31A-2B-1 *et seq.* of this code. The disclosure of any information pursuant to this subdivision may only include the name or other identifying information concerning any individual, corporation, or account involved in and the nature of any suspected illegal activity;

(14) The disclosure of information or records by a financial institution to any court or other appropriate state entity which is incidental to recording a lien, perfecting a security interest, proving a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary;

(15) The disclosure of information or records by a financial institution which is incidental to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement, or which is incidental to processing a default on, or administering, a government guaranteed or insured loan or to initiating contact with an appropriate state entity for the purpose of providing any financial record necessary to permit such authority to carry out its responsibilities under a loan, loan guaranty, or loan insurance agreement;

(16) The disclosure of information incidental to a transaction in the normal course of business of the financial institution where there is no reasonable cause to believe that the information is intended to be used by the state entity in connection with an investigation of the customer;

(17) The preparation, review, handling, or maintenance of financial records in the ordinary course of business by any officer, employee, or agent of a financial institution having custody of the records; or

(18) The disclosure to appropriate law-enforcement officials of the financial records of any officer, director, employee, or controlling shareholder of a financial institution by a financial institution or by any state or federal regulatory agency having authority to regulate the financial institution, if there is reason to believe that the financial record is relevant to a possible violation by such person of any law relating to a crime against the financial institution or any such state or federal regulatory agency. No state or federal regulatory agency which discloses any information pursuant to this subdivision shall be deemed to have waived any privilege applicable to that record under law.

(b) Nothing in this article shall preclude a state entity from obtaining information that is public record without regard to this article although the information may have been derived from financial records.

(c) Nothing in this article shall preclude a state entity from obtaining information or financial records voluntarily submitted to it by others in an attempt to seek governmental assistance or redress of a grievance, including legislative change: *Provided*, That the financial record or information was not solicited by the state entity in an effort to evade the requirements of this article or submitted by a financial institution in contravention of §31A-2A-7 of this code.

(d) Notwithstanding the exceptions set forth in this section, a financial institution may not disclose financial records to a state entity and a state entity may not compel disclosure of financial records in a manner that singles out or discriminates against any person based on activity protected by the Second Amendment to the United States Constitution or Section 22, Article III of the West Virginia Constitution.

ARTICLE 2B. THE SECOND AMENDMENT FINANCIAL PRIVACY ACT.

§31A-2B-1. Short title.

This article shall be known and may be cited as the 'Second Amendment Financial Privacy Act.'

§31A-2B-2. Findings and intent.

(a) The Legislature finds that:

(1) The Second Amendment to the United States Constitution guarantees the people the right to keep and bear arms;

(2) Section 22, Article III of the West Virginia Constitution provides that "[a] person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use";

(3) In September of 2022, the International Organization for Standardization, based in Switzerland, approved a unique Merchant Category Code for firearm and ammunition retailers;

(4) Later in September of 2022, the world's three largest payment card networks publicly announced they would assign the new Merchant Category Code to firearms retailers accepting payment cards for purchases, after 28 members of Congress sent a public letter to networks, pressuring them to adopt the new code;

(5) In the letter to payment card networks, federal lawmakers stated that the new Merchant Category Code for firearms retailers would be "[...] the first step towards facilitating the collection of valuable financial data that could help law enforcement in countering the financing of terrorism efforts", expressing a clear government expectation that networks will utilize the new Merchant Category Code to conduct mass surveillance of constitutionally protected firearms, firearm accessories or components, and ammunition purchases in cooperation with law enforcement;

(6) The new Merchant Category Code will allow the banks, payment card networks, acquirers, and other entities involved in payment card processing to identify and separately track lawful payment card purchases at firearms retailers in West Virginia, paving the way for both unprecedented surveillance of Second Amendment activity and unprecedented information sharing between financial institutions and the government;

(7) This potential for cooperative surveillance and tracking of lawful firearms, firearm accessories or components, and ammunition purchases will have a significant chilling effect on citizens wishing to exercise their federal and state constitutional rights to keep and bear arms in West Virginia;

(8) While federal law requires some financial institutions to report transactions that are highly indicative of money laundering or other unlawful activities, there is no federal or state law authorizing financial institutions to surveil and track lawful activities by customers in cooperation with law enforcement; in fact, both the federal Right to Financial Privacy Act and West Virginia's Maxwell Governmental Access to Financial Records Act prohibit financial institutions from disclosing a customer's financial records except in limited circumstances; and

(9) This article should be construed as a generally applicable consumer financial protection law that does not prevent or significantly interfere with the duly authorized powers of any bank, nor does this article directly or indirectly discriminate against any bank based on its charter or structure.

(b) Based on the above-stated findings, it is the intent of the Legislature to prohibit the misuse of payment card processing systems to surveil, report, or otherwise discourage constitutionally protected firearm, firearm accessories or components, and ammunition purchases and sales within West Virginia's jurisdiction.

§31A-2B-3. Definitions.

(a) The terms used in this article shall have the same meaning provided in §31A-2A-1 of this code, unless otherwise specified in this section.

(b) For the purposes of this article, the following terms have the following meanings:

(1) 'Ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(2) 'Assign' or 'assignment' refers to a financial institution policy, process, or practice that labels, links, or otherwise associates a firearms code with a merchant or payment card transaction in a manner that allows the financial institution or any other entity facilitating or processing the payment card transaction to identify whether a merchant is a firearms retailer or whether a transaction involves the sale of firearms, firearm accessories or components, or ammunition.

(3) 'Customer', in addition to the definition provided in §31A-2A-1(a) of this code, includes any person who presents a payment card to a merchant for the purchase of goods or services.

(4) 'Disclosure' means the transfer, publication, or distribution of protected financial information to another person for any purpose other than to process or facilitate a payment card transaction.

(5) 'Financial institution', in addition to the definition provided in §31A-2A-1(b) of this code, includes an entity other than a merchant involved in facilitating or processing a payment card transaction, including, but not limited to, a bank, acquirer, gateway, payment card network, or payment card issuer.

(6) 'Financial record', in addition to the definition provided in §31A-2A-1(c) of this code, includes a financial record held by a financial institution related to a payment card transaction that the financial institution has processed or facilitated.

(7) 'Firearm' has the same meaning as that term is defined in §61-7-2 of this code and includes antique firearms.

(8) 'Firearm accessories or components' means:

(A) Any device specifically adapted to enable the wearing or carrying about one's person or the storage or mounting in or on any conveyance of a firearm and any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm;

(B) Any item that is used in conjunction with or mounted upon a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, braces, ammunition carriers, and lights for target illumination; and

(C) Any component for making ammunition, reloading materials and equipment, machinery, and tools for manufacturing ammunition.

(9) 'Firearms code' means any code or other indicator a financial institution assigns to a merchant or to a payment card transaction that identifies whether a merchant is a firearms retailer or whether the payment card transaction involves the purchase of a firearm, firearm accessories

or components, or ammunition. The term includes, but is not limited to, a Merchant Category Code assigned to a retailer by a payment card network or other financial institution.

(10) 'Firearms retailer' means any person engaged in the lawful business of selling or trading firearms or antique firearms, as those terms are defined in §61-7-2 of this code, firearm accessories or components, or ammunition to be used in firearms or antique firearms.

(11) 'Government entity' means any state or local government agency or instrumentality thereof, located in West Virginia.

(12) 'Merchant' means a person or entity that accepts payment cards from customers for the purchase of goods or services. The term includes a firearms retailer that accepts payment cards for the lawful purchase of firearms, firearm accessories or components, or ammunition.

(13) 'Payment card' means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to purchase goods or services from a merchant.

(14) 'Protected financial information' means any record of a sale, purchase, return, or refund involving a payment card that is retrieved, characterized, generated, labeled, sorted, or grouped based on the assignment of a firearms code. A 'customer's protected financial information' refers to protected financial information appearing in a financial institution's records pertaining to a customer.

§31A-2B-4. Protected financial information.

A financial institution is prohibited from disclosing a customer's protected financial information to a government entity and a government entity is prohibited from accessing or obtaining said information unless:

(1) Disclosure is expressly permitted by §31A-2A-4 of this code and the protected financial information is not singled out, segregated, or disclosed based on the assignment of a firearms code;

(2) Disclosure is made pursuant to a valid warrant issued in a criminal investigation, stating the grounds or probable cause for its issuance, and otherwise meeting the requirements of §62-1A-3 of this code;

(3) The customer has provided written authorization for disclosure, according to the requirements of §31A-2B-5 of this code;

(4) Disclosure is made pursuant to a subpoena meeting the requirements of §31A-2A-5 and §31A-2B-6 of this code or to a grand jury subpoena meeting the requirements of §31A-2A-6 of this code; or

(5) The financial institution discloses only the following information:

(A) That the financial institution is not in possession of the protected financial information; and

(B) The identity of the entity that is in possession of the requested protected financial information.

§31A-2B-5. Written authorization for disclosure.

(a) Notwithstanding §31A-2B-4 of this code, a financial institution may disclose a customer's protected financial information to a government entity if the customer provides the financial institution with written authorization for said disclosure. The written authorization described by this section must contain the following:

(1) A statement that the customer consents to the disclosure of the protected financial information, along with the definition provided in §31A-2B-3(14) of this code, for a specific period;

(2) A statement that the customer has the right to refuse to consent to disclosure;

(3) A statement that the customer understands his or her right to revoke said consent at any time before the protected financial information is disclosed;

(4) A description of the financial records authorized to be disclosed;

(5) The purpose for which disclosure of the protected financial information is authorized;

(6) The recipient or recipients of the disclosure; and

(7) The customer's signature.

(b) The written authorization described in this section may not be required as a condition of doing business or transacting with any financial institution.

(c) The written authorization required by this section must be executed distinctly and separately from other agreements or instruments entered into between the customer and financial institution.

§31A-2B-6. Additional requirements for subpoenas.

A subpoena issued by a government entity that specifically requires disclosure of protected financial information must meet the following requirements, in addition to the requirements of §31A-2A-5 of this code:

(1) The subpoena must state that protected financial information is being sought, along with the definition provided in §31A-2B-3(14) of this code;

(2) A copy of the subpoena must be served upon the customer according to the procedure provided in §31A-2A-5 of this code and the subpoena must contain a certification that said service was executed; and

(3) A copy of the subpoena must be served by the government entity upon the Consumer Protection Division of the West Virginia Attorney General's Office on the same day the subpoena is served upon the customer whose protected financial data is being sought and the subpoena must contain a certification that said service was executed.

§31A-2B-7. Use of protected financial information for discriminatory purpose.

A financial institution may not use a firearms code to engage in the following discriminatory conduct:

(1) Declining a lawful payment card transaction based on the assignment of a firearms code to the merchant or transaction;

(2) Limiting or declining to do business with a customer, potential customer, or merchant based on the assignment of a firearms code to previous lawful transactions involving the customer, potential customer, or merchant;

(3) Charging a higher transaction or interchange fee to any merchant or for a lawful transaction, as compared to the fee charged to a similarly situated merchant or for a similar transaction, based on the assignment of a firearms code; or

(4) Otherwise taking any action against a customer or merchant that is intended to suppress lawful commerce involving firearms, firearm accessories or components, or ammunition.

§31A-2B-8. Civil remedies.

(a) Subject to subsection (c) of this section, a customer may bring a civil action for damages, injunctive relief, or both damages and injunctive relief against any financial institution or government entity that causes the customer's protected financial information to be disclosed in violation of this article. For each violation, the individual may recover:

(1) Against any person who negligently or recklessly violates this article, liquidated damages of \$10,000 or actual damages, whichever is greater; or

(2) Against any person who intentionally violates this article, liquidated damages of \$25,000 for each or actual damages, whichever is greater.

(b) Subject to subsection (c) of this section, a customer or merchant aggrieved by a violation of §31A-2B-7 of this code may bring a civil action for damages, injunctive relief, or both damages and injunctive relief. Said person may recover liquidated damages of \$50,000 or actual damages, whichever is greater.

(c) Right to cure. – Prior to an aggrieved party bringing a civil action pursuant to this section, a financial institution shall have the right to cure an alleged violation of this section, according to the procedures, restrictions, and requirements set forth in §46A-5-108(a) of this code: *Provided*, That both parties must follow the procedures set forth therein.

(d) Attorney's fees. – If a court finds that a violation of this article has occurred as the result of a civil action brought pursuant to subsection (a) or subsection (b) of this section, the court shall award reasonable attorney's fees to the aggrieved party. An award of attorney's fees is subject to the same limitations set forth in §46A-5-108(f) of this code.

(e) Statute of Limitations. – Any action under this article is barred unless the action is commenced within five years after the aggrieved party knows or reasonably should know of the violation. The statute of limitations provided herein is tolled for the 45-day period set forth in §46A-5-108(a) of this code or for the period the effectuation of the cure offer is being performed, whichever is longer.

(f) The remedies provided in this article are the exclusive civil remedies available to an aggrieved party for violations of this article.

§31A-2B-9. Enforcement; contractual authority of the State.

(a) Notwithstanding any other provisions of this chapter, the Commissioner of Banking is authorized to administratively enforce the requirements of this article consistent with §31A-2-4 of this code.

(b) The Attorney General is authorized to investigate compliance with this article and may bring a civil action for injunctive relief to judicially enforce this article: *Provided*, That with regard to a national bank, the Attorney General is authorized to conduct investigations and take judicial enforcement action only to the extent permitted by 12 U.S.C. §25b(i). Upon awarding an injunction against a financial institution as the result of a judicial enforcement action pursuant to this subsection, a court may award the Attorney General reasonable attorney's fees.

(c) In selecting a financial institution to provide a financial service or product to the state related to payment card processing, the State Treasurer may disqualify a financial institution from the competitive bidding process or from any other official selection process if:

(1) During the past five years, a court of competent jurisdiction has entered an order or opinion finding that the financial institution violated this article;

(2) During the past five years, the Commissioner of Banking or the Attorney General, as the result of an investigation, has determined that a financial institution has violated this article;

(3) During the past five years, the financial institution has admitted to violating this article in the records of a court or other official proceeding; or

(4) The financial institution has publicly stated that it has adopted or intends to adopt policies or practices that violate this article.

§31A-2B-10. Scope and Severability.

(a) Nothing in this article may be construed or applied in a manner that violates or conflicts with superseding federal law.

(b) The sections and provisions of this article are severable. If any section or provision of this article is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the other sections and provisions of this article, which shall remain in full force and effect.

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2004 – “A Bill to amend and reenact §31A-2A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31A-2B-1, §31A-2B-2, §31A-2B-3, §31A-2B-4, §31A-2B-5, §31A-2B-6, §31A-2B-7, §31A-2B-8, §31A-2B-9, and §31A-2B-10, all relating generally to payment card transactions involving firearm, firearm accessory or component, and ammunition retailers; clarifying that financial records may not be disclosed or compelled to be disclosed in a manner that discriminates against constitutionally protected activities; providing a short title; setting forth legislative findings and intent; defining terms; prohibiting disclosure of protected financial information except in limited circumstances; establishing requirements for written authorization for disclosure of protected

financial information; establishing requirements for subpoenas of protected financial information; prohibiting use of protected financial information for discriminatory conduct; providing civil remedies for violations of new article with liquidated or compensatory damages; providing injunctive relief for violations of new article; providing defendants in a civil action with a right to cure; allowing the aggrieved party in a civil action to recover attorney's fees; establishing a statute of limitations for civil remedies; providing that civil remedies are exclusive for violations of new article; authorizing the Commissioner of Financial Institutions to administer requirements of new article; authorizing the Attorney General to investigate and judicially enforce new article subject to certain limitations; allowing the Attorney General to recover attorney's fees in action for injunctive relief; authorizing the State Treasurer to disqualify financial institutions from certain state contracts if violations of new article have occurred; establishing the scope of new article; and providing a severability clause."

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. 625**), 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: Criss and Mallow.

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. 2004) 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. 2016, Relating to confidential childcare records.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page one, striking out everything after the enacting clause and inserting in lieu thereof the following:

"CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5. VITAL STATISTICS.

§16-5-28. Copies from the system of vital statistics.

In accordance with ~~section twenty seven~~ [§16-5-27] of this ~~article~~ code and the legislative rules promulgated thereunder:

(a) The State Registrar and other custodians of vital records authorized to issue certified copies shall upon receipt of an application, issue a certified copy of a vital record in his or her custody to the registrant, his or her parents, spouse, adult children, grandchildren or great-

grandchildren, legal guardian, or their respective authorized representative. Additionally, the State Registrar and other custodians of vital records, upon receipt of an application, shall issue a certified copy of a vital record in his or her custody to a child placing agency completing adoption on behalf of the department. Others may be authorized to obtain certified copies when they demonstrate that the record is needed for the determination or protection of his or her personal or property right. The department may promulgate rules to further define others who may obtain copies of vital records filed under this article.

(b) All forms and procedures used in the issuance of certified copies of vital records in the state shall be approved by the State Registrar. All certified copies of certificates of birth issued shall have security features that deter the document from being altered, counterfeited, duplicated, or simulated without ready detection in compliance with regulations issued by the federal government.

(c) Each copy or abstract issued shall show the date of registration, and copies or abstracts issued from records marked 'Amended' shall be similarly marked and, when possible, show the effective date of the amendment. Copies issued from records marked 'Delayed' shall be similarly marked and shall include the date of registration and a description of the evidence used to establish the delayed certificate. Any copy issued of a 'Certificate of Foreign Birth' shall indicate the foreign birth and show the actual place of birth and the statement that the certificate is not proof of United States citizenship for the person for whom it is issued.

(d) A certified copy of a vital record issued in accordance with this section shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts stated in the record: *Provided*, That the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, or a certificate of foreign birth, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(e) Nothing in this section shall be construed to permit disclosure of information contained in the 'Information for Medical and Health Use Only' section of the certificate of birth or the 'Information for Statistical Purposes Only' section of the certificate of marriage or certificate of divorce or annulment unless specifically authorized by the State Registrar for statistical or research purposes. This information is not subject to subpoena or court order and is not admissible before any court, tribunal, or judicial body. Information collected for administrative use may not be included on certified copies of records, and may be disclosed only for administrative, statistical, or research purposes authorized by state or federal law and legislative rule.

(f) When the State Registrar receives information that a certificate may have been registered through fraud or misrepresentation, he or she may withhold issuance of any copy of that certificate.

(1) The State Registrar shall inform the registrant or the registrant's authorized representative of the right to request a hearing by the commissioner.

(2) The secretary of the department may authorize the State Registrar or another person to hold an investigation or hearing to determine if fraud or misrepresentation has occurred.

(3) If upon conclusion of a hearing or investigation no fraud or misrepresentation is found, copies may be issued.

(4) If fraud or misrepresentation is found by a preponderance of the evidence, the State Registrar shall remove the certificate from the file. The certificate and evidence will be retained but will not be subject to inspection or copying except upon order of a court of competent jurisdiction or by the State Registrar for purposes of prosecution or administration of the system of vital statistics.

(g) No person may prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record, except as authorized by this article, or by legislative rule.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

§49-4-608. Permanency hearing; frequency; transitional planning; out-of-state placement; findings; notice; permanent placement review.

(a) *Permanency hearing when reasonable efforts are not required.* — If the court finds, pursuant to this article, that the department is not required to make reasonable efforts to preserve the family, then, notwithstanding any other provision, a permanency hearing must be held within 30 days following the entry of the court order so finding, and a permanent placement review hearing must be conducted at least once every 90 days thereafter until a permanent placement is achieved.

(b) *Permanency hearing every 12 months until permanency is achieved.* — If, 12 months after receipt by the department or its authorized agent of physical care, custody, and control of a child either by a court-ordered placement or by a voluntary agreement, the department has not placed a child in an adoptive home, placed the child with a natural parent, placed the child in legal guardianship, or permanently placed the child with a fit and willing relative, the court shall hold a permanency hearing. The department shall file a progress report with the court detailing the efforts that have been made to place the child in a permanent home and copies of the child's case plan, which shall include ~~including~~ the permanency plan as defined in §49-1-201 and §49-4-604 of this code. Copies of the report shall be sent to the parties and all persons entitled to notice and the right to be heard. The court shall schedule a hearing, giving notice and the right to be present to the child's attorney; the child; the child's parents; the child's guardians; the child's foster parents; any preadoptive parent, or any relative providing care for the child; any person entitled to notice and the right to be heard; and other persons as the court may, in its discretion, direct. The child's presence may be waived by the child's attorney at the request of the child or if the child is younger than 12 years-of-age and would suffer emotional harm. The purpose of the hearing is to review the child's case, to determine whether and under what conditions the child's commitment to the department shall continue, to determine what efforts are necessary to provide the child with a permanent home, and to determine if the department has made reasonable efforts to finalize the permanency plan. The court shall conduct another permanency hearing within 12 months thereafter for each child who remains in the care, custody, and control of the department until the child is placed in an adoptive home, returned to his or her parents, placed in legal guardianship, or permanently placed with a fit and willing relative.

(c) *Transitional planning for older children.* — In the case of a child who has attained 16 years of age, the court shall determine the services needed to assist the child to make the transition from foster care to independent living. The child's case plan should specify services aimed at transitioning the child into adulthood. When a child turns 17, or as soon as a child aged 17 comes into a case, the department must immediately provide the child with assistance and support in

developing a transition plan that is personalized at the direction of the child. The plan must include specific options on housing, health insurance, education, local opportunities for mentors, continuing support services, work force support, and employment services, and the plan should be as detailed as the child may elect. In addition to these requirements, when a child with special needs turns 17, or as soon as a child aged 17 with special needs comes into a case, he or she is entitled to the appointment of a department adult services worker to the multidisciplinary treatment team, and coordination between the multidisciplinary treatment team and other transition planning teams, such as special education individualized education planning (IEP) teams.

(d) *Out-of-state placements.* —A court may not order a child to be placed in an out-of-state facility unless the child is diagnosed with a health issue that no in-state facility or program serves, unless a placement out of state is in closer proximity to the child's family for the necessary care, or the services are able to be provided more timely. If the child is to be placed with a relative or other responsible person out of state, the court shall use judicial leadership to help expedite the process under the Interstate Compact for the Placement of Children provided in §49-7-101 and §49-7-102 of this code and the Uniform Child Custody Jurisdiction and Enforcement Act provided in §48-20-101 *et seq.* of this code.

(e) *Findings in order.* — At the conclusion of the hearing the court shall, in accordance with the best interests of the child, enter an order containing all the appropriate findings. The court order shall state:

(1) Whether or not the department made reasonable efforts to preserve the family and to prevent out-of-home placement or that the specific situation made the effort unreasonable;

(2) Whether or not the department made reasonable efforts to finalize the permanency plan and concurrent plan for the child;

(3) The appropriateness of the child's current placement, including its distance from the child's home and whether or not it is the least restrictive one (or most family-like one) available;

(4) The appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(5) Services required to meet the child's needs and achieve permanency; and

(6) In addition, in the case of any child for whom another planned permanent living arrangement is the permanency plan, the court shall: (A) Inquire of the child about the desired permanency outcome for the child; (B) make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child; and (C) provide in the court order compelling reasons why it continues to not be in the best interest of the child to: (i) return home, (ii) be placed for adoption, (iii) be placed with a legal guardian, or (iv) be placed with a fit and willing relative.

(f) The department shall annually report to the court the current status of the placements of children in the care, custody, and control of the state department who have not been adopted.

(g) The department shall file a report with the court in any case where any child in the custody of the state receives more than three placements in one year no later than 30 days after the third placement. This report shall be provided to all parties and persons entitled to notice and the right to be heard. Upon motion by any party, the court shall review these placements and determine

what efforts are necessary to provide the child with a permanent home. No report may be provided to any parent or parent's attorney whose parental rights have been terminated pursuant to this article.

(h) The department shall give actual notice, in writing, to the court, the child, the child's attorney, the parents, and the parents' attorney at least 48 hours prior to the move if this is a planned move, or within 48 hours of the next business day after the move if the child is in imminent danger in the child's current placement, except where the notification would endanger the child or the foster family. A multidisciplinary treatment team shall convene as soon as practicable after notice to explore placement options. This requirement is not waived by placement of the child in a home or other residence maintained by a private provider. No notice may be provided pursuant to this provision to any parent or parent's attorney whose parental rights have been terminated pursuant to this article.

(i) Nothing in this article precludes any party from petitioning the court for review of the child's case at any time. The court shall grant the petition upon a showing that there is a change in circumstance or needs of the child that warrants court review.

(j) Any foster parent, preadoptive parent or relative providing care for the child shall be given notice of and the right to be heard at the permanency hearing provided in this section.

(k) Once an adoption case is assigned to a child placing agency, all related court hearing notices shall be sent to the child placing agency as an interested party.

ARTICLE 5. RECORD KEEPING AND DATABASE.

§49-5-101. Confidentiality of records; non-release of records; exceptions; penalties.

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of Corrections and Rehabilitation, the Department of Health and Human Resources, a child agency or facility, or court or law-enforcement agency, are confidential and may not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated;

(C) The attorney of the child or parent; and

(D) The Juvenile Justice Commission and its' designees acting in the course of their official duties;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; and

(4) Pursuant to an order of a court of record: *Provided*, That the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state, or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court, or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court, or family court; and

(6) The West Virginia Crime Victims Compensation Fund and its designees acting in the course of their official duties.

(d) If there is a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and provided to the entities described in subsection (c) of this section, all under the circumstances described in that subsection: *Provided*, That information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, 'near fatality' means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to §49-5-103 of this code.

(f) Any person who willfully violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300, or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of Corrections and Rehabilitation may provide access to, and the confidential use of, a treatment plan, court records, or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of Corrections and Rehabilitation in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile;

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody, and treatment of the juvenile;

(3) The Division of Corrections and Rehabilitation may enter into reciprocal agreements with other states and propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this subsection; and

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section may not include a recorded/videotaped interview, as defined in §62-6B-2(6) of this code, the disclosure of which is exclusively subject to §62-6B-6 of this code.

(j) Notwithstanding the provisions of subsection (a) of this section, records in the possession of the Division of Corrections and Rehabilitation declared to be confidential by the provisions of subsection (a) of this section may be published and disclosed for use in an employee grievance if the disclosure is done in compliance with subsections (k), (l), and (m) of this section.

(k) Records or information declared confidential by the provisions of this section may not be released for use in a grievance proceeding except:

(1) Upon written motion of a party; and

(2) Upon an order of the Public Employee's Grievance Board entered after an in-camera hearing as to the relevance of the record or information.

(l) If production of confidential records or information is disclosed to a grievant, his or her counsel or representative, pursuant to subsection (k) of this section:

(1) The division shall ensure that written records or information is redacted of all identifying information of any juvenile which is not relevant to the resolution of the grievance;

(2) Relevant video and audio records may be disclosed without redaction; and

(3) Records or other information released to a grievant or his or her counsel or representative pursuant to subsection (k) of this section may only be used for purposes of his or her grievance proceeding and may not be disclosed, published, copied, or distributed for any other purpose, and upon the conclusion of the grievance procedure, returned to the Division of Corrections and Rehabilitation.

(m) If a grievant or the Division of Corrections and Rehabilitation seek judicial review of a decision of the Public Employee's Grievance Board, the relevant confidential records disclosed and used in the grievance proceeding may be used in the appeal proceeding upon entry of an order by the circuit court, and the order shall contain a provision limiting disclosure or publication of the records or information to purposes necessary to the proceeding and prohibiting unauthorized use and reproduction.

(n) Nothing in this section may be construed to abrogate the provisions of §29B-1-1 *et seq.* of this code.

(o) A child placing agency or a residential child care and treatment facility may disclose otherwise confidential information to other child placing agencies or residential child care and treatment facilities when making referrals or providing services on behalf of the child. This information shall be maintained in the same manner as provided in this code.

(p) The department shall provide electronic access to information required to perform an adoption to child placing agencies as necessary to complete the adoption.

(q) A child placing agency completing adoption as a contractor on behalf of the department shall have access to secure records from vital statistics and other pertinent record holders."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2016 – “A Bill to amend and reenact §16-5-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-4-608 of said code; and to amend and reenact §49-5-101 of said code, all relating to releasing information to facilitate care of a child; providing for qualified disclosure of confidential information between certain entities; requiring court notices be sent to child placement agencies in adoption cases; requiring State Registrar to issue copy of vital record to child placement agency; requiring the disclosed records to be maintained in compliance with code; and requiring the department to provide electronic access to certain information.”

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. 626**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Mallow, E. Pritt, Pushkin and Walker.

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. 2016) 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. 2540, Travel Insurance Model Act.

On motion of Delegate Kelly, the House concurred in the following amendment of the bill by the Senate, with further amendment:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.

§33-12-32b. Travel Insurance Entity Producer Limited License Act.

[Repealed.]

ARTICLE 62. TRAVEL INSURANCE MODEL ACT.

§33-62-1. Short title.

This article shall be known as the "Travel Insurance Model Act."

§33-62-2. Purposes and scope.

(a) The purpose of this article is to promote the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in this state through the establishment of clear regulatory obligations for those involved in the development and distribution of travel insurance, preserving the unique aspects of travel protection plans, and protecting and benefiting consumers by encouraging fair and effective competition within the market.

(b) The requirements of this article shall apply to travel insurance, whether or not provided as part of a travel protection plan, where policies and certificates are delivered or issued for delivery in this state. This article shall not be applicable to cancellation fee waivers and travel assistance services, except as expressly provided herein.

(c) All other applicable provisions of chapter 33 of this code shall continue to apply to travel insurance, except that the specific provisions of this article shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

§33-62-3. Definitions.

As used in this article:

(1) "Aggregator site" means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping;

(2) "Blanket travel insurance" means travel insurance issued to any eligible group providing coverage for specified circumstances and specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group;

(3) "Cancellation fee waiver" means a contractual agreement between a supplier of travel arrangements or travel services and its customer to waive some or all of the non-refundable cancellation fee or penalty provisions of the underlying travel contract between the supplier and customer with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance;

(4) "Commissioner" means the commissioner of insurance of this state;

(5) "Eligible group" means any of the following:

(A) Any entity engaged in the business of providing travel or travel services, including, but not limited to, tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs, and common carriers, or the operator, owner, or lessor of a means of transportation of passengers, including, but not limited to, airlines, cruise lines, railroads, steamship companies, and public bus carriers;

(B) Any college, school, or other institution of learning covering students, teachers, or employees defined by reference to specified hazards incident to activities or operations of the institution of learning;

(C) Any employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests, defined by reference to specified hazards incident to activities or operations of the employer;

(D) Any sports team, camp, or sponsor thereof covering participants, members, campers, employees, officials, supervisors, or volunteers;

(E) Any religious, charitable, recreational, educational, or civic organization or branch thereof covering any group of members, participants, or volunteers defined by reference to specified hazards incident to any activity or activities or operations sponsored or supervised by or on the premises of such organization or branch;

(F) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one or more financial institution or financial institution vendor, under which accountholders, credit card holders, debtors, guarantors, or purchasers are insured;

(G) Any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association;

(H) Any trust or the trustees of a fund established, created, or maintained for the benefit of members or customers of one or more associations meeting the above requirements;

(I) Any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;

(J) Any newspaper or other publisher covering its journalists and carriers;

(K) Any volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group, or agency having jurisdiction thereof, covering all or any group of the members, participants, or volunteers of such group;

(L) Preschools, daycare institutions for children or adults, and senior citizen clubs;

(M) Any automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles. The common carrier, the operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder under a policy to which this section applies; or

(N) Any other group where the commissioner has determined that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, and that issuance of the policy would not be contrary to the best interests of the public;

(5) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details;

(6) "Group travel insurance" means travel insurance issued to any eligible group;

(7) "Limited lines travel insurance producer" means a:

(A) Licensed managing general agent or third party administrator;

(B) Licensed insurance producer, including a limited lines producer; or

(C) Travel administrator;

(8) "Offer and disseminate" means providing general information, including a description of the coverage and price, as well as processing the application, collecting premiums, and performing other non-licensable activities permitted by the state;

(9) "Primary certificate holder" means an individual person who elects and purchases travel insurance under a group policy;

(10) "Primary policyholder" means an individual person who elects and purchases individual travel insurance;

(11) "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this state, in connection with travel insurance, except that a person shall not be considered a travel administrator if that person's only actions that would otherwise cause it to be considered a travel administrator are among the following:

(A) A person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(B) An insurance producer selling insurance or engaged in administrative and claims related activities within the scope of the producer's license;

(C) A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this article;

(D) An individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

(E) A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer;

(12) "Travel assistance services" means non-insurance services that may be distributed by limited lines travel insurance producers or other entities, and for which there is no indemnification for the travel protection plan customer based on a fortuitous event, nor any transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited to, security advisories; destination information; vaccination and immunization information services; travel reservation services; entertainment; activity and event planning; translation assistance; emergency messaging; international legal and medical referrals; medical case monitoring; coordination of transportation arrangements; emergency cash transfer assistance; medical prescription replacement assistance; passport and travel document replacement assistance; lost luggage assistance; concierge services; and any other service that is furnished in connection with planned travel. Travel assistance services are not insurance and not related to insurance;

(13) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including, but not limited to:

(A) Interruption or cancellation of trip or event;

(B) Loss of baggage or personal effects;

(C) Damages to accommodations or rental vehicles;

(D) Sickness, accident, disability, or death occurring during travel;

(E) Emergency evacuation;

(F) Repatriation of remains; or

(G) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner.

Travel insurance does not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting six months or longer, including, for example, those working overseas as an expatriate or military personnel being deployed, or any other product that requires a specific insurance producer license;

(14) "Travel protection plans" means plans that provide one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers; and

(15) "Travel retailer" means a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

§33-62-4. Licensing and registration.

(a) The commissioner may issue to an individual or business entity that has filed with the commissioner an application for such limited license in a form and manner prescribed by the commissioner, a limited lines travel insurance producer license that authorizes the limited lines travel insurance producer to sell, solicit, or negotiate travel insurance through a licensed insurer. No person may act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered, respectively. The annual fee for a limited lines travel insurance producer license is \$200.

(b) A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer business entity license only if the following conditions are met:

(1) The limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:

(A) A description of the material terms or the actual material terms of the insurance coverage;

(B) A description of the process for filing a claim;

(C) A description of the review or cancellation process for the travel insurance policy; and

(D) The identity and contact information of the insurer and limited lines travel insurance producer;

(2) At the time of licensure, the limited lines travel insurance producer shall establish and maintain a register on a form prescribed by the commissioner of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf. The register shall be maintained and updated by the limited lines travel insurance producer and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number. The limited lines travel insurance producer shall submit such register to the commissioner upon reasonable request. The limited lines travel insurance producer shall also certify that the travel retailer registered complies with 18 U.S.C. § 1033. The grounds for the suspension, revocation, and the penalties applicable to resident insurance producers under §33-12-24 of this code shall be applicable to the limited lines travel insurance producers and travel retailers;

(3) The limited lines travel insurance producer has designated one of its employees who is a licensed individual producer as the person (a "designated responsible producer" or "DRP") responsible for the limited lines travel insurance producer's compliance with the travel insurance laws, rules, and regulations of the state;

(4) The DRP, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer;

(5) The limited lines travel insurance producer has paid all applicable insurance producer licensing fees as set forth in applicable state law; and

(6) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review by the commissioner. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

(c) Limited lines travel insurance producers, and those registered under their licenses, are exempt from the examination requirements under §33-12-9 of this code and the pre-licensing and continuing education requirements of §33-12-8 of this code.

(d) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that:

(1) Provide the identity and contact information of the insurer and the limited lines travel insurance producer;

(2) Explain that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

(3) Explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(e) A travel retailer's employee or authorized representative, who is not licensed as an insurance producer may not:

(1) Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

(2) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(3) Hold himself or itself out as a licensed insurer, licensed producer, or insurance expert.

(f) Notwithstanding any other provision in this chapter, a travel retailer whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this article, is authorized to do so and receive related compensation, upon registration by the limited lines travel insurance producer as described in subdivision (2), subsection (b) of this section.

(g) *Responsibility.* — As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this article.

(h) A licensee under this section is subject to the provisions of § 33-12-6b of this code as if it were an insurance agency.

(i) License renewal. — The commissioner shall annually renew, on the expiration date as provided in this subsection, the license of a licensee who qualifies and applies for renewal on a form prescribed by the commissioner and pays the fee set forth in subsection (a) of this section: *Provided*, That the commissioner may fix the dates of expiration of limited lines travel insurance producer licenses as he or she considers advisable for efficient distribution of the workload of his or her office:

(1) If the fixed expiration date would upon first occurrence shorten the period for which a license fee has been paid, no refund of unearned fee shall be made;

(2) If the fixed expiration date would upon first occurrence lengthen the period for which a license fee has been paid, the commissioner may charge no additional fee for the lengthened period;

(3) If a date is not fixed by the commissioner, each license shall, unless continued as provided in this subsection, expire at midnight on June 30 following issuance; and

(4) A licensee that fails to timely renew its license may reinstate its license, retroactive to the expiration date, upon submission of the renewal application within 12 months after the expiration date and payment of a penalty in the amount of \$50.

(j) Appointment. — Limited lines travel insurance producer may not act as an agent of an insurer unless the insurer appoints the limited lines travel insurance producer as its agent, as follows:

(1) The insurer shall file, in a format approved by the commissioner, a notice of appointment within 15 days from the date the agency contract is executed and shall pay a nonrefundable appointment processing fee in the amount of \$25: *Provided*, That an insurer may elect to appoint a limited lines travel insurance producer to all or some insurers within the insurer's holding company system or group by filing a single notice of appointment;

(2) Upon receipt of a notice of appointment, the commissioner shall verify within a reasonable time, not to exceed 30 days, that the limited lines travel insurance producer is eligible for appointment: *Provided*, That the commissioner shall notify the insurer within five days of a determination that the limited lines travel insurance producer is ineligible for appointment;

(3) The insurer shall remit, no later than midnight on May 31 annually and in a manner prescribed by the commissioner, a renewal appointment fee for each appointed limited lines travel insurance producer in the amount of \$25; and

(4) The insurer shall maintain a current list of limited lines travel insurance producers appointed to accept applications on behalf of the insurer, and shall make the list available to the commissioner upon reasonable request for purposes of conducting investigations and enforcing the provisions of this chapter.

§33-62-5. Premium tax.

(a) A travel insurer shall pay premium tax, as provided in §33-31-14 and §33-31-14a of this code, on travel insurance premiums paid by any of the following:

(1) An individual primary policyholder who is a resident of this state;

(2) A primary certificate holder who is a resident of this state who elects coverage under a group travel insurance policy; or

(3) An eligible group policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary in, this state that purchases a blanket travel insurance policy for eligible blanket group members, subject to any apportionment rules that apply across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(b) An insurer shall obtain and maintain documentation necessary to determine the state to which premium tax should be reported based on information provided by the policyholder or certificate holder, as applicable, and shall report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

§33-62-6. Forms and rates.

(a) Notwithstanding any other provision of this chapter, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance: *Provided*, That travel insurance that provides coverage for sickness, accident, disability, or death occurring during travel, either exclusively or in conjunction with related coverages of emergency evacuation or repatriation of remains, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

(b) All travel Insurance policies, certificates of insurance, endorsements, riders, and rates delivered, issued for delivery, or charged in this state shall be filed with the commissioner before being used. No policy, certificate of insurance, or endorsement shall be issued until the expiration of 30 days after it has been filed, unless the commissioner shall have given prior written approval.

(c) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, and the travel insurance offered as part of the travel protection plan may be offered as individual travel insurance, group travel insurance, or blanket travel insurance.

§33-62-7. Travel protection plans.

Travel protection plans may be offered for one price in this state if:

(1) The travel insurance, travel assistance services, and cancellation fee waivers are clearly delineated in the travel protection plan's fulfillment materials. The fulfillment materials shall include the travel insurance disclosures required under this code and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable; and

(2) The travel protection plan clearly discloses to the consumer at or prior to the time of purchase and fulfillment that it includes travel insurance, travel assistance services, and

cancellation fee waivers, as applicable, and provides an opportunity for the consumer to obtain additional information regarding the features and pricing of each.

§33-62-8. Sales practices.

(a) All persons offering travel insurance to residents of this state are subject to the Unfair Trade Practices provisions of §33-11-1 et seq. of this code, except as otherwise provided in this section. In the event of a conflict between this article and other provisions of this chapter regarding the sale and marketing of travel insurance and travel protection plans, the provisions of this article shall control.

(b) *Illusory Travel Insurance.* – Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy is an unfair trade practice under §33-11-1 et seq. of this code.

(c) Marketing.

(1) All documents provided to consumers prior to the purchase of travel insurance, including, but not limited to, sales materials, advertising materials, and marketing materials, shall be consistent with all travel insurance policy documents, including, but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

(2) Travel insurance policies or certificates that contain preexisting condition exclusions must provide information and an opportunity to learn more about the preexisting condition exclusions any time prior to purchase, and in the coverage's fulfillment materials.

(3) The fulfillment materials and the information described in §33-62-4(b)(1) of this code shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a travel protection plan. Unless the insured has either started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least:

(A) Fifteen days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or

(B) Ten days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail. For the purposes of this section, "delivery" means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

(4) The company shall disclose in the policy fulfillment and documentation whether the travel insurance is primary or secondary to other applicable coverage.

(5) Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means.

(d) *Opt out.* – Unless otherwise permitted by this code or federal law, no person offering travel insurance or travel protection plans on an individual or group basis may do so using negative

option or opt-out, which would require a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form when the consumer purchases a trip.

(e) It shall be an unfair trade practice to market blanket travel insurance coverage as free.

(f) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a consumer choose between the following options as a condition of purchasing a trip or travel package:

(1) Purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or

(2) Agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

§33-62-9. Travel administrators.

(a) Notwithstanding any other provisions of this chapter, no person shall act or represent itself as a travel administrator in this state unless that person:

(1) Is a licensed property and casualty insurance producer in this state for activities permitted under that producer license;

(2) Holds a valid managing general agent (MGA) license in this state pursuant to §33-37-1 et seq. of this code; or

(3) Holds a valid third-party administrator (TPA) license in this state pursuant to §33-46-1 et seq. of this code.

(b) A travel administrator and its employees are exempt from the licensing requirements of §33-12B-1 et seq. of this code.

(c) An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer, and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the commissioner upon request.

§33-62-10. Policy.

Travel insurance may be provided under an individual policy or under a group or blanket policy.

§33-62-11. Enforcement.

(a) The commissioner may conduct investigations or examinations of travel insurers, limited lines travel insurance producers, travel retailers, and travel administrators to enforce the provisions of this article to protect resident travel insurance consumers.

(b) The commissioner may take action, following notice and a hearing pursuant to §33-2-13 of this code, as necessary or appropriate to enforce the provisions of this article, any order of the commissioner, and any other provision of state law to protect consumers of travel insurance in this state.

§33-62-12. Rulemaking.

The commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this article.

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2540 – “A Bill to repeal §33-12-32b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, and §33-62-12, all relating to adopting the Travel Insurance Model Act; providing a short title; setting forth scope and purposes; providing definitions; providing licensing and registration requirements; setting forth annual license fee; requiring payment of premium taxes; specifying forms and rates; establishing acceptable and prohibited sales practices; making persons offering travel insurance subject to the Unfair Trade Practices Act; establishing requirements for travel administrators; allowing individual, group, or blanket travel insurance policies; granting the Insurance Commissioner enforcement powers; and providing rulemaking authority to the Insurance Commissioner.”

With the further amendment, sponsored by Delegate Westfall, being as follows:

On page 11, section 5, line 1, by striking “33-31-14” and inserting in lieu thereof “33-3-14”.

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 627**), 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: Mallow, E. Pritt and Walker.

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. 2540) passed.

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, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2621, Relating generally to bail bondsman.

On motion of Delegate Kelly, 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:

“CHAPTER 33. INSURANCE.**ARTICLE 1. DEFINITIONS.****§33-1-10. Kinds of insurance defined.**

The following definitions of kinds of insurance are not mutually exclusive and, if reasonably adaptable thereto, a particular coverage may be included under one or more of such definitions:

(a) *Life insurance.* — Life insurance is insurance on human lives including endowment benefits, additional benefits in the event of death or dismemberment by accident or accidental means, additional benefits for disability and annuities.

(b) *Accident and sickness.* — Accident and sickness insurance is insurance against bodily injury, disability or death by accident or accidental means, or the expense thereof, or against disability or expense resulting from sickness and insurance relating thereto. Group credit accident and health insurance may also include loss of income insurance, which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purposes of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout, or termination by employer for other than willful or criminal misconduct. Any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder.

(c) *Fire.* — Fire insurance is insurance on real or personal property of every kind and interest therein, against loss or damage from any or all hazard or cause, and against loss consequential upon such loss or damage, other than noncontractual liability for any such loss or damage. Fire insurance shall also include miscellaneous insurance as defined in paragraph (12), subdivision (e) of this section.

(d) *Marine insurance is insurance:*

(1) Against any and all kinds of loss or damage to vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit or transportation, including war risks, on or under any seas or other waters, on land (above or below ground), or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same, or during any delays, storage, transshipment, or reshipment incident thereto, including marine builders' risks and all personal property floater risks;

(2) Against any and all kinds of loss or damage to persons or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to the person arising out of the ownership, maintenance or use of automobiles);

(3) Against any and all kinds of loss or damage to precious stones, jewels, jewelry, gold, silver, and other precious metals, whether used in business or trade or otherwise, and whether the same be in course of transportation or otherwise;

(4) Against any and all kinds of loss or damage to bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, or civil commotion, or any or all of them are the only hazards to be covered;

(5) Against any and all kinds of loss or damage to piers, wharves, docks, and ships, excluding the risks of fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, and civil commotion and each of them;

(6) Against any and all kinds of loss or damage to other aids to navigation and transportation, including dry docks and marine railways, dams, and appurtenant facilities for control of waterways; and

(7) Marine protection and indemnity insurance, which is insurance against, or against legal liability of the insured for loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft, or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness, or death, or for loss of or damage to the property of another person.

(e) *Casualty*. — Casualty insurance includes:

(1) Vehicle insurance, which is insurance against loss of or damage to any land vehicle or aircraft, or any draft or riding animal, or to property while contained therein or thereon or being loaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incident to ownership, maintenance, or use of any such vehicle, aircraft or animal; together with insurance against accidental death or accidental injury to individuals, including the named insured, while in, entering, alighting from, adjusting, repairing, or cranking, or caused by being struck by any vehicle, aircraft, or draft or riding animal, if such insurance is issued as a part of insurance on the vehicle, aircraft, or draft or riding animal;

(2) Liability insurance, which is insurance against legal liability for the death, injury, or disability of any human being, or for damage to property; and provisions for medical, hospital, surgical, disability benefits to injured persons, and funeral and death benefits to dependents, beneficiaries, or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance;

(3) Burglary and theft insurance, which is insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal, or concealment, or from any attempt at any of the foregoing, including supplemental coverages for medical, hospital, surgical, and funeral benefits sustained by the named insured or other person as a result of bodily injury during the commission of a burglary, robbery, or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances, or any other valuable papers and documents resulting from any cause;

(4) Personal property floater insurance, which is insurance upon personal effects against loss or damage from any cause;

(5) Glass insurance, which is insurance against loss or damage to glass, including its lettering, ornamentation, and fittings;

(6) Boiler and machinery insurance, which is insurance against any liability and loss or damage to property or interest resulting from accidents to or explosion of boilers, pipes, pressure containers, machinery, or apparatus and to make inspection of and issue certificates of inspection upon boilers, machinery, and apparatus of any kind, whether or not insured;

(7) Leakage and fire extinguishing equipment insurance, which is insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus, water mains, pipes, and containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus;

(8) Credit insurance, which is insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured. Credit insurance shall include loss of income insurance, which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purpose of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout, or termination by employer for other than willful or criminal misconduct; any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder;

(9) Malpractice insurance, which is insurance against legal liability of the insured and against loss, damage or expense incidental to a claim of such liability, and including medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured arising out of the death, injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary, or professional service;

(10) Entertainment insurance, which is insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment or similar production, event, or exhibition against loss from interruption, postponement, or cancellation thereof due to death, accidental injury or sickness of performers, participants, directors, or other principals;

(11) Mine subsidence insurance as provided for in article thirty of this chapter;

(12) Miscellaneous insurance, which is insurance against any other kind of loss, damage, or liability properly a subject of insurance and not within any other kind of insurance as defined in this chapter, if such insurance is not disapproved by the commissioner as being contrary to law or public policy; and

(13) Federal flood insurance, which is insurance provided by the Federal Insurance Administration or by private insurers through the Write Your Own Program within the National Flood Insurance Program, instituted by the Federal Insurance Administration pursuant to the provision of 42 U.S.C. § 4071, on real or personal property of every kind and interest therein, against loss or damage from flood or mudslide and against loss consequential to such loss or damage, other than noncontractual liability for any loss or damage.

(14) Workers' compensation insurance, which is insurance providing all compensation and benefits required by chapter 23 of this code.

(f) *Surety*. — Surety insurance includes:

(1) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust;

(2) Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings, and contracts of ~~surety-ship~~ suretyship: *Provided*, That surety insurance does not include the guaranteeing and executing of bonds ~~by professional bondsmen in criminal cases or~~ by individuals not in the business of becoming a surety for compensation upon bonds;

(3) Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while they are being transported in armored motor vehicles or by messenger, but not including any other risks of transportation or navigation, and also insurance against loss or damage to such an insured's premises or to his or her furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt to commit such crimes; and

(4) Title insurance, which is insurance of owners of property or others having an interest therein, or liens or encumbrances thereon, against loss by encumbrance, defective title, invalidity, or adverse claim to title.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 10. PROFESSIONAL BONDSMEN IN CRIMINAL CASES.

§51-10-1. Definitions.

When used in this article:

'Approved securities' means cash, irrevocable letter of credit, bond issued by an insurance company licensed and in good standing in this state, or qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement, or real estate located in this state that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth by the insurance commissioner: *Provided*, That a pledge of real estate by a bondsman as an approved security is not permitted after July 1, 2024: *Provided, however*, That a bondsman who is licensed by the commissioner as of July 1, 2024, and has pledged real estate as security to conduct bonding business may continue to pledge real estate to operate as a bondsman until his or her license is voluntarily surrendered or revoked by the commissioner;

(4) 'Bonding business' means the business of becoming surety for compensation upon bonds in criminal cases in the State of West Virginia;

(2) 'Bondsman' means ~~(A) any person engaged in the bonding business that has satisfied the requirements for, and is duly licensed as, an insurance producer with a property and casualty line of authority as set forth by the Insurance Commissioner and §33-12-1, et seq. of this code; or (B) any person~~ who is approved and licensed under the provisions of this article who pledges cash

or approved securities with the commissioner as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge;

(3) 'Commissioner' means the Insurance Commissioner of West Virginia, as defined in §33-1-5 of this code; and

(4) 'Insurer' means any domestic, foreign, or alien person, including a surety company, which has been qualified generally to transact surety business in the State of West Virginia.

§51-10-8. Qualifications of bondsmen; rules to be prescribed by Insurance Commissioner; bondsman filing requirements; bondsman license renewal requirements; criminal penalty for filing false affidavit; list of bondsmen kept and provided to places of detention by Insurance Commissioner; requiring all bondsmen to be licensed by Insurance Commissioner after July 1, 2022.

(a) The commissioner shall ~~promulgate and propose legislative rules for promulgation under~~ propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to carry out the intent, administration, and enforcement of this article. The commissioner may promulgate ~~any~~ emergency rules ~~under~~ pursuant to the provisions of §29A-3-15 of this code as necessary to carry out the intent, administration, and enforcement of this article. The commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined in this article.

(b) The rules required by subsection (a) of this section shall specify the qualifications that a person must have when applying to be a bondsman, and the terms and conditions upon which the bonding business may be conducted. The commissioner shall formulate testing requirements for all initial license applicants. The commissioner shall require a biennial fee of \$200 for all bondsmen licensed under this article.

(c) The commissioner, in promulgating and proposing rules required by subsection (a) of this section, and in granting a license to a person to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person applying, and a person who has been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character, shall not be licensed.

(d) The applicant shall provide the commissioner a qualifying power-of-attorney from a licensed insurer or surety company or pledge cash or approved securities with the commissioner as security for bail bonds.

(e) The applicant shall comply with the provisions of §33-12-37 of this code regarding criminal history record checks.

(f) The commissioner shall require every bondsman licensed to engage in the bonding business as a principal to file with the commissioner a list showing the name, age, and residence of each person employed by the bondsman as an agent, clerk, or representative in the bonding business, and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article.

(g) (4) The commissioner shall require a person licensed as a bondsman to renew his or her license every two years and to file an affidavit stating that since his or her previous license to engage in the bonding business, he or she has abided by the provisions of this article.

(2) A person who files a false affidavit is guilty of false swearing and, upon conviction thereof, shall be punished as provided by law for the offense.

~~(3) A person seeking to renew his or her license to engage in the bonding business shall submit to the property and casualty requirements under section (d) of this section for each renewal, unless he or she has voluntarily terminated his or her license to engage in the bonding business.~~

(h) The commissioner shall keep a list of all bondsmen and, upon the request of a place of detention listed under §51-10-6 of this code, furnish an alphabetical list of all licensed bondsmen to the jail.

~~(j)(i)~~ After July 1, 2022, a person ~~shall~~ may not, either as principal, or as agent, clerk, or representative of an agent, engage in the bonding business unless licensed by the commissioner under this section.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2621 – “A Bill to amend and reenact §33-1-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-10-1 and §51-10-8 of said code, all relating to professional bondsmen in criminal cases; defining terms and setting forth approved securities; modifying requirements for bondsmen; and requiring the Insurance Commissioner to formulate testing requirements for initial license applicants.”

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. 628**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Kirby, Mallow, E. Pritt, Rowe and Walker.

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. 2621) 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. 2814, To create a Hydrogen power task force.

On motion of Delegate Kimble, 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 2I. HYDROGEN POWER TASK FORCE**§24-2I-1. Title.**

This article shall be known as "Hydrogen Power Task Force Act".

§24-2I-2. Establishment of the task force.

(a) There is hereby established a task force to study hydrogen-fueled energy in West Virginia's economy and energy infrastructure. Such study shall include, without limitation:

(1) A review of regulations and legislation needed to guide the development and achievement of economies of scale for a hydrogen energy ecosystem in the state;

(2) An examination of how to position the state to take advantage of competitive incentives and programs created by the federal Infrastructure Investment and Jobs Act and the federal Inflation Reduction Act;

(3) Recommendations for post-secondary education or workforce initiatives to prepare the state's workforce for hydrogen fueled energy-related jobs;

(4) An examination of the sources of potential hydrogen, including, but not limited to, coal, oil, natural gas, hydro, wind, solar, biogas, and nuclear;

(5) Recommendations for funding and tax preferences for building hydrogen-fueled energy facilities at sites throughout West Virginia;

(6) Recommendations regarding funding sources for developing hydrogen fueled energy programs and infrastructure; and

(7) Recommendations for potential end uses of hydrogen-fueled energy.

(b) The task force shall consist of the following members:

(1) A representative from a regulated electric utility company, who shall be appointed by the Governor;

(2) A representative from the fossil fuel energy industry, who shall be appointed by the Governor;

(3) A representative from the manufacturing industry with experience in hydrogen-fueled energy technology, who shall be appointed by the Governor;

(4) A representative from environmental organizations that advocate for renewable energy, who shall be appointed by the Governor;

(5) The chairperson of the Public Service Commission or his or her designee;

(6) The Secretary of the Department of Environmental Protection or his or her designee;

(7) The Secretary of the Department of Economic Development or his or her designee;

(8) The Secretary of the Department of Commerce or his or her designee;

and

(9) A representative from higher education.

(c) All initial appointments to the task force shall be made not later than 90 days after the effective date of this section. Any vacancy shall be filled by the appointing authority, as applicable.

(d) The chairperson shall be elected by members of the task force at the first meeting, which meeting is to be called by the Governor. The first meeting shall be held not later than 120 days after the effective date of this section.

(e) Not later than July 1, 2024, the task force shall submit an electronic report on its findings and recommendations to the Joint Committee on Government and Finance.

(f) The task force shall terminate on the date that it submits such report or July 1, 2024, whichever is later.”

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. 629**), and there were—yeas 89, nays 10, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bridges, Coop-Gonzalez, Dean, Dillon, Foster, A. Hall, Reynolds, Ridenour, Storch and Vance.

Absent and Not Voting: Mallow.

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. 2814) 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. 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR.

On motion of Delegate Kimble, 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 4. COURT ACTIONS.

§49-4-114. Consent by agency or department to adoption of child; statement of relinquishment by parent; counseling services; petition to terminate parental rights; notice; hearing; court orders.

(a)(1) Whenever a child welfare agency licensed to place children for adoption or the Department of Health and Human Resources has been given the permanent legal and physical custody of any child and the rights of the mother and the rights of the legal, determined, putative, outside or unknown father of the child have been terminated by order of a court of competent jurisdiction or by a legally executed relinquishment of parental rights, the child welfare agency or the department may consent to the adoption of the child, pursuant to article twenty-two, chapter forty-eight of this code.

(2) Relinquishment for an adoption to an agency or to the department is required of the same persons whose consent or relinquishment is required, under section three hundred one, article twenty-two, chapter forty-eight of this code. The form of any relinquishment so required shall conform as nearly as practicable to the requirements established in section three hundred three, article twenty-two, chapter forty-eight, and all other provisions of that article providing for relinquishment for adoption shall govern the proceedings herein.

(3) For purposes of any placement of a child for adoption by the department, the department shall first consider the suitability and willingness of any known grandparent or grandparents to adopt the child. Once grandparents who are interested in adopting the child have been identified, the department shall conduct a home study evaluation, including home visits and individual interviews by a licensed social worker. If the department determines, based on the home study evaluation, that the grandparents would be suitable adoptive parents, it shall assure that the grandparents are offered the placement of the child prior to the consideration of any other prospective adoptive parents. A circuit judge may determine the placement of a child for adoption by a grandparent or grandparents is in the best interest of the child without the grandparent or grandparents completing or passing a home study evaluation.

(4) The department shall make available, upon request, for purposes of any private or agency adoption proceeding, preplacement and post-placement counseling services by persons experienced in adoption counseling, at no cost, to any person whose consent or relinquishment is required pursuant to article twenty-two, chapter forty-eight of this code.

(b)(1) Whenever the mother has executed a relinquishment, pursuant to this section, and the legal, determined, putative, outsider father, or unknown father, as those terms are defined pursuant to part one, article twenty-two, chapter forty-eight of this code, has not executed a relinquishment, the child welfare agency or the department may, by verified petition, seek to have the father's rights terminated based upon the grounds of abandonment or neglect of the child. Abandonment may be established in accordance with section three hundred six, article twenty-two, chapter forty-eight of this code.

(2) Unless waived by a writing acknowledged as in the case of deeds or by other proper means, notice of the petition shall be served on any person entitled to parental rights of a child prior to its adoption who has not signed a relinquishment of custody of the child.

(3) In addition, notice shall be given to any putative, outsider father, or unknown father who has asserted or exercised parental rights and duties to and with the child and who has not relinquished any parental rights, and the rights have not otherwise been terminated, or who has not had reasonable opportunity before or after the birth of the child to assert or exercise those

rights, except that if the child is more than six months old at the time the notice would be required and the father has not asserted or exercised his or her parental rights and he or she knew the whereabouts of the child, then the father shall be presumed to have had reasonable opportunity to assert or exercise any rights.

(c)(1) Upon the filing of the verified petition seeking to have the parental rights terminated, the court shall set a hearing on the petition. A copy of the petition and notice of the date, time, and place of the hearing on the petition shall be personally served on any respondent at least twenty days prior to the date set for the hearing.

(2) The notice shall inform the person that his or her parental rights, if any, may be terminated in the proceeding and that the person may appear and defend any rights within twenty days of the service. In the case of a person who is a nonresident or whose whereabouts are unknown, service shall be achieved: ~~(1) (A)~~ By personal service; ~~(2) (B)~~ by registered or certified mail, return receipt requested, postage prepaid, to the person's last known address, with instructions to forward; or ~~(3) (C)~~ by publication. If personal service is not acquired, then if the person giving notice has any knowledge of the whereabouts of the person to be served, including a last known address, service by mail shall be first attempted as herein provided. Service achieved by mail shall be complete upon mailing and is sufficient service without the need for notice by publication. In the event that no return receipt is received giving adequate evidence of receipt of the notice by the addressee or of receipt of the notice at the address to which the notice was mailed or forwarded, or if the whereabouts of the person are unknown, then the person required to give notice shall file with the court an affidavit setting forth the circumstances of any attempt to serve the notice by mail, and the diligent efforts to ascertain the whereabouts of the person to be served. If the court determines that the whereabouts of the person to be served cannot be ascertained and that due diligence has been exercised to ascertain the person's whereabouts, then the court shall order service of the notice by publication as a Class II publication in compliance with article three, chapter fifty-nine of this code, and the publication area shall be the county where the proceedings are had, and in the county where the person to be served was last known to reside. In the case of a person under disability, service shall be made on the person and his or her personal representative, or if there be none, a guardian ad litem.

(3) In the case of service by publication or mail or service on a personal representative or a guardian ad litem, the person is allowed thirty days from the date of the first publication or mailing of the service on a personal representative or guardian ad litem in which to appear and defend the parental rights.

(d) A petition under this section may be instituted in the county where the child resides or where the child is living.

(e) If the court finds that the person certified to parental rights is guilty of the allegations set forth in the petition, the court shall enter an order terminating his or her parental rights and shall award the legal and physical custody and control of the child to the petitioner."

And,

By amending the title of the bill to read as follows:

H. B. 2875 – "A Bill to amend and reenact §49-4-114 of the Code of West Virginia, 1931, as amended, relating to giving circuit court judges the authority to waive the requirement that a party

pass a home study performed by DHHR or a third-party evaluator before a child can be placed in the home in cases of grandparent adoption.”

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. 630**), 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: Mallow.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2875) 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. 3189, The PFAS Protection Act.

On motion of Delegate Jeffries, 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 11C. PFAS PROTECTION ACT.

§22-11C-1. Legislative Findings.

(a) *Legislative findings.* — (1) The Legislature recognizes the prevalence of perfluoroalkyl and polyfluoroalkyl substances, which the United States Environmental Protection Agency (USEPA) has classified as contaminants. These chemicals are used in thousands of applications throughout the industrial, food, automotive, aerospace, electronic, oil and gas, green energy, and textile industries. They are used in some fire-fighting foams, food packaging, cleaning products, semiconductors, computers, cellular phones, electric vehicle batteries, automobiles, pharmaceuticals, agricultural pesticides, oil and gas development, defense equipment, hydrogen production, and various other household items. Many are very stable, some accumulate in the environment, and many are highly water soluble, easily transferring through soil to groundwater.

(2) During the 2020 regular session, the West Virginia Legislature passed Senate Concurrent Resolution 46 (SCR 46), which requested that the Department of Environmental Protection (DEP) and the Department of Health and Human Resources cooperatively propose and initiate a public source-water supply study plan to sample PFAS substances for all community water systems in West Virginia, including schools and daycares that operate treatment systems regulated by the West Virginia Department of Health and Human Resources.

(3) In compliance with SCR 46, the DEP and the Department of Health and Human Resources contracted with the United States Geological Survey to conduct the PFAS study. The USGS study was completed in 2022, with results for 279 sampled sites.

(4) According to the USGS study, PFOA and/or PFOS was detected above the then-current USEPA drinking water health advisory in 13% (37) of the sampled raw water sources between 2019 and 2021.

(5) In June 2022, the USEPA issued updated interim or final drinking water health advisories for four PFAS: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorobutane sulfonic acid and its potassium salt (PFBS), and hexafluoropropylene oxide dimer acid and its ammonium salt (HFPO-DA).

(6) According to the data collected for the USGS study, PFOA and/or PFOS was detected above the June 2022 drinking water health advisories in 49% (137) of the sampled raw water sources (involving 130 public water systems) between 2019 and 2021.

(7) In August 2022, the USEPA proposed to designate PFOA and PFOS as hazardous substances because, when released into the environment, these chemicals present substantial danger to public health.

(8) On December 5, 2022, the USEPA issued guidance to state permitting authorities entitled "Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs."

(9) The USEPA has committed to establishing drinking water standards under the Safe Drinking Water Act for PFOA and PFOS in 2023.

(10) The USEPA has committed to publishing recommended human health water quality criteria under the Clean Water Act for PFOA and PFOS in 2024.

(11) While some manufacturers have already voluntarily done so, it is imperative to identify the remaining sources of PFAS detected in the raw water sources for public water systems so that these sources of pollution can be properly addressed, minimizing the impacts to public drinking water systems. Identifying and addressing PFAS sources will also benefit people who rely on impacted private drinking water wells.

(12) It is in the public interest for West Virginia to reduce toxic chemicals in drinking water supplies to protect the health of West Virginians and strengthen the state's economy.

§22-11C-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

(1) 'Perfluoroalkyl and polyfluoroalkyl substances' or 'PFAS' means non-polymeric perfluoroalkyl and polyfluoroalkyl substances that contain at least two fully fluorinated carbon atoms, excluding gases and volatile liquids. PFAS includes, among other substances, PFOA and PFOS.

(2) 'Secretary' means the Secretary of the Department of Environmental Protection.

(3) 'USGS study' means United States Geological Survey Scientific Investigations Report 2022-5067, entitled 'Occurrence of Per- and Polyfluoroalkyl Substances and Inorganic Analytes in Groundwater and Surface Water Used as Sources for Public Water Supplies in West Virginia,' published in 2022.

(4) 'Publicly Owned Treatment Works' means any treatment works owned by the state or any political subdivision thereof, any municipality or any other public entity, for the treatment of pollutants as well as any such treatment works that were subsequently conveyed to a private entity which delivers wastewater treatment services under the regulation of the Public Service Commission of West Virginia.

§22-11C-3. Identification of PFAS sources where PFAS has been detected in raw water sources for public drinking water systems.

(a) To identify and address sources of PFAS in raw water sources of public drinking water systems, DEP shall:

(1) Write a PFAS action plan to identify and address sources of PFAS by July 1, 2024, for each of the 37 raw water sources for which the USGS study has measured PFOA, PFOS, PFBS, or HFPO-DA above the practical quantitation limit and above USEPA's applicable drinking water human health advisory;

(2) For each raw water source for which the USGS study has measured PFOA, PFOS, PFBS, or HFPO-DA above the method detection level, above USEPA's applicable drinking water human health advisory, and below the practical quantitation limit, DEP shall initiate a study to sample the finished water of the associated public water system, after treatment, by December 31, 2023;

(3) For each public water system for which the measured PFOA, PFOS, PFBS, or HFPO-DA in the finished water is above the method detection level and above USEPA's applicable drinking water human health advisory, whether or not the measured value is above or below the practical quantitation limit, DEP shall write a PFAS action plan to identify and address sources of PFAS for the public water system's raw water source or sources. The first 50 such plans shall be completed by December 31, 2025, and the remaining plans shall be completed by December 31, 2026;

(4) For each public water system for which a PFAS action plan is required under this section, DEP shall provide information to the public water system regarding PFAS raw water and finished water sampling results, DEP's schedule for developing any required PFAS action plan, a summary of results from any completed PFAS action plan, information about how to obtain any completed PFAS action plan, and contact information for an appropriate person or office at DEP to which questions can be directed. Public water systems are subject to the Fifth Unregulated Contaminate Monitoring Rule (UCMR), 40 C.F.R. part 141, which are also subject to the Consumer Confidence Report (CCR) and the Public Notification (PN) rules under the Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*, as enacted, amended, and as may be subsequently amended, to which the public water systems are required to notify their customers of available UCMR results and report UCMR results in their annual Consumer Confidence Report (CCR) when unregulated contaminants, including PFAS, are detected;

(5) Recommend any necessary changes to West Virginia statutes or administrative rules to address the sources of PFAS chemicals; and

(6) Report annually on its activities to the Joint Legislative Oversight Commission on State Water Resources.

(7) In developing PFAS action plans, consult with other applicable units of state government, organizations representing West Virginia public drinking water systems, West Virginia public drinking water systems, and other relevant entities with knowledge related to identifying and addressing PFAS sources.

(b) The PFAS action plans, to the extent that data are available, shall identify the source or sources of PFAS in the raw water source, and regulatory and non-regulatory options for addressing each identified source of PFAS and minimizing the impacts on public water systems.

(c) The PFAS action plans and associated studies herein required do not change the duty or drinking water standard requirements of public water systems.

§22-11C-4. Self-reporting of PFAS manufacture and use, monitoring of PFAS discharges, and establishment of PFAS water quality criteria.

(a) No later than December 31, 2023, all facilities that discharge to a surface water under a West Virginia/National Pollutant Discharge Elimination System permit or that discharge to a Publicly Owned Treatment Works under an industrial pretreatment program, including but not limited to chemical and manufacturing facilities, which manufacture or knowingly use or have used one or more of the following PFAS chemicals in their production process since January 1, 2017, must report the use of these chemicals to the DEP:

(1) Any PFAS chemical found in any public water system's raw water source in the USGS study; and

(2) Any additional PFAS chemicals that the secretary determines are harmful to human health and that he or she reasonably believes to be present in West Virginia waters at levels that can be detected using USEPA-approved methods: *Provided*, That if USEPA-approved methods are not yet available, USEPA-recommended methods may be used. If two or more methods have been approved by USEPA, monitoring shall use the method with the lowest detection level.

(b) This reporting shall include the chemical name, the Chemical Abstracts Service (CAS) number, the amount used in each year from 2017 through 2022, and any additional information required by the secretary to ascertain sources of PFAS chemicals in West Virginia, and shall be provided in a manner and form prescribed by the secretary.

(c) For every facility that reports the use of one or more PFAS chemicals in accordance with subsection (a) of this section, and that discharges to a Publicly Owned Treatment Works, the secretary shall forward the information provided by the facility to the Publicly Owned Treatment Works within 30 days of receipt. This reporting requirement does not change the duty or discharge permits of a Publicly Owned Treatment Works.

(d) For every facility that reports the use of one or more PFAS chemicals in accordance with subsection (a) of this section, at least quarterly monitoring of the self-reported PFAS chemicals shall be required within six months of notification by the facility: *Provided*, That the secretary may alter the monitoring frequency if monitoring results are below the method detection level for four consecutive samples, or if monitoring results show consistent results and the source or sources

of the PFAS detected in the samples have been conclusively determined. This monitoring shall be implemented as follows:

(1) If the facility discharges to a surface water under a West Virginia/National Pollutant Discharge Elimination System permit, the secretary shall modify the facility's West Virginia/National Pollutant Discharge Elimination System permit to require monitoring.

(2) If the facility discharges to a Publicly Owned Treatment Works under an industrial pretreatment program and the permit holder for the Publicly Owned Treatment Works has pretreatment authority, the permit holder for the Publicly Owned Treatment Works shall modify the pretreatment permit held by the facility that reports the use of one or more PFAS chemicals to require monitoring.

(3) If the facility discharges to a Publicly Owned Treatment Works under an industrial pretreatment program and the department has pretreatment authority, the secretary shall modify the pretreatment permit held by the facility that reports the use of one or more PFAS chemicals to require monitoring.

(e) Monitoring shall use laboratory and sampling methods approved by the USEPA: *Provided*, That if USEPA-approved methods are not yet available, USEPA-recommended methods may be used. If two or more approved methods are available, monitoring shall use the method with the lowest detection level.

(f) For every facility that reports the use of one or more PFAS chemicals in accordance with subsection (a) of this section, the secretary shall modify the facility's West Virginia/National Pollutant Discharge Elimination System permit as directed by the federal Clean Water Act and State Water Pollution Control Act, after consultation with relevant USEPA guidance.

(g) After the USEPA establishes final water quality criteria under the Clean Water Act for any PFAS, DEP shall propose adopting appropriate criteria by rule, which criteria may be no more stringent than the criteria established by USEPA, as part of the next regular legislative rulemaking cycle in accordance with §29A-3-1 *et seq* of this code."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 3189 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying the sources of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing state and federal regulation history, status, and future expectations; providing definitions; requiring the Department of Environmental Protection to begin identifying sources of PFAS in water sources and address sources of PFAS for certain public water systems with action plans; requiring facilities using PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; clarifying duties and obligations of public water systems and water treatment systems; providing information disclosure provisions; requiring the Secretary of the Department of Environmental Protection to propose changes to statutes and rules and to update numeric public water supply human health criteria; requiring the Department of Environmental Protection to implement permit modifications to require monitoring; and requiring legislative rule-making.”

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. 631**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Foster, Kump, C. Pritt, Ridenour, Street and Thorne.

Absent and Not Voting: Mallow.

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. 3189) 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. 3214, To create the Road Optimization & Assessment Data (ROAD) Pilot Project.

On motion of Delegate Jeffries, 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 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-25. Road optimization and assessment data pilot program; legislative findings and purposes; reporting.

(a) The Legislature hereby finds and declares that:

(1) Properly maintained roads are important to the economic and industrial growth and development of the state and to the health, education, welfare, and prosperity of the state's residents;

(2) Roads that are not well-maintained because of potholes, patching, cracking, road shoulder issues, canopy brush, or drainage issues do not contribute to the health, education, welfare, and prosperity of the residents of this state;

(3) Data is and has been collected by the West Virginia Division of Highways for purposes of an overall assessment and evaluation of road maintenance; and

(4) The purpose of this section is to create a pilot program to study alternative, advanced methods of assessing the conditions of the roads that will lead to improved processes of addressing road maintenance needs.

(b) The Road Optimization and Assessment Data (ROAD) Pilot Program is hereby created. The Commissioner of Highways shall develop and implement the pilot program concerning the collection of data and the overall assessment of the conditions of the paved roads of the state and the repairs and maintenance required to ensure well-maintained roads. The pilot program shall include a combination of urban and rural roads, using Monongalia County and Preston County as the test areas for this pilot program and, to the broadest extent feasible:

(1) Use existing assessments in the pilot counties to teach the program;

(2) Incorporate machine learning (ML), artificial intelligence (AI), or other advanced technologies to assess state roads;

(3) Use Global Positioning System (GPS) data or geotagging, including high accuracy precision GPS, to indicate road geometry and curvature;

(4) Use laser measuring systems, including video, that are capable of longitudinal profiling, identifying and measuring of cracks, pavement distress, potholes, patching, road shoulder issues, canopy brush, and drainage issues;

(5) Use video for road imagery as well as canopy brush and drainage documentation;

(6) Use a reflectometer system to check the reflectivity of painted lines;

(7) Utilize post-data capture processing to create a baseline for road condition assessment based on standards of the Division of Highways and the ASTM D6433-11 Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys; and

(8) Incorporate the data gathered pursuant to this section within the Division of Highways' existing pavement management system, or an alternative machine learning or artificial intelligence system in order to improve predictive analysis of roads and to guide in the performance of preventive maintenance for roads rather than reactive maintenance.

(c) The commissioner shall provide for the data capturing and processing pursuant to this section at intervals determined by the commissioner to adequately collect and assess data for maintenance purposes: *Provided*, That data capturing and processing shall occur at least twice during the pilot project. The data shall compare the changes in road conditions, such as deterioration of roads from previous conditions, average daily traffic, and heavy truck traffic if such information is available.

(d) The term of this pilot program is five years. At the conclusion of year two and year four of the pilot program, and at the conclusion of the pilot program, the commissioner shall report to the Joint Legislative Oversight Commission on Department of Transportation Accountability on the steps taken to implement the pilot program, identify the technologies used in the pilot program, outline the data collected through the pilot program, identify costs of the pilot program, summarize any improvements in road maintenance and pavement management processes that may be realized through the pilot program, and make recommendations concerning improvements to and continuation of the pilot program."

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 3214 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to creating the Road Optimization and Assessment Data Pilot Program; setting forth legislative findings and purpose; requiring the Commissioner of Highways to implement the program; specifying assessment methods and term of program; and requiring reporting by the Division of Highways.”

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. 632**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Dillon, Gearheart, A. Hall, Smith and Thorne.

Absent and Not Voting: Mallow.

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. 3214) 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. 3265, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page 1, section 14, lines 12-15, by striking out all of subsection (b) and inserting in lieu thereof a new subsection (b), to read as follows:

“(b) Notwithstanding any provision of this code to the contrary, a county sheriff shall owe the fees set forth in subsection (a) of this section to another sheriff’s department or law-enforcement agency for service of an order, notice, summons, or other process, or for service of an attachment once the requested service has been completed.”

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. 633**), 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 Mallow.

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. 3265) 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. 3499, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship.

On motion of Delegate Householder, 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 12. UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.

§36-12-11. Revocation by instrument authorized; revocation by act not permitted.

(a) Subject to subsection (b) of this section, an instrument is effective to revoke a recorded transfer on death deed, or any part of it, ~~only~~ if the instrument:

(1) Is one of the following:

(A) A transfer on death deed that revokes the deed or part of the deed expressly or by inconsistency;

(B) An instrument of revocation that expressly revokes the deed or part of the deed; or

(C) ~~An *inter vivos* deed that expressly revokes the transfer on death deed or part of the deed~~ As to property that was described in a transfer on death deed made by a transferor and previously recorded, an *inter vivos* deed made by the same transferor that conveys the same real estate, or part thereof, whether or not the *inter vivos* deed expressly revokes the transfer on death deed, or part of the deed; and

(2) Is acknowledged by the transferor after the acknowledgment of the deed being revoked and recorded before the transferor's death in the public records in the office of the clerk of the county commission of the county where the deed is recorded.

(b) If a transfer on death deed is made by more than one transferor ~~(1) Revocation~~ revocation by a transferor does not affect the deed as to the interest of another transferor; and ~~(2) A~~ a deed of joint owners is revoked only if it is revoked by all of the living joint owners.

(c) After a transfer on death deed is recorded it may not be revoked by a revocatory act on the deed.

(d) This section does not limit the effect of an *inter vivos* transfer of the property.

36-12-13. Effect of transfer on death deed at transferor's death

(a) Except as otherwise provided in the transfer on death deed in this article, ~~section six, article one, chapter forty one of this code §41-1-6 of this code, section three, article three, chapter forty one of this code §41-3-3 of this code, article three, chapter forty two of this code §42-3-1, et seq. of this code, section two, article four, chapter forty two of this code §42-§4-2 of this code, or article five, chapter forty two of this code §42-5-1, et seq. of this code,~~ on the death of the transferor the following rules apply to property that is the subject of a transfer on death deed and owned by the transferor at death:

(1) Subject to subdivision (2) of this subsection, the interest in the property is transferred to the designated beneficiary in accordance with the deed.

(2) The interest of a designated beneficiary, when there is only one beneficiary designated, is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor, when there is only one beneficiary designated, lapses.

(3) Subject to subdivision (4) of this subsection, concurrent interests are transferred to the beneficiaries in equal and undivided shares with no right of survivorship, unless the deed specifies otherwise, as tenants in common or with right of survivorship if the deed specifies joint tenancy with right of survivorship.

(4) If the transferor has identified two or more designated beneficiaries to receive concurrent interests in the property, the share of one which lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently as tenants in common or with right of survivorship if the deed specifies joint tenancy with the right of survivorship.

(b) Subject to ~~article two, chapter thirty nine and chapter thirty eight of this code §39-2-1, et seq., and §38-1-1, et seq. of this code,~~ a beneficiary takes the property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens and other interests to which the property is subject at the transferor's death. For purposes of this subsection, ~~article two, chapter thirty nine and chapter thirty eight of this code, §39-2-1, et seq. and §38-1-1, et seq. of this code,~~ the recording of the transfer on death deed is deemed to have occurred at the transferor's death.

(c) If a transferor is a joint owner with other joint owners with right of survivorship and is:

(1) Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship; or

(2) The last surviving joint owner, the transfer on death deed is effective.

(d) If a transferor is an owner with other owners as tenants in common, the transfer on death deed is only effective as to the interest in the property which was held by the transferor.

(e) A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.

(f) The amendments to this section, enacted during the 2023 regular session of the Legislature, shall apply only to transfer on death deeds recorded after the effective date of this section."

And,

By amending the title of the bill to read as follows:

H. B. 3499 – “A Bill to amend and reenact §36-12-11 of the Code of West Virginia, as amended, and to amend and reenact §36-12-13 of said code, all relating to transfer on death deeds; and specifically clarifying that an inter vivos transfer of a piece of real property that is the subject of a transfer on death deed causes the transfer on death deed to be revoked, with or without express language of revocation; and permitting transfer on death deeds to specify that the possessory interest conveyed can, if so provided in the language of the deed, transfer a joint tenancy with right of survivorship.”

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. 634**), 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: Foster, Mallow 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. 3499) 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. 3500, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee’s designated office.

On motion of Delegate Householder, 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 4. REGULATED CONSUMER LENDERS.

§46A-4-114. Permitting licensee to conduct business at remote location.

(a) Notwithstanding any provision of this article to the contrary, but subject to the requirements of this section, employees of a West Virginia licensee located in West Virginia may perform work for the licensee at their residence: *Provided*, That such a residence is located within 100 miles of a licensed West Virginia corporation or branch office: *Provided, however*, That nothing in this subsection restricts employees of the licensee from participating in regulated consumer lending activities at other locations for limited periods of time. Any regulated consumer lender activity conducted by an employee of the West Virginia licensee shall be considered, reported, and

regulated as loans of the West Virginia licensee, regardless of the employee's location during the activity.

(b) A licensee, prior to authorizing work by employees at a location other than the licensee's designated place of business, shall ensure the following:

(1) No in-person customer interactions will be conducted at the other location;

(2) The other location is not designated as a business location to consumers or customers;

(3) Appropriate data security and privacy safeguards are in place for licensee and consumer data, information, and records at the other location, including, but not limited to, the use and maintenance of secure virtual private networks and maintenance of appropriate security updates, patches, or other alterations to ensure the security of electronic devices;

(4) Appropriate risk-based monitoring and oversight processes of work performed by the employees of a licensee at the other location are in place, and records of such monitoring and processes are maintained;

(5) No consumer information or records are maintained at the other location;

(6) All consumer and licensee information and records remain accessible and available for regulatory oversight and examinations;

(7) Employees are trained and keep confidential all conversations about, and with, consumers that may be conducted at the other location; and

(8) The other location is a safe and secure workplace for employees.

(c) A licensee, prior to authorizing work at a location other than the licensee's designated place of business, shall establish written policies and procedures to ensure compliance with the requirements of subsection (b) of this section.

(d) A licensee that authorizes work at another location pursuant to this section shall:

(1) Periodically review and document compliance with the provisions of this section and the written policies and procedures established pursuant to subsection (c) of this section as it relates to every employee who works at another location; and

(2) Certify annually to the commissioner that the provisions of this section have been met as to each employee working at another location."

And,

By amending the title of the bill to read as follows:

H. B. 3500 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-4-114, relating to permitting employees of regulated consumer lenders to conduct work at their residence if certain requirements are met."

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. 635**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: A. Hall, Mallow, Nestor 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. 3500) 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 and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was referred to the Committee on Rules.

S. C. R. 24 - "Renaming the Mount Olive Correctional Complex and Jail the Mike V. Coleman Maximum Security Complex.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Linville, Hornbuckle, Adkins, Anderson, Bridges, Brooks, Burkhammer, Butler, Cannon, Chiarelli, Clark, Coop-Gonzalez, Crouse, Dean, DeVault, Dillon, Dittman, Ferrell, Fluharty, Foggin, Forsht, Garcia, A. Hall, W. Hall, Hanna, Hansen, Heckert, Hillenbrand, Hite, Holstein, Honaker, Horst, Hott, Howell, Jennings, Keaton, Kirby, Kump, Longanacre, Lucas, Marple, Mazzocchi, Miller, Petitto, Phillips, C. Pritt, E. Pritt, Pushkin, Ross, Rowe, Skaff, Street, Tully, Ward, Warner, Williams, Willis and Young:

H. R. 18 – "Urging the Congress of the United States to enact federal law that allows for the expiration on pharmaceutical product patents when the developer of the product has utilized the patent laws of the United States to charge in many cases ten or twenty times the costs to consumers in the United States as compared to other developed countries, in effect utilizing the patent laws of the United States for the unintended purpose of price gouging consumers"; which was referred to the Committee on Rules.

By Delegates Holstein, Adkins, Anderson, Barnhart, Brooks, Burkhammer, Butler, Cannon, Capito, Chiarelli, Clark, Cooper, Coop-Gonzalez, Criss, Crouse, Dean, DeVault, Dittman, Ellington, Espinosa, Fast, Fehrenbacher, Ferrell, Fluharty, Forsht, Foster, Garcia, Gearheart, Griffith, A. Hall, W. Hall, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Heckert, Hillenbrand, Hite, Honaker, Hornbuckle, Hornby, Horst, Hott, Householder, Howell, Jeffries, Jennings, Keaton, Kelly, Kimble, Kirby, Linville, Longanacre, Lucas, Marple, Maynor, Mazzocchi, McGeehan, Miller, Petitto, Phillips, Pinson, C. Pritt, E. Pritt, Pushkin, Reynolds, Ridenour, Riley, Rohrbach, Rowe, Shamblin, Sheedy, Skaff, Smith, Statler, Steele, Storch, Street, Summers, Thorne, Toney, Tully, Vance, Walker, Ward, Warner, Westfall, Williams, Willis, Young and Zatezalo:

H. C. R. 80 – "Requesting the Joint Committee on Government and Finance to study pediatric cancer in Appalachia and to provide directive language asking for a report on this issue in the Appalachian region"; which was referred to the Committee on Rules.

By Delegates Hillenbrand, DeVault and Linville:

H. C. R. 81 – “Requesting that the Joint Committee on Government and Finance study the problem of tire disposal and finding solutions to rid our landscape of waste tires”; which was referred to the Committee on Rules.

And,

By Delegates Capito, Westfall, Fast, Hornby, Criss and Summers:

H. C. R. 82 – “Proclaiming the month of February to be designated annually as West Virginia Cancer Prevention Month”; which was referred to the Committee on Rules.

Special Calendar**Third Reading**

Com. Sub. for S. B. 47, Creating Charter Schools Stimulus Fund; 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. 636**), and there were—yeas 62, nays 36, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Cooper, Dean, Dillon, Ferrell, Fluharty, Foggin, Garcia, Griffith, W. Hall, Hansen, Heckert, Hornbuckle, Kirby, McGeehan, E. Pritt, Pushkin, Reynolds, Riley, Rohrbach, Ross, Rowe, Shamblin, Sheedy, Skaff, Storch, Summers, Toney, Tully, Walker, Warner, Westfall, Williams, Young and Hanshaw (Mr. Speaker).

Absent and Not Voting: Householder and Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 47) passed.

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

Com. Sub. for S. B. 121, Creating Student Journalist Press Freedom Protection Act; 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. 637**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Bridges, Mallow, Reynolds and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 121) 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. 147, Creating pilot program for recovery residences in Cabell County; 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. 638**), and there were—yeas 43, nays 52, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Barnhart, Cannon, Capito, Cooper, Coop-Gonzalez, Criss, Crouse, DeVault, Espinosa, Fast, Fehrenbacher, Forsht, Gearheart, W. Hall, Hardy, Heckert, Honaker, Hott, Householder, Howell, Jeffries, Jennings, Kelly, Kimble, Linville, Lucas, Mazzocchi, Miller, Petitto, Phillips, Pinson, C. Pritt, Riley, Rohrbach, Ross, Shamblin, Vance, Ward, Warner, Westfall, Willis, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Mallow, Martin, Skaff and Worrell.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the bill (S. B. 147) was rejected.

Com. Sub. for S. B. 187, Making it felony offense for school employee or volunteer to engage in sexual contact with students; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, was adopted, on page one, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-11b. Imposition of sexual acts on students at least 18 years of age but less than 20 years of age enrolled in secondary schools; penalties.

(a) Any person who is not married to the student and is a teacher, professor, assistant professor, adjunct faculty, teacher’s assistant, principal, counselor, coach, other school employee, contracted service worker, or volunteer of any private or public secondary school or any college, university, vocational school, or community and technical college who has supervisory or disciplinary power of any nature or in any capacity over the student and engages in sexual intercourse, sexual intrusion, or sexual contact, as those terms are defined in §61-8B-1 of this code, with the student enrolled in the school who is at least 18 years of age but less than 20 years of age is guilty of a felony and upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years or fined not more than \$5,000 or both imprisoned and fined. The fact that the student may have consented to such an act or that the act did not occur on school property or during a school function is not a defense.

(b) This is a separate and distinct criminal offense from any other applicable offense under this code. The penalties set forth, in this section, are in addition to any other penalties for any other applicable offense.

(c) A final conviction under this section shall cause the permanent forfeiture of any teaching or other certificate issued pursuant to §18A-3-2a of this code.”

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 639**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Foggin, Horst, Kump, Marple, Phillips, Ward and Zatezalo.

Absent and Not Voting: Bridges, Mallow and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 187) passed.

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

Com. Sub. for S. B. 187 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-11b, relating to making it a felony offense for any school employee or volunteer to engage in sexual intercourse, sexual intrusion, or sexual contact with any student 18 years of age but less than 20 years of age enrolled in the school where the person has supervisory or disciplinary power over the student; specifying the application of the section; creating a marital exception; declaring that neither consent nor location where an offense occurs is a defense to prosecution; specifying the criminal penalties for this offense; and declaring that a final conviction under this section causes the permanent revocation of any education related certificate the school employee may hold."

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. 200, Allowing leashed dogs to track wounded elk, turkey, and wild boar when hunting; 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. 640**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hornbuckle, Longanacre, Mallow and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 200) passed.

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

Com. Sub. for S. B. 200 – "A Bill to amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to adding mortally wounded elk, turkey, and wild boar to list of wounded animals that may be tracked and located using a leashed dog; allowing certain physically disabled hunters to allow dog handler to kill mortally wounded animal; and providing that mortally wounded animal shall count toward bag limit of hunter who fired initial shot."

Com. Sub. for S. B. 220, Industrial Hemp Development Act; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, on page one, by striking everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 19. AGRICULTURE.

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-12. Regulation of Select Plant-Based Derivatives: Industrial Hemp.

(a) This section shall be known as the Select Plant-Based Derivatives Regulation Act: Industrial Hemp.

(b) The Legislature finds that certain plant-based derivatives can be regulated so as not to interfere with the strict regulation of controlled substances in this state. The purpose of the act is to allow limited, regulated access to certain plant-based derivatives which are naturally occurring and as authorized by the provisions of this article for adults 21 years of age and older: *Provided*, That, notwithstanding any provision of this section to the contrary, naturally occurring plant-based derivative products not containing tetrahydrocannabinol content may be sold, used, or possessed by persons under the age of 21 years.

(c) As used in this section:

(1) ‘Alcohol Beverage Control Commissioner’ means the Alcohol Beverage Control Commissioner or his or her designees.

(2) ‘Commissioner’ means the Commissioner of Agriculture or his or her designees.

(3) ‘Contaminated’ means made impure and unsafe by biological, chemical, or physical additives.

(4) ‘Department’ means the West Virginia Department of Agriculture.

(5) ‘Final product’ means a product approved by the Department in accordance with the provisions of this article, and any other applicable rules and requirements set forth by the Department, as specified for the product.

(6) ‘Hemp-derived cannabinoid’ means a naturally occurring non-synthetic substance as follows:

(A) Delta-9 tetrahydrocannabinol with a concentration level consistent with 7 U.S.C. §5940;

(B) Delta-8 tetrahydrocannabinol;

(C) Delta-10 tetrahydrocannabinol;

(D) Hexahydrocannabinol;

(E) Tetrahydrocannabiphorol (THCp); and

(F) Tetrahydrocannabivarin (THCv).

(7) ‘Manufacturer’ means a person or entity which grows industrial hemp.

(8) ‘Non-naturally occurring derivative’ means a product that is contaminated as defined by this article, or a product that, upon result of Department laboratory testing, is found to be in

violation of this article or rules promulgated therewith, or a product that is unlawful pursuant to 7 U.S.C. §5940 or otherwise violates applicable federal regulations.

(9) 'Processor' means a person or entity that processes compounds or converts hemp-derived cannabinoids into a hemp-derived cannabinoid product and distributes, sells, or offers for sale, hemp-derived cannabinoid products in this state on a wholesale basis to a retailer.

(10) 'Seller' means a person or entity that distributes, offers for sale, or sells hemp-derived products to persons for personal consumption.

(11) 'Retail sales' means the sale of hemp-derived products in a commercial setting as determined and set forth in rules promulgated by the commissioner.

(d) Any person manufacturing, processing, distributing, offering for sale, or selling any hemp-derived cannabinoid products in this state shall have a permit issued by the commissioner and be otherwise authorized to do business in this state. The commissioner may issue manufacturer, processor and retailer permits.

(e) The Commissioner of Agriculture shall propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code that include, but are not limited to:

(1) Issuance of permits to persons who wish to manufacture, handle, process, distribute, offer for sale, or sell hemp-derived cannabinoid products;

(2) Regular sampling and testing of hemp-derived cannabinoid products to determine purity levels;

(3) Supervision of the hemp-derived cannabinoid products during their cultivation, processing, and sale;

(4) Assessment of fees as commensurate with the need of the commissioner's activities in issuing permits, laboratory testing, and in overseeing the regulation of hemp-derived products;

(5) Approving the manufacture, production, sale, processing, distributing, and transport of hemp-derived cannabinoid products;

(6) Developing guidelines for the labeling of hemp-derived cannabinoid products, including but not limited to, a statement which says 'KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION' and 'USE OF THIS PRODUCT MAY IMPACT DRUG TESTING RESULTS';

(7) Developing guidelines or standards related to the display or staging of hemp-derived cannabinoid products to increase the safety of underage patrons in retail environments;

(8) Developing guidelines or standards to restrict the advertising or marketing of unapproved or unlawful products;

(9) Developing prohibitions on child targeted packaging and shapes and forms of products;

(10) Developing administrative rules, procedures, and sanctions for violations of this section.

(11) Any other rules and procedures necessary to carry out the purposes of this article.

(f) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules as are necessary to effectuate the purposes of this article.

(g) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells hemp-derived cannabinoid products to persons in this state shall employ a neutral age-screening mechanism to verify legal age. The mechanism may include an age-gate, age-screen, or any other age-verification mechanism approved by the commissioner.

(h) Any person or entity distributing, offering to distribute, or selling hemp-derived cannabinoid products to persons in this state by means other than a direct in-person transaction may employ an age verification mechanism approved by the commissioner.

(i) In addition to all other applicable taxes, there is hereby levied an additional tax equal to 11 percent of the retail sales price on each retail sale of hemp-derived cannabinoids for the privilege of engaging in the business of selling hemp-derived cannabinoid products.

(1) For the privilege of engaging or continuing within this state in the business of the retail sale of hemp-derived cannabinoid products, as defined in subdivision (6), subsection (a) of this section, there is hereby levied upon and collected from every person exercising the privilege a privilege tax.

(2) The rate of tax imposed by this subsection is 11 percent of the retail sales price of hemp-derived cannabinoid products sold during the reporting period, depending upon the person's method of accounting for federal income tax purposes. The tax imposed by this subsection shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer.

(3) The tax shall be due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this subsection.

(4) The taxes imposed by this subsection shall be paid to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

(5) If any retailer does not renew its permit, relinquishes its permit, has said permit to operate suspended or revoked, or otherwise ceases selling hemp-derived cannabinoid products then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code, shall become due and the retailer shall make a final return or returns and pay any tax which is due within 90 days of not renewing its permit, relinquishing its permit, having its permit to operate suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

(6) All money received from the tax imposed under this subsection, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(7) Persons or entities subject to the tax imposed by this subsection shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this subsection.

(8) Notwithstanding any provision of §11-10-1 et seq. of this code or of this section to the contrary, the Tax Commissioner, and the commissioner shall enter into written agreements pursuant to which the Tax Commissioner shall disclose to designated employees of the department, whether a particular retailer is in good standing with the Tax Commissioner, and the commissioner shall disclose to designated employees of the Tax Commissioner information a retailer provides to the commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 et seq. of this code. To the extent feasible, this information should be shared or exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

(9) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, any necessary legislative rules, including emergency rules, as the Tax Commissioner considers necessary for the efficient administration of taxes imposed by this subsection.

(A) Funds from the tax imposed by the provisions of subdivision (1) of this subsection and deposited in the Agricultural Fees Fund, shall be divided and deposited as follows:

(i) Sixty-five percent shall remain in the Agriculture Fees Fund;

(ii) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code;

(iii) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(B) Notwithstanding any provision in §11-9-1 et seq. of this code to the contrary, and as relevant to the tax imposed by §16A-9-1 of this code, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 et seq. of this code shall apply with like effect as if the said West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

(C) Notwithstanding any provision of §11-10-1 et seq. of this code, or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act as set forth in §11-10-1 et seq. of this code applies to the tax imposed by §16A-9-1 et seq. with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

(j) All fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

(k)(1) The provisions of this section related to retail sales shall be enforced by the commissioner with the assistance of the Alcohol Beverage Control Commissioner.

(2) The commissioner and the Alcohol Beverage Control Commissioner shall enter into a memorandum or memoranda of understanding to facilitate the enforcement of this section.

(l)(1) Any hemp-derived product found in this state in violation of this article is hereby declared contraband and any property interest in the hemp-derived product is vested in the State of West Virginia and is subject to seizure, forfeiture, and destruction.

(2) Any certified law-enforcement officer in this state is authorized to enforce the criminal provisions of this section, and enforcement agents of the Alcohol Beverage Control Commissioner are authorized to enforce the administrative retailer provisions of this section as relating to retail sales.

(3) The commissioner shall provide the requisite training necessary to enforce the criminal and administrative provisions of this section.

(4) The provisions of this subsection are effective from passage.

(m) Any person who manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product in this state without a permit to do so is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor, and upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(n) Any person who processes, distributes, manufactures, sells, or offers to sell any hemp-derived product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony, and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(o)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(p) Any person who knowingly distributes, offers for sale, or sells a contaminated hemp-derived cannabinoid product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(q) Any person who knowingly distributes or sells hemp-derived cannabinoid product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not

more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(r)(1) Any person under the age of 21 who possesses hemp-derived cannabinoid product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection, constitute a felony and any person convicted thereof, shall be fined not more than \$5,000 and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

ARTICLE 12F. SELECT PLANT-BASED PRODUCT REGULATION ACT: KRATOM.

§19-12F-1. Short title.

This article shall be known as the Select Plant-Based Product Regulation Act: Kratom.

§19-12F-2. Findings; purpose.

The legislature finds that select plant-based derivatives, including kratom, can be regulated so as not to interfere with the strict regulation of controlled substances in this state. The purpose of this article is to allow limited regulated assess to kratom for adults 21 years of age and older.

§19-12F-3. Definitions.

(1) 'Alcohol Beverage Control Commissioner' means the Alcohol Beverage Control Commissioner or his or her designee.

(2) 'Commissioner' means the Commissioner of Agriculture or his or her designee.

(3) 'Contaminated' means made impure and unsafe by biological, chemical, or physical additives.

(4) 'Department' means the West Virginia Department of Agriculture.

(5) 'Kratom' means a psychoactive preparation that is composed of the crushed or powdered dried leaves of the mitragyna speciosa, a yellow-flowered tropical tree which contains the alkaloids mitragynine and 7-hydroxymitragynine.

(6) 'Kratom product' means a food product, food ingredient, dietary agreement, dietary supplement, or beverage intended or marketed for human consumption containing any part of the leaf of the plant mitragyna speciosa.

(7) 'Manufacture' means a person or entity which grows kratom for commercial purposes.

(8) 'Processor' means a person or entity that processes, distributes, sells, or offers for sale, kratom or kratom products in this state on a wholesale basis to a retailer.

(9) 'Retailer' means a person or entity that distributes, offers for sale, or sells kratom or kratom products to persons for personal consumption.

§19-12F-4. Processor and retailer permits; regulation.

Any person manufacturing, processing, distributing, offering for sale, or selling kratom or kratom products in this state shall have a permit issued by the commissioner and be otherwise authorized to do business in this state. The commissioner may issue permits for manufacturers, processors, and retailers.

§19-12F-5. Rule-making authority.

(a) The commissioner shall propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code that include, but are not limited to:

(1) Issuance of permits to persons who wish to manufacture, process, distribute, offer for sale, or sell kratom;

(2) Sampling and testing of kratom to determine purity levels;

(3) Supervision of the kratom during its manufacture, processing, and sale;

(4) Assessment of fees that are commensurate with the costs of the Commissioner of Agriculture's activities in permitting, testing, and supervising the regulation of kratom and the sale of kratom products;

(5) The production, processing, sale, possession, distribution, or transport of kratom products;

(6) Developing standards for the labeling of kratom products to include, at a minimum, a statement which says 'KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION';

(7) Developing guidelines or standards related to the display or staging of kratom products to increase the safety of underage patrons in retail environments;

(8) Developing prohibitive standards as to child targeted packaging and shapes and forms of products;

(9) Developing administrative rules, procedures, and sanctions for violations of this section;

(10) Any other rules and procedures necessary to carry out the provisions of this article.

(b) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules as are necessary to effectuate the purposes of this article.

§19-12F-6. Age verification requirements.

(a) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells a product containing kratom or kratom products to persons in this state shall employ a neutral age-screening mechanism that verifies that the user is at least 21 years old, including by using an age-gate, age-screen, or other age-verification mechanism approved by the commissioner.

(b) Any person or entity distributing, offering to distribute or sell, or selling kratom or kratom products to persons in this state by means other than a direct in-person transaction shall employ an age-verification mechanism approved by the commissioner.

§19-12-F-7. Taxation; disposition of funds.

(a) For the privilege of engaging or continuing within this state in the business of the retail sale of kratom or kratom products, there is hereby levied upon and collected from every person exercising the privilege a privilege tax.

(b) The rate of tax imposed by this subsection is 11 percent of the retail sales price of kratom or kratom products sold during the reporting period.

(c) The tax shall be due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this subsection.

(d) The taxes imposed by this subsection shall be paid to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

(e) If any retailer does not renew its permit, relinquishes its permit, has said permit suspended or revoked, or otherwise ceases selling kratom and kratom products then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code, shall become due and the retailer shall make a final return or returns and pay any tax which is due within 90 days of not renewing its permit, relinquishing its permit, having its permit suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

(f) All money received from the tax imposed under this subsection, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(g) Persons or entities subject to the tax imposed by this subsection shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this subsection.

(h) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this section to the contrary, the Tax Commissioner, and the commissioner shall enter into written agreements pursuant to which the Tax Commissioner shall disclose to designated employees of the department, whether a particular retailer is in good standing with the Tax Commissioner, and the commissioner shall disclose to designated employees of the Tax Commissioner information a retailer provides to the commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 *et seq.* of this code. To the extent feasible, this information should be shared or exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

(i) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, any necessary legislative rules as the Tax Commissioner necessary to the efficient administration of taxes imposed by this subsection.

(1) Funds from the tax imposed by the provisions of this subsection and deposited into the Agricultural Fees Fund shall be divided and deposited as follows:

(2) Sixty-five percent shall remain in the Agriculture Fees Fund;

(3) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code; and

(4) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(j) Notwithstanding any provision in §11-9-1 et seq. of this code to the contrary, and as relevant to the tax imposed by §16A-9-1, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 et seq. of this code shall apply with like effect as if the said the West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code..

(k) Notwithstanding any provision of §11-10-1 et seq. of this code, or any other provision of this code to the contrary, the West Virginia Tax Procedure and Administration Act, as set forth in §11-10-1 et seq. of this code applies to the tax imposed by §16A-9-1 et seq. with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

(l) All fees collected pursuant to the provisions of subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner in administering and enforcing the provisions of this article.

§19-12F-8 Application and registration fees.

(a) Applicants for kratom and kratom manufacturer, processor, or retailer permits shall pay a non-refundable application fee of \$1,500 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

(b) Processor and retailer permit holders shall pay an annual fee of \$300 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner in administering and enforcing the provisions of this article.

§19-12F-9. Cooperative enforcement agreements.

(a) The provisions of article related to retail sales shall be enforced by the commissioner with the assistance of the Alcohol Beverage Control Commissioner.

(b) The commissioner and the Alcohol Beverage Control Commissioner shall enter into a memorandum or memoranda of understanding to facilitate enforcement of this article.

§19-12F-10. Contraband; seizures; forfeitures; and destruction.

(a) Any kratom or kratom product found in this state in violation of this article is hereby declared contraband and any property interest in the kratom or kratom product is vested in the State of West Virginia and is subject to seizure and forfeiture and destruction.

(b) Any certified law enforcement officer in this state may enforce the criminal provisions of this article, and any enforcement agent of the Alcohol Beverage Control Commissioner is authorized to enforce the administrative provisions of this article as it relates to retailers.

§19-12F-11. Criminal violations; penalties.

(a) Any person who manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product in this state without a permit is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor, and, upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) Any person who manufactures, processes, distributes, sells or offers to sell any kratom or kratom product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony, and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(c)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof, shall be fined not more than \$5,000 or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(d) Any person who knowingly manufactures, distributes, offers for sale, or sells contaminated kratom or kratom product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000 or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(e) Any person who knowingly distributes or sells a kratom or kratom product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(f) (1) Any person under the age of 21 who possesses kratom or a kratom product is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof, shall be fined not more than \$5,000 and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 10. ENFORCEMENT AUTHORITY RELATING TO RETAIL SALE OF SELECT PLANT-BASED DERIVATIVES.

§60-10-1. Enforcement authority; jurisdiction.

The commissioner is hereby authorized to enforce the provisions of §19-12E-1 et seq. of this code and §19-12F-1 et seq. of this code, as relating to retail sales.

§60-10-2. General provisions.

For the purposes of enforcing §19-12E-1 et seq. and §19-12F-1 et seq. of this code, the Alcohol Beverage Control Commission and the Commissioner of Agriculture may request information from any state agency, Constitutional officer, or local agency and, notwithstanding the provisions of §11-10-5d of this code or any other provision of this code, may share information with, and request information from, any federal agency and any agency or Constitutional officer of this or of any other state or any local agency thereof.”

An amendment sponsored by Delegate Fluharty was reported by the Clerk.

Whereupon,

Delegate Fluharty asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Capito, the amendment was amended on page 1, section 12, line 7, after the words ‘Provided, That’ by striking the remainder of the subsection and inserting in lieu thereof the words ‘the provisions of this section shall not apply to naturally occurring plant-based derivative products not containing tetrahydrocannabinol content.’”

The Committee on the Judiciary amendment, as amended, was then 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. 641**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Jennings, Marple and C. Pritt.

Absent and Not Voting: Bridges, Longanacre, Mallow and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 220) passed.

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

Com. Sub. for S. B. 220 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12E-12; to amend said code by adding thereto a new article, designated §19-12F-1, §19-12F-2, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, §19-12F-10, and §19-12F-11; to amend and reenact §60-7-12 and §60-7-13 of said code; and to amend said code by adding thereto a new article, designated §60-10-1 and §60-10-2, all relating to further regulation of hemp-derived cannabinoid products and regulation of kratom; creating the Select Plant-Based Derivatives Regulation Act: Industrial Hemp; creating the Select Plant-Derived Regulation Act: Kratom; making legislative findings and declaring the purpose of the acts; providing applicability; defining terms; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; vesting regulatory authority in the Commissioner of Agriculture and the Alcohol Beverage Control Commission; granting legislative and emergency rule-making authority to the Commissioner of Agriculture and the Alcohol Beverage Control Commissioner; establishing an internal effective date from passage for purposes of declaring illegal products contraband and authorizing seizure, forfeiture, and destruction; limiting lawful sale of certain regulated products to persons 21 years of age or older; requiring age verification for internet sales and sales not made face-to-face; creating a eleven percent tax on retail sales to be collected by the Tax Commissioner quarterly for certain hemp products and kratom products; establishing distribution of tax revenue; authorizing the Alcohol Beverage Control Commissioner to enforce regulation of the product at the retail level; clarifying Alcohol Beverage Control Commissioners authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and creating criminal offenses related to regulated products and establishing criminal penalties therefor.”

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. 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system; 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. 642**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Chiarelli, Mallow and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 232) passed.

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

Com. Sub. for S. B. 232 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-6A-12, relating to creating a multi-disciplinary study group to make recommendations regarding the diversion of persons with mental illness, developmental disabilities, cognitive disabilities, substance abuse problems, and other disabilities from the criminal justice system; setting forth findings; listing the membership makeup of the study

group; promoting appropriate interventions and placements for inmates and persons with disabilities; developing a plan to coordinate care, treatment, and placement for persons with disabilities in the criminal justice system and in the community; directing a report be made to Legislature on or before November 30, 2023; and authorizing per diem expenses for nongovernmental members.”

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

On this question, the yeas and nays were taken (**Roll No. 643**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Chiarelli, Linville, Mallow 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. 232) 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. 240, Requiring state board of examination or registration proceedings to be open to public inspection; 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. 644**), and there were—yeas 74, nays none, absent and not voting 26, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Bridges, Cooper, Crouse, Dean, Ellington, A. Hall, Heckert, Hite, Honaker, Hornbuckle, Horst, Jeffries, Jennings, Kirby, Mallow, McGeehan, C. Pritt, Ridenour, Rohrbach, Rowe, Shamblin, Skaff, Street, Westfall and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 240) passed.

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

S. B. 240 - “A Bill to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated as §30-1-12a; and to amend and reenact §30-1-13 of said code, all relating to professional licensing boards’ collection and dissemination of certain records and information; providing for public access to the record of each board’s proceedings; providing for public access to each board’s register of applicants; stating information that must be provided in order to access the register of applicants; giving each board discretion to deny requests for the register of applicants; requiring each board to maintain a website that provides certain information about the board; defining terms; prohibiting the disclosure of sensitive personally identifiable information; providing that boards shall not be prohibited from providing information related to the qualifications and practice of licensees and registrants; providing that certain personal information of licensed practitioners shall not be disclosed; requiring the roster of licensed practitioners to be posted on each board’s website.”

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. 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act; 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. 645**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Bridges, Cooper, Ellington, Hardy, Heckert, Hite, Honaker, Horst, Mallow and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 247) passed.

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

Com. Sub. for S. B. 258, Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment sponsored by Delegate Steele was reported by the Clerk.

Whereupon,

Delegate Steele asked and obtained unanimous consent that the amendment be withdrawn.

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. 646**), 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: Barnhart, Cooper, Foggin, Hardy, Honaker, Kump and Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 258) passed.

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

Com. Sub. for S. B. 271, Modifying approval process requirements for First Responders Honor Board; 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. 647**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Foggin, Hite, Kump and Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 271) passed.

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

Com. Sub. for S. B. 298, Relating to non-federally declared emergencies and non-states of emergency; 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. 648**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Foggin, Hite, Mallow and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 298) passed.

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

On this question, the yeas and nays were taken (**Roll No. 649**), 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: Hite, Mallow and Zatezalo.

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. 298) takes effect from its passage.

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

Com. Sub. for S. B. 302, Relating to Law Enforcement Safety Act; 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. 650**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Coop-Gonzalez, Foster, Gearheart, Hite, Holstein, Kirby, Mallow, Williams and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 302) passed.

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

Com. Sub. for S. B. 361, Authorizing miscellaneous boards and agencies to promulgate legislative rules; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9. AUTHORIZATION FOR DEPARTMENT OF MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.**§64-9-1. Board of Accountancy.**

The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §30-9-5 of this code, relating to the Board of Accountancy (board rules of professional conduct, 1 CSR 01), is authorized.

§64-9-2. Board of Acupuncture.

(a) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §30-36-14(f) of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 28, 2022, relating to the Board of Acupuncture (advertising by licensed acupuncturists, 32 CSR 05), is authorized.

(b) The legislative rule filed in the State Register on July 30, 2022, authorized under the authority of §30-36-7 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 28, 2022, relating to the Board of Acupuncture (standards of practice of acupuncture by licensed acupuncturists, 32 CSR 06), is authorized with the amendment set forth below:

On page 3, by inserting a new section, designated section 6.3. to read as follows:

6.3. Hand washing – The acupuncturist shall vigorously scrub his or her hands with soap and warm water immediately before examining patients or handling acupuncture needles and other instruments and between patients.

(c) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §30-36-7 of this code, modified by the Board of Acupuncture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 28, 2022, relating to the Board of Acupuncture (continuing education requirements, 32 CSR 09), is authorized.

§64-9-3. Department of Agriculture.

(a) The legislative rule filed in the State Register on July 18, 2022, authorized under the authority of §19-13-4 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 3, 2022, relating to the Department of Agriculture (West Virginia apiary rule, 61 CSR 02), is authorized with the amendment set forth below:

On page 2, by striking out all of section 3.1. and inserting in lieu thereof a new section 3.1. to read as follows:

3.1. The Commissioner shall furnish an application for registration of bees to all person known to keep bees. The Commissioner shall mail the applications during the month of June to all persons who have registered their bees during the previous year. Upon receipt of a properly executed bee registration application, the Commissioner shall issue a certificate of registration which will be based upon the information provided on the application.

(b) The legislative rule filed in the State Register on May 12, 2022, authorized under the authority of §19-2-10 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Department of Agriculture (schedule of charges for inspection services: fruit, 61 CSR 08B), is authorized.

(c) The legislative rule filed in the State Register on June 14, 2022, authorized under the authority of §19-12D-4 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Department of Agriculture (noxious weeds rule, 61 CSR 14A), is authorized.

(d) The legislative rule filed in the State Register on July 21, 2022, authorized under the authority of §19-11E-8(1) of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Department of Agriculture (Grade "A" pasteurized milk, 61 CSR 15), is authorized.

(e) The legislative rule filed in the State Register on November 15, 2021, authorized under the authority of §19-29-4 of this code, modified by the Agriculture Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 26, 2022, relating to the Agriculture Commissioner (inspection of nontraditional, domesticated animals, 61 CSR 23D), is authorized.

(f) The legislative rule filed in the State Register on July 28, 2022, authorized under the authority of §19-12E-7 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Department of Agriculture (hemp products, 61 CSR 30), is authorized.

(g) The legislative rule filed in the State Register on June 2, 2022, authorized under the authority of §19-1C-4 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Department of Agriculture (livestock care standards, 61 CSR 31), is authorized.

(h) The legislative rule filed in the State Register on May 18, 2022, authorized under the authority of §11-13DD-5(b) of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Department of Agriculture (farm to food bank tax credit, 61 CSR 36), is authorized with the amendments set forth below:

On page 3, after "5.2.c." by inserting the following: "No more than \$200,000 of tax credits may be allocated to the Department of Agriculture in any fiscal year."

And,

On page 4, by striking out section 5.3 and inserting in lieu thereof a new section 5.3. to read as follows:

5.3. After review of the receipt form and any supporting documentation, and after ensuring that the limit of \$200,000 of tax credits per fiscal year has not been exceeded, the Department of Agriculture shall determine the amount, if any, of the tax credit due to the farming taxpayer. The amount of the credit is equal to 30 percent of the value of the donated edible agricultural products, but not to exceed \$5,000 during a taxable year.

(i) The legislative rule filed in the State Register on June 24, 2022, authorized under the authority of §19-35-4 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Department of Agriculture (farmers markets, 61 CSR 38), is authorized with the amendment set forth below:

On page 6, by striking out subdivision 6.2.h. and inserting in lieu thereof a new subdivision 6.2.h. to read as follows:

6.2.h. Any potentially hazardous freeze-dried foods.

§64-9-4. Athletic Commission.

(a) The legislative rule filed in the State Register on July 26, 2022, authorized under the authority of §29-5A-24 of this code, modified by the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 20, 2022, relating to the Athletic Commission (administrative rules of the West Virginia State Athletic Commission, 177 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §29-5A-3a of this code, modified by the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 20, 2022, relating to the Athletic Commission (regulation of mixed martial arts, 177 CSR 02), is authorized.

§64-9-5. State Auditor.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §12-3-13b of this code, relating to the State Auditor (standards for voluntary payroll deductions, 155 CSR 03), is authorized.

§64-9-6. Conservation Agency.

(a) The legislative rule filed in the State Register on July 12, 2022, authorized under the authority of §19-21A-4a of this code, modified by the Conservation Agency to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 20, 2022, relating to the Conservation Agency (operation of West Virginia State Conservation Committee and conservation districts, 63 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 12, 2022, authorized under the authority of §19-21A-4 of this code, modified by the Conservation Agency to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 20, 2022, relating to the Conservation Agency (conservation district accounting and auditing standards, 63 CSR 04), is authorized.

§64-9-7. Board of Dentistry.

The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §30-4-6 of this code, modified by the Board of Dentistry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Board of Dentistry (dental recovery networks, 5 CSR 15), is authorized.

§64-9-8. Board of Funeral Service Examiners.

(a) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Board of Funeral Service Examiners (funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements, 6 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Board of Funeral Service Examiners (crematory requirements, 6 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Board of Funeral Service Examiners (fee schedule, 6 CSR 07), is authorized.

§64-9-9. Board of Landscape Architects.

The legislative rule filed in the State Register on July 30, 2022, authorized under the authority of §30-22-7 of this code, modified by the Board of Landscape Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2022, relating to the Board of Landscape Architects (registration of landscape architects, 9 CSR 01), is authorized.

§64-9-10. Board of Medicine.

(a) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §30-3-7(a) of this code, relating to the Board of Medicine (licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, credential holders, 11 CSR 01A), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §30-3E-3 of this code, relating to the Board of Medicine (licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants, 11 CSR 01B), is authorized.

(c) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §30-5-7(c) of this code, relating to the Board of Medicine (collaborative pharmacy practice, 11 CSR 08), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2022, authorized under the authority of §30-3-14 of this code, relating to the Board of Medicine (prohibiting sexual misconduct by health care practitioners, 11 CSR 16), is authorized with the amendment set forth below:

On page 5, subdivision 9.1.2., after the period, by striking proviso in its entirety.

§64-9-11. Board of Optometry.

The legislative rule filed in the State Register on July 30, 2022, authorized under the authority of §30-1-26 of this code, modified by the Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 28, 2022, relating to the Board of Optometry (optometric telehealth practice, 14 CSR 12), is authorized with amendment set forth below:

On page 4, by striking out all of section 5.1. and inserting in lieu thereof a new section 5.1. to read as follows:

5.1. Nothing in this section shall be construed to invalidate §30-8A-3 or to permit use of any automated refractor or other automated or remote testing device to generate refractive data.

§64-9-12. Board of Osteopathic Medicine.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §30-3E-3 of this code, relating to the Board of Osteopathic Medicine (osteopathic physician assistants, 24 CSR 02), is authorized.

§64-9-13. Board of Pharmacy.

(a) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2022, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 01), is authorized with the amendments set forth below:

On page 10, subsection 4.3, after the word “to” by inserting the words “six”;

And,

On page 40, by striking out the entirety of subdivision 24.1.b. and inserting in lieu there of a new subdivision 24.1.b. to read as follows:

24.1.b. for drug regimen review of prescription orders for a patient in an institutional facility, for the pharmacist to authorize the dispensing and administration, provided the pharmacist is licensed to practice pharmacist care in West Virginia.

(b) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §60A-3-301 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2022, relating to the Board of Pharmacy (Uniform Controlled Substance Act, 15 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2022, relating to the Board of Pharmacy (registration of pharmacy technicians, 15 CSR 07), is authorized.

(d) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2022, relating to the Board of Pharmacy (pharmacy permits, 15 CSR 15), is authorized.

(e) The legislative rule filed in the State Register on April 4, 2022, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2022, relating to the Board of Pharmacy (inspections, 15 CSR 19), is authorized.

(f) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §60B-1-8 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2022, relating to the Board of Pharmacy (Donated Drug Repository Program, 15 CSR 20), is authorized.

§64-9-14. Psychologists.

The legislative rule filed in the State Register on September 7, 2022, authorized under the authority of §30-21-6 of this code, relating to the Board of Examiners of Psychologists (code of conduct, 17 CSR 06), is authorized.

§64-9-15. Board of Registered Professional Nurses.

(a) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §30-7-4 of this code, relating to the Board of Registered Professional Nurses (requirements for registration and licensure and conduct constituting professional misconduct, 19 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2022, authorized under the authority of §30-7-4 of this code, modified by the Board of Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 10, 2022, relating to the Board of Registered Professional Nurses (advanced practice registered nurse licensure requirements, 19 CSR 07), is authorized with the amendment set forth below:

On page 7, by inserting a new subsection 10.2., to read as follows:

10.2. In case of national recertification, any licensure suspension shall immediately be removed, and no further discipline may occur, if information is provided indicating that recertification has not lapsed.

(c) The legislative rule filed in the State Register on July 26, 2022, authorized under the authority of §30-7-15a of this code, modified by the Board of Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State

Register on November 10, 2022, relating to the Board of Registered Professional Nurses (limited prescriptive authority for nurses in advanced practice, 19 CSR 08), is authorized.

(d) The legislative rule filed in the State Register on July 26, 2022, authorized under the authority of §30-7-4 of this code, modified by the Board of Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 10, 2022, relating to the Board of Registered Professional Nurses (continuing education and competence, 19 CSR 11), is authorized.

(e) The legislative rule filed in the State Register on July 26, 2022, authorized under the authority of §30-7-4 of this code, modified by the Board of Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 10, 2022, relating to the Board of Registered Professional Nurses (fees for services rendered by the board, 19 CSR 12), is authorized with the amendments set forth below:

On page 1, subsection 2.4., by striking out the number “30.00” and inserting in lieu thereof the number “20.00”;

On page 2, subsection 2.8., by striking out the number “35.00” and inserting in lieu thereof the number “25.00”;

And,

On page 2, by striking out subsection 2.20. and renumbering the remaining subsections.

(f) The legislative rule filed in the State Register on July 26, 2022, authorized under the authority of §60A-9-5a of this code, modified by the Board of Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 10, 2022, relating to the Board of Registered Professional Nurses (practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database, 19 CSR 14), is authorized.

(g) The legislative rule filed in the State Register on July 26, 2022, authorized under the authority of §30-1-26 of this code, relating to the Board of Registered Professional Nurses (telehealth practice; requirements; definitions, 19 CSR 16), is authorized.

§64-9-16. Secretary of State.

(a) The legislative rule filed in the State Register on August 1, 2022, authorized under the authority of §3-3-2a of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 10, 2022, relating to the Secretary of State (early voting in-person satellite precincts, 153 CSR 13), is authorized.

(b) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §3-1A-6 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 10, 2022, relating to the Secretary of State (Combined Voter Registration and Driver Licensing Fund, 153 CSR 25), is authorized.

(c) The legislative rule filed in the State Register on August 1, 2022, authorized under the authority of §3-1A-9 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 10, 2022, relating to the Secretary of State (administrative procedures for the Nonpublic Funding for Election Administration Fund, 153 CSR 54), is authorized.

§64-9-17. State Treasurer.

(a) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §36-8-28 of this code, modified by the State Treasurer to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 15, 2022, relating to the State Treasurer (enforcement of the Uniform Unclaimed Property Act, 112 CSR 05), is authorized.

(b) The legislative rule filed in the State Register on April 21, 2022, authorized under the authority of §18-31-9 of this code, modified by the Treasurer's Office to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 25, 2023, relating to the Treasurer's Office (Hope Scholarship Program, 112 CSR 18), is authorized.

(c) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §18-30A-16 of this code, modified by the State Treasurer to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 15, 2022, relating to the State Treasurer (Jumpstart Savings Program, 112 CSR 20), is authorized.”

On motion of Delegate Capito, the amendment was amended, on page 1, section 2, subsection (b) after line 10 by inserting the following:

On page 2, by striking out section 6.1 and inserting in lieu thereof a new section 6.1 to read as follows:

“Injection therapy- A practitioner shall be limited to perform pointpuncture injections using sterile disposable needles and sterile solutions. Injection therapy shall be the injection of sterile herbs, vitamins, minerals, homeopathic substance, or other similar substances specifically manufactured for injection into acupuncture points by means of sterile needles used primarily for this purpose. Permissible substances include saline, glucose, lidocaine, procaine, oriental herbs, vitamin B-12, traumeel, sarapin, and homeopathic substances. Practitioners trained in injection therapy must comply with the ability to perform resuscitative procedures, including access to epinephrine injections and nasal oxygen if their patient exhibits symptoms of anaphylaxis;”

The Committee on the Judiciary amendment, as amended, was then 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. 651**), and there were—yeas 75, nays 1, absent and not voting 24, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Barnhart, Bridges, Clark, DeVault, Dittman, Fehrenbacher, Ferrell, Fluharty, Griffith, A. Hall, W. Hall, Hillenbrand, Hornbuckle, Linville, Mallow, Marple, Martin, Mazzocchi, Nestor, C. Pritt, Pushkin, Ridenour, Shamblyn and Skaff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 361) passed.

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

Com. Sub. for S.B. 361 – “A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing and directing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules of professional conduct; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the West Virginia apiary rule; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade "A" pasteurized milk; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farm-to-food bank tax credit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; relating to authorizing the State Auditor to promulgate a legislative rule relating to standards for voluntary payroll deductions; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards; relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, and credential holders; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the

Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners; relating to authorizing the Board of Optometry to promulgate a legislative rule relating to optometric telehealth practice; relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substance Act; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permit; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Donated Drug Repository Program; relating to authorizing the Psychologists to promulgate a legislative rule relating to code of conduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to continuing education and competence; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice; requirements; definitions; relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts; relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Combined Voter Registration and Driver Licensing Fund; relating to authorizing the Secretary of State to promulgate a legislative rule relating to administrative procedures for the Nonpublic Funding for Election Administration Fund; relating to authorizing the State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; relating to authorizing the State Treasurer to promulgate a legislative rule relating to the Hope Scholarship Program; and relating to authorizing the State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program.”

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

On this question, the yeas and nays were taken (**Roll No. 652**), and there were—yeas 78, nays 1, absent and not voting 21, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Barnhart, Bridges, Clark, DeVault, Fehrenbacher, Ferrell, Fluharty, Griffith, W. Hall, Hillenbrand, Honaker, Hornbuckle, Linville, Mallow, Marple, Martin, Mazzocchi, C. Pritt, Pushkin, Shamblin 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. 361) 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.

At 1:06 p.m., on motion of Delegate Householder, the House of Delegates recessed until 2:30 p.m.

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Afternoon Session

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

Special Calendar

Third Reading

-continued-

Com. Sub. for S. B. 409, Authorizing Department of Commerce 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. 653**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Criss, Garcia, Griffith, Jennings, Longanacre, Mallow, Nestor, Reynolds, Skaff and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 409) passed.

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

On this question, the yeas and nays were taken (**Roll No. 654**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Criss, Garcia, Griffith, Mallow, Nestor, Reynolds 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. 409) takes effect from its passage.

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

Com. Sub. for S. B. 422, Requiring public schools to publish curriculum online at beginning of each new school year; 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. 655**), and there were—yeas 75, nays 21, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Dittman, Ferrell, Fluharty, Foggin, Garcia, W. Hall, Hansen, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Riley, Rowe, Shamblin, Skaff, Vance, Walker, Williams and Young.

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 422) passed.

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

Com. Sub. for S. B. 422 - "A Bill to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, all relating to publishing county board curriculum; requiring public schools to post county-adopted curriculum online and establishing deadlines therefore; providing that only students, parents, or guardians have access to online curriculum; defining term; allowing county board to provide access to county-adopted curriculum; and providing that if a public school does not have a website, the information shall be posted on county board website or website authorized by state board."

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. 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems; 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. 656**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Hornbuckle, Pushkin, Steele, Walker and Young.

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 426) passed.

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

Com. Sub. for S. B. 426 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6B-4a, relating to regulating, restricting, or banning high-risk technology platforms, services, applications, programs, or products on government networks, devices, and systems; adding legislative findings related to national security threats and threats to critical state government networks and infrastructure, including election systems, posed by untrustworthy and high-risk platforms, services, applications, programs, or products; authorizing the Chief Information Security Officer to identify high-risk platforms, services, applications, programs, and products and to develop statewide standards regulating their use on government networks, devices, and systems; requiring certain government entities to adopt and enforce those standards; recommending the legislative and judicial branches to adopt and enforce those standards; authorizing the promulgation of legislative and emergency rules to facilitate the purpose of this section; and requiring the Chief Information Security Officer provide an annual report on threats posed by untrustworthy and high-risk platforms, services, applications,

programs, or products, and the actions required to mitigate those threats to the Joint Interim Committee on Government Operations.”

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

S. B. 443, Directing payment of estate administration fee to State Auditor; 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. 657**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 443) passed.

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 658**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 443) takes effect July 1, 2023.

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

S. B. 444, Transferring moneys in WV Future Fund to General Revenue Fund; 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. 659**), and there were—yeas 87, nays 9, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hansen, Hornbuckle, E. Pritt, Pushkin, Walker, Williams and Young.

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 444) passed.

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 660**), and there were—yeas 89, nays 7, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hansen, E. Pritt, Pushkin, Walker and Young.

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 444) takes effect July 1, 2023.

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

S. B. 446, Removing methanol and methanol fuel from definition of special fuel; 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. 661**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 446) 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. 446 - "A Bill to amend and reenact §11-14C-2 of the Code of West Virginia, 1931, as amended, relating to removing methanol and methanol fuel from the definition of special fuel."

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 662**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Clark and Howell.

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 446) takes effect July 1, 2023.

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. 461, Relating to WV public employees grievance procedure; 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. 663**), and there were—yeas 78, nays 18, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Fluharty, Foggin, Garcia, Hansen, Hornbuckle, Nestor, E. Pritt, Pushkin, Rowe, Skaff, Toney, Vance, Walker, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 461) passed.

Com. Sub. for S. B. 469, Providing funding for CPR instruction to high school students; 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. 664**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 469) passed.

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 665**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

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. 469) takes effect July 1, 2023.

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

Com. Sub. for S. B. 495, Providing correctional institutions and juvenile facilities video and audio records be confidential; 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. 666**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 495) passed.

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

Com. Sub. for S. B. 495 - "A Bill to amend and reenact §15A-4-8a of the Code of West Virginia, 1931, as amended, relating generally to correctional institutions and juvenile facilities; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court or administrative tribunal orders directing disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; requiring the Commissioner of the Division of Corrections and Rehabilitation to permit the viewing of certain records to licensed attorneys under certain conditions; and defining terms."

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

On this question, the yeas and nays were taken (**Roll No. 667**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Griffith, Mallow and Reynolds.

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. 495) 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. 508, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures; 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. 668**), and there were—yeas 35, nays 61, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Barnhart, Cannon, Capito, Criss, Espinosa, Forsht, Heckert, Honaker, Hott, Householder, Howell, Jeffries, Jennings, Keaton, Kelly, Linville, Marple, Martin, Maynor, Mazzocchi, McGeehan, Petitto, Phillips, Pinson, C. Pritt, Riley, Rohrbach, Steele, Summers, Toney, Tully, Westfall, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Foster, Griffith and Mallow.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the bill (S. B. 508) rejected.

Delegate Householder then asked and obtained unanimous consent to return to further consideration of Com. Sub. for S. B. 461.

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

Com. Sub. for S. B. 461 – “A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Public Employees Grievance Procedure; defining terms; clarifying actions or any matter relating to protected classes are not subject to grievances; providing that Division of Personnel may not be a party in certain circumstances; providing for multiple grievant parties; providing a grievance must be filed within the time limits specified or it may be dismissed; extending certain time limits; providing for grievance dismissal for untimeliness, lack of jurisdiction, or failure to state a claim and appeals of such dismissal; updating default process to include employer; providing the grievance evaluator and the administrative law judge may not hold a motion to dismiss in abeyance while other proceedings take place; clarifying that grievances may be consolidated as long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown; requiring grievant representatives provide the names and work location of employees being represented; requiring that employees provide the name and contact information of his or her representative; directing Grievance Board to make available certain forms; providing that employee annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; providing for the

chief administrator's resolution of certain disputes and further providing for discretionary recording of conference; limiting annual number of grievances an employee may serve as a representative; providing for conference recordings; requiring grievance to be held in abeyance under certain circumstances; clarifying employee representation is limited by work requirements; requiring grievant to provide copies of grievance in certain cases; updating appellate procedure from level three decision; and providing for award of costs and attorney fees."

Com. Sub. for S. B. 516, Relating to requirements for disclosure of donor contributions; 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. 669**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Ferrell, Fluharty, Garcia, Hansen, Hite, Hornbuckle, Kirby, Nestor, E. Pritt, Pushkin, Reynolds, Ross, Rowe, Shamblin, Skaff, Storch, Toney, Vance, Walker, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Griffith and Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 516) passed.

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

Com. Sub. for S. B. 522, Allocating percentage of county excise taxes for funding improvements to election administration; 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. 670**), 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: Bridges, Griffith and Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 522) 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:

Com. Sub. for S. B. 522 – "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to excise taxes on transfers of title to real estate; requiring a certain percentage of certain excise taxes be allocated to the county in which it was collected; providing for distribution of funds from certain excise taxes allocated to the county in which it was received; authorizing the Secretary of State to propose legislative rules establishing standards for election administration, infrastructure, and security; and providing for allocation of funds when certain minimum standards or reserve amounts are met."

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. 523, Clarifying purpose and use of Economic Development Project Fund; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Kirby moved to amend the bill on page 2, section 23a, line 41, after the word "exceed" by striking "\$300" and inserting in lieu thereof "\$50";

And,

On page 3, section 23a, line 51, after the word "exceed" by striking "\$250" and inserting in lieu thereof "\$50".

Delegate Hite moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 671**), and there were—yeas 29, nays 66, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Barnhart, Cooper, Espinosa, Fehrenbacher, Foggin, Forsht, W. Hall, Hillenbrand, Hite, Hott, Householder, Jeffries, Keaton, Kelly, Kump, Longanacre, Martin, Nestor, Ridenour, Rohrbach, Shamblin, Summers, Toney, Tully, Walker, Westfall, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Griffith, A. Hall, Lucas and Mallow.

So, a majority of the members present not having voted in the affirmative, the motion was rejected.

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. 672**), and there were—yeas 20, nays 73, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, Foster, A. Hall, Kimble, Kirby, Longanacre, McGeehan, C. Pritt, E. Pritt, Pushkin, Ridenour, Ross and Vance.

Absent and Not Voting: Bridges, Clark, Crouse, Ferrell, Griffith, Hanna and Mallow.

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

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 673**), and there were—yeas 83, nays 14, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dean, Dillon, Foster, Kimble, Kirby, Longanacre, McGeehan, C. Pritt, E. Pritt, Ridenour, Ross and Vance.

Absent and Not Voting: Bridges, Griffith and Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 523) passed.

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

Delegate Brooks, having voted on the prevailing side, moved that the House of Delegates reconsider the vote on **S. B. 508**.

Delegate Worrell moved that the motion be tabled.

On the question that the motion be tabled, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 674**), and there were—yeas 33, nays 63, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Dean, Ferrell, Fluharty, Garcia, Griffith, W. Hall, Hansen, Hillenbrand, Hite, Hornbuckle, Kirby, Kump, Martin, Miller, Petitto, E. Pritt, Pushkin, Reynolds, Ridenour, Ross, Rowe, Shamblin, Sheedy, Skaff, Smith, Storch, Toney, Walker, Ward, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Mallow, Westfall and Willis.

So, a majority of the members present not having voted in the affirmative, the motion to table was rejected.

During debate on the motion to reconsider, Delegate Fluharty arose to a point of order regarding the remarks of Delegate Steele pertaining to the bill and not the motion.

The Speaker ruled that the rule was not well taken.

On the motion to reconsider the vote on S. B. 508, the yeas and nays, were demanded which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 675**), and there were—yeas 53, nays 37, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dean, Dillon, Fast, Fluharty, Foggin, Garcia, Gearheart, Griffith, A. Hall, Hansen, Hardy, Hite, Hornbuckle, Horst, Kirby, Kump, Martin, E. Pritt, Pushkin, Reynolds, Ridenour, Ross, Rowe, Sheedy, Skaff, Smith, Statler, Storch, Thorne, Toney, Vance, Walker, Williams, Willis, Worrell and Young.

Absent and Not Voting: Bridges, Ferrell, Jennings, Longanacre, Lucas, Mallow, Marple, Nestor, Shamblin and Westfall.

So, a majority of the members present having voted in the affirmative, the motion to reconsider prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 676**), and there were—yeas 49, nays 41, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Anderson, Burkhammer, Dean, Dillon, Dittman, Fast, Ferrell, Fluharty, Garcia, Gearheart, Griffith, A. Hall, Hansen, Hardy, Hillenbrand, Hite, Holstein, Hornbuckle, Horst, Kirby, Kump, Marple, E. Pritt, Pushkin, Reynolds, Ridenour, Ross, Rowe, Shamblin, Sheedy, Skaff, Smith, Statler, Storch, Thorne, Vance, Walker, Williams, Willis, Worrell and Young.

Absent and Not Voting: Barnhart, Bridges, Chiarelli, Hornby, Jeffries, Longanacre, Mallow, Martin, Nestor and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 508) passed.

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

Com. Sub. for S. B. 527, Allowing family members of military personnel access to discharge records; 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. 677**), and there were—yeas 84, nays 1, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Butler.

Absent and Not Voting: Barnhart, Bridges, Burkhammer, Cooper, Dean, Foster, A. Hall, Hardy, Householder, Kirby, Linville, Mallow, Nestor, Steele and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 527) 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. 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations; 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. 678**), and there were—yeas 79, nays 2, absent and not voting 19, with the nays and the absent and not voting being as follows:

Nays: Ridenour and Thorne.

Absent and Not Voting: Bridges, Burkhammer, Cooper, Fehrenbacher, Foster, A. Hall, Hillenbrand, Hite, Householder, Kirby, Kump, Mallow, Nestor, Petitto, E. Pritt, Reynolds, Steele, Warner and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 533) 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. 534, Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements; on third reading, coming up in regular order, with the right to amend, was read reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-26. Authorizing municipalities to create private outdoor designated areas.

(a) In addition to all other powers and duties conferred by law upon municipalities, municipalities are empowered and authorized pass an ordinance establishing private outdoor designated areas as described in §60-7-8g of this code.

(b) The municipality shall include in the ordinance, at a minimum, all of the following:

(1) Requirements for the purpose of ensuring compliance with all state and municipal laws, and public health and safety within a private outdoor designated area;

(2) The proposed outdoor designated area or proposed licensed premises shall be indicated on a submitted map or survey in sufficient detail to identify the boundaries of the area, subject to the limitations in subsection (b) of this section;

(3) A general statement of the nature and types of qualified permit holders that may operate within the proposed outdoor designated area;

(4) That certain public property that is legally demarcated by the ordinance is within the proposed private outdoor designated area and such area is in compliance with the comprehensive plan or zoning ordinances of the municipality, if the municipality has so adopted, for the consumption of liquor, wine, nonintoxicating beer and nonintoxicating craft beer;

(5) The specific boundaries of the private outdoor designated area, including street addresses;

(6) The number, spacing, and type of signage designating the private outdoor designated area;

(7) The days and hours of operation for the private outdoor designated area which may not be greater than, authorized by §11-16-1 *et seq.* and chapter 60 of this code, but may be less than;

(8) The estimated number of personnel needed to ensure public safety and efficient operations in the private outdoor designated area;

(9) A sanitation plan that will help maintain the appearance and public health of the private outdoor designated area, including the number of restrooms and trash receptacles.

(10) A requirement that liquor, wine, nonintoxicating beer, and nonintoxicating craft beer be served in non-glass containers, not greater than 18 fluid ounces, approved by the municipality and the commissioner as set forth in §60-7-8g of this code; and

(11) Public health and safety measures, and requirements to meet compliance with current health permitting and zoning requirements.

(c) The municipality shall provide to the commissioner notice of the approval of the private outdoor designated area and identify the qualified permit holders that will be applying for permits set forth in §60-7-8g of this code.

(d) The municipality shall be responsible for ensuring compliance with its ordinances and compliance with all criminal laws associated with the operation of a private outdoor designated area. The municipality shall provide the commissioner copies of all non-compliance and violations. The commissioner shall ensure all qualified permit holders operate in accordance with requirements set forth in §11-16-1 *et seq.* and chapter 60 of this code.

(e) The municipality shall have the authority to dissolve a private outdoor designated area by ordinance and further may suspend a private outdoor designated area immediately when in the interest of public safety.

(f) Notwithstanding any provision of this Code to the contrary, any person licensed under §11-16-1, *et seq.* of this Code, shall not be charged any additional license fee by a municipality.

CHAPTER 11. TAXATION.

ARTICLE 16. NONINTOXICATING BEER.

§11-16-3. Definitions.

For the purpose of this article, except where the context clearly requires differently:

(1) 'Brand' means a nonintoxicating beer product manufactured, brewed, mixed, concocted, blended, bottled, or otherwise produced, imported, or transshipped by a brewer or manufacturer, the labels of which have been registered and approved by the commissioner, that is being offered for sale or sold in West Virginia by a distributor who has been appointed in a valid franchise agreement or a valid amendment thereto.

(2) 'Brewer' or 'manufacturer' means any person manufacturing, otherwise producing, importing, or transshipping nonintoxicating beer or nonintoxicating craft beer for sale at wholesale to any licensed distributor. Brewer or manufacturer may be used interchangeably throughout this article. A brewer may obtain only one brewer's license for its nonintoxicating beer or nonintoxicating craft beer.

(3) 'Brewpub' means a place of manufacture of nonintoxicating beer or nonintoxicating craft beer owned by a resident brewer, subject to federal and state regulations and ~~guidelines, rules,~~ a portion of which premises is designated for retail sales of nonintoxicating beer or nonintoxicating craft beer by the resident brewer owning the brewpub.

(4) 'Class A retail license' means a retail license permitting the retail sale of liquor at a freestanding liquor retail outlet, licensed pursuant to §60-1-1 *et seq.* of this code.

(5) 'Class B retail license' means a retail license permitting the retail sale of liquor at a mixed retail liquor outlet licensed pursuant to §60-1-1 *et seq.* of this code.

(6) 'Commissioner' means the West Virginia Alcohol Beverage Control Administration Commissioner.

(7) 'Distributor' means and includes any person jobbing or distributing nonintoxicating beer or nonintoxicating craft beer to retailers at wholesale and whose warehouse and chief place of business ~~shall be~~ is within this state. For purposes of a distributor only, the term 'person' means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of §11-16-1 *et seq.* of this code notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

(8) 'Franchise agreement' means the written agreement between a brewer and a distributor that is identical as to terms and conditions between the brewer and all its distributors, which ~~agreement~~ has been approved by the commissioner. The franchise agreement binds the parties so that a distributor, appointed by a brewer, may distribute all the brewer's nonintoxicating beer products, brands, or family of brands imported and offered for sale in West Virginia, including, but not limited to, existing brands, line extensions, and new brands all in the brewer's assigned territory for the distributor. All brands and line extensions being imported or offered for sale in West Virginia must be listed by the brewer in the franchise agreement or a written amendment to the franchise agreement. A franchise agreement may be amended by mutual written agreement of the parties as approved by the commissioner with identical terms and conditions for a brewer and all its distributors. Any approved amendment to the franchise agreement becomes a part of the franchise agreement. A brewer and a distributor may mutually agree in writing to cancel a franchise agreement. A distributor terminated by a brewer as provided in this article and the promulgated rules no longer has a valid franchise agreement. If a brewer has reached an agreement to cancel a distributor or has terminated a distributor, then a brewer may appoint a successor distributor who accedes to all the rights of the cancelled or terminated distributor.

(9) 'Franchise distributor network' means the distributors who have entered into a binding written franchise agreement, identical as to terms and conditions, to distribute nonintoxicating beer products, brands, and line extensions in an assigned territory for a brewer. A brewer may only have one franchise distributor network: *Provided*, That a brewer that has acquired the manufacturing, bottling, or other production rights for the sale of nonintoxicating beer at wholesale from a selling brewer, as specified in §11-16-21(a)(2) of this code, shall continue to maintain and be bound by the selling brewer's separate franchise distributor's network for any of its existing brands, line extensions, and new brands.

(10) 'Freestanding liquor retail outlet' means a retail outlet that sells only liquor, wine, beer, nonintoxicating beer, and other alcohol-related products, as defined pursuant to §60-3A-4 of this code.

(11) 'Growler' means a container or jug that is made of glass, ceramic, metal, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and must be

capable of being securely sealed. The growler is ~~utilized~~ used by an authorized licensee for purposes of off-premise sales only of nonintoxicating beer or nonintoxicating craft beer for personal consumption not on a licensed premise and not for resale. The nonintoxicating beer or nonintoxicating craft beer served and sold in a sealed growler may include ice or water mixed with the nonintoxicating beer or nonintoxicating craft beer to create a frozen nonintoxicating beer or nonintoxicating craft beer beverage. Any frozen nonintoxicating beer or nonintoxicating craft beer beverage machine used for filling growlers shall be sanitized daily, shall be under the control of the licensee in the secure area, and served to the patron by the licensee from the secure area. Notwithstanding any other provision of this code to the contrary, a securely sealed growler is not an open container under federal, state, and local law. A growler with a broken seal is an open container under federal, state, and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. The secure sealing of a growler requires the use of a ~~tamper-resistant~~ tamper-evident seal, security tape, or other material, as approved by the commissioner, placed on or over the growler's opening, which seal, security tape or other material is clearly marked with the date of the secure sealing by the authorized licensee who is selling the growler.

(12) 'Line extension' means any nonintoxicating beer product that is an extension of a brand or family of brands that is labeled, branded, advertised, marketed, promoted, or offered for sale with the intent or purpose of being manufactured, imported, associated, contracted, affiliated, or otherwise related to a brewer's existing brand through the use of a brewer, its subsidiaries, parent entities, contracted entities, affiliated entities, or other related entities. In determining whether a nonintoxicating beer product is a line extension, the commissioner may consider, but is not limited to, the following factors: Name or partial name; trade name or partial trade name; logos; copyrights; trademarks or trade design; product codes; advertising promotion; or pricing.

(13) 'Manager' means an individual who is the applicant's or licensee's on-premises employee, member, partner, shareholder, director, or officer who meets the licensure requirements of §11-16-1 *et seq.* of this code and rules promulgated thereunder who actively manages, conducts, and carries on the day-to-day operations of the applicant or licensee with full and apparent authority or actual authority to act on behalf of the applicant or licensee. ~~Such~~ Duties include but are not limited to: Coordinating staffing; reviewing and approving payroll; ordering and paying for inventory, such as nonintoxicating beer, wine, and liquor, as applicable; and managing security staff, security systems, video, and other security equipment; and any further acts or actions involved in managing the affairs of the business, on behalf of owners, partners, members, shareholders, officers, or directors.

(14) 'Nonintoxicating beer' means all natural cereal malt beverages or products of the brewing industry commonly referred to as beer, lager beer, ale, and all other mixtures and preparations produced by the brewing industry, including malt coolers and nonintoxicating craft beers with no caffeine infusion or any additives masking or altering the alcohol effect containing at least one half of one percent alcohol by volume, but not more than 11.9 percent of alcohol by weight, or 15 percent alcohol by volume, whichever is greater. The word 'liquor', as used in §60-1-1 *et seq.* of this code, does not include or embrace nonintoxicating beer nor any of the beverages, products, mixtures, or preparations included within this definition.

(15) 'Nonintoxicating beer floor plan extension' means a temporary one-day extension of an existing Class A licensee's floor plan to a contiguous, adjoining, and bounded area, such as a parking lot or outdoor area, which shall for the temporary period encompass the licensee's licensed premises; further the license shall be endorsed or approved by the county or municipality where the license is located; the license shall be in good standing with the commissioner, and

further ~~such as the~~ temporary event shall cease on or before midnight of the approved temporary one-day event.

(16) 'Nonintoxicating beer sampling event' means an event approved by the commissioner for a Class A retail licensee to hold a nonintoxicating beer sampling authorized pursuant to §11-16-11a of this code.

(17) 'Nonintoxicating beer sampling day' means any days and hours of the week where Class A retail licensees may sell nonintoxicating beer, pursuant to §11-16-11a and §11-16-18(a)(1) of this code, and ~~is~~ who are approved, in writing, by the commissioner to conduct a nonintoxicating beer sampling event.

(18) 'Nonintoxicating craft beer' means any beverage obtained by the natural fermentation of barley, malt, hops, or any other similar product or substitute and containing not less than one half of one percent by volume and not more than 15 percent alcohol by volume or 11.9 percent alcohol by weight with no caffeine infusion or any additives masking or altering the alcohol effect.

(19) 'Original container' means the container used by a resident brewer or brewer at the place of manufacturing, bottling, or otherwise producing nonintoxicating beer or nonintoxicating craft beer for sale at wholesale.

(20) 'Person' means and includes an individual, firm, partnership, limited partnership, limited liability company, association, or corporation.

(21) 'Private club' means a license issued pursuant to §60-7-1 *et seq.* of this code.

(22) 'Resident brewer' means any brewer or manufacturer of nonintoxicating beer or nonintoxicating craft beer whose principal place of business and manufacture is located in the State of West Virginia; which may also have multiple manufacturing locations located in West Virginia as set forth in §11-16-9 of the code; and which does not brew or manufacture more than 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer annually at all manufacturing locations in the aggregate and does not self-distribute more than 10,000 barrels thereof in the State of West Virginia annually from all manufacturing locations in the aggregate.

(23) 'Retailer' means any person selling, serving, or otherwise dispensing nonintoxicating beer and all products regulated by this article, including, but not limited to, malt coolers at his or her established and licensed place of business.

(24) 'Tax Commissioner' means the Tax Commissioner of the State of West Virginia or the commissioner's designee.

§11-16-6. License in one capacity only; no connection between different licensees; when brewer may act as distributor; credit and rebates proscribed; brewer, resident brewer, and brewpub requirements.

(a) A person shall not be licensed in more than one capacity under the terms of this article, and there shall be no connection whatsoever between any retailer, distributor, resident brewer, or brewer, and a person shall be interested, directly or indirectly, through the ownership of corporate stock, membership in a partnership, or in any other way in the business of a retailer, if the person is at the same time interested in the business of a brewer, resident brewer or distributor. A resident brewer may act as distributor in a limited capacity for his or her own product

from the resident brewery or place of manufacture or bottling, but a resident brewer, is not permitted to act as a distributor as defined in §11-16-3 of this code: *Provided*, That nothing in this article may prevent a resident brewer from using the services of licensed distributors as specified in this article. A resident brewer or distributor may sell to a patron for personal use and not for resale, quantities of draught beer in original containers that are no larger in size than one-half barrel for off-premises consumption. A resident brewer who also has a brewpub license may sell nonintoxicating beer or nonintoxicating craft beer produced by the resident brewer in cans, bottles, or sealed growlers, pursuant to §11-16-6b of this code, for personal consumption off of the brewpub's licensed premises and not for resale.

In order to promote the state's hospitality and tourism industry, as well as promoting economic development within the state by attracting persons licensed in another state as a retailer, distributor, brewer, or manufacturer to relocate and establish business in this state, the commissioner may not consider licenses in other state as a criterion when evaluating applications for licensure in this state, and, the limitations contained in this section shall not apply to licenses in any other state: *Provided*, That any applicant for licensure in this state must be in good standing in all other states and never had a license revoked in any other state in which it is licensed.

(b) It is unlawful for any brewer, resident brewer, manufacturer, or distributor to assist any retailer or for any retailer to accept assistance from any brewer, manufacturer, or distributor, accept any gifts, loans, forbearance of money or property of any kind, nature, or description, or other thing of value, or give any rebates or discounts of any kind whatsoever, except as permitted by rule, or order promulgated by the commissioner in accordance with this article.

(c) Notwithstanding subsections (a) and (b) of this section, a brewpub may offer for retail sale nonintoxicating beer or nonintoxicating craft beer so long as the sale of the nonintoxicating beer or nonintoxicating craft beer is limited to the brewpub's licensed premises, except as provided in §11-16-6b of this code.

(d) A brewer or resident brewer licensed under this section may also be licensed under §60-4-1 *et seq.* of this code: *Provided*, That the holder of the license meets all the requirements for the additional licenses required by the commissioner and pays all fees related to the license: *Provided, however*, That the licensee maintains all the rights and privileges associated with the license.

§11-16-6a. Brewer and resident brewer license to manufacture, sell, and provide complimentary samples.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of nonintoxicating beer and nonintoxicating craft beer and its industry in this state in order to protect the public health, welfare, and safety of the citizens of this state, and promote hospitality and tourism. Therefore, this section authorizes a licensed brewer or resident brewer with its principal place of business and manufacture located in this state to have certain abilities in order to promote the sale of nonintoxicating beer and nonintoxicating craft beer manufactured in this state for the benefit of the citizens of this state, the state's growing brewing industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of nonintoxicating beer.* — A licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia may offer only

nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer for retail sale to customers from the brewer's or resident brewer's licensed premises for consumption off of the licensed premises only in the form of kegs, bottles, cans, or growlers for personal consumption and not for resale. A licensed brewer or resident brewer may not sell, give, or furnish nonintoxicating beer for consumption on the premises of the principal place of business and manufacture located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (c) of this section.

(c) *Complimentary samples.* — A licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia may only offer complimentary samples of nonintoxicating beer or nonintoxicating craft beer brewed at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. The complimentary samples may be no greater than two ounces per sample per patron, and a sampling shall not exceed 10 complimentary two-ounce samples per patron per day. A licensed brewer or resident brewer providing complimentary samples shall provide complimentary food items to the patron consuming the complimentary samples; and prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or over and that the patron is not visibly intoxicated.

(d) *Retail sales.* — Every licensed brewer or resident brewer under this section shall comply with all the provisions of this article as applicable to nonintoxicating beer retailers when conducting sales of nonintoxicating beer or nonintoxicating craft beer and shall be subject to all applicable requirements and penalties in this article. In the interest of promoting tourism throughout the state, every licensed brewer or resident brewer manufacturing nonintoxicating beer or nonintoxicating craft beer in this state is authorized, with a limited off-site retail privilege at private fair and festivals, for off-premises consumption sales of only the brewer or resident brewer's sealed nonintoxicating beer or nonintoxicating craft beer. At least five days prior to an approved private fair and festival, an authorized brewer or resident brewer shall provide a copy of a written agreement to sell only nonintoxicating beer or nonintoxicating craft beer manufactured by the brewer or resident brewer at the private fair and festival's licensed premises. If approved, an authorized brewer or resident brewer may conduct off-premises consumption sales of their nonintoxicating beer or nonintoxicating craft beer from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved brewers or resident brewers conducting the off-premises consumption sales shall comply with all retail requirements in §11-16-1 et seq. of this code, and specifically with respect to all markups, taxes, and fees. Additionally, an authorized brewer or resident brewer may provide complimentary samples to patrons who are 21 years of age or over and who are not intoxicated in the amounts set forth in subsection (c).

(e) *Payment of taxes and fees.* — A licensed brewer or resident brewer under this section shall pay all taxes and fees required of licensed nonintoxicating beer retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(f) *Advertising.* — A licensed brewer or resident brewer under this section may advertise a particular brand or brands of nonintoxicating beer or nonintoxicating craft beer produced by the licensed brewer or resident brewer and the price of the nonintoxicating beer or nonintoxicating craft beer subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(g) *Growler requirements.* — A licensed brewer or resident brewer under this section ~~must~~ shall fill a growler and patrons are not permitted to access the secure area or fill a growler. A licensed brewer or resident brewer under this section ~~must~~ shall sanitize, fill, securely seal, and label any growler prior to its sale. A licensed brewer or resident brewer under this section may only offer for retail sale growlers no larger than 128 fluid ounces of nonintoxicating beer or nonintoxicating craft beer manufactured by the licensed brewer or resident brewer for personal consumption off of the licensed premises and not for resale. A licensed brewer or resident brewer under this section may refill a growler subject to the requirements of this section. A licensed brewer or resident brewer shall visually inspect any growler before filling or refilling it. A licensed brewer or resident brewer may not fill or refill any growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.

(h) *Growler labeling.* — A licensed brewer or resident brewer under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the nonintoxicating beer or nonintoxicating craft beer in the growler, the alcohol content by volume of the nonintoxicating beer or nonintoxicating craft beer in the growler, and the date the growler was filled or refilled, and, further, all labeling on the growler shall be consistent with all federal labeling and warning requirements.

(i) *Growler sanitation.* — A licensed brewer or resident brewer authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensed brewer or resident brewer shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipelines, barrel tubes, and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under §11-16-23 of this code.

(j) *Fee.* — There is no additional fee for a licensed brewer or resident brewer authorized under this section to sell growlers.

(k) *Limitations on licensees.* — To be authorized under this section, a licensed brewer or resident brewer may not produce more than 25,000 barrels per calendar year at the brewer's or resident brewer's principal place of business and manufacture located in the State of West Virginia. No more than one brewer or resident brewer license may be issued to a single person or entity and no person may hold both a brewer and a resident brewer license. A licensed brewer or resident brewer under this section may only conduct tours, give complimentary samples, and sell growlers during the hours of operation set forth in §11-16-18(a)(1) of this code. A licensed brewer or resident brewer authorized under this section shall be subject to the applicable penalties under §11-16-23 of this code for violations of this section.

(l) (1) *Contract Brewing Services Agreements.* - A licensed brewer or resident brewer may enter into contract brewing services agreements with another licensed brewer or resident brewer with its principal place of business and manufacture located in the State of West Virginia for purposes of sharing brewing equipment or facilities as part of the manufacture of nonintoxicating beer or nonintoxicating craft beer. Any such contract brewing services agreement shall be provided to the West Virginia Alcohol Beverage and Control Administration and set forth the following terms and conditions:

(A) The licensed brewer or resident brewer serving as the brewer of record and retaining ownership, rights, title, and interest in the nonintoxicating beer or nonintoxicating craft beer recipe and brand;

(B) The licensed brewer or resident brewer who will be responsible for executing any brew of nonintoxicating beer or nonintoxicating craft beer;

(C) The location of the facilities to be utilized for the manufacture of the nonintoxicating beer or nonintoxicating craft beer;

(D) Specifications regarding the packaging of all nonintoxicating beer or nonintoxicating craft beer manufactured under the contract brewing services agreement; and

(E) The manner of payment of any and all federal and state excise taxes associated with the manufactured nonintoxicating beer or nonintoxicating craft beer.

(2) The licensed brewer or resident brewer serving as the brewer of record is responsible for the transportation of the finished and packaged product to their licensed facility, where it must come to rest and be tax determined. Any nonintoxicating beer or nonintoxicating craft beer manufactured pursuant to a contract brewing services agreement shall be credited to the specified brewer of record for purposes of the barrel limitations set forth in §11-16-6a(k) of this code, and not the licensed brewer or resident brewer responsible for executing any brew on behalf of the brewer of record.

(m) Rules. — The commissioner, in consultation with the Bureau for Public Health concerning sanitation, ~~is authorized to~~ may propose rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§11-16-6d. Nonintoxicating beer or nonintoxicating craft beer delivery license for a licensed Class A retail dealer or a third-party; requirements; limitations; third-party license fee; retail transportation permit; and requirements.

(a) A Class A retail dealer who is licensed to sell nonintoxicating beer or nonintoxicating craft beer may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license permitting the order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer in a sealed original container of bottles or cans, and sealed growlers, when separately licensed for growler sales. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the nonintoxicating beer or nonintoxicating craft beer by telephone, a mobile ordering application, or a web-based software program, as authorized by the licensee's license. There is no additional fee for licensed Class A retail dealers to obtain a nonintoxicating beer or nonintoxicating craft beer delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for nonintoxicating beer or nonintoxicating craft beer sales or distribution, may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license for the privilege and convenience to offer ordering and delivery services of nonintoxicating beer or nonintoxicating craft beer in the sealed original container of bottles or cans, and sealed growlers, from a licensee with a growler license. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when the Class A retail dealer sells to a person purchasing the nonintoxicating beer or nonintoxicating craft beer through telephone orders, a mobile ordering application, or a web-based software program. The annual nonintoxicating beer or nonintoxicating craft beer delivery license fee is \$200 per third-party entity,

with no limit on the number of drivers and vehicles. The delivery license fee under this subsection may not be prorated nor refunded.

(c) The nonintoxicating beer or nonintoxicating craft beer delivery license application shall comply with licensure requirements in §11-16-8 of this code, and shall require any information set forth in this article and as reasonably required by the commissioner.

(d) *Sale Requirements.* —

(1) The nonintoxicating beer or nonintoxicating craft beer purchase shall accompany the purchase of prepared food, or a meal and the completion of the sale may be accomplished by the delivery of the prepared food or meal and nonintoxicating beer or nonintoxicating craft beer by the Class A retail dealer or third-party licensee;

(2) Any person purchasing nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older, shall may not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this article for the sale of nonintoxicating beer or nonintoxicating craft beer;

(3) "Prepared food or a meal" shall, for purposes of this article, mean food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer;

~~(4) An order, sale, or delivery consisting of multiple meals shall not amount to any combination of bottles, cans, or sealed growlers in excess of 384 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; and~~

~~(5)~~ (4) A third-party delivery licensee may not have a pecuniary interest in a Class A retail dealer, as set forth in this article, therefore a third-party delivery licensee may only charge a convenience fee for the delivery of any nonintoxicating beer or nonintoxicating craft beer. The third-party licensee may not collect a percentage of the delivery order for the delivery of alcohol, but may continue to collect a percentage of the delivery order directly related to the prepared food or a meal. The convenience fee charged by the third-party delivery licensee to the person purchasing may not be greater than \$20 per delivery order where nonintoxicating beer or nonintoxicating craft beer are ordered by the purchasing person. For any third-party licensee also licensed for wine growler delivery as set forth in §60-8-6c of this code, or craft cocktail growler delivery as set forth in §60-7-8f of this code, the total convenience fee of any order, sale, and delivery of a sealed growler, wine growler, or craft cocktail growler shall may not exceed \$5.

(e) *Delivery Requirements.* —

(1) Delivery persons employed for the delivery of nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older. The licensed Class A retail dealer and the third-party delivery licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) A Class A retail dealer or third-party delivery licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and shall submit certification of the training to the commissioner;

(3) The Class A retail dealer or third-party delivery licensee shall hold a retail transportation permit for each delivery vehicle delivering sealed nonintoxicating beer or nonintoxicating craft beer pursuant to §11-16-6d(g) of this code: *Provided*, That a delivery driver may retain an electronic copy of his or her permit;

(4) A Class A retail dealer or third-party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer orders in the county or contiguous counties where the Class A retail dealer is located;

(5) A Class A retail dealer or third-party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer to addresses located in West Virginia. A Class A retail dealer or third-party delivery licensee shall pay and account for all sales and municipal taxes;

(6) A Class A retail dealer or third-party delivery licensee may not deliver prepared food or a meal, and nonintoxicating beer or nonintoxicating craft beer to any other Class A licensee;

(7) A Class A retail dealer or third-party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer for personal use, and not for resale; and

(8) A Class A retail dealer or third-party delivery licensee ~~shall~~ may not deliver and leave prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer at any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. —

(1) The delivery person may only permit the person who placed the order through a telephone, mobile ordering application, or web-based software to accept the prepared food or a meal, and nonintoxicating beer or nonintoxicating craft beer delivery which is subject to age verification upon delivery with the delivery person's visual review and age verification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information and delivery shall be subject to legal identification verification;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information and delivery shall be subject to legal identification verification;

(4) All records are subject to inspection by the commissioner. A Class A retail dealer or third-party delivery licensee shall retain all records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering nonintoxicating beer or nonintoxicating craft beer ~~must~~ shall be issued a retail transportation permit per §11-16-6d(g) of this code.

(g) Retail Transportation Permit. —

(1) A Class A retail dealer or third-party delivery licensee shall obtain and maintain a retail transportation permit for the delivery of prepared food and nonintoxicating beer or nonintoxicating craft beer.

(2) A Class A retail dealer or a third-party licensee shall apply for a permit and provide vehicle and driver information, as required by the commissioner. Upon any change in vehicles or drivers, the Class A retail dealer or third-party delivery licensee shall update the vehicle and driver information with the commissioner within 10 days of the change.

(h) *Enforcement.* —

(1) A Class A retail dealer or third-party delivery licensee is responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple Class A retail dealers or licensees, employees, or independent contractors.

(2) A license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the Class A retail dealer or third-party delivery licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a growler subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, or accepting delivery of orders are considered to be purchasers.

§11-16-6f. Nonintoxicating beer or nonintoxicating craft beer delivery license for a licensed Class B retail dealer or a third-party; requirements; limitations; third-party license fee; retail transportation permit; and requirements.

(a) A Class B retail dealer who is licensed to sell nonintoxicating beer or nonintoxicating craft beer may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license permitting the order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer in a sealed original container of bottles or cans, and sealed growlers, when separately licensed for growler sales. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the nonintoxicating beer or nonintoxicating craft beer by a telephone, a mobile ordering application, or web-based software program, as authorized by the licensee's license. There is no additional fee for licensed Class B retail dealers to obtain a nonintoxicating beer or nonintoxicating craft beer delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for nonintoxicating beer or nonintoxicating craft beer sales or distribution, may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license for the privilege and convenience to offer ordering and delivery services of nonintoxicating beer or nonintoxicating craft beer in the sealed original container of bottles or cans, and sealed growlers, from a licensee with a growler license. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when the Class B retail dealer sells to a person purchasing the nonintoxicating beer or nonintoxicating craft beer through a telephone order, a mobile ordering application, or web-based software program. The

nonintoxicating beer or nonintoxicating craft beer delivery annual license fee is \$200 per third-party licensee, with no limit on the number of drivers and vehicles. The delivery license fee under this subsection may not be prorated nor refunded.

(c) The nonintoxicating beer or nonintoxicating craft beer delivery license application shall comply with licensure requirements in §11-16-8 of this code and shall require any information set forth in this article and as reasonably required by the commissioner.

(d) *Sale Requirements.* —

(1) The nonintoxicating beer or nonintoxicating craft beer purchase shall accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and nonintoxicating beer or nonintoxicating craft beer by the licensee or third-party licensee;

(2) Any person purchasing nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older, shall may not be visibly or noticeably intoxicated at the time of delivery, and meet the requirements set forth in this article for the sale of nonintoxicating beer or nonintoxicating craft beer;

(3) Food, for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer; and

~~(4) An order, sale, or delivery consisting of food and any combination of sealed nonintoxicating beer or nonintoxicating craft beer bottles, cans, or growlers shall not be in excess of 384 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; and~~

~~(5)~~ (4) A third-party delivery licensee shall may not have a pecuniary interest in a Class B retail dealer, as set forth in this article. A third-party delivery licensee may only charge a convenience fee for the delivery of any nonintoxicating beer or nonintoxicating craft beer. The third-party licensee may not collect a percentage of the delivery order for the delivery of nonintoxicating beer or nonintoxicating craft beer, but may continue to collect a percentage of the delivery order directly related to food. The convenience fee charged by the third-party delivery licensee to the purchasing person may not be greater than \$20 per delivery order. For any third-party licensee also licensed for wine delivery, as set forth in §60-8-6f of this code, the total convenience fee for any order, sale, and delivery of sealed wine may not exceed \$20.

(e) *Delivery Requirements.* —

(1) Delivery persons employed for the delivery of nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older. A Class B retail dealer and a third-party licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) A Class B retail dealer and a third-party licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and submit the certification of the training to the commissioner;

(3) The Class B retail dealer or third-party delivery licensee shall hold a retail transportation permit for each delivery vehicle delivering sealed nonintoxicating beer or nonintoxicating craft beer pursuant to §11-16-6f(g) of this code: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of the licensure;

(4) A Class B retail dealer and a third-party licensee may deliver food and sealed nonintoxicating beer or nonintoxicating craft beer orders in the county where the Class B retail dealer is located;

(5) A Class B retail dealer and a third-party licensee may only deliver food and sealed nonintoxicating beer or nonintoxicating craft beer to addresses located in West Virginia. A Class B retail dealer and a third-party licensee shall pay and account for all sales and municipal taxes;

(6) A Class B retail dealer and a third-party licensee may not deliver food and nonintoxicating beer or nonintoxicating craft beer to any other Class B licensee;

(7) Deliveries of food and sealed nonintoxicating beer or nonintoxicating craft beer are only for personal use, and not for resale; and

(8) A Class B retail dealer and a third-party licensee shall not deliver and leave food and sealed nonintoxicating beer or nonintoxicating craft beer at any address without verifying a person's age and identification as required by this section.

(f) *Telephone, mobile ordering application, or web-based software requirements.* —

(1) The delivery person may only permit the person who placed the order through a telephone, mobile ordering application, or web-based software to accept the food and nonintoxicating beer or nonintoxicating craft beer delivery. The delivery is subject to age verification upon delivery with the delivery person's visual review and age verification;

(2) Any mobile ordering application or web-based software used must create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information and delivery shall be subject to legal identification verification;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information and delivery shall be subject to legal identification verification;

(4) All records are subject to inspection by the commissioner. A Class B retail dealer and a third-party licensee shall retain all records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering nonintoxicating beer or nonintoxicating craft beer shall be issued a retail transportation permit in accordance with §11-16-6f(g) of this code.

(g) *Retail Transportation Permit.* —

(1) A Class B retail dealer and a third-party licensee shall obtain and maintain a retail transportation permit for the delivery of food and nonintoxicating beer or nonintoxicating craft beer.

(2) A Class B retail dealer or a third-party licensee shall apply for a permit and provide vehicle and driver information, required by the commissioner. Upon any change in vehicles or drivers, Class B retail dealer and a third-party licensee shall update the vehicle and driver information with the commissioner within 10 days of the change.

(h) *Enforcement.* —

(1) The Class B retail dealer and a third-party licensee are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple Class B retail dealers or third-party licensees, employees, or independent contractors.

(2) A license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the Class B retail dealer or third-party licensee, their employees, or independent contractors.

(3) It is a violation for any Class B retail dealer or third-party licensee, their employees, or independent contractors to break the seal of a growler subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, or accepting delivery of orders are considered to be purchasers.

§11-16-8. Form of application for license; fee and bond; refusal of license.

(a) A license may be issued by the commissioner to any person who submits an application, accompanied by a license fee and, where required, a bond, and states under oath:

(1) The name and residence of the applicant, the duration of the residency, and that the applicant is 21 years of age. If the applicant is a firm, association, partnership, limited partnership, limited liability company, or corporation, the application shall include the residence of the members or officers. If a person, firm, partnership, limited partnership, limited liability company, association, corporation, or trust applies for a license as a distributor, the person, or in the case of a firm, partnership, limited partnership, limited liability company, association, or trust, the members, officers, trustees, or other persons in active control of the activities of the limited liability company, association, or trust relating to the license, shall include the residency for these persons on the application. All applicants and licensees shall include a manager on the applicant's license application, or a licensee's renewal application, who shall meet all other requirements of licensure. The applicant shall be a United States citizen or a naturalized citizen, pass a background investigation, be at least 21 years of age, be a suitable applicant, and meet other requirements, all as set forth in this article and the rules promulgated ~~thereunder~~, hereunder, all in the interest of protecting public health and safety and being a suitable applicant or licensee. In order to maintain licensure, a licensee shall notify the commissioner immediately of a change in managers. If the applicant is a trust or has a trust as an owner, the trustees, or other persons in active control of the activities of the trust relating to the license, shall provide a certification of trust as described in §44D-10-1013 of this code. This certification of trust shall include the excerpts described in §44D-10-1013(e) of this code and shall further state, under oath, the names, addresses, Social Security numbers, and birth dates of the beneficiaries of the trust and certify that the trustee and beneficiaries are 21 years of age or older. If a beneficiary is not 21 years of age, the certification of trust shall state that the beneficiary's interest in the trust is represented by a trustee, parent, or legal guardian who is 21 years of age and who will direct all actions on behalf of the beneficiary related to the trust with respect to the distributor until the beneficiary is 21 years of age. Any beneficiary who is not 21 years of age or older shall have his or her trustee, parent, or legal guardian include in the certification of trust and state under oath his or her name, address, Social Security number, and birth date;

(2) The place of birth of the applicant, that he or she is a citizen of the United States and of good moral character and, if a naturalized citizen, when and where naturalized. If the applicant is a corporation organized or authorized to do business under the laws of the state, the application shall state when and where incorporated, the name and address of each officer, and that each officer is a citizen of the United States and a person of good moral character. If the applicant is a firm, association, limited liability company, partnership, limited partnership, trust, or has a trust as an owner, the application shall provide the place of birth of each member of the firm, association, limited liability company, partnership or limited partnership and of the trustees, beneficiaries, or other persons in active control of the activities of the trust relating to the license and that each member or trustee, beneficiary, or other persons in active control of the activities of the trust relating to the license is a citizen of the United States, and if a naturalized citizen, when and where naturalized, each of whom shall qualify and sign the application;

(3) The particular place for which the license is desired and a detailed description thereof;

(4) The name of the owner of the building and, if the owner is not the applicant, that the applicant is the actual and bona fide lessee of the premises;

(5) That the premises or building in which the applicant proposes to do business conforms to all applicable laws of health, fire, and zoning regulations and is a safe and proper place or building; is not within 200 feet of a school or church measured from front door-to-front door, along the street or streets. This requirement does not apply to a Class B license or to a place occupied by a beer licensee so long as it is continuously so occupied. The prohibition does not apply to a college, university, or church that has notified the commissioner, in writing, that it has no objection to the location of a proposed business in a place or building within 200 feet of the college, university, or church;

(6) That the applicant is not incarcerated and has not, in the previous five years before application: (A) Been convicted of a felony; (B) been convicted of a crime involving fraud, dishonesty, or deceit; or (C) been convicted of a felony for violating alcohol-related distribution laws;

(7) That the applicant is the only person in any manner pecuniarily interested in the business to be licensed and that no other person is in any manner pecuniarily interested during the continuance of the license; and

(8) That the applicant has not during five years preceding the date of the application had a nonintoxicating beer license revoked.

(b) In the case of an applicant that is a trust or has a trust as an owner, a distributor license may be issued only upon submission by the trustees or other persons in active control of the activities of the trust relating to the distributor license of a true and correct copy of the written trust instrument to the commissioner for his or her review. Notwithstanding any provision of law to the contrary, the copy of the written trust instrument submitted to the commissioner pursuant to this section is confidential, ~~and~~ is not a public record, and is not available for release pursuant to the West Virginia Freedom of Information Act codified in §29B-1-1 *et seq.* of this code.

(c) The provisions and requirements of subsection (a) of this section are mandatory prerequisites for the issuance of a license and, if any applicant fails to qualify, the commissioner shall refuse to issue the license. In addition to the information furnished in any application, the commissioner may make any additional and independent investigation of each applicant,

manager, and of the place to be occupied as necessary or advisable and, for this reason, all applications, with license fee and bond, shall be submitted with all true and correct information. For the purpose of conducting the independent investigation, the commissioner may withhold the granting or refusal to grant the license for a 30-day period or until the applicant has completed the conditions set forth in this section. If it appears that the applicant and manager meet the requirements in the code and the rules, including, but not limited to, ~~has~~have not been convicted of a felony in the previous five years before application, ~~has~~have not been convicted of a crime involving fraud, dishonesty, or deceit in the previous five years before application, ~~has~~have not been convicted of a felony for violating any alcohol-related distribution laws; ~~having made no~~ have not made any false statements or material misrepresentations; involving no hidden ownership; and having no persons with an undisclosed pecuniary interest contained in the application; and if there are no other omissions or failures by the applicant to complete the application, as determined by the commissioner, the commissioner shall issue a license authorizing the applicant to sell nonintoxicating beer or nonintoxicating craft beer.

(d) The commissioner may refuse a license to any applicant under the provisions of this article if the commissioner is of the opinion:

(1) That the applicant or manager has, within the previous five years before application: (A) Been convicted of a felony within the previous five years; (B) been convicted of a crime involving fraud, dishonesty, or deceit; or (C) been convicted of a felony for violating any state or federal alcohol-related distribution laws; and (D) that the applicant or the manager is not a suitable applicant;

(2) That the place to be occupied by the applicant is not a suitable place; or is within 200 feet of any school or church measured from front door to front door along the street or streets. This requirement does not apply to a Class B licensee or to a place now occupied by a beer licensee so long as it is continuously so occupied. The prohibition does not apply to a college, university, or church that has notified the commissioner, in writing, that it has no objection to the location of any such place within 200 feet;

(3) That ~~the~~ any manager, owner, employee, or other person ~~is~~ in a contractual relationship to provide goods or services to the applicant is an active employee of the commissioner; or

(4) That the license should not be issued for reason of conduct declared to be unlawful by this article.

§11-16-9. Amount of license tax; Class A and Class B retail dealers; purchase and sale of nonintoxicating beer permitted; distributors; brewers; brewpubs.

(a) All retail dealers, distributors, brewpubs, brewers, and resident brewers of nonintoxicating beer and of nonintoxicating craft beer shall pay an annual fee to maintain an active license as required by this article. The license period begins on July 1 of each year and ends on June 30 of the following year. If the license is granted for a shorter period, then the license fee shall be computed semiannually in proportion to the remainder of the fiscal year: *Provided*, That if a licensee 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, then an additional \$150 reactivation fee shall be charged and paid by the licensee; the fee may not be prorated or refunded, prior to the processing of any renewal application and applicable full year annual license fee; and furthermore, a licensee who continues to operate after the expiration of its license is

subject to all fines, penalties, and sanctions available in §11-16-23 of this code, all as determined by the commissioner.

(b) The annual license fees are as follows:

(1) Retail dealers shall be divided into two classes: Class A and Class B.

(A) For a Class A retail dealer, the license fee is \$150 for each place of business; the license fee for social, fraternal, or private clubs not operating for profit, and which have been in continuous operation for two years or more immediately preceding the date of application, is \$150: *Provided*, That railroads operating in this state may dispense nonintoxicating beer upon payment of an annual license tax of \$10 for each dining, club, or buffet car in which the beer is dispensed.

Class A licenses issued for railroad dining, club, or buffet cars authorize the licensee to sell nonintoxicating beer at retail for consumption only on the licensed premises where sold. All other Class A licensees may sell nonintoxicating beer or nonintoxicating craft beer at retail, as licensed, for consumption on the licensed premises or off the licensed premises. Class A licensees may sell nonintoxicating beer or nonintoxicating craft beer for consumption off the licensed premises when it is in a sealed original container and sold for personal use, and not for resale. Class A licensees shall provide prepared food or meals along with sealed nonintoxicating beer or nonintoxicating craft beer in the original container or in a sealed growler as set forth for sales and service in §11-16-6d of this code, to a purchasing person who is in-person or in-vehicle picking up prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer orders-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly or noticeably intoxicated, and as otherwise specified in this article.

(B) For a Class B retail dealer, the license fee, authorizing the sale of both chilled and unchilled beer, is \$150 for each place of business. A Class B license authorizes the licensee to sell nonintoxicating beer at retail in bottles, cans, or other sealed containers only, and only for consumption off the licensed premises. A Class B retailer may sell to a purchasing person, for personal use, and not for resale, quantities of draught beer ~~n~~ in original containers that are no larger in size than one-half barrel for off-premises consumption. The commissioner may only issue a Class B license to the proprietor or owner of a grocery store. For the purpose of this article, the term "grocery store" means any retail establishment commonly known as a grocery store or delicatessen, and caterer or party supply store, where food or food products are sold for consumption off the premises, and includes a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises. Caterers or party supply stores shall purchase the appropriate licenses from the Alcohol Beverage Control Administration.

(C) A Class A retail dealer may contract, purchase, or develop a mobile ordering application or web-based software program to permit the ordering and purchase of nonintoxicating beer or nonintoxicating craft beer, as authorized by the licensee's license. The nonintoxicating beer or nonintoxicating craft beer shall be in a sealed original container or a sealed growler and meet the requirements of §11-16-6d of this code.

(2) For a distributor, the license fee is \$1,000 for each place of business.

(3) For a brewer or a resident brewer with its principal place of business or manufacture located in this state and who produces:

(A) Twelve thousand five hundred barrels or less of nonintoxicating beer or nonintoxicating craft beer, the license fee is ~~\$500~~ \$250 for each place of manufacture, and no more than three places of manufacture are permitted for licensure;

(B) Twelve thousand five hundred one barrels and up to 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,000 for each place of manufacture, and no more than five places of manufacture are permitted for licensure;

(C) More than 25,001 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,500 for each place of manufacture.

(D) A brewer or resident brewer licensed under paragraph (A) or (B) of this subdivision shall receive one license for use at all places of manufacture; each place of manufacture shall meet all licensing requirements in this article and the rules; and all places of manufacture shall be noted on the one brewer or resident brewer license in compliance with §11-16-5 and §11-16-6a(k) of this code.

(4) For a brewer whose principal place of business or manufacture is not located in this state, the license fee is \$1,500. The brewer is exempt from the requirements set out in subsections (c), (d), and (e) of this section: *Provided*, That a brewer whose principal place of business or manufacture is not located in this state that produces less than 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer may choose to apply, in writing, to the commissioner to be subject to the variable license fees of subdivision (3), subsection (b) of this section and the requirements set out in subsections (c), (d), and (e) of this section subject to investigation and approval by the commissioner as to brewer requirements.

(5) For a brewpub, the license fee is \$500 for each place of manufacture.

(c) As part of the application or renewal application and in order to determine a brewer or resident brewer's license fee pursuant to this section, a brewer or resident brewer shall provide the commissioner, on a form provided by the commissioner, with an estimate of the number of nonintoxicating beer or nonintoxicating craft beer barrels and gallons it may produce during the year based upon the production capacity of the brewer's or resident brewer's manufacturing facilities and the prior year's production and sales volume of nonintoxicating beer or nonintoxicating craft beer.

(d) On or before July 15 of each year, every brewer, or resident brewer who is granted a license shall file a final report, on a form provided by the commissioner, that is dated as of June 30 of that year, stating the actual volume of nonintoxicating beer or nonintoxicating craft beer in barrels and gallons produced at its principal place of business and other sites of manufacture during the prior year.

(e) If the actual total production of nonintoxicating beer or nonintoxicating craft beer by the brewer or resident brewer exceeded the brewer's or resident brewer's estimate that was filed with the application or renewal application for a brewer's or resident brewer's license for that period, then the brewer or resident brewer shall include a remittance for the balance of the license fee pursuant to this section that would be required for the final, higher level of production.

(f) Any brewer or resident brewer failing to file the reports required in subsections (c) and (d) of this section, and who is not exempt from the reporting requirements, shall, at the discretion of the commissioner, be subject to the penalties set forth in §11-16-23 of this code.

(g) Notwithstanding subsections (a) and (b) of this section, the license fee per event for a nonintoxicating beer floor plan extension is \$50, and the fee may not be prorated or refunded. A licensee shall submit an application, certification that the event meets certain requirements in this code and rules, and any other information required by the commissioner, at least 15 days prior to the event, all as determined by the commissioner.

(h) Notwithstanding subsections (a) and (b) of this section, a Class A retail dealer, in good standing with the commissioner, may apply, on a form provided by the commissioner, to sell, serve, and furnish nonintoxicating beer or nonintoxicating craft beer for on-premises consumption in an outdoor dining area or outdoor street dining area, as authorized by any municipal government or county commission in the which the licensee operates. The Class A retail dealer shall submit to the municipal government or county commission, for approval, a revised floorplan and a request to sell and serve nonintoxicating beer or nonintoxicating craft beer, subject to the commissioner's requirements, in an approved outdoor area. For private outdoor street dining, or private outdoor dining, the approved and bounded outdoor area need not be adjacent to the licensee's licensed premises, but in close proximity and under the licensee's control with right of ingress and egress. For purposes of this section, "close proximity" means an available area within 150 feet of the Class A retail dealer's licensed premises. A Class A retail dealer may operate a nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining in conjunction with a temporary private outdoor dining or temporary private outdoor street dining area set forth in §60-7-8d of this code and temporary private wine outdoor dining or temporary private wine outdoor street dining set forth in §60-8-32a of this code.

(i) For purposes of this article, "nonintoxicating beer or nonintoxicating craft beer outdoor dining and nonintoxicating beer or nonintoxicating craft beer outdoor street dining" includes dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls. Any area where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES

§60-3A-3a. Liquor sampling.

(a) Notwithstanding any provision of this code to the contrary, a Class A retail licensee may conduct a liquor sampling event on a designated sampling day.

(b) At least five business days prior to the liquor sampling, the Class A retail licensee shall submit a written proposal to the commissioner informing the Commissioner that the Class A licensee will hold a liquor sampling event, including:

(1) The day of the event;

- (2) The location of the event;
- (3) The times for the event; and
- (4) The specific brand and flavor of the West Virginia product to be sampled.

(c) Upon approval by the commissioner, a Class A retail licensee may serve a complimentary liquor sample of the approved brand and flavor of the West Virginia product that is purchased by the Class A retail licensee from the commissioner.

(d) The complimentary liquor samples on any sampling day shall not exceed:

(1) ~~One~~ Three separate and individual ~~sample~~ samples serving per customer verified to be 21 years of age or older; and

(2) ~~One ounce~~ One and one-half ounces in total volume. Samples may be mixed with each other or with non-alcoholic liquids as long as the total amount of the liquor sampled does not exceed one and one-half ounces.

(e) Servers at the liquor sampling event shall:

- (1) Be employees of the Class A retail licensee; and
- (2) Be at least 21 years of age or older.

(f) All servers at the liquor sampling event shall verify the age of the customer sampling liquor by requiring and reviewing proper forms of identification. Servers at the liquor sampling event may not serve any person who is:

- (1) Under the age of 21 years;
- (2) Intoxicated.

(g) A liquor sampling event shall:

- (1) Occur only inside the Class A retail licensee's licensed premises; and
- (2) Cease on or before 9:00 p.m. on any approved sampling day.

(h) Any liquor bottle used for sampling must be from the inventory of the licensee, and clearly and conspicuously labeled "SAMPLE, NOT FOR RESALE". If the seal is broken on any liquor bottle or if any liquor bottle is opened, then that liquor bottle must be removed from the licensed premises immediately following the event.

(i) Violations of this section are subject to the civil and criminal penalties set forth in §60-3A-24, §60-3A-25a, §60-3A-26, and §60-3A-27 of this code;

§60-3A-8. Retail license application requirements; retail licensee qualifications.

(a) Prior to or simultaneously with the submission of a bid for a retail license or the payment of a purchase option for a Class A retail license, each applicant shall file an application with the commissioner, stating under oath, the following:

(1) If the applicant is an individual, his or her name and residence address;

(2) If the applicant is other than an individual, the name and business address of the applicant; the state of its incorporation or organization; the names and residence addresses of each executive officer and other principal officer, partner, or member of the entity; a copy of the entity's charter or other agreement under which the entity operates; the names and residence addresses of any person owning, directly or indirectly, at least 20 percent of the outstanding stock, partnership, or other interests in the applicant; and all applicants and licensees must list a manager on the applicant's license application, or a licensee's renewal application, ~~and further that the~~ The manager shall meet all other requirements of licensure, including, but not limited to, United States citizenship or naturalization, passing a background investigation, being at least 21 years of age, being a suitable applicant, and being of good moral character, and meet other requirements, all as set forth in the code and the legislative rules, in order for the manager to be able to meet and conduct any regulatory matters, including, but not limited to, licensure or enforcement matters related to the applicant or licensee all in the interest of protecting public health and safety. In order to maintain active licensure, any change by a licensee in any manager listed on an application must be made immediately to the commissioner, in order to verify that the new manager meets licensure requirements;

(3) That the applicant and manager have not: (A) Been convicted in this state or any other state of any felony in the five years preceding the date of application; or (B) been convicted of any other crime involving fraud, dishonesty, or deceit in the five years preceding the date of application; or (C) been convicted of any felony in this or any other state court or any federal court for a violation of state or federal ~~alcohol-related distribution laws~~; ~~and if~~ If the applicant is other than an individual, that none of its executive officers, other principal officers, partners, or members, or any person owning, directly or indirectly, at least 20 percent of the outstanding stock, partnership, or other interests in the applicant, has been convicted; and

(4) That the applicant and the manager, each is a United States citizen of good moral character and, if a naturalized citizen, when and where naturalized; and, if a corporation organized and authorized to do business under the laws of this state, when and where incorporated, with the name and address of each officer; that each officer is a citizen of the United States and a person of good moral character; and if a firm, association, partnership, or limited partnership, that each member is a citizen of the United States and, if a naturalized citizen, when and where naturalized, each of whom must sign the application.

(b) An applicant and manager shall provide the commissioner any additional information requested by the commissioner including, but not limited to, authorization to conduct a criminal background and credit records check.

(c) Whenever a change occurs in any information provided to the commissioner, the change shall immediately be reported to the commissioner in the same manner as originally provided.

(d) The commissioner shall disqualify each bid submitted by an applicant under §60-3A-10 of this code and ~~no~~ an applicant shall not be issued or eligible to hold a retail license under this article, if: the applicant or any executive:

(1) ~~The applicant has~~ Has been, within the five years preceding the date of application: (A) Convicted in this state of any felony; or (B) convicted of a crime involving fraud, dishonesty, or deceit; or (C) convicted of any felony in this or any other state court or any federal court for a violation of state or federal ~~alcohol-related distribution laws~~; or

(2) Any executive officer or other principal officer, partner, or member of the applicant, or any person owning, directly or indirectly, at least 20 percent of the outstanding stock, partnership, or other interests in the applicant, has been, within the five years preceding the date of application: (A) Convicted in this state of any felony; or (B) convicted of a crime involving fraud, dishonesty, or deceit; or (C) convicted of any felony in this or any other state court or any federal court for a violation of state or federal alcohol-related distribution laws.

(e) The commissioner shall not issue a retail license to an applicant which does not hold a license issued pursuant to federal law to sell liquor at wholesale.

ARTICLE 4. LICENSES.

§60-4-3a. Distillery, and mini-distillery, and micro-distillery license to manufacture and sell.

(a) *Sales of liquor.* — An operator of a distillery, mini-distillery, or micro-distillery may offer liquor for retail sale to customers from the distillery, mini-distillery, or micro-distillery for consumption off premises only. Except for complimentary samples offered pursuant to §60-6-1 of this code, customers may not consume any liquor on the premises of the distillery, mini-distillery, or micro-distillery and except for a distillery, mini-distillery, or micro-distillery that obtains a private manufacturer club license set forth in §60-7-1 *et seq.* of this code, and a Class A retail dealer license set forth in §11-16-1 *et seq.* of the code: *Provided*, That a licensed distillery, mini-distillery, or micro-distillery may offer complimentary samples of alcoholic liquors as authorized by this subsection when alcoholic liquors are manufactured by that licensed distillery, mini-distillery, or micro-distillery for consumption on the licensed premises. Notwithstanding any other provision of law to the contrary, a licensed distillery, mini-distillery, or micro-distillery may sell, furnish, and serve alcoholic liquors when licensed accordingly beginning at 6:00 a.m. unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) *Retail off-premises consumption sales.* — Every licensed distillery, mini-distillery, or micro-distillery shall comply with the provisions of §60-3A-9, §60-3A-11, §60-3A-13, §60-3A-16, §60-3A-17, §60-3A-18, §60-3A-19, §60-3A-22, §60-3A-23, §60-3A-24, §60-3A-25, and §60-3A-26 of this code, and the provisions of §60-3-1 *et seq.* and §60-4-1 *et seq.* of this code, applicable to liquor retailers and distillers. In the interest of promoting tourism throughout the state, every licensed distillery, mini-distillery, or micro-distillery manufacturing liquor in this state is authorized, with a limited off-site retail privilege at private fair and festivals, for off-premises consumption sales of only the licensed distillery, mini-distillery, or micro-distillery's sealed liquor. At least five days prior to an approved private fair and festival, an authorized distillery, mini-distillery, or micro-distillery shall provide a copy of a written agreement to sell only liquor manufactured by the licensed distillery, mini-distillery, or micro-distillery at the private fair and festival's licensed premises. If approved, an authorized distillery, mini-distillery, or micro-distillery may conduct off-premises consumption sales of their liquor from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved distilleries, mini-distilleries, and micro-distilleries' off-premises consumption sales shall comply with all retail requirements in §60-3A-1 *et seq.* of this code, and specifically §60-3A-17 of this code with respect to all markups, taxes, and fees. Additionally, every authorized distillery, mini-distillery, and micro-distillery may provide complimentary samples to patrons who are 21 years of age and older and who are not intoxicated, not to exceed three separate West Virginia product brands one fluid ounce samples per patron, per day.

(c) *Payment of taxes and fees.* — The distillery, mini-distillery, or micro-distillery shall pay all taxes and fees required of licensed retailers and meet applicable licensing provisions as required

by this chapter and by rule of the commissioner, except for payments of the wholesale markup percentage and the handling fee provided by rule of the commissioner: *Provided*, That all liquor for sale to customers from the distillery, mini-distillery, or micro-distillery for off-premises consumption is subject of a five percent wholesale markup fee and an 80 cents per case bailment fee to be paid to the commissioner: *Provided, however*, That liquor sold by the distillery, mini-distillery, or micro-distillery shall not be priced less than the price set by the commissioner pursuant §60-3A-17 of this code.

(d) *Payments to market zone retailers.* — Each distillery, mini-distillery, or micro-distillery shall submit to the commissioner two percent of the gross sales price of each retail liquor sale for the value of all sales at the distillery, mini-distillery, or micro-distillery each month. This collection shall be distributed by the commissioner, at least quarterly, to each market zone retailer located in the distillery, mini-distillery, or micro-distillery's market zone, proportionate to each market zone retailer's annual gross prior years pretax value sales. The maximum amount of market zone payments that a distillery, mini-distillery, or micro-distillery shall submit to the commissioner is \$15,000 per annum.

(e) *Limitations on licensees.* — A distillery, mini-distillery, or micro-distillery may not ~~sell more than 3,000 gallons of product at the distillery, mini-distillery, or micro-distillery location during the initial 24 month period of licensure. The distillery, mini-distillery, or micro-distillery may increase sales at the distillery, mini-distillery, or micro-distillery location by 2,000 gallons following the initial 24 month period of licensure and may increase sales at the distillery, mini-distillery, or micro-distillery location each subsequent 24 month period by 2,000 gallons, not to exceed 10,000 gallons a year of total sales at the distillery, mini-distillery, or micro-distillery location. No A licensed mini-distillery may produce more than 50,000 gallons per calendar year, at the mini-distillery location. A licensed micro-distillery may not produce more than 10,000 gallons per calendar year at the micro-distillery location.~~ The commissioner may issue more than one distillery, ~~or~~ mini-distillery, or micro-distillery license to a single person or entity and a person may hold both a distillery and a mini-distillery license. The owners of a licensed distillery, mini-distillery, or micro-distillery may operate a winery, farm winery, brewery, or as a resident brewer as otherwise specified in the code.

(f) *Building code and tax classification.* — Notwithstanding any provision of this code to the contrary, the mere addition of a distillery, mini-distillery, or micro-distillery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

§60-4-3b. Winery and farm winery license to manufacture and sell.

(a) An operator of a winery or farm winery may offer wine produced by the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, for retail sale to customers from the winery or farm winery for consumption off the premises only. Customers may consume wine on the premises when an operator of a winery or farm winery offers complimentary samples pursuant to §60-6-1 of this code, the winery or farm winery is licensed as a private wine restaurant, or the winery or farm winery is licensed as a private manufacturer club. Customers may not consume any wine on the licensed premises of the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, unless the winery, farm winery, or farm entity has obtained a multi-capacity winery or farm winery license: *Provided*, That under this subsection, a licensed winery or farm winery may offer complimentary samples of wine manufactured by that licensed winery or farm winery for consumption on the premises only on Sundays beginning at 6:00 a.m. in any county in which the same has been approved as provided in §7-1-3ss of this code. Notwithstanding any

other provision of law to the contrary, a licensed winery or farm winery may sell, serve, and furnish wine, for on-premises consumption when licensed accordingly, beginning at 6:00 a.m., and for off-premises consumption beginning at 6:00 a.m. on any day of the week, unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) Complimentary samples allowed by the provisions of this section may not exceed two fluid ounces and no more than three samples may be given to a patron in any one day.

(c) Complimentary samples may be provided only for on-premises consumption.

(d) A winery, farm winery, or farm entity, pursuant to §60-1-5c of this code, may offer for retail sale from their licensed premises sealed original container bottles of wine for off-premises consumption only.

(e) A winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code, holding a multi-capacity license and a private wine restaurant license may offer wine by the drink or glass in a private wine restaurant located on the property of the winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code.

(f) Every licensed winery or farm winery shall comply with the provisions of §60-3-1 *et seq.*, §60-4-1 *et seq.*, and §60-8-1 *et seq.* of this code as applicable to wine retailers, wineries, and suppliers when properly licensed in such capacities.

(g) (1) The winery or farm winery shall pay all taxes and fees required of licensed wine retailers and meet applicable licensing provisions as required by this chapter and by rules promulgated by the commissioner.

(2) Each winery or farm winery acting as its own supplier shall submit to the Tax Commissioner the liter tax for all sales at the winery or farm winery each month, as provided in §60-8-1 *et seq.* of this code.

(3) The five percent wine excise tax, levied pursuant to §60-3-9d of this code, or pursuant to §8-13-7 of this code, may not be imposed or collected on purchases of wine in the original sealed package for the purpose of resale in the original sealed package, if the final purchase of the wine is subject to the excise tax or if the purchase is delivered outside this state.

(4) ~~No~~ A liter tax shall not be collected on wine sold in the original sealed package for the purpose of resale in the original sealed package if a subsequent sale of the wine is subject to the liter tax.

(5) This section shall not be interpreted to authorize a purchase for resale exemption in contravention of §11-15-9a of this code.

(h) A winery or farm winery may advertise a particular brand or brands of wine produced by it. The price of the wine is subject to federal requirements or restrictions.

(i) A winery or farm winery shall maintain separate winery or farm winery supplier, retailer, and direct shipper licenses when acting in one or more of those capacities and shall pay all associated license fees, unless the winery or farm winery holds a license issued pursuant to the provisions of §60-8-3(b)(12) of this code. A winery or farm winery, if holding the appropriate licenses or a multi-capacity winery or farm winery license, may act as its own supplier; retailer for off-premises

consumption of its wine as specified in §60-6-2 of this code; private wine restaurant; and direct shipper for wine produced by the winery or farm winery. A winery or farm winery that has applied, paid all fees, and met all requirements may obtain a private manufacturer club license subject to the requirements of §60-7-1 *et seq.* of this code, and a Class A retail dealer license subject to the requirements of §11-16-1 *et seq.* of ~~the~~ this code. All wineries ~~must~~ shall use a distributor to distribute and sell their wine in the state, except for farm wineries. Wineries or farm wineries may enter into alternating wine proprietorship agreements, pursuant to §60-1-5c of this code.

(j) The owners of a licensed winery or farm winery may operate a distillery, mini-distillery, or micro-distillery, brewery, or as a resident brewer, as otherwise specified in the code.

(k) For purposes of this section, terms have the same meaning as provided in §8-13-7 of this code.

(l) *Building code and tax classification.* — Notwithstanding any provision of this code to the contrary, the mere addition of a winery or farm winery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

(m) In the interest of promoting tourism throughout the state, every licensed winery or farm winery manufacturing wine in this state is authorized, with a limited off-site retail privilege at private fair and festivals, for off-premises consumption sales of only the winery or farm winery's sealed wine. At least five days prior to an approved private fair and festival, an authorized winery or farm winery shall provide a copy of a written agreement to sell only wine manufactured by the licensed winery or farm winery at the private fair and festival's licensed premises. If approved, an authorized licensed winery or farm winery may conduct off-premises consumption sales of their wine from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved wineries and farm wineries' off-premises consumption sales shall comply with all retail requirements in §60-8-1 *et seq.* of this code, and specifically with respect to all markups, taxes, and fees. Additionally, an authorized winery or farm winery may provide complimentary samples to patrons who are 21 years of age and older and who are not intoxicated in the amounts set forth in subsection (b).

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; authorizations; requirements for certain licenses.

Unless the context in which used clearly requires a different meaning, as used in this article:

(1) "Applicant" means a private club applying for a license under the provisions of this article.

(2) "Code" means the official Code of West Virginia, 1931, as amended.

(3) "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner.

(4) "Licensee" means the holder of a license to operate a private club granted under this article, which remains unexpired, unsuspended, and unrevoked.

(5) "Private club" means any corporation or unincorporated association which either:

(A) 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;

(B) 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;

(C) 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

(D) 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.

(6) 'Private bakery' means an applicant for a private club or licensed private club license that has a primary function of operating a food preparation business that produces baked goods, including brownies, cookies, cupcakes, confections, muffins, breads, cakes, wedding cakes, and other baked goods. ~~The~~ where the applicant or licensee desires to sell baked goods infused with liquor, wine, or nonintoxicating beer or nonintoxicating craft beer, either: (A) In the icing, syrup, drizzle, or some other topping; (B) as an infusion where the alcohol is not processed or cooked out of the baked goods; or (C) the alcohol can be added by the purchaser from an infusion packet containing alcohol no greater than 10 milliliters. This applicant or licensee may not sell liquor, wine, or nonintoxicating beer or nonintoxicating craft beer for on or off-premises consumption. ~~This~~ The applicant or licensee may sell the baked goods with alcohol added as authorized for on and off-premises consumption. Further, the applicant or licensee shall ~~meet the criteria set forth in this subdivision which:~~

(i) ~~Has~~ Have at least 50 members;

(ii) ~~Operates~~ Operate a kitchen that produces baked goods, as specified in this subdivision, including at least: (I) A baking oven and a four-burner range or hot plate; (II) a sink with hot and cold running water; (III) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (IV) baking utensils and pans, kitchen utensils, and other food consumption apparatus as determined by the commissioner; and (V) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(iii) ~~Maintains~~, Maintain, at any one time, a food inventory capable of being prepared in the private bakery's kitchen. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, pre-packaged foods, baking items such as flour, sugar, icing, and other confectionary items, or canned prepared foods;

(iv) ~~Uses~~ Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private bakery are not sold items containing alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine; ~~and a~~ A person under 21 years of age may enter the shop and purchase other items not containing alcoholic liquors; and

(v) Meet and be subject to all other private club requirements.

(7) 'Private cigar shop' means an applicant for a private club or licensed private club ~~licensee~~ license that has a primary function of operating a cigar shop for sales of premium cigars for consumption on or off the licensed premises. Where permitted by law, indoor on-premises cigar consumption is permitted with a limited food menu, which may be met by ~~utilizing~~ using a private caterer, for members and guests while the private club applicant or licensee is selling and serving liquor, wine, or nonintoxicating beer or nonintoxicating craft beer for on-premises consumption. Further, the applicant or licensee shall ~~meet the criteria set forth in this subdivision which:~~

(A) ~~Has~~ Have at least 50 members;

(B) ~~Operates~~ Operate a cigar shop and bar with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined by the commissioner; and (v) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) ~~Maintains~~, Maintain, at any one time, ~~\$500~~ not less than a food inventory capable of being prepared in the private club bar's kitchen or ~~has~~ have on hand at least \$150 in food provided by a private caterer. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) ~~Uses~~ Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private club bar are accompanied by a parent or legal guardian, and if a person under 21 years of age is not accompanied by a parent or legal guardian, that person may not be admitted as a guest; and

(E) ~~Meets~~ Meet and is subject to all other private club requirements.

(8) 'Private caterer' means a licensed private club restaurant, private hotel, or private resort hotel authorized by the commissioner to cater and serve food and sell and serve alcoholic liquors, or non-intoxicating beer or non-intoxicating craft beer. A private caterer shall purchase wine sold or served at a catering event from a wine distributor. A private caterer shall purchase nonintoxicating beer and nonintoxicating craft beer sold or served at the catering event from a licensed beer distributor. A private caterer shall purchase liquor from a retail liquor outlet authorized to sell in the market zone, where the catering event is held. The private caterer or the persons or entity holding the catering event shall:

(A) Have at least 10 members and guests attending the catering event;

(B) Have obtained an open container waiver or have otherwise been approved by a municipality or county in which the event is being held;

(C) Operate a private club restaurant on a daily operating basis;

(D) Only use its employees, independent contractors, or volunteers to sell and serve alcoholic liquors who have received certified training in verifying the legal identification, the age of a purchasing person, and the signs of visible, noticeable, and physical intoxication;

(E) Provide to the commissioner, at least seven days before the event is to take place:

(i) The name and business address of the unlicensed private venue where the private caterer is to provide food and alcohol for a catering event;

(ii) The name of the owner or operator of the unlicensed private venue;

(iii) A copy of the contract or contracts between the private caterer, the person contracting with the caterer, and the unlicensed private venue;

(iv) A floorplan of the unlicensed private venue to comprise the private catering premises, which shall only include spaces in buildings or rooms of an unlicensed private venue where the private caterer has control of the space for a set time period and where the space safely accounts for the ingress and egress of the stated members and guests who will be attending the private catering event at the catering premises. The unlicensed private venue's floorplan during the set time period as stated in the contract shall comprise the private caterer's licensed premises, which is authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer and nonintoxicating craft beer, and wine throughout the licensed private catering premises: *Provided*, That the unlicensed private venue shall: (I) Be inside a building or structure; (II) have other facilities to prepare and serve food and alcohol; (III) have adequate restrooms and sufficient building facilities for the number of members and guests expected to attend the private catering event; and (IV) otherwise be in compliance with health, fire, safety, and zoning requirements;

(F) Not hold more than 15 private catering events per calendar year. Upon reaching the 16th event, the unlicensed venue shall obtain its own private club license;

(G) Submit to the commissioner, evidence that any noncontiguous area of an unlicensed venue is within 150 feet of the private caterer's submitted floorplan and may submit a floorplan extension for authorization to permit alcohol and food at an outdoor event;

(H) Meet and be subject to all other private club requirements; and

(I) Use an age verification system approved by the commissioner.

(9) 'Private club bar' means an applicant for a private club or licensed private club licensee that has a primary function for the use of the licensed premises as a bar for the sale and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer and wine when licensed for those sales, while providing a limited food menu for members and guests, and meeting the criteria set forth in this subdivision which:

(A) Has at least 100 members;

(B) Operates a bar with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined by the commissioner; and (v) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintains, at any one time, ~~\$500~~ a food inventory capable of being prepared in the private club bar's kitchen. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, prepackaged foods, or canned prepared foods;

(D) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 18 who are in the private club bar are accompanied by a parent or legal guardian, ~~and if~~ If a person under 18 years of age is not accompanied by a parent or legal guardian that person may not be admitted as a guest; and

(E) Meets and is subject to all other private club requirements.

(10) 'Private food truck' means an applicant for a private club, licensed private club ~~licensee~~ license, or licensed private manufacturer's club ~~licensee~~ license that has a primary function of operating a food preparation business using an industrial truck, van, or trailer to prepare food and meals for sale at various locations within the state while ~~utilizing~~ using a propane or electric generator powered kitchen. The private food truck applicant shall obtain county or municipal approval to operate for food and liquor, wine, hard cider, and nonintoxicating beer or nonintoxicating craft beer sales and service, while providing a food menu for members and guests. The private food truck applicant shall ~~meet the criteria set forth in this subdivision which:~~

(A) ~~Has~~ Have at least 10 members;

(B) ~~Operates~~ Operate with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) at least a 10 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; and (iv) plastic or metal kitchen utensils and other food consumption apparatus as determined by the commissioner;

(C) ~~Maintains~~ Maintain, at any one time, ~~\$500~~ not less than \$200 of food inventory that is fit for human consumption and capable of being prepared and served from the private food truck's kitchen during all hours of operation;

(D) ~~Shall be~~ is sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private food truck is to be located and operated, ~~and further each~~ Each location shall have a bounded and defined area and set hours for private food truck operations, sales, and consumption of alcohol that are not greater than a private club's hours of operation;

(E) ~~Provides~~ Provide the commissioner with a list of all locations, including a main business location, where the private food truck operates, and is approved for sales pursuant to subsection (D) of this section, and immediately update the commissioner when new locations are approved by a county or municipality;

(F) ~~Requires~~ Require all nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section to be purchased from the licensed distributor where the private food truck has its home location 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.

(G) ~~Requires~~ Require wine or hard cider sold, furnished, tendered, or served pursuant to the license created by this section to be purchased from a licensed distributor, winery, or farm winery in accordance with §60-8-1 *et seq.* of this code.

(H) ~~Requires~~ Require 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 food truck has its main business location, all in accordance with §60-3A-1 *et seq.* of this code.

(I) A licensee authorized by this section shall ~~utilize~~ use bona fide employees to sell, furnish, tender, or serve the nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

(J) A brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery may obtain a private food truck license;

(K) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor broker representatives may attend a location where a private food truck is located and discuss their respective products but may not engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

(L) ~~Uses~~ Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private club bar are not permitted to be served any alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine but may be permitted to purchase food or other items;

(M) ~~Obtains~~ Obtain all permits required by §60-6-12 of this code; and

(N) ~~Meets~~ Meet and ~~is~~ be subject to all other applicable private club requirements.

(11) 'Private club restaurant' means an applicant for a private club or licensed private club licensee that has a primary function of using the licensed premises as a restaurant for serving freshly prepared meals and dining in the restaurant area. The private club restaurant may have a bar area separate from or commingled with the restaurant, seating requirements for members

and guests shall be met by the restaurant area. The applicant for a private club restaurant license is an applicant which:

(A) Has at least 100 members;

(B) Operate a restaurant and full kitchen with at least: (i) Ovens and four-burner ranges; (ii) refrigerators or freezers, or some combination of refrigerators and freezers greater than 50 cubic feet, or a walk-in refrigerator or freezer; (iii) other kitchen utensils and apparatus as determined by the commissioner; and (iv) freshly prepared food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintains, at any one time, ~~\$1,000~~ of fresh food inventory capable of being prepared in the private club restaurant's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under 18 years of age who are in the bar area of a private club restaurant are accompanied by a parent or legal guardian. The licensee may not seat a person in the bar area who is under the age of 18 years and who is not accompanied by a parent or legal guardian, but may allow that person, as a guest, to dine for food and nonalcoholic beverage purposes in the restaurant area of a private club restaurant:

(E) May uncork and serve members and guests up to two bottles of wine that a member purchased from a wine retailer, wine specialty shop, an applicable winery or farm winery when licensed for retail sales, or a licensed wine direct shipper when the purchase is for personal use and, not for resale. The licensee may charge a corkage fee of up to \$10 dollars per bottle. In no event may a member or a group of members and guests exceed two sealed bottles or containers of wine to carry onto the licensed premises for uncorking and serving by the private club restaurant and for personal consumption by the member and guests. A member or guest may cork and reseal any unconsumed wine bottles as provided in §60-8-3 (j) of this code and the legislative rules for carrying unconsumed wine off the licensed premises;

(F) Has at least two restrooms for members and their guests: *Provided*, That this requirement may be waived by the local health department upon supplying a written waiver of the requirement to the commissioner: *Provided, however*, That the requirement may also be waived for a historic building by written waiver supplied to commissioner of the requirement from the historic association or district with jurisdiction over a historic building: *Provided, further* That in no event may a private club restaurant have less than one restroom; and

(G) Meets and is subject to all other private club requirements.

(12) 'Private manufacturer club' means an applicant for a private club or licensed private club licensee which is also licensed as a distillery, mini-distillery, micro-distillery, winery, farm winery, brewery, or resident brewery that manufacturers liquor, wine, nonintoxicating beer or nonintoxicating craft beer, which may be sold, served, and furnished to members and guests for on-premises consumption at the licensee's licensed premises and in the area or areas denoted on the licensee's floorplan, and which:

(A) Has at least 100 members;

(B) Offers tours, may offer complimentary samples, and may offer space as a conference center or for meetings;

(C) Operates a restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or freezer, or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 15 hours per week: Provided, That a licensee required by the provisions of this code to serve food on premises in order to lawfully serve alcoholic liquors, beer, wine, or hard cider may meet the requirement of having on-premises food preparation facilities by, during all hours alcoholic liquors, beer, wine, and hard cider are offered for sale or sampling, having on-site an operating food truck or other portable kitchen: Provided, however, That the approval of the commissioner and the appropriate health department is required to operate as allowed by subsection (a) of this section;

(D) Maintains, at any one time, ~~\$500 of~~ fresh food inventory capable of being prepared in the private manufacturer club's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(E) Owns or leases, controls, operates, and uses ~~acreage amounting to at least one acre~~ space which is contiguous, bounded, or fenced real property sufficient to safely operate the licensed premises that would be listed on the licensee's floorplan and may be used for large events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private manufacturer club's floorplan that would comprise the licensed premises, which would be authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, and wine throughout the licensed premises, whether these activities were conducted in a building or structure or outdoors while on the private manufacturer club's licensed premises, and as noted on the private manufacturer club's floorplan;

(G) Identifies a person, persons, an entity, or entities who or which ~~has~~ have the right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(H) Uses an age verification system approved by the commissioner; and

(I) Meets and is subject to all other private club requirements.

(13) 'Private fair and festival' means an applicant for a private club or a licensed private club license meeting the requirements of §60-7-8a of this code for a temporary event, and the criteria set forth in this subdivision which:

(A) Has at least 100 members;

(B) 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 in which the festival, fair, or other event is to be conducted;

(C) Prepares, provides, or engages a food vendor 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 to the commissioner prior to approval;

(D) Does not use third-party entities or individuals to purchase, sell, furnish, or serve alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer;

(E) Provides adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the festival, fair, or other event;

(F) Provides 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;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

(14) 'Private hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(A) Has at least 2,000 members;

(B) 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;

(C) 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;

(D) Maintains, at any one time, ~~\$2,500~~ of fresh food inventory capable of being prepared in the private hotel's full kitchen. ~~And in~~ In calculating the food inventory, the commissioner may not include microwavable, frozen, or canned foods;

(E) 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;

(F) Lists the entire property from paragraph (E) of this subdivision 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;

(G) 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;

(H) Uses an age verification system approved by the commissioner;

(I) Meets and is subject to all other private club requirements; and

(J) May provide members and guests who are verified by proper form of identification to be 21 years of age or older to have secure access via key or key card to an in-room mini-bar in their rented short-term accommodation; the mini-bar may be a small refrigerator not in excess of 1.6 cubic feet for the sale of nonintoxicating beer or nonintoxicating craft beer, wine, hard cider, and liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination of 12 fluid ounce cans or bottles not exceeding 72 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not exceeding 750 ml of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, and 200 ml, with any combination of those liquor bottles not exceeding 750 ml; and (iv) any combination of canned or packaged food valued at least \$50. All markups, fees, and taxes shall be charged on the sale of nonintoxicating beer, nonintoxicating craft beer, wine, ~~and liquor~~, and hard cider. All nonintoxicating beer or nonintoxicating craft beer available for sale shall be purchased from the licensed distributor in the area where licensed. All wine or hard cider available for sale shall be purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale shall be purchased from the licensed retail liquor outlet in the market zone of the licensed premises. The mini-bar shall be checked daily and replenished as needed to benefit the member and guest.

(15) 'Private resort hotel' means an applicant for a private club or licensed private club licensee which:

(A) Has at least 5,000 members;

(B) Offers short term, daily rate accommodations or lodging for members and their guests amounting to at least 50 separate bedrooms;

(C) 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;

(D) Maintains, at any one time, ~~\$5,000 of fresh food inventory~~ capable of being prepared in the private resort hotel's full kitchen. In calculating the food inventory, the commissioner may not include microwavable, frozen, or canned foods;

(E) 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;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private resort hotel's floorplan comprising 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;

(G) 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;

(H) Uses an age verification system approved by the commissioner;

(I) Meets and is subject to all other private club requirements;

(J) 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; and

(K) May provide members and guests who are verified by proper form of identification to be 21 years of age or older to have access via key or key card to an in-room mini-bar in their rented short-term accommodation. The mini-bar may be a small refrigerator not in excess of 3.2 cubic feet for the sale of nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, and liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination of 12 fluid ounce cans or bottles not exceeding 144 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not exceeding one and a half liters of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, 200 ml, and 375 ml with any combination of such liquor bottles not exceeding one and a half liters; and (iv) any combination of canned or packaged food valued at least \$100. All markups, fees, and taxes shall be charged on the sale of nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor. All nonintoxicating beer or nonintoxicating craft beer available for sale shall be purchased from the licensed distributor in the area where licensed. All wine or hard cider available for sale shall be purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale shall be purchased from the licensed retail liquor outlet in the market zone of the licensed premises. The mini-bar shall be checked daily and replenished as needed to benefit the member and guest.

(16) 'Private golf club' means an applicant for a private club or licensed private club licensee ~~meeting the criteria set forth in this subdivision~~ which:

(A) Has at least 100 members;

(B) 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;

(C) 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;

(D) 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;

(E) Lists the entire property from paragraph (D) of this subsection and all adjoining buildings and structures on the private golf club's floorplan comprising 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;

(F) 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;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

(17) 'Private nine-hole golf course' means an applicant for a private club or licensed private club licensee ~~meeting the criteria set forth in this subdivision~~ which:

(A) Has at least 50 members;

(B) Maintains at least one nine-hole golf course with separate and distinct golf playing holes;

(C) 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;

(D) 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;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private nine-hole golf course's floorplan comprising 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;

(F) 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;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

(18) 'Private tennis club' means an applicant for a private club or licensed private club licensee which:

(A) Has at least 100 members;

(B) Maintains at least four separate and distinct tennis courts, either indoor or outdoor, and a clubhouse or similar facility;

(C) Has a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises ~~and~~ which is capable of serving freshly prepared food;

(D) Owns or leases, controls, operates, and uses acreage amounting to at least two contiguous acres of bounded or fenced real property which would be listed on the private tennis club's floorplan and could be used for tennis events and large events such as weddings, reunions, conferences, tournaments, meetings, and sporting or recreational events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private tennis club's floorplan comprising 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 tennis club's licensed premises;

(F) Has identified a person, persons, an entity, or entities who or which has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meets and is subject to all other private club requirements; and

(H) Uses an age verification system approved by the commissioner.

(19) 'Private college sports stadium' means an applicant for a private club or licensed private club licensee that operates a college or university stadium or coliseum for Division I, II, or III and what involves a college public or private or university that is a member of the National Collegiate Athletic Association, or its successor, and uses the facility for football, basketball, baseball, soccer, or other Division I, II, or III sports, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may sell alcoholic liquors when conducting or temporarily hosting non-collegiate sporting events. This license may be issued in the name of the National Collegiate Athletic Association Division I, II, or III college or university or the name of the primary food and beverage vendor under contract with that college or university. All alcohol sales shall take place within the confines of the college or university stadium: *Provided*, That any outside area approved for alcohol sales shall be surrounded by a fence or other barrier prohibiting entry except upon the college or university's express permission, and under the conditions and restrictions established by the college or university, so that the alcohol sales area is closed in order to prevent entry and access by the general public. Further the applicant shall:

(A) Have at least 100 members;

(B) Maintain an open-air or ~~closed-air~~ enclosed stadium or coliseum venue primarily used for sporting events, such as football, basketball, baseball, soccer, or other Division I, II, or III sports, and also weddings, reunions, conferences, meetings, or other events where parties shall reserve the college stadium venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens and equipment that is equivalent or greater than a private club restaurant, as determined by the commissioner, on the licensed premises ~~and that is~~ capable of serving freshly prepared food or meals to its stated members, guests, and patrons who will be attending the event at the private college sports stadium;

(D) Own or lease, control, operate, and use acreage amounting to at least two contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private college stadium's floorplan and could be used for contracted-for temporary non-collegiate sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private college sports stadium's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private

college sports stadium's licensed premises and as noted on the private college sports stadium's floorplan;

(F) Have 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;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

(20) 'Private professional sports stadium' means an applicant for a private club or licensed private club licensee that is only open for professional sporting events when the events are affiliated with or sponsored by a professional sporting association, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may not sell alcoholic liquors when conducting or hosting non-professional sporting events, and further the applicant shall:

(A) Have at least 1,000 members;

(B) Maintain an open-air or ~~closed-air~~ enclosed stadium venue primarily used for sporting events, such as football, baseball, soccer, auto racing, or other professional sports, and also weddings, reunions, conferences, meetings, or other events where parties reserve the stadium venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises ~~and which is~~ capable of serving freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private professional sports stadium;

(D) Own or lease, control, operate, and use acreage amounting to at least three contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the professional sports stadium's floorplan and could be used for contracted- for professional sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private professional sports stadium's floorplan comprising the licensed premises, ~~and 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 professional sports stadium's licensed premises;

(F) Have 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;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

(21) 'Private farmers market' means an applicant for a private club or licensed private club licensee that operates as an association of bars, restaurants, retailers who sell West Virginia-

made products among other products, and other stores who open primarily during daytime hours of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the sale of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur for on-premises consumption, such as reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant, ~~and all~~ All businesses that are members of the association ~~have agreed~~ shall agree in writing to be liable and responsible for all sales, service, furnishing, tendering, and consumption of alcoholic liquors, ~~and nonintoxicating beer, or nonintoxicating craft beer,~~ wine, and hard cider occurring on the entire licensed premises of the private farmer's market, including indoor and outdoor bounded areas, and further the applicant shall:

(A) Have at least 100 members;

(B) Have one or more members operating a private club restaurant and full kitchen with ovens, four-burner ranges, a refrigerator or freezer or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and ~~serve~~ serve freshly prepared food at least 15 hours per week;

(C) Have one or more members operating who maintain, at any one time, ~~\$1,000~~ of fresh food ~~inventory~~ capable of being prepared for events conducted at the private farmers market in the private club restaurant's full kitchen, ~~and in~~ In calculating the food inventory, the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Have an association that owns or leases, controls, operates, and uses acreage amounting to more than one acre, which is contiguous acreage of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for large contracted-for reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events;

(E) Have an association that lists in the application for licensure the entire property and all adjoining buildings and structures on the private farmers market's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private farmers market's licensed premises and as noted on the private farmers market's floorplan;

(F) Have 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;

(G) Have at least two separate and unrelated vendors applying for the license and certifying that all vendors in the association have agreed to the liability responsibility associated with a private farmers market license;

(H) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

(I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private farmers market;

(J) Provide a copy of a written agreement between all the vendors of the association that is executed by all vendors stating that each vendor is jointly and severally liable for any violations of this chapter committed during the event;

(K) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members', patrons', and guests' ages, to verify whether a member, patron, or guest is intoxicated, and to provide for the public health and safety of members, patrons, and guests;

(L) Use an age verification system approved by the commissioner; and

(M) Meet and be subject to all other private club requirements.

(22) 'Private wedding venue or barn' means an applicant for a private club or licensed private club licensee that is only open for reserved weddings, reunions, conferences, meetings, or other events and does not maintain daily or regular operating hours, and which:

(A) Has at least 25 members;

(B) Maintains a venue, facility, barn, or pavilion primarily used for weddings, reunions, conferences, meetings, or other events where parties reserve or contract for the venue, facility, barn, or pavilion in advance of the event;

(C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises that is capable of serving freshly prepared food, or ~~may engage~~ engages a food caterer to provide adequate freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private wedding venue or barn. The applicant or licensee shall provide written documentation including a list of food caterers or written agreements regarding any food catering operations to the commissioner prior to approval of a food catering event;

(D) Owns or leases, controls, operates, and uses ~~acreage amounting to at least two contiguous acres of bounded or fenced real property~~ space sufficient to safely operate the licensed premises. The applicant or licensee shall verify that, the property is not less than two acres and is remotely located, subject to the commissioner's approval. The bounded or fenced real property may be listed on the private wedding venue's floorplan and may be used for large events such as weddings, reunions, conferences, meetings, or other events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private wedding venue or barn's floorplan that would comprise the licensed premises, ~~and 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 wedding venue or barn's licensed premises;

(F) 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;

(G) Meets and is subject to all other private club requirements; and

(H) Uses an age verification system approved by the commissioner.

(23) 'Private multi-sport complex' means an applicant for a private club or licensed private club licensee that is open for multiple sports events to be played at the complex facilities, reserved weddings, concerts, reunions, conferences, meetings, or other special events, and which:

(A) Has at least 100 members;

(B) Maintains an open-air multi-sport complex primarily for use for sporting events, such as baseball, soccer, basketball, tennis, frisbee, or other sports, but may also conduct weddings, concerts, reunions, conferences, meetings, or other events where parties reserve the parts of the sports complex in advance of the sporting or other event;

(C) Operates a restaurant and full kitchen with ovens in the licensee's main facility, as determined by the commissioner, on the licensed premises ~~and~~ which is capable of serving freshly prepared food, or meals to serve its stated members, guests, and patrons who will be attending the event at the private multi-sport complex. A licensee may contract with temporary food vendors or food trucks for food sales only, but not on a permanent basis, in areas of the multi-sport complex not readily accessible by the main facility;

(D) Maintains, at any one time, ~~\$1,000 of fresh food inventory~~ capable of being prepared in the private multi-sport complex's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(E) Owns or leases, controls, operates, and uses acreage amounting to at least 50 contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private multi-sport complex's floorplan and could be used for contracted-for sporting events, group-type weddings, concerts, reunions, conferences, meetings, or other events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private multi-sport complex's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors, nonintoxicating beer, nonintoxicating craft beer, and hard cider throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private multi-sport complex's licensed premises and as noted on the private multi-sport complex's floorplan. The licensee may sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer from a golf cart or food truck owned or leased by the licensee and also operated by the licensee when the golf cart or food truck is located on the private multi-sport complex's licensed premises;

(G) 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;

(H) Meets and is subject to all other private club requirements; and

(I) Uses an age verification system approved by the commissioner.

(24) 'Private coliseum or center' means an applicant for a private club or licensed private club licensee that is open for various events including, but not limited to, musical concerts, bands, sporting events, monster trucks, sports entertainment events, circuses, expos, hobby events, tradeshow, health events, reserved weddings, reunions, retreats, conventions, conferences, meetings, or other special events. The licensee may not sell alcoholic liquors, nonintoxicating

beer or wine when conducting or hosting events focused on patrons who are less than 21 years of age, and further the applicant shall:

(A) Have at least 5,000 members;

(B) Maintain an enclosed coliseum or center venue with at least 80,000 square feet of event space primarily used for events as noted above, where parties reserve the coliseum or center venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and be capable of serving freshly prepared food or meals to its stated members, guests, and patrons who will be attending events at the private coliseum or center;

(D) Own or lease, control, operate, and use acreage amounting to at least two contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private coliseum or center's floorplan and could be used for contracted-for events, as noted above, or a private fair and festival, as authorized by the commissioner per dual licensing requirements as set forth in §60-7-2a of this code;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private coliseum or center's floorplan comprising 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 private coliseum or center's licensed premises;

(F) Have 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;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

(25) 'Private food court' means an applicant who qualifies for a private club restaurant or licensed private club restaurant licensee that operates in a facility within a licensed premises with one licensed floorplan that includes an association of other inter-connected licensed private club restaurants or unlicensed restaurants that operate legally without alcohol sales, where all businesses that are licensed members of the association have agreed in writing to be liable and responsible for all sales, service, furnishing, tendering, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer occurring on the entire licensed premises of the private food court, and further the applicant shall:

(A) Have at least 100 members;

(B) Have at least one member of its association who qualifies for a private club restaurant containing a full kitchen with ovens, four-burner ranges, a refrigerator or freezer or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and be capable of serving freshly prepared food at least 15 hours per week in the private food court;

(C) Have at least one member of its association who qualifies for a private club restaurant who maintains, at any one time, \$1,000 of fresh food inventory capable of being prepared in the

private club restaurant's full kitchen, and in calculating the food inventory the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Have an association that owns or leases, controls, operates, and uses a facility that meets requirements of this article, and the entire facility is listed on the licensee's floorplan as its licensed premises;

(E) Have an association that lists in the application for licensure the entire facility and any inter-connected and adjoining structures on the private food court's floorplan which would compromise the licensed premises, and which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure while on the private food court's licensed premises and as noted on the private food court's licensed floorplan;

(F) Have 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;

(G) Have at least one separate and unrelated business applying for the license and certifying that all licensed businesses in the association have agreed to the liability responsibility associated with a private food court license;

(H) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

(I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private food court;

(J) Provide a copy of a written agreement between all the vendors of the association that is executed by all businesses stating that each licensed vendor is jointly and severally liable for any violations of this chapter committed on the licensed premises;

(K) Provide a security plan indicating all businesses who will be selling and serving alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer, list non-licensees who will be selling and serving food, list all entrances, and list all exits, provide a plan to verify the ages of members, patrons, and guests, a plan to verify whether a member, patron, or guest is intoxicated, and a plan to provide for the public health and safety of members, patrons, and guests;

(L) Use an age verification system approved by the commissioner; and

(M) Meet and be subject to all other private club requirements.

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 park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to this article.

§60-7-2a. Dual licensing permitted; conditions.

~~(a) Any licensee defined in §60-7-2 of this code is authorized to apply for A private coliseum or center may permit a private fair and festival licensee to conduct the temporary special event, authorized by that license, within, or on the private coliseum or center licensee's licensed premises in order to and hold additional licenses for the purpose of holding events, such as fairs and festivals, and creating create tourism opportunities that will show case businesses promote brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries in this state.~~

~~(b) A private coliseum or center licensee may host an a special event for a private fair and festival licensee on the licensee's licensed premises if the licensee is both licensees are in good standing with the commissioner and the licensee submits submit to the commissioner its the temporary floorplan revisions of the licensed venue private coliseum or center in which the special event would be held to comprise the special event's lawful premises, which shall only include spaces in buildings or rooms of the private coliseum or center's licensed premises. By contractual agreement between the private coliseum or center licensee and the private fair and festival licensee, the parties shall agree where the licensee has control of the space that the private coliseum or center maintains control of its licensed premises, but for the a set contracted rental time period, where the space The private fair and festival licensee shall safely accounts-account for the ingress and egress of the stated members and guests who will be attending the special event at the licensed premises. During the contracted rental time period, the private fair and festival licensee is wholly responsible and liable for the proper sale and serving of alcoholic liquors and nonintoxicating beer in the area designated as the private fair and festival's temporary floorplan, as set forth in this section. The venue's private fair and festival's temporary floorplan during the set time period as stated in the contract shall comprise the private fair and festival's licensed premises for the temporary special event, which is authorized for the lawful sale, service, and consumption of alcoholic liquors and nonintoxicating beer and nonintoxicating craft beer, and wine throughout the private fair and festival's licensed premises during this dually licensed temporary special event: Provided, That the venue private fair and festival's licensed premises dually shared and licensed with the private coliseum or center shall:~~

~~(1) Have facilities to prepare and serve food and alcohol;~~

~~(2) Have adequate restrooms and (3) sufficient building facilities for the expected number of members and guests expected to attend attending the event;~~

~~(3) Comply with all other requirements of its license in this article; and~~

~~(3)(4) otherwise be in compliance Comply with health, fire, safety, and zoning requirements.~~

~~(c) A licensee defined in §60-7-2 of this code may not be limited or restricted in any way as to the number of events that may be held on the premises so long as the licensee continues to operate its primary business in good standing with the Commissioner There is no limit on the number of private fair and festivals that may be held at a private coliseum or center.~~

§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 is \$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 is \$1,000 if the

private club bar or restaurant has fewer than 1,000 members; \$1,000 for a private club restaurant, private hotel, a private food court as defined in §60-7-2 of this code or private resort hotel to be licensed as a private caterer as defined in §60-7-2 of this code; \$500 if the private club is a private bakery; \$1,500 if the private club is a private wedding venue or barn or a private cigar shop; \$2,000 if the private club is a private nine-hole golf course, private farmers market, private food truck, private college sports stadium, private professional sports stadium, private multi-sport complex, private manufacturer club, or a private tennis club as defined in §60-7-2 of this code; \$2,500 if the private club bar or private club restaurant has 1,000 or more members; and \$2,000 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,~~ a private coliseum or center as defined in §60-7-2 of this code. ~~and further, if~~ if the private club is a private resort hotel as defined in §60-7-2 of this code, the private resort hotel may designate areas within the licensed premises for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer and nonintoxicating craft beer as provided for by this article. The annual license fee for a private resort hotel with five or fewer designated areas is \$7,500 and the annual license fee for a private resort hotel with at least six, but no more than 10 designated areas is \$12,500. The annual license fee for a private resort hotel with at least 11, but no more than 15 designated areas ~~shall be~~ is \$17,500. The annual license fee for a private resort hotel with no fewer than 15 nor more than 20 designated areas is \$22,500. A private resort hotel that 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 license issued following January 1 of any year that expires on June 30 of that year is 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 shall 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.

(e) The commissioner shall pay the fees to the State Treasurer for deposit into the General Revenue Fund of the state.

(f) The Legislature finds that the hospitality industry has been particularly damaged by the COVID-19 pandemic and that some assistance is warranted to promote reopening and continued operation of private clubs and restaurants licensed under this article. Accordingly, the fees set forth in subsections (a) and (b) of this section are temporarily modified as follows;

(1) License fees for the license period beginning July 1, 2021, shall be reduced to one third of the rate set forth in subsections (a) and (b) of this section;

(2) License fees for the license period beginning July 1, 2022, shall be two thirds of the rate set forth in subsections (a) and (b) of this section; and

(3) License fees for the license period beginning July 1, 2023, and beyond, shall be as set forth in subsections (a) and (b) of this section.

§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~~ continued a special license designated Class S2 private fair and festival license for the retail sale of ~~liquor, wine~~ alcoholic liquors and nonintoxicating beer, and nonintoxicating 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~~ Make application with the ~~commission~~ commissioner at least 15 days ~~pursuant prior~~ to the private fair, festival, or other event;

(3) Pay a nonrefundable non-prorated license fee of \$500; 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.

(d) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section must shall be purchased from the licensed distributor-distributors 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. Sales of sSealed containers of nonintoxicating beer or nonintoxicating craft beer may be sold for off-premises consumption if the nonintoxicating beer and nonintoxicating craft beer is being sold by an authorized brewer or resident brewer, as set forth in §11-16-6a(d) of this code, who manufactures the nonintoxicating beer or nonintoxicating craft beer in this state, are purchased from the licensed distributor that services the area in which the private fair, festival, or other event is being held and such licensed distributor. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized brewer or resident brewer. Prior to the start of the private fair or festival, an authorized brewer or resident brewer who agrees to offer such off-premises consumption sales of their nonintoxicating beer or nonintoxicating craft beer from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair and festival must meet the requirements of §11-16-6a(d) of this code. s, or other event. The written agreement with each authorized brewer or resident brewer shall account for lawful sales of nonintoxicating beer and nonintoxicating craft beer sold for off-premises consumption as set forth in §11-16-1 et seq. of this code. The authorized and approved brewer, resident brewer, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(e) Wine or hard cider sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from a licensed wine or hard cider distributor, winery, or farm winery in accordance with §60-8-1 et seq. of this code and §60-8A-1 et seq. of this code, as applicable. Sales of sSealed containers of wine or hard cider may be sold for off-premises consumption if the wine or hard cider is purchased from a licensed distributor is being sold by an authorized winery or farm winery, as set forth in

§60-4-3b(m) and §60-8A-5(c) of this code, who manufactures that wine or hard cider in this state. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized winery or farm winery, and the licensed distributor, winery, or farm winery. An authorized winery or farm winery who agrees to offer their wine or hard cider for off-premises consumption sales from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair or festival or other event shall meet the requirements of §60-4-3b(m) and §60-8A-5(c) of this code, as applicable. The written agreement with each authorized winery or farm winery shall account for lawful sales of wine or hard cider sold for off-premises consumption as set forth in §60-8-1 et seq. of this code and §60-8A-1 et seq. of this code, as applicable. The authorized and approved winery, farm winery or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(f) Liquor sold, furnished, tendered, or served for on-premises consumption by the private fair and festival 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. Sales of sealed containers of liquor may be sold for off-premises consumption if the liquor is purchased being sold by an authorized distillery, mini-distillery, or micro-distillery, as set forth in §60-4-3a of this code, who manufactures their liquor in this state. Off-premises consumption sales shall comply with §60-3A-17 of this code and §60-4-3a(c) of this code shall not apply to these sales. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized distillery, mini-distillery, or micro-distillery, from the licensed retail liquor outlet in the market zone or contiguous market zone where the private fair, festival, or other event is occurring and the licensed retail liquor outlet. An authorized licensed distillery, mini-distillery, or micro-distillery who agrees to offer such off-premises consumption sales of their manufactured liquor from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair, festival, or other event must meet the requirements as set forth in §60-4-3a of this code. The written agreement with each authorized distillery, mini-distillery, or micro-distillery shall account for lawful sales of liquor sold for off-premises consumption as set forth in §60-3A-1 of this code. An authorized and approved distillery, mini-distillery, micro-distillery or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(g) A licensee authorized by this section may utilize use bona fide employees, or volunteers or in limited circumstances licensed representatives to sell, furnish, tender, or serve the nonintoxicating beer, nonintoxicating craft beer, wine, or liquor, or hard cider.

(h) Licensed representatives of a an authorized and approved brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-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, hard cider, or liquor. However, licensed representatives of a brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery that has agreed in writing to conduct sampling and off-premises consumption sales of their respective licensee's products at the private fair and festival, may discuss their respective products and engage in the limited giving of complimentary samples in accordance with §11-16-6a (c) and (d), §60-4-3a (a) and (b), and §60-4-3b (b) and (m) of this code; and the selling of sealed bottles or cans of their respective nonintoxicating beer, nonintoxicating craft beer, wine,

hard cider, or liquor products for off-premises consumption. All taxes and fees must be paid on lawful sales.

(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.

~~(j) During events authorized by this section, licensees may also sell promotional and other items relating to promoting their business and its products~~ Dual licensing is permitted for private fairs and festivals pursuant to §60-7-2a of this code.

(k) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or their licensed representatives is jointly liable and responsible for any violations of this article.

(l) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited off-premises consumption sales shall not have any pecuniary interest, share, or percentage in any sales of sealed nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor.

(m) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited off-premises consumption sales may charge them a flat booth rental fee.

(n) A private fair and festival licensee, licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or their licensed representatives who permits members or guests to consume, on the private fair and festival's licensed premises, any nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor, that was purchased as an off-premises consumption sale, shall have their respective license immediately suspended, and that conduct is grounds for revocation of their license.

§60-7-8g. Special permit for a qualified permit holders in a private outdoor designated area; license fee and application; license subject to provisions of article.

(a) There is hereby created a special permit designated Class S4 for a qualified permit holder operating in a private outdoor designated area approved by a municipality as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption at a certain public property designated as a private outdoor designated area where multiple private club license type licensees who apply and obtain a qualified permit holder permit shall share liability and responsibility. Each qualified permit holder may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) Definitions:

(1) 'Private outdoor designated area' means public property that has become a legally demarcated area established by a municipal ordinance as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

(2) 'Qualified permit holder' means the holder of a Class A license issued under §60-7-1 et seq. of this code.

(c) To be eligible for the license authorized by subsection (a) of this section, the qualified permit holder shall:

(1) Operate in a private outdoor designated area created by municipal ordinance as set forth in §8-12-26 of this code, and provide the commissioner a copy of the certified ordinance from the municipality;

(2) Apply to the commissioner for the special permit prior to operating in an approved private outdoor designated area on an application provided by the commissioner;

(3) Pay a nonrefundable non-prorated annual license fee of \$100 to the commissioner;

(4) Be in compliance with all state and federal laws and be in good standing with the commissioner;

(5) Be approved by the municipality to operate in the private outdoor designated area;

(6) Provide the days and hours of operation in the private designated area which cannot exceed the stated private club hours of operation;

(7) Provide, in conjunction with the municipality, adequate restroom facilities, whether permanent or portable, to serve the members and guests who will be attending the private outdoor designated area;

(8) Provide an executed agreement between all qualified permit holders stating that each qualified permit holder is jointly and severally liable for any improper acts or conduct committed in the operation of the private outdoor designated area in conjunction with operation of their Class A license;

(9) Provide a security plan for the private outdoor designated area indicating: All qualified permit holders' licensed premises where alcohol will be served in approved non-glass containers; all entrances and exits in order to verify members', patrons', and guests' ages, and to assess whether a member, patron, or guest is under 21 years of age or intoxicated; and a plan to provide for the public health and safety of members, patrons, and guests;

(10) Provide a floorplan for the private outdoor designated area indicating a legally demarcated area that is bounded or utilizes signage to safely account for the ingress and egress of members, patrons, and guests who will be within the private outdoor designated area and also be permitted to carry liquor, wine, nonintoxicating beer, and nonintoxicating craft beer on and off of the qualified permit holders' licensed premises and within the private outdoor designated area when contained in an approved non-glass container. The private outdoor designated area's floorplan does comprise a separate licensed premises authorized only for the lawful consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises when lawfully purchased from a qualified permit holder;

(11) Meet and be subject to all other private club license type requirements;

(12) Provide a plan to prevent members, guests, and patrons from bringing, consuming, or selling alcohol not in an approved non-glass container in the private outdoor designated area; and

(13) Use an age verification system approved by the commissioner.

(c) As set forth in §8-12-26 of this code a municipality may, by ordinance, establish a private outdoor designated area where the municipality may zone, set requirements and establish conditions for safe operation of private outdoor designated area by qualified permit holders.

(d) A municipality shall be responsible for the enforcement of any criminal violations occurring in a private outdoor designated area and shall report such violations to commissioner for a determination of any violation of §11-16-1 et seq. and chapter 60 of this code.

(e) The commissioner shall enforce any violations of §11-16-1 et seq. and chapter 60 of this code committed by qualified permit holders against their permit and their Class A license.

(f) A qualified permit holder that is separately authorized for an outdoor dining area or sidewalk dining area may continue to operate those areas in conjunction with the private outdoor designated area subject to the commissioner's requirements.

(g) A licensee permitted under this section is 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 required by the circumstances of for the operation of qualified permit holders in each private outdoor designated area. The commissioner may revoke or suspend immediately any permit 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.

ARTICLE 8. SALE OF WINES.

§60-8-6g. Special privilege of Class A private wine restaurant licensee to operate separate, but connected, Class B wine specialty shop license.

A Class A private wine restaurant licensee may, in the commissioner's discretion, operate Class B wine specialty shop license for the off-premises sale of nonintoxicating beer and wine in a connected but separately operated area of the Class A private wine restaurant is licensed premises: *Provided*, That each business is licensed separately and operates separate cash registers and maintains separation barriers between the different licensed operations. A licensee who fails to license two inner-connected businesses subjects the licensee to the penalties under this article.

ARTICLE 8A. MANUFACTURE AND SALE OF HARD CIDER.

§60-8A-5. Winery or farm winery licensee's authority to manufacture, sell, and provide complimentary samples; growler sales; advertisements; taxes; fees; rulemaking.

(a) *Sales of hard cider.* — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer hard cider manufactured

by the licensed winery or farm winery for retail sale to customers from the winery's or farm winery's licensed premises for consumption off of the licensed premises only in approved and registered hard cider kegs, bottles, or cans, or also sealed wine growlers for personal consumption and not for resale. A licensed winery or farm winery may not sell, give, or furnish hard cider for consumption on the premises of the principal place of business or manufacturing facility located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (b) of this section. 'Wine Growler' has the meaning set forth in §60-8-6c(g) of this code.

(b) *Complimentary samples.* — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer complimentary samples of hard cider manufactured at the winery's or farm winery's principal place of business or manufacturing facility located in the State of West Virginia. The complimentary samples may be no greater than two fluid ounces per sample per patron, and a sampling shall not exceed six complimentary two-fluid ounce samples per patron per day. A licensed winery or farm winery providing complimentary samples shall provide complimentary food items to the patron consuming the complimentary samples; and prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or older and that the patron is not noticeably or visibly intoxicated.

(c) *Retail sales.* — Every licensed winery or farm winery under this section shall comply with all the provisions applicable to wine retailers when conducting sales of hard cider and is subject to all applicable requirements and penalties. In the interest of promoting tourism throughout the state, every licensed winery or farm winery manufacturing cider in this state is authorized, with a limited off-site retail privilege at private fair and festivals, for off-premises consumption sales of only the winery or farm winery's sealed hard cider. At least five days prior to an approved private fair and festival, an authorized winery or farm winery shall provide a copy of a written agreement to sell only hard cider manufactured by the licensed winery or farm winery at the private fair and festival's licensed premises. If approved, an authorized winery or farm winery may conduct off-premises consumption sales of their hard cider from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved wineries and farm wineries' off-premises consumption sales of hard cider shall comply with all retail requirements in §60-8-1 et seq. of this code and §60-8A-1 et seq. of this code, and specifically with respect to all markups, taxes, and fees.

(d) *Payment of taxes and fees.* — A licensed winery or farm winery under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by law and by rule of the commissioner.

(e) *Advertising.* — A licensed winery or farm winery may advertise a particular brand or brands of hard cider produced by the licensed winery or farm winery and the price of the hard cider subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(f) *Growler requirements.* — A licensed winery or farm winery, if offering wine growler filling services, shall meet the filling, labeling, sanitation, and all other wine growler requirements in §60-8-6c of this code.

(g) *Fee.* — There is no additional fee for a licensed winery or farm winery authorized under §60-8-6c of this code, to sell wine growlers, if a winery or farm winery only desires to sell hard

cider in the wine growler, and no other wine, then the annual non-prorated and nonrefundable license fee is \$50.

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, upon conviction thereof, shall be punished by a fine not exceeding \$200: *Provided*, That there is exemption from this prohibition for: (a) A private bakery, private cigar shop, private caterer, private club restaurant, private manufacturer club, private fair and festival, private resort hotel, private hotel, private golf club, private food truck, private nine-hole golf course, private tennis club, private wedding venue or barn, private outdoor dining and private outdoor street dining, private multi-vendor fair and festival license, private farmers market, private college sports stadium or coliseum, private professional sports stadium, and a private multi-sports complex licensed pursuant to §60-7-1 *et seq.* of this code and in compliance with, §60-7-2(6)(iv), §60-7-2(7)(D), §60-7-2(8)(I), §60-7-2(10)(L), §60-7-2(11)(D), §60-7-2(12)(H), §60-7-2(13)(6), §60-7-2(14)(H), 60-7-2(15)(H), §60-7-2(16)(G), §60-7-2(17)(G), §60-7-2(18)(H), §60-7-2(19)(H), §60-7-2(20)(H), §60-7-2(21)(L), §60-7-2(22)(H), §60-7-2(23)(H), §60-7-2(24)(H), §60-7-2(25)(H), §60-7-8c(b)(14), §60-7-8d, §60-7-8g(c)(15), and §60-8-32a 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, by using a mandatory carding or identification program by which all members or guests being served or sold alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer are asked and required to 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."

An amendment sponsored by Delegates Honaker and Hanshaw was reported by the Clerk.

Whereupon,

Delegate Honaker asked and obtained unanimous consent that the amendment be withdrawn.

An amendment to the committee amendment, sponsored by Delegate Capito, was reported by the Clerk, on page 3, section 26, line 43, by striking subsection (f) of that section and inserting in lieu thereof the following new section:

“§8-12-27. Prohibiting municipalities from imposing additional alcohol licensure fees.

Notwithstanding any provision of this Code to the contrary, any person licensed under §11-16-1, *et. seq.* of this Code, shall not be charged any additional alcohol licensure fee by a municipality.”

And,

On page 9, section 6, line 16 by striking the remainder of subsection (a) and inserting in lieu thereof the following:

“In order to promote the state’s hospitality and tourism industry, as well as promoting economic development within the state by supporting the development of local breweries, including the application for licensure of brewery owners seeking licensure as a resident brewer in this state while licensed in other states, the commissioner may not consider licensure in such other states as a limiting factor or as the basis of licensure denial when evaluating applications for licensure as a resident brewer in this state. Any applicant seeking licensure as a resident brewer in this state (1) must meet all requirements for licensure as a resident brewer in this state, (2) must be in good standing in all other jurisdictions wherein the applicant is licensed as a brewer or resident brewer as such terms are defined in the licensing jurisdiction and, (3) must never have had a license revoked in any other state; *Provided*, that persons licensed as resident brewers in this state are limited to producing 25,000 barrels of non-intoxicating beer and limited to self-distribution rights of 10,000 barrels of non-intoxicating beer, and such production and distribution limits shall apply, in the aggregate, whether produced in another state or West Virginia, as to all non-intoxicating beer produced by a person licensed as a resident brewer in West Virginia.”

And,

On page 25, section 8, line 46 immediately following the word “regulations” by striking the word “and” and inserting in lieu thereof the following: “;”

And,

On page 25, section 8, line 47 immediately following the word “building;” by inserting the following: “and”

And,

On page 35, section 8, line 44 immediately following the word “applicant” by deleting “or any executive”

And,

on page 37, section 3a, line 32, immediately following the word “intoxicated” by striking the words “not to exceed three separate West Virginia product brands one fluid ounce samples per patron, per day” and inserting in lieu thereof the following:

“The complimentary liquor samples of the licensed distillery, mini-distillery, or micro-distillery’s product on any sampling day shall not exceed:

(1) Three separate and individual samples serving per customer verified to be 21 years of age or older; and

(2) One and one-half ounces in total volume. Samples may be mixed with each other or with non-alcoholic liquids as long as the total amount of the liquor sampled does not exceed one and one-half ounces.”

And,

On page 45, section 2, line 73, immediately following the word club on line 72 by striking the word "license" and inserting in lieu thereof "licensee"

And,

On page 47, section 2, line 159, by striking both occurrences of the word "license" and inserting in lieu thereof in both instances "licensee"

And,

On page 53, section 2, line 289, immediately following the word "club" by striking the word "license" and inserting in lieu thereof "licensee"

And,

On page 71, section 6, line 6, immediately following the word "hotel" by striking the words "a private food court as defined in §60-7-2 of this code"

And,

On page 72, section 6, line 12 immediately following the word "and" by inserting the following: "~~\$4,000~~"

And,

On page 72, section 6, line 14, immediately following the second occurrence of the word "code" by inserting ", or a private food court as defined in §60-7-2 of this code."

And,

On page 73, section 8a, line 1 immediately following the word "hereby" by striking the word "continued" and inserting in lieu thereof "created".

Delegate Clark requested to be excused from voting under the provisions of House Rule 49.

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

The question then being on the adoption of the amendment to the amendment, the same was put and adopted.

An amendment sponsored by Delegate Steele was reported by the Clerk.

Whereupon,

Delegate Steele obtained unanimous consent that the amendment be withdrawn.

The Committee on Judiciary amendment, as amendment was then adopted.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 679**), and there were—yeas 59, nays 32, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Adkins, Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, DeVault, Dillon, Dittman, Fast, Ferrell, Griffith, A. Hall, Hanna, Holstein, Honaker, Jeffries, Jennings, Keaton, Kump, Linville, Longanacre, Mazzocchi, McGeehan, Miller, Pinson, Ross, Toney, Vance, Ward, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Chiarelli, Cooper, Horst, Kirby, Mallow, Street, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 534) passed.

Delegate Young, who was absent on Roll No. 279, noted to the Clerk that she would have voted “Yea” thereon.

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

Com. Sub for S. B. 534 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-12-26 and §8-12-27; to amend and reenact §11-16-3, §11-16-6, §11-16-6a, §11-16-6d, §11-16-6f, §11-16-8, §11-16-9 of said code; to amend and reenact §60-3A-3a, and §60-3A-8 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-7-2, §60-7-2a, §60-7-6, and §60-7-8a of said code; to amend said code by adding thereto a new section designated §60-7-8g; to amend said code by adding thereto a new section, designated §60-8-6g; to amend and reenact §60-8A-5 of said code; and to amend and reenact §61-8-27 of said code; all relating to nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor license requirements; defining terms; authorizing municipalities to create private outdoor designated areas by ordinances; creating special permit for Class A licensees who apply to be qualified permit holders to operate in private outdoor designated areas, setting forth requirements, and setting fees; providing municipalities may not impose additional license fees on any state licensee; promoting tourism in the state by permitting authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries a limited off-site retail privilege for off-premises consumption sales for nonintoxicating beer manufactured by them and permitting limited complimentary samples at private fair and festivals; providing requirements for the conduct of the sales at private fairs and festivals; requiring payment of taxes, fees and markups, and no license fee; clarifying the nonintoxicating beer growler requirements for contents and sealing; allowing brewer and resident brewer to have additional places of manufacture under one license and based on manufacturing volume capacity; reducing fees and limiting additional places of manufacture under one license; forbidding the commissioner from considering licenses in other state as a criterion when evaluating applications for licensure in this state; providing that any applicant for licensure in this state must meet all requirements, must be in good standing in all other states and must never had a license revoked in any other state in which it is licensed; providing, that persons licensed as resident brewers in this state are limited to producing 25,000 barrels of non-intoxicating beer and limited to self-distribution rights of 10,000 barrels of non-intoxicating beer; providing that such production and distribution limits shall apply, in the aggregate, whether produced in another state or West Virginia, as to all non-intoxicating beer produced by a person licensed as a resident brewer in West Virginia; providing a licensed brewer or resident brewer may enter into contract brewing services agreements with another licensed brewer or resident

brewer with its principal place of business and manufacture located in the State of West Virginia for purposes of sharing brewing equipment or facilities as part of the manufacture of nonintoxicating beer or nonintoxicating craft beer; requiring any such contract brewing services agreement shall be provided to the West Virginia Alcohol Beverage and Control Administration and contain enumerated terms and conditions: removing limit on nonintoxicating beer or nonintoxicating craft beer which may be included with an order, sale or delivery of multiple meals; allowing commissioner to refuse a license if applicant or manager is not a suitable applicant; increasing number and size of liquor samples that are permitted; requiring manager to be suitable applicant and of good moral character; reducing and modifying food inventory required for private cigar shop, private club bars, private food truck, private manufacturer club, private hotel, private resort hotel, private farmers market in a private club restaurant, private multi-sport complex, and private food court; allowing a private manufacturer club to have operating food truck or other portable kitchen in lieu of on-premises food preparation facilities; removing acreage requirement for private wedding venue or barn license; clarifying nonintoxicating beer license requirements for persons, fairs and festivals; clarifying retail liquor outlet license requirements for applicants; clarifying that the statute applying to distilleries and mini-distilleries also applies to micro-distilleries; clarifying manufacturing limitations on distilleries, mini-distilleries, and micro distilleries; permitting dually licensed events, and a license fee; creating a private coliseum or center license and specifying license requirements; authorizing private coliseum or center license to conduct a temporary event in conjunction with a private fair and festival licensee and setting forth requirements; setting fees; creating a private food court license and specifying license requirements; clarifying dual licensing requirements and authorization for private fair and festivals, requirements, and no license fee; permitting private fairs and festivals to conduct on-premises consumption sales with certain requirements; permitting private fairs and festivals to allow authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries to conduct limited off-premises consumption retail sales with certain requirements from the private fair and festival's licensed premises; permitting a private wine restaurant to operate a separately licensed but connected wine specialty shop; clarifying unlawful admission to dance hall; and exempting permit holder operating a private outdoor designated area, private coliseum or center licensee, or private food court from prohibition on admitting persons under the age of 18."

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

S. B. 544, Increasing power purchase agreement cap; 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. 680**), and there were—yeas 85, nays 7, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dillon, Gearheart, Heckert, Ridenour, Street and Vance.

Absent and Not Voting: Bridges, Cooper, Foggin, Horst, Kirby, Mallow, Ross and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 544) passed.

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

S. B. 544 – “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931 as amended, relating to increasing the power purchase agreement (PPA) cap from 25 kW to 50kW for residential customers and from 500 kW to 1,000 kW for commercial customers.”

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. 546, Adding and removing certain compounds from controlled substance list; 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. 681**), and there were—yeas 91, nays 3, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Nestor, Pushkin and Vance.

Absent and Not Voting: Bridges, Cooper, Kirby, Mallow, Westfall and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 546) 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. 548, Clarifying what parties can redeem delinquent property and limiting those entitled to bid; on third reading, coming up in regular order, with the right to amend, was read reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, on page 7, section 45, line 27,

Striking the period after “office” and inserting in lieu thereof “or complete and execute a notarized affidavit affirming that they meet the requirements set forth in this Article on the day of the sale.”

And,

On page 8, section 45, lines 32, 33-34 by inserting “and” after “state;” and removing lines 33 and 34 in their entirety and renumbering accordingly.

And,

On page 11, section 48, lines 22, 23-24 by inserting “and” after “state;” and removing lines 23 and 24 in their entirety and renumbering appropriately.

In the absence of objection, an amendment to the bill, sponsored by Delegate Foster, was reformed to be an amendment to the amendment on page 7, section 45, beginning on line 31, by striking subdivision 2 in its entirety and inserting a new subdivision 2 to read as follows:

“(2) At the time of registration is delinquent in the payment of real property tax, for which registrant is the most recent owner of record, to any county in this state;” and renumbering the remaining subdivisions accordingly;

Beginning on page 7, section 45, after line 32, by inserting a new subdivision 3 to read as follows:

“(3) Has a history of noncompliance with code enforcement violations issued by a county or municipality pursuant to §7-1-3ff and §8-12-16 of this code; and” and renumbering the remaining subdivisions accordingly;

On page 11, section 48, beginning on line 21, by striking subdivision 2 in its entirety and inserting a new subdivision 2 to read as follows:

“(2) At the time of registration is delinquent in the payment of real property tax, for which registrant is the most recent owner of record, to any county in this state;” and renumbering the remaining subdivisions accordingly;

And,

Beginning on page 11, section 48, after line 22, by inserting a new subdivision 3 to read as follows:

“(3) Has a history of noncompliance with code enforcement violations issued by a county or municipality pursuant to §7-1-3ff and §8-12-16 of this code; and;” and renumbering the remaining subdivisions accordingly.

The question being on the adoption of the amendment to the amendment, the same was put and adopted.

The Committee on the Judiciary amendment, as amended, was then adopted.

An amendment was offered by Delegate Tully.

Delegate Tully requested to be excused from voting under the provisions of House Rule 49.

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

On motion of Delegate Tully, the bill was amended on page 11, line 16, by inserting following: “Provided, However, That instead of the Auditor, a purchaser may engage a licensed attorney to provide a title examination at his or her own cost.”

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 682**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Bridges, Cooper, DeVault, Dittman, Fluharty, Hornbuckle, Mallow, Martin, Pinson, Ridenour and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 548) 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. 561, Relating to administration of WV Drinking Water Treatment Revolving Fund Act; 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. 683**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, DeVault, Dittman, Fluharty, Hornbuckle, Mallow, Pinson, Ridenour, Steele and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 561) passed.

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

Com. Sub. for S. B. 561 – “A Bill to repeal §16-13C-1, §16-13C-2, §16-13C-3, §16-13C-4, §16-13C-5, and §16-13C-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-36-1, §22-36-2, §22-36-3, §22-36-4, §22-36-5, §22-36-6, and §22-36-7, all relating to the administration of the West Virginia Drinking Water Treatment Revolving Fund; transferring administration of Drinking Water Treatment Revolving Fund from Department of Health and Human Resources to Department of Environmental Protection; adding provisions relating to review by Department of Environmental Protection of funded projects and implementation of mitigation efforts if necessary to protect public health and the environment; and providing for Department of Environmental Protection to propose legislative rules.”

Delegate Householder moved that the bill take effect July 1, 2023.

On this question, the yeas and nays were taken (**Roll No. 684**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty, Hornbuckle, Mallow, Pinson, Ridenour, Steele and Westfall.

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. 561) takes effect July 1, 2023.

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. 568, Relating to Dangerousness Assessment Advisory Board; 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. 685**), 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: Bridges, Hornbuckle, Mallow, Ridenour, Steele and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 568) passed.

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

On this question, the yeas and nays were taken (**Roll No. 686**), 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: Bridges, Hornbuckle, Mallow, Ridenour, Steele and Westfall.

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. 568) takes effect from its passage.

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

Com. Sub. for S. B. 573, Relating to child support guidelines and Support Enforcement Commission; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on the Judiciary, on page 1, section 205, line 8, by striking the word “noncustodial”; and on page 1, section 205, line 11 by striking the word “noncustodial”;

And,

On page 3, section 202, by inserting

§48-13-202. Application of expenses and credits in determining child support.

In determining the total child support obligation, the court shall:

(1) Add to the basic child support obligation any unreimbursed child health care expenses, work-related child care expenses and any other extraordinary expenses agreed to by the parents or ordered by the court; and

(2) Subtract any extraordinary credits agreed to by the parents or ordered by the court.

(3) The court shall deduct student loan payments for which the parents are liable from the gross income of the parents. *Provided*, that such payments are current and not in arrears.

In the absence of objection, an amendment to the bill, sponsored by Delegate Capito,⁷ was reformed and the amendment was amended, on page 3, section 202, by striking paragraph (3) and inserting in lieu thereof the following:

“(3) Deduct from a parent’s adjusted gross income the reasonable monthly amount of a student loan payment actually being paid to the lending institution that originally issued the loan by a parent for a student loan debt owed in his or her own name and for his or her own educational expenses; provided that the total amount of the student loan payment deducted may not exceed 25% of the parent’s total gross income determined before the deduction. The Family Court shall have discretion to exclude all or a portion of the student loan deduction if the parent with the student loan debt is in child support arrears, if the parent is not current or is in arrears on the

student loan payment, if the student loan is being paid by a third party and not the parent, or if the child is not receiving or expected to receive a financial benefit from the education associated with the student loan expenses incurred. If the student loan deduction is awarded:

(a) The parent shall have a duty to immediately disclose to the Court, the BCSE, and any other party, any changes in the monthly amount of the student loan payment, including any payment deferrals or student loan forgiveness.

(b) The Court may require a parent to annually disclose to the Court, the BCSE, and any other party, a statement showing a history of student loan payments for the prior year.

(c) Failure to timely make the disclosures above may be a basis for the Court to modify child support to exclude the student loan deduction, including retroactively to the first of the month following any unreported change.”

The amendment recommended by the Committee on the Judiciary, as amended, was then adopted.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 687**), 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: Bridges, Crouse, Longanacre, Mallow, Sheedy and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 573) passed.

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

Com. Sub. for S. B. 573 – “A Bill to amend and reenact §48-1-205 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-13-202, §48-13-301, §48-13-302, §48-13-303, §48-13-403, §48-13-404, §48-13-501, and §48-13-502 of said code, all relating generally to the child support guidelines and the Support Enforcement Commission; allowing a deduction for student loan payments under specific circumstances, clarifying circumstances and factors for attributed income; updating monthly basic child support obligations to reflect 2022 financial data; updating income amount requiring manual calculation to determine basic child support obligation; updating amount for the ability to pay calculation and self-support reserve; and amending the multiplier for extended shared parenting adjustment.”

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. 579, Providing payment to vendors who provided services to state; 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. 688**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Longanacre, Mallow, Sheedy and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 579) passed.

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

On this question, the yeas and nays were taken (**Roll No. 689**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Criss, Longanacre, Mallow and Westfall.

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. 579) 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. 608, Correcting list of items which are considered deadly weapons; 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. 690**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Foggin, Hansen and Walker.

Absent and Not Voting: Bridges, Criss, Longanacre, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 608) passed.

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

S. B. 608 - "A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; correcting the partial list of items which are considered deadly weapons; and removing certain age restrictions relating to pepper spray."

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. 617, Relating to Intellectual and Development Disabilities Waiver Program Workforce Study; on third reading, coming up in regular order, was read a third time.

Delegates Pushkin, Young and Walker requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 691**), 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: Bridges, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 617) passed.

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

Com. Sub. for S. B. 617 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated, §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6, §16-5W-7, §16-5W-8 and §16-5W-10; to repeal §27-8-2b and §27-8-3 of said code; to repeal §27-9-1 of said code; to repeal §27-13-1 and §27-13-2 of said code; and to repeal §27-17-1, §27-17-2, §27-17-3, and §27-17-4 of said code; all relating to regulation of behavioral health services; defining terms; requiring access to consumers; requiring access to records; regulating behavioral health centers; providing rulemaking authority; establishing a mental health ombudsman; providing authority to the ombudsman; providing an exemption of consumer information from the Freedom of Information Act; requiring reporting; permitting a civil penalty; requiring a workforce study; outlining program data required to be included in the study; requiring recommendations for hourly pay; and creating an annual capitation review.”

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. 631, Updating administration, funding, and requirements for federal elections held in WV; 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. 692**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Mallow, Steele and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 631) passed.

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

Com. Sub. for S. B. 633, Requiring prompt appearances for persons detained on capiases; 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. 693**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Mallow, Steele and Westfall.

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

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

Com. Sub. for S. B. 633 - "A Bill to amend and reenact §62-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §62-1C-17b of said code; and to amend and reenact §62-2-17 of said code, all relating to failure to appear; requiring compliance with the magistrate court criminal rules; requiring transport to the regional jail serving the charging county if an arrest occurs in a county other than the charging county and the defendant remains incarcerated after the arraignment; requiring prompt court appearances for persons detained on capiases or warrants for failure to appear; providing procedures for issuing bench warrants and capiases for nonappearance at scheduled court hearings or other proceeding; providing for purposes of capiases for failure to appear after indictment, that newspaper publication alone does not constitute effective notice; allowing a grace period after a failure to appear to allow certain defendants to appear except in defined circumstances; providing procedures following execution of bench warrants for nonappearance; providing that in all cases where a defendant is arrested and held under a *capias* for failure to appear in the county wherein the charge or charges is pending, and he or she is entitled to admission to bail, an initial appearance shall be held as soon as practicable, or within five days whichever is sooner, and bail shall be considered; and requiring courts to ensure that all inactive warrants and capiases for failure to appear are removed from law-enforcement databases."

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. 647, Relating to substantiation of abuse and neglect allegations; 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. 694**), and there were—yeas 89, nays 4, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Dillon and Kirby.

Absent and Not Voting: Bridges, Burkhammer, Foster, Mallow, Steele, Westfall and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 647) passed.

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

Com. Sub. for S. B. 647 - "A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to substantiation of abuse and neglect allegations; requiring that when an abuse and/or neglect allegation is substantiated and a child abuse petition could be filed and the department does not do so, records related to the allegation are sealed after one year, absent a new allegation within that year; excluding persons from having records sealed who have a substantiated case but no court case can be filed; requiring that substantiated cases where the court does not adjudicate abuse and/or neglect be deemed unsubstantiated; allowing a petition to seal a file after five years for persons found to be creating an abusing parent;

exceptions; criteria; directing the department to propose legislative rules to effectuate the statutory directive; clarifying terms relating to abuse and/or neglect; and defining terms.”

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. 661, Clarifying preferential recall rights for employees sustaining compensable injury; 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. 695**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Burkhammer, Foster, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 661) passed.

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

Com. Sub. for S. B. 661 - “A Bill to amend and reenact §23-5A-3 of the Code of West Virginia, 1931, as amended, relating to the preferential recall rights of an employee who is off work due to a compensable injury; providing that any demand for reinstatement made by an injured employee must be made in writing; providing for how and where the demand for reinstatement must be mailed; providing requirements for an injured employee’s reinstatement to his or her former position; providing for a preferential recall time period of 120 days when the injured employee is employed by contractors as defined by §30-42-3 of said code; stating that it is the employee’s obligation to continually seek the possibility of employment during the preferential recall period; and providing that the employee’s right to preferential recall terminates once the employer offers the employee his or her former position or a comparable position.”

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. 665, Amending licensure requirements for massage therapist; 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. 696**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Foggin, A. Hall and Ridenour.

Absent and Not Voting: Bridges, Burkhammer, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 665) 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. 674, Providing statutory recognition and appointment of board members for WV First Foundation; 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. 697**), 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: Bridges, Burkhammer, DeVault, Mallow, Street and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 674) passed.

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

On this question, the yeas and nays were taken (**Roll No. 698**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, DeVault, Mallow, Street and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 674) takes effect from its passage.

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

At 6:25 p.m., on motion of Delegate Householder, the House of Delegates recessed until 7:15 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.

Special Calendar

Third Reading

-continued-

Com. Sub. for S. B. 677, Clarifying role and responsibilities of State Resiliency Officer; 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. 699**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Capito, Dillon, Ferrell, Mallow, Pinson, Shamblin, Westfall and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 677) passed.

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

On this question, the yeas and nays were taken (**Roll No. 700**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Dillon, Ferrell, Mallow, Pinson, Pushkin, Shamblin and Westfall.

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. 677) takes effect from its passage.

S. B. 678, Adding appropriations to DHHR, Division of Human Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 701**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ferrell, Mallow, Pushkin and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 678) passed.

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

On this question, the yeas and nays were taken (**Roll No. 702**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ferrell, Mallow, Pushkin and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 678) 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. 733, Relating to wildlife licenses and stamps; 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. 703**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Ferrell, Mallow, Pushkin and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 733) 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. 734, Requiring adoption of cloud computing services by state agencies; 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. 704**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon and Street.

Absent and Not Voting: Bridges, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 734) passed.

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

S. B. 735, Clarifying department responsible for administration of certain programs; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on Government Organization, and adopted, on page 3, section 15, line 47, by changing the number "2024" to "2029"

On motion of Delegate Phillips, the bill was amended on page 1, section 3, lines 1 through 9, by striking §5B-1A-3 in its entirety.

On motion of Delegate Phillips, the bill was amended on page 7, section 4, lines 3 through 4 by striking out all of subsection (b) and inserting in lieu thereof the following:

“(b) The Governor shall appoint and set the salary of the director of the office who shall be responsible for hiring such assistants and clerical staff as may be necessary to carry out the responsibilities of the office. The initial appointment for the director shall be made by July 1, 2026. Funding for this position and to carry out the duties of the office shall be provided by appropriation of the Legislature.

(c) The director shall report quarterly to the energy and finance committees of the legislature on projects funded by the office. The report shall include the amount, the recipient and a description of each project funded.”

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 705**), 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: Bridges, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 735) passed.

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

Com. Sub. for S. B. 735 – “A Bill to amend and reenact §5B-2-15 of said code, to amend and reenact §5B-2A-3 and §5-2A-4 of said code; to amend and reenact §5B-8-1 of said code; to amend and reenact §11-13X-9 of said code; and to amend and reenact §31G-1-5 and §31G-1-14 of said code, all relating to clarifying the department responsible for the administration of certain programs; providing an extension on the date work is to be concluded; providing the Governor appoint and set the salary of the director of the office; providing that funding for the position and to carry out the duties of the office shall be as provided by appropriation of the Legislature; and providing requirements for quarterly reports.

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

Delegate Householder asked and obtained unanimous consent to return to further consideration of Com. Sub. for S. B. 677.

At the request of Delegate Householder, and by unanimous consent, the vote on the effective date of the bill was reconsidered.

Delegate Householder then obtained unanimous consent to withdraw the effective date motion.

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:

Com. Sub. for S. B. 677 — “A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; to repeal §15-5-4b, §15-5-4c, §15-5-24, §15-5-25, and §15-5-26, and of said code; to amend and reenact §29-31-1 and §29-31-2 of said code; to amend said code by adding thereto new sections, designated §29-31-2a; to amend and reenact §29-31-3 of said code; and to amend said code by adding thereto new sections, designated §29-31-6, §29-31-7, §29-31-8, §29-31-9, §29-31-10, §29-31-11, §29-31-12, §29-31-13 and §29-31-14, all relating to the Resiliency and Flood Protection Planning Act generally; modifying definitions; repealing, continuing, and moving provisions governing the West Virginia Disaster Recovery Trust Fund into the Act; revising provisions governing the State Resiliency Office, the State Resiliency Officer and the State Resiliency Board within the Act; expanding upon the qualifications, powers and duties of the State Resiliency Officer and the deputy State Resiliency Officer, including but not limited to requiring a vulnerability assessment of critical infrastructure at the state and municipal levels including hospitals, schools, fire stations, and comparable facilities; requiring leadership in state planning efforts “in the event of” states of emergency; and requiring development of new state Flood Resiliency Plan; providing for receipt and disbursement of funds from the West Virginia Disaster Recovery Trust Fund and the duties of the State Resiliency Officer in administering the same; creating the West Virginia Flood Resiliency Trust Fund; providing for receipt and disbursement of funds from the West Virginia Flood Resiliency Trust Fund and the duties of the State Resiliency Officer in administering the same; and providing tax exemption.

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

On this question, the yeas and nays were taken (**Roll No. 706**), 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: Bridges, Mallow and Westfall.

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. 677) takes effect from its passage.

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

S. B. 737, Emergency Medical Services Act; 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. 707**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, A. Hall, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 737) 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. 739, Relating to moratorium on carbon capture agreements; 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. 708**), and there were—yeas 86, nays 11, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dean, Griffith, Hansen, Heckert, E. Pritt, Pushkin, Rowe, Shamblin, Walker, Williams and Young.

Absent and Not Voting: Bridges, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 739) passed.

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

S. B. 739 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-4b; relating to carbon offset agreements affecting real property interests; requiring parties to current and new carbon offset agreements to register with the West Virginia Tax Department; providing for registration requirements and identifying certain information to be submitted to the Tax Department; providing for business registration certificates; defining terms, including carbon offset agreements and greenhouse gases; providing exceptions for underground sequestration and methane flaring; requiring reports of specified information by the Tax Department to the Legislature and Executive; authorizing generalized disclosure of information by the Tax Commissioner for said reports; specifying application of West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and authorizing promulgation of rules by the Tax Department.”

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

On this question, the yeas and nays were taken (**Roll No. 709**), and there were—yeas 88, nays 9, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dean, Griffith, Hansen, E. Pritt, Pushkin, Rowe, Walker, Williams and Young.

Absent and Not Voting: Bridges, Mallow and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 739) 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. 740, Relating to compensation and expense reimbursement for members of Legislature; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on Finance, and adopted, on page four, section four, line twenty-five, by striking out the words "presiding officer" and inserting in lieu thereof the words "chairperson or additional person";

And,

On page five, section six, line one, following the words "Each member", by striking out the words "and member-elect".

An amendment, sponsored by Delegate Coop-Gonzalez, was reported by the Clerk, on page 3, section 4, line 9, immediately following the word "code" by inserting the following:

" : *Provided, however, no additional compensation shall be paid pursuant to the provisions of this subdivision for more than 60 days for attending to legislative business when the Legislature is not in regular session.*"

Delegate Coop-Gonzalez asked unanimous consent that the amendment be reformed by adding a period after the word "business" and striking out the rest of the amendment, which consent was not granted, objection being heard.

Delegate Coop-Gonzalez then so moved.

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

Having been ordered, the yeas and nays were taken (**Roll No. 710**), and there were—yeas 31, nays 66, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Brooks, Butler, Capito, Coop-Gonzalez, Dean, Dillon, Ellington, Espinosa, Fast, Foggin, Foster, A. Hall, Keaton, Kimble, Kirby, Linville, Longanacre, Martin, McGeehan, Nestor, Phillips, Pinson, Pushkin, Ridenour, Ross, Statler, Steele, Toney, Vance and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Mallow and Westfall.

So, a majority of the members present not having voted in the affirmative, the motion was rejected.

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. 711**), and there were—yeas 13, nays 84, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Butler, Coop-Gonzalez, Dean, Dillon, Foster, A. Hall, Kirby, Longanacre, Martin, McGeehan, Pushkin and Vance.

Absent and Not Voting: Bridges, Mallow and Westfall.

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

An amendment sponsored by Delegate Foster was reported by the Clerk.

Whereupon,

Delegate Foster asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Burkhammer, the bill was amended bill on page 1, section 2, line 3, immediately following the words “equal to” by inserting “75% of”

And,

On page 2, section 2, line 20, immediately following the words “six thousand” by striking “five hundred”

And,

On page 2, section 2, line 27, immediately following the words “six thousand” by striking “five hundred”.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 712**), and there were—yeas 54, nays 43, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Capito, Chiarelli, Coop-Gonzalez, Dean, Dillon, Fluharty, Garcia, Gearheart, Griffith, A. Hall, Hanna, Hansen, Hillenbrand, Holstein, Hornbuckle, Keaton, Kimble, Kirby, Kump, Linville, Longanacre, Martin, McGeehan, Nestor, Phillips, E. Pritt, Pushkin, Reynolds, Rohrbach, Ross, Rowe, Shamblin, Skaff, Storch, Street, Tully, Vance, Walker, Williams, Worrell and Young.

Absent and Not Voting: Bridges, Mallow and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 740) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk.

Whereupon,

Delegate Criss asked and obtained unanimous consent that the amendment be withdrawn.

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

S. B. 740 - "A Bill to amend and reenact §4-2A-2, §4-2A-3, §4-2A-4, §4-2A-5, §4-2A-6, and §4-2A-7 of the Code of West Virginia, 1931, as amended, all relating to compensation and expense reimbursement for members of the Legislature as recommended by the Citizens Legislative Compensation Commission; modifying the basic compensation to an amount equal to 75% of the per capita income in West Virginia; modifying the per diem expense allowance for members of the Legislature when in regular, extended, or extraordinary session; modifying the compensation, per diem expense allowance, and travel reimbursement paid to designated members of the Legislature when not receiving compensation for being in attendance during a regular, extended, or extraordinary session; modifying interim compensation paid to members of the Legislature; and modifying the per diem expense allowance for members of the Legislature who both commute and do not commute."

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 H. B. 2883, Making a supplemental appropriation from the Coronavirus State Fiscal Recovery Fund; on third reading, coming up in regular order, was read a third time.

Delegate A. Hall requested to be excused from voting under the provisions of House Rule 49.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 713**), and there were—yeas 79, nays 17, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dean, Dillon, Fluharty, Kimble, Kirby, Kump, McGeehan, C. Pritt, E. Pritt, Pushkin, Rowe, Vance, Walker, Worrell and Young.

Absent and Not Voting: Bridges, W. Hall, Mallow and Westfall.

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. 2883) passed.

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

On this question, the yeas and nays were taken (**Roll No. 714**), and there were—yeas 82, nays 14, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dean, Dillon, Kimble, Kirby, Kump, McGeehan, C. Pritt, E. Pritt, Pushkin, Vance, Walker and Worrell.

Absent and Not Voting: Bridges, Mallow, Steele and Westfall.

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. 2883) 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.

Second Reading

Com. Sub. for S. B. 552, Relating to abortion; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk.

Delegate Summers asked and obtained unanimous consent that an amendment sponsored by the Delegate be considered first.

On motion of Delegate Summers, the bill was amended on page 1, by striking everything after the enacting clause and inserting the following:

“ARTICLE 2R. UNBORN CHILD PROTECTION ACT.

§16-2R-9. Severability.

~~If any provision of §16-2R-1 et seq. of this code is judicially determined to be unconstitutional, this entire article shall be of no force and effect and the provisions of §16-2F-1 et seq., §16-2I-1 et seq., §16-2M-1 et seq., §16-2O-1, §16-2P-1, §16-2Q-1, and §33-42-8 of this code shall become immediately effective.~~

Severability as provided in §2-2-10(b)(7) is applicable to this article: *Provided*, That if this entire article is judicially determined to be unconstitutional, then the provisions of §16-2F-1 et seq., §16-2I-1 et seq., §16-2M-1 et seq., §16-2O-1, §16-2P-1, §16-2Q-1, and §33-42-8 of this code shall become immediately effective: *Provided, however*, That if a provision or provisions of §16-2R-1 et seq. are judicially determined to be unconstitutional, then the provisions of §16-2F-9, §16-2I-9, §16-2M-7, §16-2O-1(e), §16-2P-1(d), §16-2Q-1(m), and §33-42-8(d) are not effective.

An amendment sponsored by Delegate Ellington was reported by the Clerk.

Whereupon,

Delegate Ellington asked and obtained unanimous consent that the amendment be withdrawn.

Delegate Summers asked and obtained unanimous consent that the amendment recommended by the Committee on Health and Human Resources be withdrawn.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 715**), and there were—yeas 84, nays 12, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hansen, Hornbuckle, Kump, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting*: Bridges, Mallow, Westfall and Worrell.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

*Delegate Pinson announced that his vote did not register and he is recorded as “Yea”.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 716**), and there were—yeas 81, nays 13, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Gearheart, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Skaff, Storch, Walker, Williams and Young.

Absent and Not Voting: Bridges, Criss, Kump, Mallow, Westfall and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 552) passed.

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

Com. Sub. for S. B. 552- “A Bill to amend and reenact §16-2R-9 of the Code of West Virginia, 1931, as amended; relating to abortion; and revising severability clauses.”

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

On this question, the yeas and nays were taken (**Roll No. 717**), and there were—yeas 84, nays 10, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hansen, Hornbuckle, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: Bridges, Criss, Kump, Mallow, Westfall and Worrell.

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. 552) 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.

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leave of absence for the day was granted Delegate Mallow.

At 9:30 p.m., the House of Delegates adjourned until 10:00 a.m., Saturday, March 11, 2023.

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

SPECIAL CALENDAR

Saturday, March 11, 2023

60th Day

10:00 A. M.

[No Bills]

HOUSE CALENDAR

Saturday, March 11, 2023

60th Day

10:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2498 - To require medication-assisted treatment programs to have written policies concerning community relations (SUMMERS) (REGULAR)
- H. B. 3459 - To allow for a best value procurement evaluation for prequalified bidders (PHILLIPS) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 160 - WV Rail Trails Program (HOWELL) (REGULAR) [ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 293 - Increasing fees charged by sheriff (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 462 - Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers (CAPITO) (REGULAR)
- Com. Sub. for S. B. 593 - Mandating cost of living salary adjustment policy for state employees (CRISS) (REGULAR) [FINANCE COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2471 - Relating to the suspension of driver's license for unpaid tickets (CAPITO) (REGULAR)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- H. B. 3427 - Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility (CRISS) (REGULAR)

- H. B. 3430 - To prohibit the bureau from assessing a fee upon local health departments (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3484 - Relating to SNAP benefits (PHILLIPS) (REGULAR)
- H. B. 3487 - Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans (SUMMERS) (REGULAR)
- H. B. 3558 - Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA) (HOWELL) (REGULAR)

FIRST READING

- S. B. 262 - Allowing students to transfer schools and retain athletic eligibility (ELLINGTON) (REGULAR) [EDUCATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 467 - Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 539 - Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget (PHILLIPS) (REGULAR)
- Com. Sub. for S. B. 656 - Verifying legal employment status of workers to governmental agencies (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- Com. Sub. for H. B. 2189 - To create the "Protection of Property from Warrantless Searches Act." (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3421 - Recodifying the code to eliminate conflicts (CAPITO) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

SATURDAY, MARCH 11, 2023

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