ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA

Regular Session, 2014
First Extraordinary Session, 2014
Second Extraordinary Session, 2014

Volume I
Chapters 1 - 103
WEST VIRGINIA HOUSE OF DELEGATES
HONORABLE TIMOTHY R. MILEY
SPEAKER OF THE HOUSE

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[III]
FOREWORD

These volumes contain the Acts of the Second Regular Session and the First and Second Extraordinary Sessions of the 81st Legislature, 2014.

Second Regular Session, 2014

The Second Regular Session of the 81st Legislature convened on January 8, 2014. The Constitutional sixty-day limit on the duration of the session was midnight, March 8, 2014. The Governor issued a proclamation on March 5, 2014, extending the session for a period not to exceed four days for the purpose of considering the Budget and supplementary appropriation bills. A subsequent proclamation was issued on March 12, 2014, and the Legislature adjourned sine die on March 14, 2014.

Bills totaling 1,877 were introduced in the two houses during the session (1246 House, 623 of which were carryover bills from the 2013 Regular Session, and 631 Senate). The Legislature passed 201 bills, 105 House and 96 Senate.

The Governor vetoed ten bills (Com. Sub. for H. B. 2165, Relating to death certificates of military veterans; Com. Sub. for H. B. 4254, Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency; Com. Sub. for H. B. 4343, West Virginia Project Launchpad Act; Com. Sub. for H. B. 4425, Giving the Superintendent of State Police authority to hire additional staff; H. B. 4445, Modifying the definition of “battery” and “domestic battery”; H. B. 4588, Protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks; Com. Sub. for S. B. 12, Relating to expedited partner therapy treatment; Com. Sub. for S. B. 307, Relating to pretrial management of persons charged with committing crimes; S. B. 426, Relating to appointments to certain higher education commissions, councils and boards; and Com. Sub. for S. B. 477, Providing teachers determine use
of time during planning period). The Legislature amended and again passed H. B. 4445 and Com. Sub. for S. B. 307, leaving a net total of 193 bills, 100 House and 93 Senate, which became law.

There were 243 Concurrent Resolutions introduced during the session, 142 House and 101 Senate, of which 58 House and 24 Senate were adopted. Forty-four House Joint Resolutions (of which 33 were carryover House Joint Resolutions) and 14 Senate Joint Resolutions were introduced, one of which was adopted by the Legislature, H. J. R. 108, Nonprofit Youth Organization Tax Exemption Support Amendment. The House introduced 17 House Resolutions, and the Senate introduced 56 Senate Resolutions, of which 11 House and 49 Senate were adopted.

The Senate failed to pass 41 House bills passed by the House, and 44 Senate bills failed passage by the House. One House bill died in conference: H. B. 4411, Allowing the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities; and one bill, Com. Sub. for S. B. 6, Regulating sale of drug products used in manufacture of methamphetamine, failed passage and was discharged from Conference after the time had expired to announce the availability of the Conference Report.

First Extraordinary Session, 2014

The Proclamation calling the Legislature into Extraordinary Session immediately upon the conclusion of the extended Regular Session on March 14, 2014 contained ten items for consideration.

The Legislature passed, and the Governor approved 9 bills, 5 House and 4 Senate. The Senate adopted 4 Senate Resolutions.

The Legislature adjourned the Extraordinary Session sine die on March 14, 2014.
Second Extraordinary Session, 2014

The Proclamation calling the Legislature into Extraordinary Session immediately upon the conclusion of the extended Regular Session on May 19, 2014 contained six items for consideration.

The Legislature passed, and the Governor approved 6 bills, 3 House and 3 Senate. The Senate adopted 4 Senate Resolutions.

The Legislature adjourned the Extraordinary Session sine die on May 21, 2014.

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These volumes will be distributed as provided by sections thirteen and nineteen, article one, chapter four of the Code of West Virginia.

These Acts may be purchased from the Office of the Clerk of the House, 212 Main Unit, State Capitol, Charleston, West Virginia 25305.

GREGORY M. GRAY

Clerk of the House and
Keeper of the Rolls.
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#### OFFICERS

*Speaker* – Timothy R. Miley, Bridgeport  
*Clerk* – Gregory M. Gray, Charleston  
*Sergeant-at-Arms* – George McClaskie, Charleston  
*Doorkeeper* – Tom Hively, Chesapeake

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<td>Ricky Moye (D)</td>
<td>Crab Orchard</td>
<td>Businessman/ School Bus Operator</td>
<td>78th - 81st</td>
</tr>
<tr>
<td>Thirty-first</td>
<td>Linda Sumner (R)</td>
<td>Beckley</td>
<td>Retired Educator</td>
<td>76th - 81st</td>
</tr>
<tr>
<td></td>
<td>Lynae Carden Arvon (R)</td>
<td>Beckley</td>
<td>Medical Sales/ Social Services</td>
<td>81st</td>
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[XXXIII]
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<th>District</th>
<th>Name</th>
<th>Address</th>
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<th>Legislative Service</th>
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<tr>
<td>Thirty-second.</td>
<td>David G. Perry (D)</td>
<td>Oak Hill</td>
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<td>75th - 81st</td>
</tr>
<tr>
<td></td>
<td>John Pino (D)</td>
<td>Oak Hill</td>
<td>Contractor</td>
<td>67th, 71st, 78th, 80th - 81st</td>
</tr>
<tr>
<td></td>
<td>Margaret Anne Staggers (D)</td>
<td>Fayetteville</td>
<td>Emergency Physician/Paramedic</td>
<td>78th - 81st</td>
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<tr>
<td>Thirty-third.</td>
<td>David A. Walker (D)</td>
<td>Clendenin</td>
<td>Heavy Equipment Operator</td>
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<td>John Pino (D)</td>
<td>Oak Hill</td>
<td>Contractor</td>
<td>67th, 71st, 78th, 80th - 81st</td>
</tr>
<tr>
<td></td>
<td>Eric Nelson (R)</td>
<td>Charleston</td>
<td>Businessman</td>
<td>80th - 81st</td>
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<tr>
<td></td>
<td>Suzette Raines (R)</td>
<td>St. Albans</td>
<td>Self Employed/Consultant</td>
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<td>Brent Boggs (D)</td>
<td>Gassaway</td>
<td>Railroad Engineer</td>
<td>73th - 81st</td>
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<tr>
<td>Thirty-fifth.</td>
<td>John B. McCuskey (R)</td>
<td>Charleston</td>
<td>Attorney</td>
<td>81st</td>
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<td></td>
<td>Mark Hunt (D)</td>
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<td>Attorney</td>
<td>72nd - 74th, 77th - 81st</td>
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<tr>
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<td>Nancy Peoples Gabrie (D)</td>
<td>Charleston</td>
<td>Owner/President</td>
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<td></td>
<td>Doug Skaff, Jr. (D)</td>
<td>South Charleston</td>
<td>Business Owner</td>
<td>79th - 81st</td>
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<td>Meshea L. Poore (D)</td>
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<td>77th - 81st</td>
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<td>Patrick Lane (R)</td>
<td>Cross Lanes</td>
<td>Attorney/Entrepreneur</td>
<td>77th - 81st</td>
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<td>Ron Walters (R)</td>
<td>Charleston</td>
<td>Executive/President</td>
<td>71st - 73rd, 75th - 81st</td>
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<tr>
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<td>Adam R. Young (D)</td>
<td>Summersville</td>
<td>Educator</td>
<td>81st</td>
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<tr>
<td>Forty-second.</td>
<td>George “Boogie” Ambler (R)</td>
<td>Fort Springs</td>
<td>Businessman/Farmer</td>
<td>81st</td>
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<tr>
<td></td>
<td>Ray Canterbury (R)</td>
<td>Ronceverte</td>
<td>Internet Entrepreneur</td>
<td>75th - 81st</td>
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<td>Denise L. Campbell (D)</td>
<td>Elkins</td>
<td>Licensed Nursing</td>
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<td>William G. Hartman (D)</td>
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<td>Retired Independent</td>
<td>76th - 81st</td>
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<td>Dana L. Lynch (D)</td>
<td>Webster Springs</td>
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<td>81st</td>
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<td>Forty-fifth.</td>
<td>Bill Hamilton (R)</td>
<td>Buckhannon</td>
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<td>Forty-sixth.</td>
<td>Peggy Donaldson Smith (D)</td>
<td>Weston</td>
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<td>79th - 81st</td>
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<tr>
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<td>Mary M. Poling (D)</td>
<td>Maatsville</td>
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<td>75th - 81st</td>
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<tr>
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<td>Ron Fragale (D)</td>
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<td>Educator</td>
<td>70th - 73rd, 75th - 80th; 81st</td>
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<td>Danny Hamrick (R)</td>
<td>Clarksburg</td>
<td>Airline Operations</td>
<td>81st</td>
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<td></td>
<td>Richard J. Iaquinta (D)</td>
<td>Clarksburg</td>
<td>Educator/Coach</td>
<td>76th - 81st</td>
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<td></td>
<td>Tim Miley (D)</td>
<td>Bridgeport</td>
<td>Attorney</td>
<td>77th - 81st</td>
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<tr>
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<tr>
<td>Forty-ninth</td>
<td>Mike Manypenny (D)</td>
<td>Grafton</td>
<td>Agricultural/Environmental Consultant</td>
<td>79th - 81st</td>
</tr>
<tr>
<td>Fiftieth</td>
<td>Michael Caputo (D)</td>
<td>Fairmont</td>
<td>UMWA, District 31, Vice-President</td>
<td>73rd - 81st</td>
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<td></td>
<td>Linda Longstreth (D)</td>
<td>Fairmont</td>
<td>Administrator/Educator</td>
<td>77th - 81st</td>
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<td></td>
<td>Tim Manchin (D)</td>
<td>Fairmont</td>
<td>Attorney</td>
<td>76th - 81st</td>
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<tr>
<td>Fifty-first</td>
<td>Anthony Barill (D)</td>
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<td>80th - 81st</td>
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<tr>
<td></td>
<td>Barbara Evan Fleischauer (D)</td>
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<td>Attorney/Small Business Owner</td>
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<td>Cindy Frich (R)</td>
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<td>Sales/Volunteer</td>
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<td>Charlene Marshall (D)</td>
<td>Morgantown</td>
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<td>74th - 75th, 76th - 81st</td>
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<td></td>
<td>Amanda Pasdon (R)</td>
<td>Morgantown</td>
<td>Business Development Director</td>
<td>80th - 81st</td>
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<tr>
<td>Fifty-second</td>
<td>Larry A. Williams (D)</td>
<td>Tunnelton</td>
<td>Farmer</td>
<td>10/8/1993, 71st; 72nd - 81st</td>
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<tr>
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<td>Randy E. Smith (R)</td>
<td>Terra Alta</td>
<td>Coal Miner</td>
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<td>Fifty-fourth</td>
<td>Allen V. Evans (R)</td>
<td>Dorcas</td>
<td>Businessman/Farmer</td>
<td>70th - 81st</td>
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<td>Fifty-fifth</td>
<td>Isaac Sponaugle (D)</td>
<td>Franklin</td>
<td>Attorney</td>
<td>81st</td>
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<td>Gary G. Howell (R)</td>
<td>Keyser</td>
<td>Small Business Owner</td>
<td>80th - 81st</td>
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<tr>
<td>Fifty-seventh</td>
<td>Ruth Kowen (R)</td>
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<td>Daryl E. Cowles (R)</td>
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<td>Larry D. Kump (R)</td>
<td>Falling Waters</td>
<td>Retired Public Administrator</td>
<td>80th - 81st</td>
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<td>Larry W. Faircloth (R)</td>
<td>Inwood</td>
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<td>81st</td>
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<td>Jason Barrett (D)</td>
<td>Martinsburg</td>
<td>Restaurant Owner</td>
<td>81st</td>
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<tr>
<td>Sixty-second</td>
<td>John Overington (R)</td>
<td>Martinsburg</td>
<td>Public Relations/Former Educator</td>
<td>67th - 81st</td>
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<td>Sixty-third</td>
<td>Michael &quot;Mike&quot; Folk (R)</td>
<td>Martinsburg</td>
<td>Airline Pilot/Farmer</td>
<td>81st</td>
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<tr>
<td>Sixty-fourth</td>
<td>Eric L. Householder (R)</td>
<td>Martinsburg</td>
<td>Small Business Owner</td>
<td>80th - 81st</td>
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<tr>
<td>Sixty-fifth</td>
<td>Tiffany Elizabeth Lawrence (D)</td>
<td>Charles Town</td>
<td>Marketing and Public Relations</td>
<td>79th - 81st</td>
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<td>Sixty-sixth</td>
<td>Paul Espinosa (R)</td>
<td>Charles Town</td>
<td>General Manager, Frontier Communications</td>
<td>81st</td>
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<tr>
<td>Sixty-seventh</td>
<td>Stephen Skinner (D)</td>
<td>Shepherdstown</td>
<td>Attorney</td>
<td>81st</td>
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[XXXV]
### OFFICERS

**President** – Jeffrey V. Kessler, Glen Dale  
**Clerk** – Joseph M. Minard, Clarksburg  
**Sergeant-at-Arms** – Howard L. Wellman, Bluefield  
**Doorkeeper** – Tony Gallo, Charleston

<table>
<thead>
<tr>
<th>District</th>
<th>Name</th>
<th>Address</th>
<th>Occupation or Profession</th>
<th>Legislative Service</th>
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<tr>
<td>First</td>
<td>Robert J. Fitzsimmons (D)</td>
<td>Wheeling</td>
<td>Attorney</td>
<td>Appt. 1/26/2012, 81st</td>
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<tr>
<td></td>
<td>Jack Yost (D)</td>
<td>Wellsburg</td>
<td>Retired</td>
<td>(House 76th - 78th); 79th - 81st</td>
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<td>Second</td>
<td>Larry J. Edgell (D)</td>
<td>New Martinsburg</td>
<td>Educator</td>
<td>74th - 81st</td>
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<td>Jeffrey V. Kessler (D)</td>
<td>Glen Dale</td>
<td>Attorney</td>
<td>Appt. 11/1997, 73rd; 74th - 81st</td>
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<td>Donna J. Boley (R)</td>
<td>St. Marys</td>
<td>Retired</td>
<td>Appt. 5/14/1985, 67th; 68th - 81st</td>
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<td>David C. Nohe (R)</td>
<td>Vienna</td>
<td>Mayor</td>
<td>City of Vienna</td>
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<td>80th - 81st</td>
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<tr>
<td>Fourth</td>
<td>Mitch B. Carmichael (R)</td>
<td>Ripley</td>
<td>Director of Commercial Sales</td>
<td>(House 75th - 80th); 81st</td>
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<td>Mike Hall (R)</td>
<td>Winfield</td>
<td>Businessman</td>
<td>(House 72nd - 77th); 78th - 81st</td>
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<td>Fifth</td>
<td>Evan H. Jenkins (D)</td>
<td>Huntington</td>
<td>Attorney/Assoc Executive</td>
<td>76th - 81st</td>
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<td>Robert H. Plymale (D)</td>
<td>Ceredo</td>
<td>Businessman</td>
<td>71st - 81st</td>
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<tr>
<td>Sixth</td>
<td>H. Truman Chafin (D)</td>
<td>Williamson</td>
<td>Attorney</td>
<td>66th - 81st</td>
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<td>Bill Cole (R)</td>
<td>Bluefield</td>
<td>Automobile Dealer</td>
<td>(House Appt. 5/28/2010, 79th); 81st</td>
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<tr>
<td>Seventh</td>
<td>Art Kirkendoll (D)</td>
<td>Chapmanville</td>
<td>Self Employed</td>
<td>Appt. 11/14/2011, 80th; 81st</td>
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<td>Ron StoRings (D)</td>
<td>Madison</td>
<td>Physician</td>
<td>78th - 81st</td>
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<td>Eighth</td>
<td>Chris Walters (R)</td>
<td>Poca</td>
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<td>81st</td>
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<td>Erik P. Wells (D)</td>
<td>Charleston</td>
<td>Public Relations/ Media Consultant</td>
<td>78th - 81st</td>
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<tr>
<td>Ninth</td>
<td>Mike Green (D)</td>
<td>Daniels</td>
<td>Businessman</td>
<td>Real Estate Developer.</td>
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<td>Daniel Hall (D)</td>
<td>Oceana</td>
<td>Insurance</td>
<td>Investigator</td>
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[XXXVI]
### MEMBERS OF THE SENATE - Continued

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<th>Occupation or Profession</th>
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<tr>
<td>Tenth</td>
<td>William Laird IV (D)</td>
<td>Oak Hill</td>
<td>Retired/ Self-Employed</td>
<td>(House 73rd - 75th, 79th - 81st)</td>
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<td>Ronald F. Miller (D)</td>
<td>Lewisburg</td>
<td>Self-Employed</td>
<td>80th - 81st</td>
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<tr>
<td>Eleventh</td>
<td>Clark Barnes (R)</td>
<td>Randolph</td>
<td>Businessman</td>
<td>77th - 81st</td>
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<td>Gregory A. Tucker (D)</td>
<td>Summersville</td>
<td>Attorney</td>
<td>80th - 81st</td>
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<td>Twelfth</td>
<td>Samuel J. Cann (D)</td>
<td>Bridgeport</td>
<td>Businessman</td>
<td>(House 72nd - 81st); Appt. 1/16/2013, 81st</td>
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<td>Douglas Facemire (D)</td>
<td>Sutton</td>
<td>Grocery Chain Owner</td>
<td>79th - 81st</td>
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<td>Thirteenth</td>
<td>Robert D. Beach (D)</td>
<td>Morgantown</td>
<td>Executive Director of College Foundation</td>
<td>(House Appt. 5/1998, 73rd, 74th - 79th); 80th - 81st</td>
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<td>Roman W. Prezioso, Jr. (D)</td>
<td>Fairmont</td>
<td>Administrator</td>
<td>(House 69th - 72nd, 73rd, 74th - 81st)</td>
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<td>Fourteenth</td>
<td>Dave Sypolt (R)</td>
<td>Kingwood</td>
<td>Professional</td>
<td>78th - 81st</td>
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<td>Bob Williams (D)</td>
<td>Grafton</td>
<td>Land Surveyor Real Estate Appraiser</td>
<td>79th - 81st</td>
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<tr>
<td>Fifteenth</td>
<td>Craig P. Blair (R)</td>
<td>Martinsburg</td>
<td>Small Business Owner/President</td>
<td>(House 76th - 79th, 81st)</td>
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<td>Donald H. Cookman (D)</td>
<td>Romney</td>
<td>Retired Circuit Judge</td>
<td>Appt. 1/23/2013, 81st</td>
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<tr>
<td>Sixteenth</td>
<td>Herb Snyder (D)</td>
<td>Shenandoah Junction</td>
<td>Director, Environmental Chemistry</td>
<td>73rd - 76th, 79th - 81st</td>
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<td>John R. Unger II (D)</td>
<td>Martinsburg</td>
<td>Businessman Economic Development</td>
<td>74th - 81st</td>
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<td>Seventeenth</td>
<td>Brooks F. McCabe, Jr. (D)</td>
<td>Charleston</td>
<td>Real Estate Developer</td>
<td>74th - 81st</td>
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<td>Corey Palumbo (D)</td>
<td>Charleston</td>
<td>Attorney</td>
<td>(House 76th - 78th, 79th - 81st)</td>
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</table>
HOUSE OF DELEGATES COMMITTEES

COMMITTEES OF THE HOUSE OF DELEGATES
Regular Session, 2014

STANDING

AGRICULTURE AND NATURAL RESOURCES

Walker (Chair of Agriculture), Manypenny (Vice Chair of Agriculture), Pino (Chair of Natural Resources), R. Phillips (Vice Chair of Natural Resources), Campbell, Diserio, Guthrie, M. Poling, Sponaugle, Swartzmiller, Tomblin, Wells, Williams, A. Evans (Minority Chair of Agriculture), Romine (Minority Vice Chair of Agriculture), Hamilton (Minority Chair of Natural Resources), Ireland (Minority Vice Chair of Natural Resources), Ambler, Anderson, Border, Canterbury, Ellem, Miller and Overington.

BANKING AND INSURANCE

Moore (Chair of Banking), Campbell (Vice Chair of Banking), Guthrie (Chair of Insurance), Hartman (Vice Chair of Insurance), Barrett, Hunt, Iaquinta, Kinsey, Morgan, Perry, R. Phillips, Reynolds, Tomblin, Azinger (Minority Chair of Banking), E. Nelson (Minority Vice Chair of Banking), Ashley (Minority Chair of Insurance), Walters (Minority Vice Chair of Insurance), Andes, Frich, McCuskey, O’Neal, Pasdon, Shott and Westfall.

EDUCATION

M. Poling (Chair), Perry (Vice Chair), Barill, Barrett, Campbell, Fragale, Lawrence, Moye, Pethtel, Tomblin, Walker, Williams, Young, Pasdon (Minority Chair), Sumner (Minority Vice Chair), Ambler, Butler, Cooper, Espinosa, D. Evans, Hamrick, Raines, Rowan and Westfall.

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HOUSE OF DELEGATES COMMITTEES

ENERGY

Craig (Chair), Caputo (Vice Chair), Barker, Diserio, Eldridge, Fragale, Kinsey, Longstreth, Marcum, L. Phillips, R. Phillips, D. Poling, Skaff, Walker, Andes (Minority Chair), Shott (Minority Vice Chair), Anderson, Arvon, Butler, Cadle, Frich, Ireland, McCuskey, R. Smith and Sumner.

FINANCE

Boggs (Chair), Reynolds (Vice Chair), Craig, Guthrie, Iaquinta, Marshall, Moye, Perdue, Pethtel, L. Phillips, R. Phillips, D. Poling, Skaff, Williams, Anderson (Minority Chair), E. Nelson (Minority Vice Chair), Andes, Ashley, Canterbury, Cowles, A. Evans, Gearheart, Miller, Storch and Walters

GOVERNMENT ORGANIZATION

Morgan (Chair), Stephens (Vice Chair), Barker, Caputo, Diserio, Eldridge, Hartman, Jones, Kinsey, Paxton, P. Smith, Staggers, Swartzmiller, Howell (Minority Chair), Border (Minority Vice Chair), Arvon, Azinger, Cadle, Faircloth, Ferns, Folk, Kump, J. Nelson, Romine and R. Smith.

HEALTH AND HUMAN RESOURCES

Perdue (Chair), Fleischauer (Vice Chair), Barker, Campbell, Diserio, Eldridge, Guthrie, Kinsey, Lawrence, Marshall, Moore, Poore, Staggers, Ellington (Minority Chair), Householder (Minority Vice Chair), Arvon, Border, Cowles, Faircloth, Lane, Miller, Pasdon, Rowan and Sobonya.
HOUSE OF DELEGATES COMMITTEES

INDUSTRY AND LABOR

D. Poling (Chair), Diserio (Vice Chair), Caputo, Ferro, Guthrie, Longstreth, Lynch, Marshall, Moore, Poore, Skinner, Walker, Young, Sobonya (Minority Chair), Overington (Minority Vice Chair), Andes, Azinger, Faircloth, Folk, Householder, Howell, Kump, J. Nelson, Romine and Storch.

JUDICIARY

Manchin (Chair), Hunt (Vice Chair), Ferro, Fleischauer, Longstreth, Lynch, Manypenny, Marcum, Moore, Pino, Poore, Skinner, Sponaugle, Wells, Ellem (Minority Chair), Lane (Minority Vice Chair), Frich, Hamilton, Householder, Ireland, McCuskey, O'Neal, Overington, Shott and Sobonya.

PENSIONS AND RETIREMENT

Pethtel (Chair), Jones (Vice Chair), Craig, Lynch, Canterbury (Minority Chair), Kump (Minority Vice Chair) and Ellem.

POLITICAL SUBDIVISIONS

Lawrence (Chair), Fragale (Vice Chair), Barill, Fleischauer, Hartman, Hunt, Jones, Marcum, Morgan, Moye, Perry, Sponaugle, Williams, Sumner (Minority Chair), Cowles (Minority Vice Chair), Cooper, Ellington, Espinosa, Ferns, Gearheart, Hamilton, Hamrick, Lane, McCuskey and Pasdon.

ROADS AND TRANSPORTATION

Staggers (Chair), L. Phillips (Vice Chair), Barker, Barill, Longstreth, Lynch, Marcum, Moye, D. Poling, P. Smith, Stephens, Walker, Wells, Young, Cowles (Minority Chair), Gearheart (Minority Vice Chair), Ambler, Arvon, Butler, Cadle, Espinosa, D. Evans, Hamrick, Howell and Shott.

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Beach (Chair), Kirkendoll (Vice Chair), Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole.
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-11, relating to the Rural Rehabilitation Loan Program; requiring annual reporting; and authorizing rulemaking.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-1-11, to read as follows:

ARTICLE 1. DEPARTMENT OF AGRICULTURE.

§19-1-11. Rural Rehabilitation Loan Program.

1 (a) The Rural Rehabilitation Loan Program is an important tool for the Commissioner of Agriculture to promote investment in the agricultural industry in the state. Rules are needed for the loan program to remain viable.

(b) The commissioner shall propose emergency and legislative rules for approval in accordance with article three,
chapter twenty-nine-a of this code. The rules shall, at a minimum:

(1) Establish minimum requirements and qualifications for the loan committee, including the addition of public members who have agricultural or business loan experience;

(2) Prohibit department employees and loan committee members, and their immediate family members, from receiving program loans;

(3) Establish minimum financial requirements for receiving a program loan;

(4) Require loans to be used for agricultural or related purposes;

(5) Require collateral sufficient to secure the loan;

(6) Establish policies for the application, applicable interest rates, delinquencies, refinancing, collection proceedings, collateral requirements and other aspects of the loan program;

(7) Require the department to advertise the loan program to the public, including information on the department’s website and in the department’s market bulletin; and

(8) Transfer the servicing of the program loans to a financial institution via competitive bid or to the State Treasurer’s office.

(c) The commissioner shall file an annual report to the Joint Committee on Government and Finance regarding the loan program, including information about the loans awarded, loans repaid, loans outstanding, interest rates, delinquency and collections, and other pertinent data.
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated § 19-1-12, relating to the Veterans and Warriors to Agriculture Program; granting the Department of Agriculture the authority to integrate veterans into the field of agriculture; creating the Veterans and Warriors to Agriculture special revenue account and fund; exempting the Department of Agriculture from certain purchasing requirements; requiring state departments to work together; and permitting rulemaking.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated § 19-1-12, to read as follows:

ARTICLE 1. DEPARTMENT OF AGRICULTURE.

§ 19-1-12. Veterans and Warriors to Agriculture Program and fund.

(a) Legislative findings. —

West Virginians have a longstanding tradition of service in the armed forces of the United States. Many veterans suffer from physical and emotional afflictions and are often unable to find gainful employment upon returning from combat. Exploring
opportunities to engage West Virginia’s veterans in agriculture is beneficial to the health and welfare of veterans, as well as to the future of West Virginia’s agricultural economy.

(b) Veterans and Warriors to Agriculture Program. —

The Department of Agriculture shall develop a Veterans and Warriors to Agriculture Program to integrate veterans into the field of agriculture, and support veterans currently working in agriculture. These programs may include, but are not limited to, using post-mine land for agricultural development, promoting high tunnel crops and production, expanding the apiary industry, developing cottage industries, exploring niche crops, raising more livestock, increasing the aquaculture industry and helping veterans promote their agricultural products through farmers markets and cooperatives. The department, Department of Veterans’ Assistance and the state’s Adjutant General shall work together to recruit and train eligible veterans, and develop and support the program.

(c) Veterans and Warriors to Agriculture Fund. — There is hereby created in the State Treasury a special revenue account, designated the Veterans and Warriors to Agriculture Fund. The fund shall consist of income from leasing the department’s property for the program, surplus funds which may be transferred from the fund created by section six-a, article twelve-a of this chapter, gifts, grants and donations, and legislative appropriations which may be made to support the program. Expenditures from the fund shall be used exclusively, in accordance with appropriations by the Legislature, to pay costs, fees and expenses necessary to administer the Veterans and Warriors to Agriculture Program: Provided, That for fiscal year ending June 30, 2015, expenditures are authorized from collections rather than pursuant to an appropriation by the Legislature.
(d) Notwithstanding any provision in this code to the contrary, should the Department of Agriculture deem it necessary to provide land for activities within this program, it is exempt from the purchasing requirements as they relate to the competitive leasing of state property.

(e) The commissioner may propose emergency or legislative rules for approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

CHAPTER 3

(Com. Sub. for H. B. 3011 - By Delegates Manypenny, Walker, Swartzmiller, Canterbury and Ambler)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014]

AN ACT to amend and reenact §19-12E-5 and §19-12E-9 of the Code of West Virginia, 1931, as amended, all relating to removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed to grow hemp for industrial purposes in the state or as part of a complete defense to a prosecution for the possession or cultivation of marijuana; and limiting the cultivation of industrial hemp to research conducted by the Commissioner of Agriculture and institutions of higher learning authorized by the commissioner to do so.

Be it enacted by the Legislature of West Virginia:

That §19-12E-5 and §19-12E-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:
ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-5. Industrial hemp - licensing.

(a) A person growing industrial hemp for commercial purposes shall apply to the commissioner for license on a form prescribed by the commissioner.

(b) The application for a license must include the name and address of the applicant and the legal description of the land area to be used for the production of industrial hemp.

(c) The commissioner shall require each first-time applicant for a license to file a set of the applicant’s fingerprints, taken by a law-enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history check with the criminal investigation bureau of the department of justice for state processing and with the federal Bureau of Investigation for federal processing. All of the costs associated with the criminal history check are the responsibility of the applicant. Criminal history records provided to the department under this section are confidential. The commissioner may use the records only to determine if an applicant is eligible to receive a license for the production of industrial hemp.

(d) If the applicant has completed the application process to the satisfaction of the commissioner, the commissioner shall issue the license which is valid until December 31, of the year of application. An individual licensed under this section is presumed to be growing industrial hemp for commercial purposes.

(e) Notwithstanding any provision of this article or the provisions of chapter sixty-a of this code to the contrary, only the Department of Agriculture and state institutions of higher learning licensed and authorized by the commissioner to do so may lawfully grow or cultivate industrial hemp in this state.

(a) It is a complete defense to a prosecution for the possession or cultivation of marijuana pursuant to the provisions of article four, chapter sixty-a of this code that defendant was growing industrial hemp pursuant to the provisions of this article.

(b) This section is not a defense to a charge of criminal sale or distribution of marijuana as defined in chapter sixty-a of this code which does not meet the definition of industrial hemp.

CHAPTER 4

(Com. Sub. for S. B. 365 - By Senators Miller, Snyder and Williams)

[Passed March 8, 2014; in effect from passage.]
[Approved by the Governor on March 26, 2014]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-21A-4a, relating to administration of West Virginia Conservation Agency programs; providing that elected conservation district supervisors have their applications to participate in West Virginia Conservation Agency programs evaluated and considered by other conservation districts; and requiring the State Conservation Committee to propose rules for legislative approval.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-21A-4a, to read as follows:
ARTICLE 21A. CONSERVATION DISTRICTS.

§19-21A-4a. Administration of West Virginia Conservation Agency programs; legislative rules.

(a) If an elected conservation district supervisor applies or intends to apply to participate in a West Virginia Conservation Agency program, then all applications for that particular program in that particular district shall be evaluated and approved by a conservation district other than the one being supervised by the elected conservation district supervisor.

(b) The State Conservation Committee shall propose rules for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, to establish:

(1) The criteria, ranking and standards required for an applicant to qualify to participate in West Virginia Conservation Agency programs;

(2) A process to disclose the recipients of the award; and

(3) The process for an unsuccessful qualified applicant to appeal an award.

CHAPTER 5


[Passed March 4, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 26, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-26, relating to the
conditional discharge for first offense underage purchase, consumption, sale, service, possession of nonintoxicating beer or alcoholic liquor or obtaining nonintoxicating beer or alcoholic liquor by misrepresentation of age; allowing for probation in lieu of conviction under certain circumstances; permitting the court to enter an adjudication upon violation of probation; providing for discharge and dismissal if terms of probation are met; stating the effect of the discharge and dismissal; prohibiting prosecution or penalty for failure of the person to disclose or acknowledge an arrest or trial that was discharged and dismissed pursuant to this section; precluding a person from using the benefits of this section more than once; permitting expungement of records under certain circumstances; requiring payment of regular court costs by persons whose case is disposed of pursuant to this section; and ensuring court costs assessed are distributed according to code.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §60-6-26, to read as follows:

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-26. Conditional discharge for first offense of certain offenses related to nonintoxicating beer or alcoholic liquor.

(a) When a person pleads guilty to or is found guilty of a violation of subdivision (1), subsection (a), section nineteen, article sixteen, chapter eleven of this code; subsection (b), section nineteen, article sixteen, chapter eleven of this code; subdivision (1), subsection (a), section twenty-two-a, article three of this chapter; subdivision (1), subsection (a), section twenty-four, article three-a of this chapter; subdivision (1), subsection (a), section twenty-four, article three-a of this chapter; subdivision (1), subsection (a), section twenty-four, article three-a of this chapter; subdivision (1), subsection (a), section twenty-four, article three-a of this chapter; subdivision (1), subsection (a), section twenty-four, article three-a of this chapter; or subsection (a) or (b), section twelve-a, article seven of this chapter; or subsection (a) or (b), section twenty-a, article eight of this chapter, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him or her on probation upon
terms and conditions it considers appropriate, if the person has
not previously been convicted of:

(1) Any of the offenses contained in the code provisions
referenced in this subsection; or

(2) Any statute of the United States or of any state relating
to underage purchase, consumption, sale, service or possession
of nonintoxicating beer or alcoholic liquor.

(b) If the person violates a term or condition of the
probation, the court may enter an adjudication of guilt and
proceed as otherwise provided by law.

(c) Upon fulfillment of the terms and conditions of the
probation, the court shall discharge the person and dismiss the
proceedings against him or her.

(1) Discharge and dismissal under this section is without
adjudication of guilt and is not a conviction for purposes of this
section or the section of the original charge, or for purposes of
disqualifications or disabilities imposed by law upon conviction
of a crime.

(2) The effect of the discharge and dismissal is to restore the
person in contemplation of law to the status he or she occupied
prior to arrest and trial.

(3) A person to whom a discharge and dismissal have been
effected under this section may not be found guilty of perjury,
false swearing or otherwise giving a false statement by reason of
his or her failure to disclose or acknowledge his or her arrest or
trial relating to a charge discharged and dismissed by this section
in response to any inquiry made of him or her for any purpose.

(d) There may be only one discharge and dismissal under
this section with respect to any one person.

(e) After a period of not less than six months after the
expiration of a term of probation imposed upon a person under
the provisions of this section, the person may apply to the court
for an order to expunge from all official records all recordations
of his or her arrest, trial and discharge pursuant to this section.
If the court determines after a hearing that the person during the
period of his or her probation and during the period prior to his
or her application to the court under this subsection has not been
guilty of any serious or repeated violation of the conditions of
his or her probation, it shall order the expungement.

(f) Notwithstanding any provision of this code to the
contrary, any person prosecuted for an alleged violation of an
offense listed in subsection (a) of this section, whose case is
disposed of pursuant to the provisions of this section, is liable for
all court costs assessable against a person convicted of a
violation of the section under which the person was prosecuted.
Payment of the costs may be made a condition of probation. The
costs assessed pursuant to this section, whether as a term of
probation or not, shall be distributed as other court costs in
accordance with section two, article three, chapter fifty of this
code; section four, article two-a, chapter fourteen of this code;
section four, article twenty-nine, chapter thirty of this code; and
sections two, seven and ten, article five, chapter sixty-two of this
code.

CHAPTER 6
(Com. Sub. for S. B. 450 - By Senators Walters, Blair,
Carmichael, McCabe, Palumbo and Wells)

[Passed March 8, 2014; in effect from passage.]
[Approved by the Governor on March 27, 2014.]

AN ACT to amend and reenact §60-1-5 of the Code of West Virginia,
1931, as amended; and to amend and reenact §60-8-3 of said code,
all relating to the licensed sale and consumption of alcoholic beverages in outdoor settings adjacent to public places; relating to the sale of liquors in outdoor dining areas adjoining an Alcohol Beverage Control Administration-licensed facility; permitting the sale of wine at certain college and university sports stadiums; establishing the conditions under which wine may be sold; setting a licensing fee; establishing who may hold a license; stating where wine may be served; granting the authority to grant waivers and exceptions and to revoke licenses; defining a term; authorizing rulemaking; and clarifying the definition of public place as it relates to such special licenses.

Be it enacted by the Legislature of West Virginia:

That §60-1-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §60-8-3 of said code be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS.

§60-1-5. Definitions.

1 For the purposes of this chapter:

2 “Alcohol” shall mean ethyl alcohol whatever its origin and shall include synthetic ethyl alcohol but not denatured alcohol.

3 “Beer” shall mean any beverage obtained by the fermentation of barley, malt, hops or any other similar product or substitute, and containing more alcohol than that of nonintoxicating beer.

4 “Nonintoxicating beer” shall mean any beverage obtained by the fermentation of barley, malt, hops or similar products or substitute and containing not more alcohol than that specified by section two, article sixteen, chapter eleven of this code.
"Wine" shall mean any alcoholic beverage obtained by the fermentation of the natural content of fruits, or other agricultural products, containing sugar.

"Spirits" shall mean any alcoholic beverage obtained by distillation and mixed with potable water and other substances in solution and includes brandy, rum, whiskey, cordials and gin.

"Alcoholic liquor" shall include alcohol, beer, wine and spirits and any liquid or solid capable of being used as a beverage, but shall not include nonintoxicating beer.

"Original package" shall mean any closed or sealed container or receptacle used for holding alcoholic liquor.

"Sale" shall mean any transfer, exchange or barter in any manner or by any means, for a consideration, and shall include all sales made by principal, proprietor, agent or employee.

"Selling" shall include solicitation or receipt of orders; possession for sale; and possession with intent to sell.

"Person" shall mean an individual, firm, partnership, limited partnership, corporation or voluntary association.

"Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor.

"Manufacturer" shall mean any person engaged in the manufacture of any alcoholic liquor, and among others includes a distiller, a rectifier, a wine maker and a brewer.

"Brewery" shall mean an establishment where beer is manufactured or in any way prepared.

"Winery" shall mean an establishment where wine is manufactured or in any way prepared.
“Distillery” shall mean an establishment where alcoholic liquor other than wine or beer is manufactured or in any way prepared.

“Public place” shall mean any place, building or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies and corridors of hotels and any highway, street, lane, park or place of public resort or amusement: Provided, That the term “public place” shall not mean or include any of the above-named places or any portion or portions thereof which qualify and are licensed under the provisions of this chapter to sell alcoholic liquors for consumption on the premises: Provided, however, That the term “public place” shall not mean or include any legally demarcated area designated solely for the consumption of beverages and freshly prepared food that directly connects and adjoins any portion or portions of a premises that qualifies and is licensed under the provisions of this chapter to sell alcoholic liquors for consumption thereupon: Provided further, That the term “public place” shall also not include a facility constructed primarily for the use of a Division I college that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer or other Division I sports stadium which holds a special license to sell wine pursuant to the provisions of section three, article eight of this chapter, in the designated areas of sale and consumption of wine and other restrictions established by that section and the terms of the special license issued thereunder.

“State liquor store” shall mean a store established and operated by the commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

“An agency” shall mean a drugstore, grocery store or general store designated by the commission as a retail distributor of
ARTICLE 8. SALE OF WINES.

§60-8-3. Licenses; fees; general restrictions.

(a) No person may engage in business in the capacity of a winery, farm winery, supplier, distributor, retailer, private wine bed and breakfast, private wine restaurant, private wine spa or wine specialty shop without first obtaining a license from the commissioner, nor shall a person continue to engage in any activity after his or her license has expired, been suspended or revoked. No person may be licensed simultaneously as a distributor and a retailer. No person, except for a winery or farm winery, may be licensed simultaneously as a supplier and a retailer. No person may be licensed simultaneously as a supplier and a private wine bed and breakfast, a private wine restaurant or a private wine spa. No person may be licensed simultaneously as a distributor and a private wine bed and breakfast, a private wine restaurant or a private wine spa. No person may be licensed simultaneously as a retailer and a private wine bed and breakfast, a private wine restaurant or a private wine spa.

(b) The commissioner shall collect an annual fee for licenses issued under this article as follows:
19 (1) One hundred fifty dollars per year for a supplier’s license;

20 (2) Twenty-five hundred dollars per year for a distributor’s license and each separate warehouse or other facility from which a distributor sells, transfers or delivers wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of $2,500 as herein provided;

26 (3) One hundred fifty dollars per year for a retailer’s license;

27 (4) Two hundred fifty dollars per year for a wine specialty shop license, in addition to any other licensing fees paid by a winery or retailer holding a license, except for the amount of the license fee and the restriction to sales of winery or farm winery wines, a winery or farm winery acting as a wine specialty shop retailer is subject to all other provisions of this article which are applicable to a wine specialty shop retailer as defined in section two of this article;

35 (5) One hundred fifty dollars per year for a wine tasting license;

37 (6) One hundred fifty dollars per year for a private wine bed and breakfast license and each separate bed and breakfast from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of $150 as herein provided;

42 (7) Two hundred fifty dollars per year for a private wine restaurant license and each separate restaurant from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of $250 as herein provided;

47 (8) One hundred fifty dollars per year for a private wine spa license and each separate private wine spa from which a licensee
sells wine shall be separately licensed and there shall be
collected with respect to each location the annual license fee of
$150 as herein provided;

(9) One hundred fifty dollars per year for a wine sampling
license issued for a wine specialty shop under subsection (n) of
this section;

(10) No fee shall be charged for a special one-day license
under subsection (p) of this section or for a heritage fair and
festival license under subsection (q) of this section; and

(11) One hundred fifty dollars per year for a direct shipper’s
license for a licensee who sells and ships only wine and $250 per
for a direct shipper’s license who ships and sells wine,
nonfortified dessert wine, port, sherry or Madeira wines.

(12) Three hundred dollars per year for a multicapacity
winery or farm winery license which shall enable the holder to
operate as a retailer, wine specialty shop, supplier and direct
shipper without obtaining an individual license for each capacity.

(c) The license period shall begin on July 1 of each year and
end on June 30 of the following year and if granted for a less
period, the same shall be computed semiannually in proportion
to the remainder of the fiscal year.

(d) No retailer may be licensed as a private club as provided
by article seven of this chapter, except as provided by subsection
(k) of this section.

(e) No retailer may be licensed as a Class A retail dealer in
nonintoxicating beer as provided by article sixteen, chapter
eleven of this code: Provided, That a deli, a caterer or
party supply store which is a grocery store as defined in section
two of this article and which is licensed as a Class A retail dealer
in nonintoxicating beer may be a retailer under this article:
Provided, however, That any delicatessen, caterer or party supply store licensed in both capacities must maintain average monthly sales exclusive of sales of wine and nonintoxicating beer which exceed the average monthly sales of nonintoxicating beer.

(f) A wine specialty shop under this article may also hold a wine tasting license authorizing the retailer to serve complimentary samples of wine in moderate quantities for tasting. Such wine specialty shop shall organize a wine taster’s club, which has at least fifty duly elected or approved dues-paying members in good standing. Such club shall meet on the wine specialty shop’s premises not more than one time per week and shall either meet at a time when the premises are closed to the general public, or shall meet in a separate segregated facility on the premises to which the general public is not admitted. Attendance at tastings shall be limited to duly elected or approved dues-paying members and their guests.

(g) A retailer who has more than one place of retail business shall obtain a license for each separate retail establishment. A retailer’s license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

(h) The commissioner may issue a special license for the retail sale of wine at any festival or fair which is endorsed or sponsored by the governing body of a municipality or a county commission. Such special license shall be issued for a term of no longer than ten consecutive days and the fee therefor shall be $250 regardless of the term of the license unless the applicant is the manufacturer of said wine on a winery or a farm winery as defined in section five-a, article one of this chapter, in which event the fee shall be $50 if the event is held on the premises of the winery or farm winery. The application for the license shall contain information as the commissioner may reasonably require and shall be submitted to the commissioner at least thirty days
prior to the first day when wine is to be sold at the festival or
fair. A winery or a farm winery licensed under this subsection
may exhibit, conduct tastings or sell samples, not to exceed a
reasonable serving of three ounces, and may sell wine samples
for consumption on the premises during the operation of a
festival or fair: Provided, That for licensed wineries or farm
wineries at a licensed festival or fair the tastings, samples and
off-premises sales shall occur under the hours of operation as
required in this article, except that on Sunday tastings, samples
and off-premises sales are unlawful between the hours of 2:00 a.
m. and 10:00 a. m. A special license issued other than to a
winery or a farm winery may be issued to a “wine club” as
defined herein below. The festival or fair committee or the
governing body shall designate a person to organize a club under
a name which includes the name of the festival or fair and the
words “wine club”. The license shall be issued in the name of the
wine club. A licensee may not commence the sale of wine as
provided in this subsection until the wine club has at least fifty
dues-paying members who have been enrolled and to whom
membership cards have been issued. Thereafter, new members
may be enrolled and issued membership cards at any time during
the period for which the license is issued. A wine club licensed
under the provisions of this subsection may sell wine only to its
members, and in portions not to exceed eight ounces per serving.
The sales shall take place on premises or in an area cordoned or
segregated so as to be closed to the general public, and the
general public shall not be admitted to the premises or area. A
wine club licensee under the provisions of this subsection shall
be authorized to serve complimentary samples of wine in
moderate quantities for tasting.

A license issued under the provisions of this subsection and
the licensee holding the license shall be subject to all other
provisions of this article and the rules and orders of the
commissioner relating to the special license: Provided, That the
commissioner may by rule, regulation or order provide for
certain waivers or exceptions with respect to the provisions, rules, regulations or orders as the circumstances of each festival or fair may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions of section twenty-seven and twenty-eight of this article: Provided, however, That under no circumstances shall the provisions of subsection (c) or (d), section twenty of this article be waived nor shall any exception be granted with respect thereto.

A license issued under the provisions of this subsection and the licensee holding the license is not subject to the provisions of subsection (g) of this section.

(i) (A) The commissioner may issue a special license for the retail sale of wine in a professional baseball stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine, for consumption in a professional baseball stadium. For the purpose of this subsection, "professional baseball stadium" means a facility constructed primarily for the use of a major or minor league baseball franchisee affiliated with the National Association of Professional Baseball Leagues, Inc., or its successor, and used as a major or minor league baseball park. Any special license issued pursuant to this subsection shall be for a term beginning on the date of issuance and ending on the next following June 30, and its fee is $250 regardless of the length of the term of the license. The application for the special license shall contain information as the commissioner may reasonably require and must be submitted to the commissioner at least thirty days prior to the first day when wine is to be sold at the professional baseball stadium. The special license may be issued in the name of the baseball franchisee or the name of the primary food and beverage vendor under contract with the baseball franchisee. These sales must take place within the confines of the professional baseball stadium, provided that the exterior of the area where wine sales may occur are surrounded by a fence or
other barrier prohibiting entry except upon the franchisee's express permission, and under the conditions and restrictions established by the franchisee, so that the wine sales area is closed to free and unrestricted entry by the general public.

(B) A license issued under this subsection and the licensee holding the license is subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: Provided, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as the circumstances of each professional baseball stadium may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding sections twenty-seven and twenty-eight of this article: Provided, however, That under no circumstances may subsection (c) or (d), section twenty of this article be waived nor shall any exception be granted concerning those subsections.

(C) The commissioner has the authority to propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement this subsection.

(j) A license to sell wine granted to a private wine bed and breakfast, private wine restaurant, private wine spa or a private club under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when the sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article: Provided, That a licensed private wine bed and breakfast, private wine restaurant, private wine spa or a private club may permit a person over twenty-one years of age to purchase wine, consume wine and recork or resell, using a tamper resistant cork or seal, up to two separate bottles of unconsumed wine in conjunction with serving of food or a meal to its members and their guests in accordance with the provisions of this article and in accordance with regulations promulgated by
the commissioner for the purpose of consumption of said wine off premises: Provided, however, That for this article, food or a meal provided by the private licensee means that the total food purchase, excluding beverage purchases, taxes, gratuity or other fees is at least $15: Provided further, That a licensed private wine restaurant or a private club may offer for sale for consumption off the premises, sealed bottles of wine to its customers provided that no more than one bottle is sold per each person over twenty-one years of age, as verified by the private wine restaurant or private club, for consumption off the premises. Such licensees are authorized to keep and maintain on their premises a supply of wine in quantities as may be appropriate for the conduct of operations thereof. Any sale of wine so made shall be subject to all restrictions set forth in section twenty of this article. A private wine restaurant may also be licensed as a Class A retail dealer in nonintoxicating beer as provided by article sixteen, chapter eleven of this code.

(k) With respect to subsections (h), (i), (j), (o) and (p) of this section, the commissioner shall promulgate legislative rules in accordance with the provisions of chapter twenty-nine-a of this code with regard to the form of the applications, the suitability of both the applicant and location of the licensed premises and other legislative rules deemed necessary to carry the provisions of the subsections into effect.

(I) The commissioner shall promulgate legislative rules in accordance with the provisions of chapter twenty-nine-a of this code to allow restaurants to serve wine with meals, and to sell wine by the bottle for off-premises consumption as provided in subsection (j) of this section. Each restaurant so licensed shall be charged an additional $100 per year fee.

(m) The commissioner shall establish guidelines to permit wines to be sold in all stores licensed for retail sales.
Wineries and farm wineries may advertise off premises as provided in section seven, article twenty-two, chapter seventeen of this code.

A wine specialty shop under this article may also hold a wine sampling license authorizing the wine specialty shop to conduct special wine sampling events at a licensed wine specialty shop location during regular hours of business. The wine specialty shop may serve up to three complimentary samples of wine, consisting of no more than one ounce each, to any one consumer in one day. Persons serving the complimentary samples must be twenty-one years of age and an authorized representative of the licensed wine specialty shop, winery, farm winery or a representative of a distributor or registered supplier. Distributor and supplier representatives attending wine sampling events must be registered with the commissioner. No licensee, employee or representative may furnish, give or serve complimentary samples of wine to any person less than twenty-one years of age or to a person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs. The wine specialty shop shall notify and secure permission from the commissioner for all wine sampling events one month prior to the event. Wine sampling events may not exceed six hours per calendar day. Licensees must purchase all wines used during these events from a licensed farm winery or a licensed distributor.

The commissioner may issue special one-day licenses to duly organized, nonprofit corporations and associations allowing the sale and serving of wine when raising money for athletic, charitable, educational or religious purposes. The license application shall contain information as the commissioner may reasonably require and shall be submitted to the commissioner at least thirty days prior to the event. Wines used during these events may be donated by or purchased from a licensed retailer, a distributor or a farm winery. Under no circumstances may the
provision of subsection (c), section twenty of this article be waived nor may any exception be granted with respect thereto.

(q) The commissioner may issue special licenses to heritage fairs and festivals allowing the sale, serving and sampling of wine from a licensed farm winery. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least thirty days prior to the event. Wines used during these events may be donated by or purchased from a licensed farm winery. Under no circumstances may the provision of subsection (c), section twenty of this article be waived nor may any exception be granted with respect thereto. The commissioner shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement the provisions of this subsection.

(r)(1) The commissioner may issue a special license for the retail sale of wine in a college stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine for consumption in a college stadium. For the purpose of this subsection, “college stadium” means a facility constructed primarily for the use of a Division I college that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer or other Division I sports stadium. A special license issued pursuant to this subsection shall be for a term beginning on the date of its issuance and ending on the next following June 30, and its fee is $250 regardless of the length of the term of the license. The application for the special license shall contain information as the commissioner may reasonably require and must be submitted to the commissioner at least thirty days prior to the first day when wine is to be sold. The special license may be issued in the name of the National Collegiate Athletic Association Division I college or university or the name of the primary food and beverage vendor under contract with that college or university. These sales must take place within the confines of the college
stadium: Provided, That the exterior of the area where wine sales may occur are 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 wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee are subject to the other requirements of this article and the rules and orders of the commissioner relating to the special license: Provided, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as the circumstances of each the college stadium may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding sections twenty-seven and twenty-eight of this article: Provided, however, That subsection (c) or (d), section twenty of this article may not be waived, nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement this subsection.

CHAPTER 7

(H. B. 4529 - By Delegates Manchin, Ferro, Lawrence, Pethtel, Boggs and Skaff)

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §60-8-2 and §60-8-16 of the Code of West Virginia, 1931, as amended, all relating to the sale of wine
generally; expanding the definition of “person” for purposes of holding a distributor license; allowing trusts, limited liability companies and associations to hold a distributor’s license; and requiring certain disclosures by applicants that are trusts, limited liability companies or associations.

Be it enacted by the Legislature of West Virginia:

That §60-8-2 and §60-8-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted to all read as follows:

ARTICLE 8. SALE OF WINES.

PART II. SALE OF WINE GENERALLY.

§60-8-2. Definitions.

1 Unless the context in which used clearly requires a different meaning, as used in this article:

2 “Commissioner” or “commission” means the West Virginia Alcohol Beverage Control Commissioner.

3 “Distributor” means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute wine to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs or wine specialty shops and that sells or distributes nonfortified dessert wine, port, sherry and Madeira wines to wine specialty shops, private wine restaurants, private clubs or retailers under authority of this article and maintains a warehouse in this state for the distribution of wine. For the purpose 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 this article, notwithstanding the liability of
trustees in article ten, chapter forty-four-d of this code.

“Fortified wine” means any wine to which brandy or other
alcohol has been added and shall include dessert wines which are
not fortified having an alcohol content by volume of at least
fourteen and one-tenths percent and not exceeding sixteen
percent.

“Grocery store” means any retail establishment, commonly
known as a grocery store, supermarket, delicatessen, caterer or
party supply store, where food, food products and supplies for
the table are sold for consumption off the premises with average
monthly sales (exclusive of sales of wine) of not less than $500
and an average monthly inventory (exclusive of inventory of
wine) of not less than $3,000. The term “grocery store” shall also
include and mean 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 with average monthly sales with respect to such
separate or segregated portion (exclusive of sales of wine) of not
less than $3,000 and an average monthly inventory (exclusive of
inventory of wine) of not less than $3,000.

“Licensee” means the holder of a license granted under the
provisions of this article.

“Person” means and includes an individual, firm,
partnership, limited partnership, limited liability company,
association or corporation.

“Private wine bed and breakfast” means any business with
the sole purpose of providing, in a residential or country setting,
a hotel, motel, inn or other such establishment properly zoned as
to its municipality or local ordinances, lodging and meals to its customers in the course of their stay at the establishment, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when such sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public.

"Private wine restaurant" means a restaurant which: (1) Is a partnership, limited partnership, corporation, unincorporated association or other business entity which has as its principal purpose the business of serving meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when such sale accompanies the serving of food or meals; (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public. Such private clubs that meet the private wine restaurant requirements numbered (1), (2) and (3) in this definition shall be considered private wine restaurants.

"Private wine spa" means any business with the sole purpose of providing commercial facilities devoted especially to health, fitness, weight loss, beauty, therapeutic services and relaxation, and may be also a licensed massage parlor or a salon with licensed beauticians or stylists, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this
article as to all of its premises or as to a separate segregated
portion of its premises to serve up to two glasses of wine to its
members and their guests when such sale accompanies the
serving of food or meals; and (3) admits only duly elected and
approved dues-paying members and their guests while in the
company of a member, and does not admit the general public.

“Retailer” means any person licensed to sell wine at retail to
the public at his or her established place of business for
off-premises consumption and who is licensed to do so under
authority of this article.

“Supplier” means any manufacturer, producer, processor,
winery, farm winery, national distributor or other supplier of
wine who sells or offers to sell or solicits or negotiates the sale
of wine to any licensed West Virginia distributor.

“Tax” includes within its meaning interest, additions to tax
and penalties.

“Taxpayer” means any person liable for any tax, interest,
additions to tax or penalty under the provisions of this article and
any person claiming a refund of tax.

“Varietal wine” means any wine labeled according to the
grape variety from which such wine is made.

“Vintage wine” or “vintage-dated wine” means wines from
which the grapes used to produce such wine are harvested during
a particular year or wines produced from the grapes of a
particular harvest in a particular region of production.

“Wine” means any alcoholic beverage obtained by the
natural fermentation of the natural content of grapes, other fruits
or honey or other agricultural products containing sugar and to
which no alcohol has been added and shall include table wine,
and shall exclude fortified wine and shall also exclude any
product defined as or embraced within the definition of nonintoxicating beer under the provisions of article sixteen, chapter eleven of this code.

"Wine specialty shop" means a retailer who shall deal principally in the sale of table wine, nonfortified dessert wines, wine accessories and food or foodstuffs normally associated with wine and: (1) Who shall maintain a representative number of such wines for sale in his or her inventory which are designated by label as varietal wine, vintage, generic and/or according to region of production and the inventory shall contain not less than fifteen percent vintage or vintage-dated wine by actual bottle count; and (2) who, any other provisions of this code to the contrary notwithstanding, may maintain an inventory of port, sherry and Madeira wines having an alcoholic content of not more than twenty-two percent alcohol by volume and which have been matured in wooden barrels or casks.

§60-8-16. Application for license.

(a) Any person desiring a license under this article shall file a written application for a license with the commissioner and in the application shall state under oath:

(1) The name of the applicant, including his or her trade name if any, his or her address and the length of his or her residence within this state;

(2) The address of the place of business for which the license is desired, or other description that definitely locates it; and that the place of business conforms to all health and fire laws and regulations applicable thereto;

(3) The name of the owner of the premises upon which the business is to be conducted and, if the owner is not the applicant, that such applicant is the bona fide lessee of the business;
(4) If the application is for a retailer’s license, that the applicant is the proprietor or owner of a bona fide grocery store, private wine bed and breakfast, private wine restaurant, private wine spa or wine specialty shop;

(5) That the applicant intends to carry on the business authorized by the license for himself or herself or under his or her immediate supervision or direction;

(6) That the applicant is a citizen of the United States;

(7) That the applicant is an actual bona fide resident of the State of West Virginia, except for those applicants applying for a supplier’s license or a direct shipper’s license;

(8) That the applicant is not less than eighteen years of age;

(9) That the applicant has not been convicted of a felony or other crime involving moral turpitude within the three years next preceding the filing of the application; and that he or she has not, within the two years next preceding the filing of the application, been convicted of violating the liquor laws of any state or of the United States;

(10) That the applicant has not during the five years next preceding the date of said application had any license revoked under this chapter or under the liquor laws of any other state;

(11) If the applicant is a firm, association, partnership, limited partnership, limited liability company or corporation, the application shall state the matters required in subdivisions (6), (7), (8), (9) and (10), with respect to each of the members thereof, and each of said members must meet all the requirements in said subdivisions;

(12) If the applicant is a corporation, organized or authorized to do business in this state, the application shall state the matters required in subdivisions (6), (7), (8), (9) and (10), with respect
44 to each of the officers and directors thereof, and any stockholder
45 owning twenty percent or more of the stock of such corporation
46 and the persons who conduct and manage the licensed premises
47 for the corporation. Each of said individuals must meet all the
48 requirements provided in those subdivisions except that the
49 requirements as to citizenship and residence shall not apply to
50 the officers, directors and stockholders of a corporation applying
51 for a retailer’s license; and

(13) If the applicant is a trust or has a trust as an owner, the
52 trustees or other persons in active control of the activities of the
53 trust relating to the license shall provide a certification of trust
54 as described in section one thousand thirteen, article ten, chapter
55 forty-four-d of this code. This certification of trust shall include
56 the excerpts described in subsection (e), section one thousand
57 thirteen, article ten, chapter forty-four-d of this code and shall
58 further state, under oath, the names, addresses, Social Security
59 numbers and birth dates of the beneficiaries of the trust and
60 certify that the trustee and beneficiaries are twenty-one years of
61 age or older. If a beneficiary is not twenty-one years of age, the
62 certification of trust must state that the beneficiary’s interest in
63 the trust is represented by a trustee, parent or legal guardian who
64 is twenty-one years of age and who will direct all actions on
65 behalf of the beneficiary related to the trust with respect to the
66 distributor until the beneficiary is twenty-one years of age. Any
67 beneficiary who is not twenty-one years of age or older shall
68 have his or her trustee, parent or legal guardian include in the
69 certification of trust and state under oath his or her name,
70 address, social security number and birth date.

(14) Any other information that the commissioner may
72 reasonably require.

74 The foregoing statements required in an application are
75 mandatory prerequisites for the issuance of a license.

76 The application must be verified by the owner, or in the case
77 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. The application of a corporation applying for a retailer's license need be verified only by its president or vice president.

(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 article one, chapter twenty-nine-b of this code.

CHAPTER 8

(H. B. 4177 - By Mr. Speaker (Mr. Miley) and Delegate Armstead)
[By Request of the Executive]
[Passed February 5, 2014; in effect from passage.]
[Approved by the Governor on February 13, 2014.]

AN ACT making a supplementary appropriation of federal funds out of the treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2014, to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2014, organization 0510, to
the Department of Military Affairs and Public Safety, Adjutant General - West Virginia National Guard Counterdrug Forfeiture Fund, fund 8785, fiscal year 2014, organization 0603, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2014, organization 0612, and to the Department of Veterans’ Assistance, fund 8858, fiscal year 2014, organization 0613, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the budget bill.

WHEREAS, The Governor has established the availability of federal funds now available for expenditure in the fiscal year ending June 30, 2014, which are hereby appropriated by the terms of this supplementary appropriation bill; therefore

Be it enacted by the Legislature of West Virginia:

That the total appropriation for the fiscal year ending June 30, 2014, to fund 8725, fiscal year 2014, organization 0510, be supplemented and amended by increasing an existing item of appropriation as follows:

1 TITLE II—APPROPRIATIONS.

2 Sec. 6. Appropriations of federal funds.

3 DEPARTMENT OF HEALTH AND HUMAN RESOURCES

4 350-Human Rights Commission

5 (WV Code Chapter 5)

6 Fund 8725 FY 2014 Org 0510

7

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8 3 Current Expenses............ 130 $67,500
And, That chapter four, Acts of the Legislature, regular
session, 2013, known as the budget bill, be supplemented and
amended by adding to Title II, section six thereof, the following:

TITLE II—APPROPRIATIONS.

Sec. 6. Appropriations of federal funds.

DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY

353a-Adjutant General -
West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2014 Org 0603

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<tr>
<td>010 Employee Benefits</td>
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<tr>
<td>130 Current Expenses</td>
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<tr>
<td>070 Equipment</td>
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And, That the total appropriation for the fiscal year ending
June 30, 2014, to fund 8741, fiscal year 2014, organization 0612,
be supplemented and amended by increasing existing items of
appropriation as follows:

TITLE II—APPROPRIATIONS.

Sec. 6. Appropriations of federal funds.
DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY

356-West Virginia State Police
(WV Code Chapter 15)

Fund 8741 FY 2014 Org 0612

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And, That the total appropriation for the fiscal year ending
June 30, 2014, to fund 8858, fiscal year 2014, organization 0613,
be supplemented and amended by increasing existing items of
appropriation as follows:

TITLE II—APPROPRIATIONS.

Sec. 6. Appropriations of federal funds.

DEPARTMENT OF VETERANS’ ASSISTANCE

365-Department of Veterans’ Assistance

(WV Code Chapter 9A)

Fund 8858 FY 2014 Org 0613
The purpose of this supplementary appropriation bill is to supplement, amend, increase existing items, and add new items of appropriation in the aforesaid accounts for the designated spending units for expenditure during the fiscal year 2014.
Be it enacted by the Legislature of West Virginia:

That the total appropriation for the fiscal year ending June 30, 2014, to fund 8749, fiscal year 2014, organization 0323, be supplemented and amended by increasing an existing item of appropriation as follows:

1 TITLE II—APPROPRIATIONS.

2 Sec. 7. Appropriations from federal block grants.

3 372-WorkForce West Virginia-

4 Workforce Investment Act

5 Fund 8749 FY 2014 Org 0323

6 Activity Federal

7

8 4 Current Expenses............... 130 $ 5,000,000

9 The purpose of this supplementary appropriation bill is to supplement, amend, and increase an existing item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2014.

CHAPTER 10

(H. B. 4182 - By Mr. Speaker (Mr. Miley) and Delegate Armstead)

[By Request of the Executive]

[Passed February 5, 2014; in effect from passage.]
[Approved by the Governor on February 13, 2014.]

AN ACT making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June
30, 2014, to a new item of appropriation designated to the Auditor’s Office, Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund, fund 1239, fiscal year 2014, organization 1200, to the Department of Education and the Arts, State Board of Rehabilitation - Division of Rehabilitation Services - West Virginia Rehabilitation Center - Special Account, fund 8664, fiscal year 2014, organization 0932, to the Department of Health and Human Resources, Division of Health, Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2014, organization 0506, to the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, fiscal year 2014, organization 0511, to the Department of Revenue, Racing Commission - General Administration, fund 7305, fiscal year 2014, organization 0707, to the Miscellaneous Boards and Commissions, WV State Board of Examiners for Licensed Practical Nurses, fund 8517, fiscal year 2014, organization 0906, to the Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2014, organization 0926, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the budget bill.

WHEREAS, The Governor has established that there now remains an unappropriated balance in the Auditor’s Office, Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund, fund 1239, fiscal year 2014, organization 1200, in the Department of Education and the Arts, State Board of Rehabilitation - Division of Rehabilitation Services - West Virginia Rehabilitation Center - Special Account, fund 8664, fiscal year 2014, organization 0932, in the Department of Health and Human Resources, Division of Health, Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2014, organization 0506, in the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, fiscal year 2014, organization 0511, in the Department of Revenue,
Racing Commission - General Administration, fund 7305, fiscal year 2014, organization 0707, in the Miscellaneous Boards and Commissions, WV State Board of Examiners for Licensed Practical Nurses, fund 8517, fiscal year 2014, organization 0906, in the Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2014, organization 0926, that is available for expenditure during the fiscal year ending June 30, 2014 which is hereby appropriated by the terms of this supplementary appropriation bill; therefore

Be it enacted by the Legislature of West Virginia:

That chapter four, Acts of the Legislature, regular session, 2013, known as the budget bill, be supplemented and amended by adding Title II, section three thereof, the following:

TITLE II — APPROPRIATIONS.

Sec. 3. Appropriations from other funds.

EXECUTIVE

128a-Auditor's Office-
Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2014 Org 1200

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And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 8664, fiscal year 2014, organization 0932, be supplemented and amended to read as follows:
TITLE II — Appropriations.

Sec. 3. Appropriations from other funds.

DEPARTMENT OF EDUCATION AND THE ARTS

178-State Board of Rehabilitation -
Division of Rehabilitation Services -
West Virginia Rehabilitation Center -
Special Account

(WV Code Chapter 18)

Fund 8664 FY 2014 Org 0932

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<tr>
<th>Activity</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 75,000</td>
</tr>
<tr>
<td>2 Employee Benefits</td>
<td>20,738</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>2,139,622</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>150,000</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>220,000</td>
</tr>
<tr>
<td>6 Buildings</td>
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</tr>
<tr>
<td>7 Other Assets</td>
<td>150,000</td>
</tr>
<tr>
<td>8 Total</td>
<td>$ 2,905,360</td>
</tr>
</tbody>
</table>

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 5156, fiscal year 2014, organization 0506, be supplemented and amended by increasing an existing item of appropriation as follows:
TITLE II — APPROPRIATIONS.

Sec. 3. Appropriations from other funds.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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

(WV Code Chapter 16)

Fund 5156 FY 2014 Org 0506

<table>
<thead>
<tr>
<th>Activity</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional Facilities</td>
<td>$10,500,000</td>
</tr>
</tbody>
</table>

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 5185, fiscal year 2014, organization 0511, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II — APPROPRIATIONS.

Sec. 3. Appropriations from other funds.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

211-Division of Human Services-Medical Services Trust Fund

(WV Code Chapter 9)
26 Fund 5185 FY 2014 Org 0511

27 Activity Funds

29 1 Medical Services. ............... 189 $ 109,351,172

30 And, That the total appropriation for the fiscal year ending
31 June 30, 2014, to fund 7305, fiscal year 2014, organization 0707,
32 be supplemented and amended by decreasing existing items of
33 appropriation as follows:

TITLE II — APPROPRIATIONS.

DEPARTMENT OF REVENUE

251-Racing Commission-
General Administration

(WV Code Chapter 19)

Fund 7305 FY 2014 Org 0707

43 1 Personal Services. ............... 001 $ 445,000

44 2 Employee Benefits. ............... 010 150,000

And, That the total appropriation for the fiscal year ending
June 30, 2014, to fund 8517, fiscal year 2014, organization 0906,
be supplemented and amended by increasing items of
appropriations as follows:

TITLE II — APPROPRIATIONS.

Sec. 3. Appropriations from other funds.
### MISCELLANEOUS BOARDS AND COMMISSIONS

#### 270-WV State Board of Examiners for Licensed Practical Nurses

(WV Code Chapter 30)

- Fund 8517 FY 2014 Org 0906

<table>
<thead>
<tr>
<th>Activity</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Benefits</td>
<td>$18,000</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$17,000</td>
</tr>
</tbody>
</table>

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 8623, fiscal year 2014, organization 0926, be supplemented and amended by increasing an existing item of appropriation as follows:

### TITLE II — APPROPRIATIONS.

#### Sec. 3. Appropriations from other funds.

### MISCELLANEOUS BOARDS AND COMMISSIONS

#### 272-Public Service Commission

(WV Code Chapter 24)

- Fund 8623 FY 2014 Org 0926

<table>
<thead>
<tr>
<th>Activity</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Expenses</td>
<td>$335,000</td>
</tr>
</tbody>
</table>
The purpose of this supplemental appropriation bill is to supplement, amend, increase, decrease, and add items of appropriations in the aforesaid accounts for the designated spending units for expenditure during the fiscal year 2014.

CHAPTER 11

(Com. Sub. for H. B. 4183 - By Mr. Speaker (Mr. Miley) and Delegate Armstead)
[By Request of the Executive]

[Passed March 7, 2014; in effect from passage.]
[Approved by the Governor on March 19, 2014.]

AN ACT supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2014, organization 0803, for the fiscal year ending June 30, 2014.

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated January 8, 2014, which included a statement of the State Road Fund setting forth therein the cash balances and investments as of July 1, 2013, and further included the estimate of revenues for the fiscal year 2014, less net appropriation balances forwarded and regular appropriations for the fiscal year 2014; and

WHEREAS, It appears from the Statement of the State Road Fund there now remains an unappropriated balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2014; therefore
Be it enacted by the Legislature of West Virginia:

That the items of the total appropriations from the State Road Fund, to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2014, organization 0803, be supplemented and amended by increasing existing items of appropriation as follows:

1 TITLE II - APPROPRIATIONS.

2 Sec. 2. Appropriations from state road fund.

3 DEPARTMENT OF TRANSPORTATION

4 118-Division of Highways

5 (WV Code Chapters 17 and 17C)

6 Fund 9017 FY 2014 Org 0803

7

8 Activity

9 State

10 Road

11 Fund

12

13 9 Interstate Construction. . . . . . . 278 $ 7,000,000

14 10 Other Federal Aid Programs. . . . 279 21,000,000

15 11 Appalachian Programs. . . . . . 280 15,000,000

16

The purpose of this supplemental appropriation bill is to supplement, amend, decrease and increase items of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year ending June 30, 2014.
AN ACT expiring funds to the balance of the Department of Administration, Board of Risk and Insurance Management, Patient Injury Compensation Fund, fund 2371, fiscal year 2014, organization 0218, in the amount of $2,000,000 from the Department of Administration, Board of Risk and Insurance Management, Medical Liability Fund, fund 2368, fiscal year 2014, organization 0218 for the fiscal year ending June 30, 2014.

WHEREAS, The Governor finds that the account balance in the Department of Administration, Board of Risk and Insurance Management, Medical Liability Fund, fund 2368, fiscal year 2014, organization 0218, exceeds that which is necessary for the purpose for which the account was established; therefore

Be it enacted by the Legislature of West Virginia:

That the balance of funds available for expenditure in the fiscal year ending June 30, 2014, to the Department of Administration, Board of Risk and Insurance Management, Medical Liability Fund, fund 2368, fiscal year 2014, organization 0218, be decreased by expiring the amount of $2,000,000 to the Department of Administration, Board of Risk and Insurance Management, Patient Injury Compensation fund, fund 2371, fiscal year 2014, organization 0218, to be available for expenditure during the fiscal year ending June 30, 2014.
AN ACT making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

Be it enacted by the Legislature of West Virginia:

Title

I. General Provisions.

II. Appropriations.

III. Administration.

TITLE I — GENERAL PROVISIONS.
§1. General policy.
§2. Definitions.
§3. Classification of appropriations.
§5. Maximum expenditures.

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 2015.

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 2015” shall mean the period from July 1, 2014, through June 30, 2015.

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

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

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

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

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

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

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

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

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

Should the appropriation for "BRIM Premium" be insufficient to cover such cost, the remainder of such costs shall be transferred by each spending unit from its "personal services
and employee benefits” appropriation, its “unclassified” appropriation, its “current expenses” appropriation or any other appropriate appropriation to “BRIM Premium” for payment 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 or “unclassified” appropriation or other appropriate appropriation.

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

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

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

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

“Buildings” shall include new construction and major alteration of existing structures and the improvement of lands and shall include shelter, support, storage, protection or the improvement of a natural condition.
“Lands” shall mean the purchase of real property or interest in real property.

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

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

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

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<th>Amount</th>
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<td>Governor’s Office – Custodial Fund</td>
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<td>Secretary of State</td>
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<td>State Election Commission</td>
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<td>Treasurer’s Office</td>
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<tr>
<td>West Virginia Conservation Agency</td>
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<td>HEALTH AND HUMAN RESOURCES, DEPARTMENT OF</td>
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<td>Consolidated Medical Service Fund</td>
<td>0525</td>
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<td>Health and Human Resources, Department of –</td>
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<td>Office of the Secretary</td>
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<td>Health, Division of – Central Office</td>
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<tr>
<td>Health, Division of – West Virginia Drinking Water</td>
<td>0561</td>
<td>123</td>
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<td>0403</td>
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<tr>
<td>Human Rights Commission</td>
<td>0416</td>
<td>123</td>
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<td>HIGHER EDUCATION POLICY COMMISSION</td>
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<tr>
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<td>156</td>
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<tr>
<td>Concord University</td>
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<td>156</td>
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<td>Fairmont State University</td>
<td>0360</td>
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<td>Glenville State College</td>
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<td>Higher Education Policy Commission</td>
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<tr>
<td>Administration</td>
<td>0589</td>
<td>148</td>
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<td>Higher Education Policy Commission –</td>
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<td>Administration – West Virginia Network for</td>
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<td>Educational Telecomputing (WVNET)</td>
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<td>Marshall University – General Administration Fund</td>
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<td>Marshall University – School of Medicine</td>
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<td>Shepherd University</td>
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<td>Medical School Fund</td>
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<td>Supreme Court – General Judicial – Fund</td>
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**HIGHER EDUCATION POLICY COMMISSION**

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1  Section 1. Appropriations from general revenue.—
2  From the State Fund, General Revenue, there are hereby
3  appropriated conditionally upon the fulfillment of the provisions
4  set forth in Article 2, Chapter 11B the following amounts, as
5  itemized, for expenditure during the fiscal year 2015.

   LEGISLATIVE

   1 - Senate

   Fund 0165 FY 2015 Org 2100

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<td>3  Officers and Employees (R)</td>
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<td>BRIM Premium (R)</td>
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The appropriations for the Senate for the fiscal year 2014 are to remain in full force and effect and are hereby reappropriated to June 30, 2015. Any balances so reappropriated may be transferred and credited to the fiscal year 2014 accounts.

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

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

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

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

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

2 - House of Delegates

Fund 0170 FY 2015 Org 2200

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<tr>
<td>BRIM Premium (R)</td>
<td>91300</td>
<td>$50,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$9,404,031</td>
</tr>
</tbody>
</table>

The appropriations for the House of Delegates for the fiscal year 2014 are to remain in full force and effect and are hereby
reappropriated to June 30, 2015. Any balances so reappropriated may be transferred and credited to the fiscal year 2014 accounts.

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

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

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

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

3 - Joint Expenses
(WV Code Chapter 4)

Fund 0175 FY 2015 Org 2300

1 Joint Committee on Government and Finance (R) ................ 10400  $ 6,758,015
2 Legislative Printing (R) ........... 10500  760,000
3 Legislative Rule-Making Review Committee (R) ............... 10600  147,250
4 Legislative Computer System (R) . 10700  902,500
5 BRIM Premium (R) ................. 91300  27,692
8 Total.................................. $ 8,595,457

The appropriations for the joint expenses for the fiscal year 2014 are to remain in full force and effect and are hereby reappropriated to June 30, 2015. Any balances reappropriated may be transferred and credited to the fiscal year 2014 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.

The appropriation for the Tax Reduction and Federal Funding Increased Compliance (TRAFFIC) (fund 0175, appropriation 64200) is intended for possible general state tax
reductions or the offsetting of any reductions in federal funding for state programs.

**JUDICIAL**

*4 - Supreme Court – General Judicial*

<table>
<thead>
<tr>
<th>Fund 0180 FY 2015 Org 2400</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
<td>$ 98,955,687</td>
</tr>
<tr>
<td>2 Benefits (R) .................. 00100</td>
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<tr>
<td>3 Children’s Protection Act (R) .... 09000</td>
<td>$ 2,682,072</td>
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<tr>
<td>4 Current Expenses (R) ............ 13000</td>
<td>$ 21,090,110</td>
</tr>
<tr>
<td>5 Repairs and Alterations (R) ...... 06400</td>
<td>$ 715,000</td>
</tr>
<tr>
<td>6 Equipment (R) .................. 07000</td>
<td>$ 3,100,000</td>
</tr>
<tr>
<td>7 Judges’ Retirement System (R) .... 11000</td>
<td>$ 2,456,000</td>
</tr>
<tr>
<td>8 Buildings ...................... 25800</td>
<td>$ 750,000</td>
</tr>
<tr>
<td>9 Other Assets (R) ............... 69000</td>
<td>$ 1,750,000</td>
</tr>
<tr>
<td>10 BRIM Premium (R) .............. 91300</td>
<td>$ 314,124</td>
</tr>
<tr>
<td>11 Total .........................</td>
<td>$ 131,812,993</td>
</tr>
</tbody>
</table>

The appropriations to the Supreme Court of Appeals for the fiscal years 2013 and 2014 are to remain in full force and effect and are hereby reappropriated to June 30, 2015. Any balances so reappropriated may be transferred and credited to the fiscal year 2014 accounts.

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

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

**EXECUTIVE**

*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2015 Org 0100

| Item Description                              | Code  | Amount  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
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<td>Current Expenses (R)</td>
<td>13000</td>
<td>545,858</td>
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<td>Repairs and Alterations</td>
<td>06400</td>
<td>2,000</td>
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<tr>
<td>GO HELP (R)</td>
<td>11600</td>
<td>250,651</td>
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<tr>
<td>National Governors Association</td>
<td>12300</td>
<td>60,700</td>
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<tr>
<td>Herbert Henderson Office of Minority Affairs</td>
<td>13400</td>
<td>156,726</td>
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<tr>
<td>Southern Governors' Association</td>
<td>31400</td>
<td>40,000</td>
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<tr>
<td>BRIM Premium</td>
<td>91300</td>
<td>151,851</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$4,623,786</strong></td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), GO HELP (fund 0101, appropriation 11600), Current Expenses (fund 0101, appropriation 13000), and JOBS Fund (fund 0101, appropriation 66500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0101, fiscal year 2014, appropriation 11600 ($120,000) which shall expire on June 30, 2014.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0101, appropriation 00100), is $150,000 for the Salary of the Governor.

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).
6 - Governor's Office –
Custodial Fund

(WV Code Chapter 5)

Fund 0102 FY 2015 Org 0100

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
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<td>Current Expenses (R)</td>
<td>13000</td>
<td>$214,166</td>
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<td>3</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>$5,000</td>
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<td>4</td>
<td>Total</td>
<td></td>
<td>$588,536</td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

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

7 - Governor's Office –
Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2015 Org 0100

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105,
appropriation 61400), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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

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

**8 - Auditor’s Office – General Administration**

(WV Code Chapter 12)

**Fund 0116 FY 2015 Org 1200**

<table>
<thead>
<tr>
<th>Description</th>
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<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$3,245,598</td>
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<td>Enterprise Resource Planning System Planning Project</td>
<td>08700</td>
<td>$1,250,000</td>
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<td>Current Expenses (R)</td>
<td>13000</td>
<td>$10,622</td>
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<td>Total</td>
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<td>$4,516,671</td>
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</tbody>
</table>

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0116, appropriation 09700), and Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0116, fiscal year 2014, appropriation 13000 ($60,000) which shall expire on June 30, 2014.
Included in the above appropriation to Personal Services and Employee Benefits (fund 0116, appropriation 00100), is $95,000 for the Salary of the Auditor.

The above appropriation to Enterprise Resource Planning System Planning Project (fund 0116, appropriation 08700) shall be transferred to the Enterprise Resource Planning System Fund (fund 9080).

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2015 Org 1300

1 Personal Services and Employee Benefits ............... 00100 $ 2,708,085
2 Unclassified .................................. 09900 34,050
3 Current Expenses (R) .......................... 13000 386,062
4 Abandoned Property Program .............. 11800 162,878
5 Other Assets ................................. 69000 10,000
6 Tuition Trust Fund (R) .................... 69200 73,207
7 BRIM Premium ................................. 91300 30,809
8 Total ........................................... $ 3,405,091

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0126, appropriation 13000) and Tuition Trust Fund (fund 0126, appropriation 69200) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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

10 - Department of Agriculture

(WV Code Chapter 19)
Fund 0131 FY 2015 Org 1400

1 Personal Services and Employee
   2 Benefits .................................. 00100 $ 6,172,623
3 Animal Identification Program .................. 03900 185,846
4 State Farm Museum ................................ 05500 104,500
5 Unclassified (R) ................................ 09900 67,969
6 Current Expenses (R) ......................... 13000 264,826
7 Repairs and Alterations ........................ 06400 30,000
8 Equipment ................................... 07000 23,402
9 Gypsy Moth Program (R) ...................... 11900 1,183,090
10 Huntington Farmers Market ..................... 12800 43,866
11 Black Fly Control (R) ........................ 13700 537,116
12 Donated Foods Program ....................... 36300 50,000
13 Predator Control (R) ........................ 47000 200,000
14 Logan Farmers Market ......................... 50100 46,948
15 Bee Research .................................. 69100 77,994
16 Charleston Farmers Market ..................... 74600 84,360
17 Microbiology Program (R) ................... 78500 117,928
18 Moorefield Agriculture Center (R) .............. 78600 1,137,851
19 Chesapeake Bay Watershed ..................... 83000 127,462
20 Livestock Care Standards Board ............... 84300 15,000
21 BRIM Premium ................................ 91300 120,202
22 Threat Preparedness .......................... 94200 82,417
23 WV Food Banks ................................. 96900 115,000
24 Senior’s Farmers’ Market Nutrition
   25 Coupon Program ............................ 97000 62,173
26 Total ........................................ $ 10,850,573

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0131, appropriation 09700), Unclassified (fund 0131, appropriation 09900), Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Black Fly Control (fund 0131, appropriation 13700), Predator Control (fund 0131, appropriation 47000), Capital Outlay, Repairs and Equipment –
Surplus (fund 0131, appropriation 67700), Capital Outlay and Maintenance (fund 0131, appropriation 75500), Microbiology Program (fund 0131, appropriation 78500), Moorefield Agriculture Center (fund 0131, appropriation 78600), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0131, fiscal year 2014, appropriation 11900 ($60,000) which shall expire on June 30, 2014.

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

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

11 - West Virginia Conservation Agency
(WV Code Chapter 19)

Fund 0132 FY 2015 Org 1400

1 Personal Services and Employee Benefits. 00100 $ 769,762
### APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Unclassified (R)</td>
<td>09900</td>
<td>88,255</td>
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<td>4</td>
<td>Current Expenses (R)</td>
<td>13000</td>
<td>329,080</td>
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<tr>
<td>5</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>10,000</td>
</tr>
<tr>
<td>6</td>
<td>Equipment</td>
<td>07000</td>
<td>10,000</td>
</tr>
<tr>
<td>7</td>
<td>Soil Conservation Projects (R)</td>
<td>12000</td>
<td>7,592,149</td>
</tr>
<tr>
<td>8</td>
<td>BRIM Premium</td>
<td>91300</td>
<td>26,326</td>
</tr>
<tr>
<td>9</td>
<td>Total</td>
<td></td>
<td>8,825,572</td>
</tr>
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</table>

Any unexpended balances remaining in the appropriations for Unclassified (fund 0132, appropriation 09900), Soil Conservation Projects (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0132, fiscal year 2014, appropriation 12000 ($1,600,000) which shall expire on June 30, 2014.

### 12 - Department of Agriculture – Meat Inspection

(WV Code Chapter 19)

Fund **0135 FY 2015 Org 1400**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$625,968</td>
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<tr>
<td>3</td>
<td>Unclassified</td>
<td>09900</td>
<td>7,182</td>
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<tr>
<td>4</td>
<td>Current Expenses</td>
<td>13000</td>
<td>96,344</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td></td>
<td>$729,494</td>
</tr>
</tbody>
</table>

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

(WV Code Chapter 19)
Fund 0136 FY 2015 Org 1400

1 Programs and Awards for 4-H Clubs and FFA/FHA. 57700 $ 15,000
2 Commissioner’s Awards and Programs. 73700 39,250
3 Total .................. $ 54,250

14 - Department of Agriculture – West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2015 Org 1400

1 Personal Services and Employee Benefits. 00100 $ 102,969
2 Unclassified. 09900 950
3 Total .................. $ 103,919

15 - Attorney General

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

Fund 0150 FY 2015 Org 1500

1 Personal Services and Employee Benefits (R). 00100 $ 3,588,895
2 Unclassified (R). 09900 57,461
3 Current Expenses (R). 13000 600,508
4 Repairs and Alterations. 06400 7,500
5 Equipment. 07000 40,000
6 Criminal Convictions and Habeas Corpus Appeals (R). 26000 1,202,374
7 Better Government Bureau. 74000 328,110
8 BRIM Premium. 91300 67,646
9 Total .................. $ 5,892,494
Any unexpended balances remaining in the above appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Employee Benefits (fund 0150, appropriation 01000), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200), Equipment – Surplus (fund 0150, appropriation 34100), Technology Improvements – Surplus (fund 0150, appropriation 72500), and Operating Expenses – Surplus (fund 0150, appropriation 77900) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0150, fiscal year 2014, appropriation 00100 ($180,000) and fund 0150, fiscal year 2014, appropriation 01000 ($20,000) which shall expire on June 30, 2014.

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

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

16 - Secretary of State

(WV Code Chapters 3, 5 and 59)
Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900), Current Expenses (fund 0155, appropriation 13000), and Technology Improvements – Surplus (fund 0155, appropriation 72500) at the close of the fiscal year 2014 are hereby reapportioned for expenditure during the fiscal year 2015 with the exception of fund 0155, fiscal year 2014, appropriation 13000 ($50,000) which shall expire on June 30, 2014.

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

17 - State Election Commission

(WV Code Chapter 3)
DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –
Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2015 Org 0201

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>586,359</td>
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<tr>
<td>2</td>
<td>Benefits</td>
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<td>9,397</td>
</tr>
<tr>
<td>3</td>
<td>Unclassified</td>
<td>13000</td>
<td>94,350</td>
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<td>4</td>
<td>Current Expenses</td>
<td>06400</td>
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<td>5</td>
<td>Repairs and Alterations</td>
<td>07000</td>
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</tr>
<tr>
<td>6</td>
<td>Equipment</td>
<td>30400</td>
<td>210,546</td>
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<tr>
<td>7</td>
<td>Financial Advisor (R)</td>
<td>51600</td>
<td>15,000,000</td>
</tr>
<tr>
<td>8</td>
<td>Lease Rental Payments</td>
<td>54000</td>
<td>4,000</td>
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<tr>
<td>9</td>
<td>Design-Build Board</td>
<td>69000</td>
<td>4,000</td>
</tr>
<tr>
<td>10</td>
<td>Other Assets</td>
<td>91300</td>
<td>4,000</td>
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<tr>
<td>11</td>
<td>BRIM Premium</td>
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<tr>
<td>12</td>
<td>Total</td>
<td></td>
<td>$15,917,752</td>
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Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0186, fiscal year 2014, appropriation 30400 ($190,000) which shall expire on June 30, 2014.

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

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)
1. The division of highways, division of motor vehicles, public service commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2015 Org 0209

1. Personal Services and Employee
   2. Benefits. .................. 00100 $ 119,556
   3. Unclassified. ................. 09900 2,400
   4. Current Expenses. ............ 13000 114,462
   5. Repairs and Alterations. ...... 06400 1,500
   6. Equipment. .................. 07000 1,000
   7. GAAP Project (R). .......... 12500 609,334
   8. Other Assets. ................. 69000 2,000
   9. BRIM Premium. ............... 91300 4,526
10. Total.......................... $ 854,778

11. Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0203, fiscal year 2014, appropriation 12500 ($90,000) which shall expire on June 30, 2014.

21 - Division of General Services

(WV Code Chapter 5A)
Fund 0230 FY 2015 Org 0211

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Appropriation</th>
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<tr>
<td>Personal Services and Employee Benefits</td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
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<td>Current Expenses</td>
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<td>867,865</td>
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<td>Equipment</td>
<td>07000</td>
<td>5,000</td>
</tr>
<tr>
<td>Fire Service Fee</td>
<td>12600</td>
<td>14,000</td>
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<tr>
<td>Buildings (R)</td>
<td>25800</td>
<td>1,000</td>
</tr>
<tr>
<td>Preservation and Maintenance of Statues and Monuments on Capitol Grounds</td>
<td>37100</td>
<td>68,000</td>
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<tr>
<td>Capital Outlay, Repairs and Equipment</td>
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<td>4,500,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>1,000</td>
</tr>
<tr>
<td>Land (R)</td>
<td>73000</td>
<td>500</td>
</tr>
<tr>
<td>BRIM Premium</td>
<td>91300</td>
<td>112,481</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$8,249,620</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800) and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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.
APPROPRIATIONS

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2015 Org 0213

1 Personal Services and Employee Benefits ................... 00100 $ 1,022,743
2 Unclassified ................... 09900 1,444
3 Current Expenses ............... 13000 74,970
4 Repairs and Alterations .......... 06400 700
5 Equipment ................... 07000 1,000
6 Other Assets ................... 69000 1,000
7 BRIM Premium ................ 91300 6,167
8 Total .......................... $ 1,108,024

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

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2015 Org 0215

1 Personal Services and Employee Benefits ................... 00100 $ 929,418
2 Unclassified ................... 09900 15,885
3 Current Expenses ............... 13000 441,945
4 Repairs and Alterations .......... 06400 200,000
5 Equipment ................... 07000 5,000
6 Buildings (R) .................. 25800 100
7 Other Assets ................... 69000 4,000
8 BRIM Premium ................ 91300 6,167
9 Total .......................... $ 1,596,348

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the
fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2015 Org 0217

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unclassified</td>
<td>09900</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>13000</td>
<td>46,085</td>
</tr>
<tr>
<td>3</td>
<td>Total</td>
<td></td>
<td>46,550</td>
</tr>
</tbody>
</table>

To pay expenses for members of the commission on uniform state laws.

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2015 Org 0219

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>921,756</td>
</tr>
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<td>2</td>
<td>Unclassified</td>
<td>09900</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses (R)</td>
<td>13000</td>
<td>166,959</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>500</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>500</td>
</tr>
<tr>
<td>6</td>
<td>Other Assets</td>
<td>69000</td>
<td>500</td>
</tr>
<tr>
<td>7</td>
<td>BRIM Premium</td>
<td>91300</td>
<td>5,200</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
<td></td>
<td>1,096,415</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0220, appropriation 13000), Buildings (fund 0220, appropriation 25800), and Land (fund 0220, appropriation 73000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.
## APPROPRIATIONS

### 26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2015 Org 0220

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2015</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100 $572,306</td>
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</tr>
<tr>
<td>Unclassified</td>
<td>09900 $4,500</td>
<td></td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000 $128,530</td>
<td></td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400 $500</td>
<td></td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000 $100</td>
<td></td>
</tr>
<tr>
<td>BRIM Premium</td>
<td>91300 $2,800</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$708,736</td>
<td></td>
</tr>
</tbody>
</table>

### 27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2015 Org 0221

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2015</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100 $1,022,620</td>
<td></td>
</tr>
<tr>
<td>Unclassified</td>
<td>09900 $317,137</td>
<td></td>
</tr>
<tr>
<td>Public Defender Corporations</td>
<td>35200 $19,804,466</td>
<td></td>
</tr>
<tr>
<td>Appointed Counsel Fees (R)</td>
<td>78800 $10,723,115</td>
<td></td>
</tr>
<tr>
<td>BRIM Premium</td>
<td>91300 $2,893</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$31,870,231</td>
<td></td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the above appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

The director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, appropriation 78800).
28 - Committee for the Purchase of Commodities and Services from the Handicapped

(WV Code Chapter 5A)

<table>
<thead>
<tr>
<th>Fund</th>
<th>FY 2015</th>
<th>Org</th>
<th>Description</th>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0233</td>
<td></td>
<td>0224</td>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$3,187</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Benefits</td>
<td></td>
<td>$3,187</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Current Expenses</td>
<td>13000</td>
<td>$1,868</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td></td>
<td>$5,055</td>
</tr>
</tbody>
</table>

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

<table>
<thead>
<tr>
<th>Fund</th>
<th>FY 2015</th>
<th>Org</th>
<th>Description</th>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0200</td>
<td></td>
<td>0225</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

<table>
<thead>
<tr>
<th>Fund</th>
<th>FY 2015</th>
<th>Org</th>
<th>Description</th>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0557</td>
<td></td>
<td>0228</td>
<td>Forensic Medical Examinations</td>
<td>68300</td>
<td>$140,676</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Federal Funds/Grant Match</td>
<td>74900</td>
<td>$101,075</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td></td>
<td>$241,751</td>
</tr>
</tbody>
</table>

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 2014 are
8 hereby reappropriated for expenditure during the fiscal year 2015.

31 - *Children’s Health Insurance Agency*

(WV Code Chapter 5)

Fund 0588 FY 2015 Org 0230

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$112,493</td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$9,379,734</td>
</tr>
<tr>
<td>Autism Spectrum Disorder Coverage</td>
<td>85600</td>
<td>$497,035</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$9,989,262</td>
</tr>
</tbody>
</table>

32 - *Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2015 Org 0233

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$790,757</td>
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<tr>
<td>Benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unclassified</td>
<td>09900</td>
<td>$2,000</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$198,763</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>$1,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>$500</td>
</tr>
<tr>
<td>BRIM Premium</td>
<td>91300</td>
<td>$4,200</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$1,002,220</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Buildings (fund 0610, appropriation 25800) and Land (fund 0610, appropriation 73000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.
33 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2015 Org 0305

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>FY 2015 Org 0305</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td></td>
<td>$3,950,423</td>
</tr>
<tr>
<td>2</td>
<td>Unclassified</td>
<td></td>
<td>21,435</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td></td>
<td>1,213,953</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td></td>
<td>183,000</td>
</tr>
<tr>
<td>5</td>
<td>Equipment (R)</td>
<td></td>
<td>475,000</td>
</tr>
<tr>
<td>6</td>
<td>BRIM Premium</td>
<td></td>
<td>85,000</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td></td>
<td>$5,928,811</td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

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

34 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2015 Org 0306

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>FY 2015 Org 0306</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td></td>
<td>$1,656,792</td>
</tr>
<tr>
<td>2</td>
<td>Unclassified</td>
<td></td>
<td>30,720</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td></td>
<td>96,178</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>
Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

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.

35 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2015 Org 0307

1 Personal Services and Employee Benefits. . 00100 $ 4,616,383
2 ARC-WV Home of Your Own Alliance. . . 04800 33,744
3 Unclassified. . . 09900 1,733,640
4 Current Expenses. . . 13000 0
5 Repairs and Alterations. . . 06400 0
6 Equipment. . . 07000 0
7 Southern WV Career Center. . . 07100 414,840
8 Infrastructure Projects. . . 07900 570,917
9 Partnership Grants (R). . . 13100 517,781
10 Local Economic Development
11 Partnerships (R). . . 13300 1,650,000
12 ARC Assessment. . . 13600 152,585
13 Mid-Atlantic Aerospace Complex. . 23100 149,134
14 Guaranteed Work Force Grant (R). . 24200 1,053,123
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Robert C. Byrd Institute for Advanced/Flexible</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufacturing - Technology Outreach and Programs</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>for Environmental and Advanced</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Technologies</td>
<td>36700, 438,504</td>
</tr>
<tr>
<td>20</td>
<td>Advantage Valley</td>
<td>38900, 59,546</td>
</tr>
<tr>
<td>21</td>
<td>Chemical Alliance Zone</td>
<td>39000, 40,099</td>
</tr>
<tr>
<td>22</td>
<td>WV High Tech Consortium</td>
<td>39100, 198,906</td>
</tr>
<tr>
<td>23</td>
<td>Regional Contracting Assistance</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Center</td>
<td>41800, *208,215</td>
</tr>
<tr>
<td>25</td>
<td>Highway Authorities</td>
<td>43100, 732,078</td>
</tr>
<tr>
<td>26</td>
<td>Charleston Farmers Market</td>
<td>47600, 0</td>
</tr>
<tr>
<td>27</td>
<td>International Offices (R)</td>
<td>59300, 529,867</td>
</tr>
<tr>
<td>28</td>
<td>WV Manufacturing Extension</td>
<td></td>
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<tr>
<td>29</td>
<td>Partnership</td>
<td>73100, 121,478</td>
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<tr>
<td>30</td>
<td>Polymer Alliance</td>
<td>75400, 97,014</td>
</tr>
<tr>
<td>31</td>
<td>Regional Councils</td>
<td>78400, 371,184</td>
</tr>
<tr>
<td>32</td>
<td>Mainstreet Program</td>
<td>79400, 173,701</td>
</tr>
<tr>
<td>33</td>
<td>National Institute of Chemical Studies</td>
<td>80500, 59,474</td>
</tr>
<tr>
<td>34</td>
<td>Local Economic Development</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Assistance (R)</td>
<td>81900, *1,850,000</td>
</tr>
<tr>
<td>36</td>
<td>I-79 Development Council</td>
<td>82400, 46,296</td>
</tr>
<tr>
<td>37</td>
<td>Mingo County Post Mine Land Use</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Projects</td>
<td>84100, 250,000</td>
</tr>
<tr>
<td>39</td>
<td>BRIM Premium</td>
<td>91300, 26,096</td>
</tr>
<tr>
<td>40</td>
<td>Hatfield McCoy Recreational Trail.</td>
<td>96000, 210,900</td>
</tr>
<tr>
<td>41</td>
<td>Hardwood Alliance Zone</td>
<td>99200, 35,937</td>
</tr>
<tr>
<td>42</td>
<td>Total</td>
<td>$ 19,347,167</td>
</tr>
</tbody>
</table>

* **CLERKS NOTE:** The Governor reduced the amount in the Item 35, line 26 from $375,000 to $208,215 and line 38 from $4,688,940 to $1,850,000. The total does NOT reflect the reduction made by the Governor.
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), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), Small Business Development (fund 0256, appropriation 70300), Local Economic Development Assistance (fund 0256, appropriation 81900), and 4-H Camp Improvements (fund 0256, appropriation 94100) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0256, fiscal year 2014, appropriation 24200 ($105,000) and fund 0256, fiscal year 2014, appropriation 70300, ($30,000) which shall expire on June 30, 2014.

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

***

From the above appropriation for Highway Authorities (fund 0256, appropriation 43100), $106,548 is for King Coal Highway Authority; $106,548 is for Coal Field Expressway Authority;
$85,239 is for Coal Heritage Highway Authority; $85,239 is for Coal Heritage Area Authority; $42,620 is for Little Kanawha River Parkway; $76,715 is for Midland Trail Scenic Highway Association; $48,585 is for Shawnee Parkway Authority; $85,239 is for Corridor G Regional Development Authority; $52,725 is for Corridor H Authority; and $42,620 is for Route 2 I68 Highway Authority.

36 - Division of Labor

(WV Code Chapters 21 and 47)

<table>
<thead>
<tr>
<th>Fund 0260 FY 2015 Org 0308</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
</tr>
<tr>
<td>2 Benefits .......................... 00100</td>
</tr>
<tr>
<td>3 Unclassified ...................... 09900</td>
</tr>
<tr>
<td>4 Current Expenses ................ 13000</td>
</tr>
<tr>
<td>5 Repairs and Alterations .......... 06400</td>
</tr>
<tr>
<td>6 Equipment .......................... 07000</td>
</tr>
<tr>
<td>7 BRIM Premium ....................... 91300</td>
</tr>
<tr>
<td>8 Total ................................ $2,980,315</td>
</tr>
</tbody>
</table>

37 - Division of Labor – Occupational Safety and Health Fund

(WV Code Chapter 21)

<table>
<thead>
<tr>
<th>Fund 0616 FY 2015 Org 0308</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
</tr>
<tr>
<td>2 Benefits .......................... 00100</td>
</tr>
<tr>
<td>3 Current Expenses ................ 13000</td>
</tr>
<tr>
<td>4 Repairs and Alterations .......... 06400</td>
</tr>
<tr>
<td>5 Equipment .......................... 07000</td>
</tr>
<tr>
<td>6 BRIM Premium ....................... 91300</td>
</tr>
<tr>
<td>7 Total ................................ $173,097</td>
</tr>
</tbody>
</table>

38 - Division of Natural Resources
### Personal Services and Employee
- Benefits: 00100, $15,930,227

### Unclassified
- 09900, 11,220

### Current Expenses
- 13000, 57,416

### Repairs and Alterations
- 06400, 400

### Equipment
- 07000, 500

### Buildings (R)
- 25800, 400

### Litter Control Conservation
- Officers: 56400, 149,634

### Upper Mud River Flood Control
- 65400, 168,904

### Other Assets
- 69000, 200

### Land (R)
- 73000, 400

### Law Enforcement
- 80600, 2,774,110

### BRIM Premium
- 91300, 293,374

### Total
- $19,386,785

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800) and Land (fund 0265, appropriation 73000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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.

### Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2015 Org 0314
<table>
<thead>
<tr>
<th></th>
<th>Personal Services and Employee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Benefits.</td>
<td>00100</td>
</tr>
<tr>
<td>2</td>
<td>Unclassified.</td>
<td>09900</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses.</td>
<td>13000</td>
</tr>
<tr>
<td>4</td>
<td>Coal Dust and Rock Dust Sampling</td>
<td>27000</td>
</tr>
<tr>
<td>5</td>
<td>BRIM Premium.</td>
<td>91300</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

8 Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is $500,000 for the Southern West Virginia Community and Technical College Mine Rescue and Rapid Response Team.

**40 - Board of Coal Mine Health and Safety**

(WV Code Chapter 22)

Fund 0280 FY 2015 Org 0319

<table>
<thead>
<tr>
<th></th>
<th>Personal Services and Employee</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Benefits.</td>
<td>00100</td>
</tr>
<tr>
<td>2</td>
<td>Unclassified.</td>
<td>09900</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses.</td>
<td>13000</td>
</tr>
<tr>
<td>4</td>
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<td></td>
</tr>
</tbody>
</table>

**41 - WorkForce West Virginia**

(WV Code Chapter 23)

Fund 0572 FY 2015 Org 0323

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<tr>
<td>1</td>
<td>Benefits.</td>
<td>00100</td>
</tr>
<tr>
<td>2</td>
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<td>09900</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses.</td>
<td>13000</td>
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</table>
42 - Department of Commerce –
Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2015 Org 0327

1 Personal Services and Employee .... $ 332,881
2 Benefits .................................. 00100 $ 332,881
3 Unclassified .................................. 09900 3,500
4 Current Expenses ...................... 13000 29,560
5 Total........................................ $ 365,941

43 - Department of Commerce –
Office of the Secretary –
Office of Economic Opportunity

Fund 0617 FY 2015 Org 0327

1 Office of Economic Opportunity ... $ 109,695

44 - Division of Energy

(WV Code Chapter 5H)

Fund 0612 FY 2015 Org 0328

1 Personal Services and Employee .... $ 229,843
2 Benefits .................................. 00100 $ 229,843
3 Unclassified .................................. 09900 16,490
4 Current Expenses ...................... 13000 1,401,974
5 BRIM Premium .......................... 91300 3,297
6 Total........................................ $ 1,651,604

7 From the above appropriation for Current Expenses (fund 0612, appropriation 13000) $593,375 is for West Virginia University and $593,375 is for Southern West Virginia
10 Community and Technical College for the Mine Training and Energy Technologies Academy.

**DEPARTMENT OF EDUCATION**

45 - *State Board of Education – School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2015 Org 0402

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>FY 2015</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>1</td>
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</tr>
<tr>
<td>2</td>
<td>Benefits ........................................ 00100</td>
<td>$366,411</td>
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<tr>
<td>3</td>
<td>Unclassified ...................................... 09900</td>
<td>24,950</td>
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<tr>
<td>4</td>
<td>Current Expenses ............................... 13000</td>
<td>2,118,150</td>
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<tr>
<td>5</td>
<td>Total ...............................................</td>
<td>$2,509,511</td>
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</table>

46 - *State Board of Education – State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 0306 FY 2015 Org 0402

<table>
<thead>
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<th>Item</th>
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<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
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<tr>
<td>2</td>
<td>Benefits ........................................ 00100</td>
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<td>4</td>
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<td>$750,000</td>
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47 - *State Board of Education – State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2015 Org 0402

<table>
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<tr>
<th>Item</th>
<th>Description</th>
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<th>Total</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
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<td></td>
</tr>
<tr>
<td>Item</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Benefits</td>
<td>00100</td>
<td>$4,353,127</td>
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<tr>
<td>3 Teachers' Retirement Savings Realized</td>
<td>09500</td>
<td>28,253,000</td>
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</tr>
<tr>
<td>4 Unclassified (R)</td>
<td>09900</td>
<td>300,000</td>
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<tr>
<td>5 Current Expenses (R)</td>
<td>13000</td>
<td>*2,672,390</td>
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</tr>
<tr>
<td>6 Technology System Specialist</td>
<td>06200</td>
<td>2,000,000</td>
<td></td>
</tr>
<tr>
<td>7 Repairs and Alterations</td>
<td>06400</td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>8 Equipment</td>
<td>07000</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>9 Increased Enrollment</td>
<td>14000</td>
<td>5,200,000</td>
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<tr>
<td>10 Safe Schools</td>
<td>14300</td>
<td>5,046,093</td>
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<tr>
<td>11 Teacher Mentor (R)</td>
<td>15800</td>
<td>592,034</td>
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<tr>
<td>12 National Teacher Certification (R)</td>
<td>16100</td>
<td>150,000</td>
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<tr>
<td>13 Buildings (R)</td>
<td>25800</td>
<td>1,000</td>
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<tr>
<td>14 Allowance for County Transfers</td>
<td>26400</td>
<td>463,186</td>
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<tr>
<td>15 Technology Repair and Modernization</td>
<td>29800</td>
<td>951,003</td>
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<tr>
<td>16 HVAC Technicians</td>
<td>35500</td>
<td>492,029</td>
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<tr>
<td>17 Early Retirement Notification Incentive</td>
<td>36600</td>
<td>300,000</td>
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</tr>
<tr>
<td>18 MATH Program</td>
<td>36800</td>
<td>366,532</td>
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<tr>
<td>19 Assessment Programs</td>
<td>39600</td>
<td>2,339,588</td>
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<tr>
<td>20 21st Century Fellows</td>
<td>50700</td>
<td>274,899</td>
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<tr>
<td>21 English as a Second Language</td>
<td>52800</td>
<td>100,000</td>
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<tr>
<td>22 Teacher Reimbursement</td>
<td>57300</td>
<td>297,188</td>
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</tr>
<tr>
<td>23 Hospitality Training</td>
<td>60000</td>
<td>319,005</td>
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<tr>
<td>24 Hi-Y Youth in Government</td>
<td>61600</td>
<td>100,000</td>
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<tr>
<td>25 High Acuity Special Needs (R)</td>
<td>63400</td>
<td>1,500,000</td>
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<tr>
<td>26 Foreign Student Education</td>
<td>63600</td>
<td>90,148</td>
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<tr>
<td>27 State Teacher of the Year</td>
<td>64000</td>
<td>45,453</td>
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</tr>
<tr>
<td>28 Principals Mentorship</td>
<td>64900</td>
<td>69,250</td>
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<tr>
<td>29 State Board of Education Administrative Costs</td>
<td>68400</td>
<td>364,242</td>
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</tr>
<tr>
<td>30 Other Assets</td>
<td>69000</td>
<td>1,000</td>
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</tbody>
</table>

* **Clerk's Note:** The Governor reduced the amount in the Item 47, line 6 from $2,797,390 to $2,672,390. The total does NOT reflect the reduction made by the Governor.
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Land (R)</td>
<td>73000</td>
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<tr>
<td>36</td>
<td>Local Solutions Dropout Prevention and Recovery</td>
<td>78000</td>
</tr>
<tr>
<td>37</td>
<td>Elementary/Middle Alternative Schools</td>
<td>83300</td>
</tr>
<tr>
<td>38</td>
<td>21st Century Innovation Zones</td>
<td>87600</td>
</tr>
<tr>
<td>39</td>
<td>21st Century Learners (R)</td>
<td>88600</td>
</tr>
<tr>
<td>40</td>
<td>Technology Initiatives</td>
<td>90100</td>
</tr>
<tr>
<td>41</td>
<td>BRIM Premium</td>
<td>91300</td>
</tr>
<tr>
<td>42</td>
<td>21st Century Assessment and Professional Development</td>
<td>93100</td>
</tr>
<tr>
<td>43</td>
<td>21st Century Technology Infrastructure Network</td>
<td>93300</td>
</tr>
<tr>
<td></td>
<td>Tools and Support (R)</td>
<td>93500</td>
</tr>
<tr>
<td>50</td>
<td>WV Commission on Holocaust</td>
<td>97200</td>
</tr>
<tr>
<td>51</td>
<td>Regional Education Service</td>
<td>97800</td>
</tr>
<tr>
<td>52</td>
<td>Educational Program Allowance</td>
<td>99600</td>
</tr>
<tr>
<td>53</td>
<td>Total</td>
<td>105</td>
</tr>
</tbody>
</table>

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Teacher Mentor (fund 0313, appropriation 15800), National Teacher Certification (fund 0313, appropriation 16100), Buildings (fund 0313, appropriation 25800), High Acuity Special Needs (fund 0313, appropriation 63400), Land (fund 0313, appropriation 73000),

*CLERK'S NOTE: The Governor reduced the amount in the Item 47, line 40 from $466,144 to $266,144 and line 41 from $2,187,598 to $2,062,598. The total does NOT reflect the reduction made by the Governor.*
and 21st Century Learners (fund 0313, appropriation 88600) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

The above appropriation for Technology System Specialists (fund 0313, appropriation 06200), shall first be used for the continuance of current pilot projects. The remaining balance, if any, may be used to expand the pilot project for additional counties.

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).

Included in the above appropriation for Current Expenses (fund 0313, appropriation 13000) is $50,000 for the fourth year of a five year special community development school pilot program per W.Va. Code 18-3-12.

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.

The above appropriation for Local Solutions Dropout Prevention and Recovery (fund 0313, appropriation 78000) shall be transferred to the Local Solutions Dropout Prevention and Recovery Fund (fund 3949).
From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), $100,000 shall be expended for Webster County Board of Education for Hacker Valley; $150,000 for the Randolph County Board of Education for Pickens School; and $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.

48 - State Board of Education –
Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2015 Org 0402

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Education – Counties</td>
<td>$7,271,757</td>
</tr>
<tr>
<td>Special Education – Institutions</td>
<td>$3,707,066</td>
</tr>
<tr>
<td>Education of Juveniles Held in</td>
<td></td>
</tr>
<tr>
<td>Predispositional</td>
<td></td>
</tr>
<tr>
<td>Juvenile Detention Centers</td>
<td>$643,713</td>
</tr>
<tr>
<td>Education of Institutionalized Juveniles and Adults</td>
<td>$17,422,284</td>
</tr>
<tr>
<td>Total</td>
<td>$29,044,820</td>
</tr>
</tbody>
</table>

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 2014 is

*CLERK'S NOTE: The Governor deleted language on lines 92 through 96 and reduced the amount on line 104 from $85,000 to $66,250.*
12 hereby reappropriated for expenditure during the fiscal year 2015.

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.

49 - State Board of Education – State Aid to Schools

(WV Code Chapters 18 and 18A)

<table>
<thead>
<tr>
<th>Fund 0317 FY 2015 Org 0402</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Other Current Expenses. . . . 02200</td>
</tr>
<tr>
<td>2  Advanced Placement. ......... 05300</td>
</tr>
<tr>
<td>3  Professional Educators....... 15100</td>
</tr>
<tr>
<td>4  Service Personnel. .......... 15200</td>
</tr>
<tr>
<td>5  Fixed Charges. ............... 15300</td>
</tr>
<tr>
<td>6  Transportation. ............ 15400</td>
</tr>
<tr>
<td>7  Professional Student Support</td>
</tr>
<tr>
<td>8   Services. ............... 65500</td>
</tr>
<tr>
<td>9   Improved Instructional Programs.  15600</td>
</tr>
<tr>
<td>10  21st Century Strategic Technology</td>
</tr>
<tr>
<td>11   Learning Growth. .......... 93600</td>
</tr>
<tr>
<td>12  Basic Foundation Allowances. ....</td>
</tr>
<tr>
<td>13  Less Local Share. ..........</td>
</tr>
<tr>
<td>14  Total Basic State Aid. ......</td>
</tr>
<tr>
<td>15  Public Employees’ Insurance</td>
</tr>
<tr>
<td>16   Matching. ............. 01200</td>
</tr>
<tr>
<td>17  Teachers’ Retirement System. . 01900</td>
</tr>
<tr>
<td>18  School Building Authority. .... 45300</td>
</tr>
<tr>
<td>19  Retirement Systems – Unfunded</td>
</tr>
<tr>
<td>20   Liability. ............ 77500</td>
</tr>
<tr>
<td>21  Total. .....................</td>
</tr>
</tbody>
</table>
22 An additional $20,000,000 is appropriated in fund 7007, organization 0701.

50 - State Board of Education – Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2015 Org 0402

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
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<tr>
<td>Personal Services and Employee Benefits</td>
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<tr>
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<td>Current Expenses</td>
<td>13000</td>
<td>918,886</td>
</tr>
<tr>
<td>Wood Products – Forestry Vocational Program</td>
<td>14600</td>
<td>63,265</td>
</tr>
<tr>
<td>Albert Yanni Vocational Program</td>
<td>14700</td>
<td>131,951</td>
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<tr>
<td>Vocational Aid</td>
<td>14800</td>
<td>22,244,919</td>
</tr>
<tr>
<td>Adult Basic Education</td>
<td>14900</td>
<td>4,449,549</td>
</tr>
<tr>
<td>Program Modernization</td>
<td>30500</td>
<td>884,313</td>
</tr>
<tr>
<td>High School Equivalency Diploma</td>
<td>72600</td>
<td>1,065,638</td>
</tr>
<tr>
<td>FFA Grant Awards</td>
<td>83900</td>
<td>11,496</td>
</tr>
<tr>
<td>Pre-Engineering Academy</td>
<td>84000</td>
<td>265,294</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$31,779,410</td>
</tr>
</tbody>
</table>

17 Any unexpended balance remaining in the appropriation for GED Testing (fund 0390, appropriation 33900) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

51 - State Board of Education – Division of Education Performance Audits

(WV Code Chapters 18 and 18A)
### APPROPRIATIONS

**Fund 0573 FY 2015 Org 0402**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
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</tr>
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<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
<td>7,000</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>942,099</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>1,000</td>
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<tr>
<td>Equipment</td>
<td>07000</td>
<td>1,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$1,855,689</strong></td>
</tr>
</tbody>
</table>

52 - State Board of Education –
West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

**Fund 0320 FY 2015 Org 0403**

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
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<td>$11,421,199</td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
<td>107,329</td>
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<td>Current Expenses</td>
<td>13000</td>
<td>1,373,380</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>75,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>35,000</td>
</tr>
<tr>
<td>Buildings (R)</td>
<td>25800</td>
<td>25,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>25,000</td>
</tr>
<tr>
<td>Capital Outlay and Maintenance (R) 75500</td>
<td>91300</td>
<td>68,628</td>
</tr>
<tr>
<td>BRIM Premium</td>
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<td>68,628</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$13,193,036</strong></td>
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</table>

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.
53 - Department of Education and the Arts – 
Office of the Secretary

(WV Code Chapter 5F)

Fund 0294 FY 2015 Org 0431

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
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<tbody>
<tr>
<td>1 Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$877,066</td>
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<tr>
<td>2 Unclassified</td>
<td>09900</td>
<td>35,000</td>
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<tr>
<td>3 Current Expenses</td>
<td>13000</td>
<td>27,818</td>
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<tr>
<td>4 Center for Professional Development</td>
<td>11500</td>
<td>2,351,357</td>
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<tr>
<td>5 National Youth Science Camp</td>
<td>13200</td>
<td>246,500</td>
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</tr>
<tr>
<td>6 WV Humanities Council</td>
<td>16800</td>
<td>450,000</td>
<td></td>
</tr>
<tr>
<td>7 Benedum Professional Development Collaborative</td>
<td>42700</td>
<td>805,895</td>
<td></td>
</tr>
<tr>
<td>8 Governor’s Honors Academy</td>
<td>47800</td>
<td>600,780</td>
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<tr>
<td>9 Educational Enhancements</td>
<td>69500</td>
<td>*200,000</td>
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<tr>
<td>10 Energy Express</td>
<td>86100</td>
<td>470,000</td>
<td></td>
</tr>
<tr>
<td>11 BRIM Premium</td>
<td>91300</td>
<td>4,509</td>
<td></td>
</tr>
<tr>
<td>12 Special Olympic Games</td>
<td>96600</td>
<td>25,000</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$6,243,925</strong></td>
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</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Center for Professional Development (fund 0294, appropriation 11500), Benedum Professional Development Collaborative (fund 0294, appropriation 42700), Governor’s Honors Academy (fund 0294, appropriation 47800), and Educational Enhancements – Surplus (fund 0294, appropriation 92700) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with

*CLERK’S NOTE: The Governor reduced the amounts in the Item 53, line 12, from $350,000 to $200,000; line 28, from $250,000 to $125,000; and line 29, from $100,000 to $75,000. The total does NOT reflect the reduction made by the Governor.*
the exception of fund 0294, fiscal year 2014, appropriation 11500 ($60,000) which shall expire on June 30, 2014.

Included in the above appropriation for Educational Enhancements (fund 0294, appropriation 69500) is *$125,000 for Reconnecting McDowell - Save the Children, and *$75,000 for the Clay Center.

54 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2015 Org 0432

| 1 | Personal Services and Employee Benefits | 00100 | $3,939,681 |
| 2 | Unclassified (R) | 09900 | 44,177 |
| 3 | Current Expenses | 13000 | 810,103 |
| 4 | Repairs and Alterations | 06400 | 1,000 |
| 5 | Equipment | 07000 | 1 |
| 6 | Buildings (R) | 25800 | 1 |
| 7 | Other Assets | 69000 | 1 |
| 8 | Land (R) | 73000 | 1 |
| 9 | Culture and History Programming | 73200 | 236,298 |
| 10 | Capital Outlay and Maintenance (R) | 75500 | 20,000 |
| 11 | Historical Highway Marker Program | 84400 | 64,855 |
| 12 | BRIM Premium | 91300 | 33,677 |
| 13 | Total | | $5,149,795 |

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100),
Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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

55 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2015 Org 0433

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
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<td>Current Expenses</td>
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<td>Repairs and Alterations</td>
<td>06400</td>
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<tr>
<td>Services to Blind &amp; Handicapped</td>
<td>18100</td>
<td>161,722</td>
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<td>BRIM Premium</td>
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<tr>
<td>Total</td>
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<td>$1,738,817</td>
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</tbody>
</table>

56 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2015 Org 0439

<table>
<thead>
<tr>
<th>Description</th>
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<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
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<td>Current Expenses (R)</td>
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<td>234,370</td>
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<tr>
<td>Mountain Stage</td>
<td>24900</td>
<td>300,000</td>
</tr>
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</table>
APPROPRIATIONS

5 Capital Outlay and
6 Maintenance (R) ............ 75500 50,000
7 BRIM Premium ............... 91300 41,929
8 Total ......................... $ 4,902,437

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0300, appropriation 13000) and Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

From the above appropriation for Current Expenses (fund 0300, appropriation 13000) up to $45,000 is for the WV Music Hall of Fame and $100,000 for Healthy Choices Children Television Program in conjunction with WVSOM.

57 - State Board of Rehabilitation – Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2015 Org 0932

1 Personal Services and Employee
2 Benefits ....................... 00100 $ 10,597,682
3 Independent Living Services .... 00900 500,000
4 Current Expenses ............. 13000 545,202
5 Workshop Development ........ 16300 2,116,149
6 Supported Employment Extended
7 Services ....................... 20600 100,000
8 Ron Yost Personal Assistance
9 Fund (R) ....................... 40700 388,698
10 Employment Attendant Care
11 Program ....................... 59800 156,065
12 BRIM Premium ............... 91300 67,033
13 Total ......................... $ 14,470,829
Any unexpended balance remaining in the appropriation for Ron Yost Personal Assistance Fund (fund 0310, appropriation 40700) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

From the above appropriation for Workshop Development (fund 0310, appropriation 16300), funds shall be used exclusively with the private non-profit 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 ENVIRONMENTAL PROTECTION

58 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2015 Org 0311

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<th>Category</th>
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<td>Repairs and Alterations</td>
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<td>Equipment</td>
<td>07000</td>
<td>$717</td>
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<td>Other Assets</td>
<td>69000</td>
<td>$600</td>
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<td>BRIM Premium</td>
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<td>$684</td>
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<td>Total</td>
<td>91300</td>
<td>$125,188</td>
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</table>

59 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2015 Org 0313

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<tr>
<th>Category</th>
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<th>Amount</th>
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<tbody>
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<td>Personal Services and Employee</td>
<td>00100</td>
<td>$4,395,867</td>
</tr>
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</table>
3 Water Resources Protection and Management .......... 06800 586,101
4 Current Expenses ................. 13000 319,988
5 Repairs and Alterations .......... 06400 13,150
6 Equipment ..................... 07000 11,100
7 Dam Safety ..................... 60700 219,268
8 West Virginia Stream Partners Program ................ 63700 77,396
9 Meth Lab Cleanup ............... 65600 227,388
10 Other Assets ................... 69000 13,683
11 WV Contribution to River Commissions ............. 77600 148,485
12 Office of Water Resources Non-Enforcement Activity ... 85500 948,152
13 BRIM Premium ................... 91300 56,802
14 Total .......................... $ 7,017,380

A portion of the appropriation for Current Expenses (fund 0273, appropriation 13000) and Dam Safety (fund 0273, appropriation 60700) may be transferred to the special revenue fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for the state deficient dams rehabilitation assistance program.

60 - Air Quality Board
(WV Code Chapter 16)

Fund 0550 FY 2015 Org 0325

1 Personal Services and Employee Benefits .................. 00100 $ 74,670
2 Current Expenses ................. 13000 10,746
3 Repairs and Alterations .......... 06400 50
4 Equipment ..................... 07000 579
5 Other Assets ................... 69000 200
6 BRIM Premium ................... 91300 2,013
7 Total .......................... $ 88,258

DEPARTMENT OF HEALTH AND HUMAN RESOURCES
### 61 - Department of Health and Human Resources –
*Office of the Secretary*

(WV Code Chapter 5F)

**Fund 0400 FY 2015 Org 0501**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Budget</th>
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</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
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<td>$187,015</td>
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<tr>
<td>Benefits</td>
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<tr>
<td>Unclassified</td>
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<td>5,880</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>22,116</td>
</tr>
<tr>
<td>Women’s Commission (R)</td>
<td>19100</td>
<td>156,028</td>
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<tr>
<td>Commission for the Deaf and Hearing</td>
<td>70400</td>
<td>217,019</td>
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<tr>
<td>Total</td>
<td></td>
<td>$588,058</td>
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</table>

Any unexpended balance remaining in the appropriation for the Women’s Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0400, fiscal year 2014, appropriation 19100 ($30,000) which shall expire on June 30, 2014.

### 62 - Division of Health –
*Central Office*

(WV Code Chapter 16)

**Fund 0407 FY 2015 Org 0506**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
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</thead>
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<td>Personal Services and Employee</td>
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<tr>
<td>Benefits</td>
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<tr>
<td>Chief Medical Examiner</td>
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<td>5,488,315</td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
<td>750,319</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>4,381,898</td>
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<tr>
<td>State Aid for Local and Basic Public</td>
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<tr>
<td>Health Services</td>
<td>18400</td>
<td>16,650,040</td>
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<tr>
<td>Safe Drinking Water Program</td>
<td>18700</td>
<td>1,953,570</td>
</tr>
<tr>
<td>Item</td>
<td>Program Description</td>
<td>Appropriations</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>9</td>
<td>Women, Infants and Children</td>
<td>21000 38,609</td>
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<tr>
<td>10</td>
<td>Early Intervention</td>
<td>22300 2,844,884</td>
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<tr>
<td>11</td>
<td>Cancer Registry</td>
<td>22500 198,335</td>
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<tr>
<td>12</td>
<td>CARDIAC Project</td>
<td>37500 427,500</td>
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<tr>
<td>13</td>
<td>State EMS Technical Assistance</td>
<td>37900 1,350,995</td>
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<tr>
<td>14</td>
<td>Statewide EMS Program</td>
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<tr>
<td>15</td>
<td>Support (R)</td>
<td>38300 961,580</td>
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<tr>
<td>16</td>
<td>Primary Care Centers -</td>
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<tr>
<td>17</td>
<td>Mortgage Finance</td>
<td>41300 *229,003</td>
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<tr>
<td>18</td>
<td>Black Lung Clinics</td>
<td>46700 170,885</td>
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<tr>
<td>19</td>
<td>Center for End of Life</td>
<td>54500 420,198</td>
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<tr>
<td>20</td>
<td>Pediatric Dental Services</td>
<td>55000 51,888</td>
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<td>21</td>
<td>Vaccine for Children</td>
<td>55100 333,815</td>
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<tr>
<td>22</td>
<td>Tuberculosis Control</td>
<td>55300 368,833</td>
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<td>23</td>
<td>Maternal and Child Health Clinics, Clinicians, Medical Contracts and Fees (R)</td>
<td>57500 6,281,162</td>
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<td>24</td>
<td>Epidemiology Support</td>
<td>62600 1,504,806</td>
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<td>25</td>
<td>Primary Care Support</td>
<td>62800 8,869,314</td>
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<td>26</td>
<td>Health Right Free Clinics</td>
<td>72700 4,064,219</td>
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<tr>
<td>27</td>
<td>Capital Outlay and</td>
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<tr>
<td>28</td>
<td>Maintenance (R)</td>
<td>75500 100,000</td>
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<tr>
<td>29</td>
<td>Healthy Lifestyles</td>
<td>77800 146,282</td>
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<td>Emergency Response Entities</td>
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<td>31</td>
<td>Special Projects (R)</td>
<td>82200 0</td>
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<td>32</td>
<td>Maternal Mortality Review</td>
<td>83400 47,068</td>
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<td>33</td>
<td>Osteoporosis and Arthritis</td>
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<tr>
<td>34</td>
<td>Prevention</td>
<td>84900 158,918</td>
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<tr>
<td>35</td>
<td>Diabetes Education and Prevention</td>
<td>87300 97,125</td>
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<td>36</td>
<td>Tobacco Education Program (R)</td>
<td>90600 4,871,887</td>
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<tr>
<td>37</td>
<td>BRIM Premium</td>
<td>91300 211,214</td>
</tr>
<tr>
<td>38</td>
<td>State Trauma and Emergency</td>
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</tr>
</tbody>
</table>

*CLERK'S NOTE: The Governor reduced the amount in the Item 62, line 17 from $343,505 to $229,003. The total does NOT reflect the reduction made by the Governor.*
Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0407, appropriation 09700), Statewide EMS Program Support (fund 0407, appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Assistance to Primary Health Care Centers Community Health Foundation (fund 0407, appropriation 84500), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015, with the exception of fund 0407, fiscal year 2009, appropriation 57500, fund 0407, fiscal year 2010, appropriation 57500, fund 0407, fiscal year 2011, appropriation 57500, fund 0407, fiscal year 2014, appropriation 38300, fund 0407, fiscal year 2012, appropriation 38300 and with the exception of fund 0407, fiscal year 2014, appropriation 57500 ($500,000) fund 0407, fiscal year 2014, appropriation 75500 ($400,000) fund 0407, fiscal year 2014, appropriation 82200 ($111,000) and fund 0407, fiscal year 2014, appropriation 90600 ($2,000,000) which shall expire on June 30, 2014.

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

From the above appropriation for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407,
appropriation 57500) $400,000 shall 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.

Included in the above appropriation for Primary Care
Centers - Mortgage Finance (fund 0407, appropriation 41300) is
*$15,279 for the mortgage payment for the Lincoln Primary
Care Center, Inc.; *$16,239 for the mortgage payment for the
Monroe Health Center; *$13,007 for the mortgage payment for
Roane County Family Health Care, Inc.; *$14,668 for the
mortgage payment for Community Care (formerly Primary Care
Systems); *$6,112 for the mortgage payment for the Belington
Community Medical Services; *$9,167 for the mortgage
payment for Community Care (formerly Tri-County Health
Clinic); *$4,584 for the mortgage payment for Valley Health
Care (Randolph); *$8,117 for the mortgage payment for
WomenCare (Family Care Health Center - Madison); *$2,445
for the mortgage payment for Northern Greenbrier Health Clinic;
*$3,879 for the mortgage payment for the Women's Care, Inc.
(Putnam); *$6,112 for the mortgage payment for the North Fork
Clinic (Pendleton); *$12,223 for the mortgage payment for the
Pendleton Community Care; *$11,735 for the mortgage payment
for Clay-Battelle Community Health Center; *$15,119 for the

*CLERK'S NOTE: The Governor reduced the amount in the Item 62,
line 81 from $22,919 to $15,279; line 82, from $24,359 to
$16,239; line 83, from $19,510 to $13,007; line 84, from $22,002
to $14,668; line 86 from $9168 to $6,112; line 87, from $13,751
to $9,167; line 89, from $6,876 to $4,584; line 90, from $12,176
to $8,117; line 91, from $3,667 to $2,445; line 93, from $5,819 to
$3,879; line 94, from $9,168 to $6,112; line 95, from $18,335 to
$12,223; line 96, from $17,602 to $11,735; line 97, from $22,678
to $15,119; line 99, from $15,401 to $10,267; line 100, from
$5,959 to $3,673; line 102, from $12,835 to $8,557; line 103,
from $20,627 to $13,751; line 104, from $22,002 to $14,668; line
105, from $24,752 to $16,501; line 107, from $20,627 to
$13,751; and line 108, from $13,274 to $8,849. The total does
NOT reflect the reduction made by the Governor.
mortgage payment for Monongahela Valley Association of Health Centers, Inc. (Marion); *$10,267 for the mortgage payment for Mountaineer Community Health Center; *$3,973 for the mortgage payment for the St. George Medical Clinic; *$8,557 for the mortgage payment for the Bluestone Health Center; *$13,751 for the mortgage payment for Wheeling Health Right; *$14,668 for the mortgage payment for the Minnie Hamilton Health Care Center, Inc.; *$16,501 for the mortgage payment for the Shenandoah Valley Medical Systems, Inc.; *$13,751 for the mortgage payment for the Change, Inc.; and *$8,849 for the mortgage payment for the Wirt County Health Services Association.

63 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2015 Org 0506

<table>
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<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<td>Personal Services and Employee</td>
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<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>12,463</td>
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<tr>
<td>Behavioral Health Program (R)</td>
<td>21900</td>
<td>75,181,543</td>
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<tr>
<td>Family Support Act</td>
<td>22100</td>
<td>251,226</td>
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<tr>
<td>Institutional Facilities</td>
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<tr>
<td>Operations (R)</td>
<td>33500</td>
<td>103,596,607</td>
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<tr>
<td>Substance Abuse Continuum</td>
<td>35400</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Capital Outlay and</td>
<td></td>
<td></td>
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<tr>
<td>Maintenance (R)</td>
<td>75500</td>
<td>950,000</td>
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<tr>
<td>Renaissance Program</td>
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<td>BRIM Premium</td>
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Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525,
appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400); Capital Outlay (fund 0525, appropriation 51100), Behavioral Health Program – Surplus (fund 0525, appropriation 63100), Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200), Capital Outlay, Repairs and Equipment – Surplus (fund 0525, appropriation 67700), Substance Abuse Continuum of Care – Surplus (fund 0525, appropriation 72200), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0525, fiscal year 2014, appropriation 35400 ($1,240,000) which shall expire on June 30, 2014.

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

From the above appropriation for Institutional Facilities Operations, together with available funds from the division of health – hospital services revenue account (fund 5156, appropriation 33500), on July 1, 2014, the sum of $160,000 shall be transferred to the department of agriculture – land division – farm operating fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

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 2015, organization 0506, and fund 5124, fiscal year 2015, organization 0506, for the operation of the institutional facilities.
is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

64 - Division of Health -- West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2015 Org 0506

1 West Virginia Drinking Water
2 Treatment
3 Revolving Fund – Transfer. . . . 68900 $ 647,500

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

65 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2015 Org 0510

1 Personal Services and Employee
2 Benefits. . . . . . . . . . . . . . . . 00100 $ 1,013,643
3 Unclassified. . . . . . . . . . . . . . 09900 4,024
4 Current Expenses. . . . . . . . . . 13000 191,766
5 BRIM Premium. . . . . . . . . . . . . 91300 9,311
6 Total. . . . . . . . . . . . . . . . . . . . . . . . $ 1,218,744

66 - Division of Human Services

(WV Code Chapters 9, 48 and 49)
<table>
<thead>
<tr>
<th></th>
<th>Fund 0403 FY 2015 Org 0511</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
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<tr>
<td>2</td>
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<td>3</td>
<td>Current Expenses</td>
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<td>4</td>
<td>Child Care Development</td>
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<tr>
<td>5</td>
<td>Medical Services Contracts and Office of Managed Care</td>
</tr>
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<td>6</td>
<td>Medical Services</td>
</tr>
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<td>7</td>
<td>Social Services</td>
</tr>
<tr>
<td>8</td>
<td>Family Preservation Program</td>
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<tr>
<td>9</td>
<td>Family Resource Networks</td>
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<tr>
<td>10</td>
<td>Domestic Violence Legal Services Fund</td>
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<tr>
<td>11</td>
<td>James &quot;Tiger&quot; Morton Catastrophic Illness Fund</td>
</tr>
<tr>
<td>12</td>
<td>MR/DD Waiver</td>
</tr>
<tr>
<td>13</td>
<td>Child Protective Services Case Workers</td>
</tr>
<tr>
<td>14</td>
<td>OSCAR and RAPIDS</td>
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<tr>
<td>15</td>
<td>Title XIX Waiver for Seniors</td>
</tr>
<tr>
<td>16</td>
<td>WV Teaching Hospitals Tertiary/Safety Net</td>
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<td>17</td>
<td>Specialized Foster Care</td>
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<td>18</td>
<td>Child Welfare System</td>
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<td>19</td>
<td>In-Home Family Education</td>
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<td>20</td>
<td>WV Works Separate State Program</td>
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<td>21</td>
<td>Child Support Enforcement</td>
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<td>22</td>
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<tr>
<td>23</td>
<td>Temporary Assistance for Needy Families/ Maintenance of Effort</td>
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<tr>
<td>24</td>
<td>Child Care Maintenance of Effort Match</td>
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<tr>
<td>Item</td>
<td>Appropriation Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------</td>
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<tr>
<td>35</td>
<td>Sexual Assault and Intervention and Prevention</td>
</tr>
<tr>
<td>36</td>
<td>Child and Family Services</td>
</tr>
<tr>
<td>37</td>
<td>Grants for Licensed Domestic Violence Programs and Statewide Prevention</td>
</tr>
<tr>
<td>38</td>
<td>Capital Outlay and Maintenance (R)</td>
</tr>
<tr>
<td>39</td>
<td>Medical Services Administrative Costs</td>
</tr>
<tr>
<td>40</td>
<td>Traumatic Brain Injury Waiver</td>
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<tr>
<td>41</td>
<td>Indigent Burials (R)</td>
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<td>42</td>
<td>BRIM Premium</td>
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<td>43</td>
<td>Rural Hospitals Under 150 Beds</td>
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<td>44</td>
<td>Children’s Trust Fund – Transfer</td>
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<td>45</td>
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</tr>
</tbody>
</table>

*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 2014 are hereby reappropriated for expenditure during the fiscal year 2015.*

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 account: 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

*Clerk's Note: The Governor reduced the amount in the Item 66, line 11 from $1,762,464 to $1,612,000; line 13, from $400,000 to $370,000; line 25, from $1,000,000 to $750,000; line 39, from $2,500,000 to $2,142,100; and on line 48, from $300,000 to $220,000. The total does NOT reflect the reduction made by the Governor.*
other appropriations shall be transferred to the personal services and employee benefits appropriation.

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

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

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

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

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

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

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund
Ch. 13] APPROPRIATIONS

92 0403, appropriation 75000), 50% of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

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

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

*67 - Department of Military Affairs and Public Safety – Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2015 Org 0601

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Fund</th>
<th>Budget</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
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<tr>
<td>2</td>
<td>Unclassified (R)</td>
<td>09900</td>
<td>19,401</td>
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<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>113,292</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>9,900</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>3,300</td>
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<tr>
<td>6</td>
<td>Fusion Center (R)</td>
<td>46900</td>
<td>536,080</td>
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<td>7</td>
<td>Other Assets</td>
<td>69000</td>
<td>4,015</td>
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<td>8</td>
<td>Directed Transfer</td>
<td>70000</td>
<td>32,000</td>
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<tr>
<td>9</td>
<td>BRIM Premium</td>
<td>91300</td>
<td>9,404</td>
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<td>10</td>
<td>WV Fire and EMS Survivor Benefit (R)</td>
<td>93900</td>
<td>200,000</td>
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<tr>
<td>11</td>
<td>Homeland State Security Administrative Agency (R)</td>
<td>95300</td>
<td>534,822</td>
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<tr>
<td>12</td>
<td>Total</td>
<td></td>
<td>$2,170,240</td>
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</table>
Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Substance Abuse Program – Surplus (fund 0430, appropriation 69600), 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 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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).

68 - Adjutant General –
State Militia

(WV Code Chapter 15)

Fund 0433 FY 2015 Org 0603

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Appropriation</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Unclassified</td>
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<td>$15,524,044</td>
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<tr>
<td>2</td>
<td>College Education Fund</td>
<td>23200</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Mountaineer Challenge Academy</td>
<td>70900</td>
<td>0</td>
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<tr>
<td>4</td>
<td>Armory Board Transfer</td>
<td>74600</td>
<td>0</td>
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<tr>
<td>5</td>
<td>Military Authority</td>
<td>74800</td>
<td>0</td>
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<tr>
<td>6</td>
<td>Total</td>
<td></td>
<td>$16,710,103</td>
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</tbody>
</table>

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900) and Armory Capital Improvements – Surplus (fund 0433, appropriation

*CLERK'S NOTE: The Governor reduced the amount in the Item 68, line 1 from $16,710,103 to $15,524,044. The total does NOT reflect the reduction made by the Governor.*
10 32500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

12 From the above appropriation for Unclassified (fund 0433, appropriation 09900) an amount not less than $1,460,000 is for the Mountaineer ChalleNGe Academy.

15 From the above appropriations an amount approved by the adjutant general and the secretary of military affairs and public safety may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

69 - Adjutant General –
Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2015 Org 0603

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>100,000</td>
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<td>Benefits</td>
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<td></td>
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<tr>
<td>Current Expenses</td>
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</table>

70 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2015 Org 0605

<table>
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<tr>
<th>Category</th>
<th>Code</th>
<th>Amount</th>
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<tr>
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<td></td>
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<td>Current Expenses</td>
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<td>168,694</td>
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<tr>
<td>Salaries of Members of West Virginia</td>
<td>22700</td>
<td>602,419</td>
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<tr>
<td>Parole Board</td>
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<td></td>
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<tr>
<td>BRIM Premium</td>
<td>91300</td>
<td>4,712</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,158,391</td>
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</tbody>
</table>

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

71 - Division of Homeland Security and Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2015 Org 0606

<table>
<thead>
<tr>
<th>Description</th>
<th>Code/Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$546,349</td>
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<tr>
<td>Unclassified (R.)</td>
<td>09900</td>
<td>29,453</td>
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<td>Current Expenses</td>
<td>13000</td>
<td>143,315</td>
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<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>4,625</td>
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<tr>
<td>Radiological Emergency Preparedness</td>
<td>55400</td>
<td>27,847</td>
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<tr>
<td>Federal Funds/Grant Match (R.)</td>
<td>74900</td>
<td>660,124</td>
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<tr>
<td>Mine and Industrial Accident Rapid Response Call Center</td>
<td>78100</td>
<td>482,949</td>
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<tr>
<td>Early Warning Flood System (R.)</td>
<td>87700</td>
<td>507,224</td>
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<td>BRIM Premium</td>
<td>91300</td>
<td>18,811</td>
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<tr>
<td>WVU Charleston Poison Control Hotline</td>
<td>94400</td>
<td>700,804</td>
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<tr>
<td>Total</td>
<td></td>
<td>$3,121,501</td>
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</table>

Any unexpended balances remaining in the appropriations for Unclassified (fund 0443, appropriation 09900), 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 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0443, fiscal year 2014, appropriation 74900 ($240,000) which shall expire on June 30, 2014.

72 - Division of Corrections – Central Office
## Ch. 13] APPROPRIATIONS

(WV Code Chapters 25, 28, 49 and 62)

**Fund 0446 FY 2015 Org 0608**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
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</table>

**73 - Division of Corrections – Correctional Units**

(WV Code Chapters 25, 28, 49 and 62)

**Fund 0450 FY 2015 Org 0608**

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<th>Code</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Employee Benefits</td>
<td>01000</td>
<td>$1,258,136</td>
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<td>2</td>
<td>Children’s Protection Act (R)</td>
<td>09000</td>
<td>938,437</td>
</tr>
<tr>
<td>3</td>
<td>Unclassified (R)</td>
<td>09900</td>
<td>1,842,160</td>
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<tr>
<td>4</td>
<td>Current Expenses (R)</td>
<td>13000</td>
<td>31,000,000</td>
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<td>5</td>
<td>Facilities Planning and Administration (R)</td>
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<td>1,116,627</td>
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<td>7</td>
<td>Charleston Work Release Center</td>
<td>45600</td>
<td>1,497,066</td>
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<tr>
<td>8</td>
<td>Beckley Correctional Center</td>
<td>49000</td>
<td>1,769,197</td>
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<td>9</td>
<td>Huntington Work Release Center</td>
<td>49500</td>
<td>966,776</td>
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<td>10</td>
<td>Anthony Correctional Center</td>
<td>50400</td>
<td>5,055,992</td>
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<tr>
<td>11</td>
<td>Huttonsville Correctional Center</td>
<td>51400</td>
<td>22,101,659</td>
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<td>12</td>
<td>Northern Correctional Center</td>
<td>53400</td>
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<td>Inmate Medical Expenses (R)</td>
<td>53500</td>
<td>21,226,064</td>
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<td>14</td>
<td>Pruntytown Correctional Center</td>
<td>54300</td>
<td>7,340,997</td>
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<td>15</td>
<td>Corrections Academy</td>
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<td>Martinsburg Correctional Center</td>
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<td>18</td>
<td>Special Services</td>
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* **CLERK’S NOTE:** The Governor reduced the amount in the Item 73, line 15 from $1,602,129 to $1,502,129. The total does NOT reflect the reduction made by the Governor.
<table>
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<th>Appropriation Description</th>
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<td>Capital Outlay and Maintenance (R)</td>
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<td>21</td>
<td>Salem Correctional Center</td>
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<td>22</td>
<td>McDowell County Correctional</td>
<td>79000</td>
<td>1,949,983</td>
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<td>23</td>
<td>Stevens Correctional Center</td>
<td>79100</td>
<td>6,474,500</td>
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<td>24</td>
<td>Parkersburg Correctional Center</td>
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<td>25</td>
<td>St. Mary’s Correctional Center</td>
<td>88100</td>
<td>13,399,661</td>
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<td>26</td>
<td>Denmar Correctional Center</td>
<td>88200</td>
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<td>27</td>
<td>Ohio County Correctional Center</td>
<td>88300</td>
<td>1,822,763</td>
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<tr>
<td>28</td>
<td>Mt. Olive Correctional Complex</td>
<td>88800</td>
<td>20,735,525</td>
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<tr>
<td>29</td>
<td>Lakin Correctional Center</td>
<td>89600</td>
<td>9,184,404</td>
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<tr>
<td>30</td>
<td>BRIM Premium</td>
<td>91300</td>
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<td>$194,720,668</td>
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Any unexpended balances remaining in the appropriations for Children’s Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Inmate Medical Expenses (fund 0450, appropriation 53500), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Payments for Voluntary Inmate Placement – Surplus (fund 0450, appropriation 59200), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), and Capital Outlay and Maintenance (fund 0450, appropriation 75500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0450, fiscal year 2014, appropriation 09000 ($120,000) and fund 0450, fiscal year 2014, appropriation 53500 ($1,500,000) which shall expire on June 30, 2014.

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

From the above appropriation to Unclassified, on July 1,
2014, the sum of $300,000 shall be transferred to the department
of agriculture – land division – farm operating fund (1412) as
advance payment for the purchase of food products; actual
payments for such purchases shall not be required until such
credits have been completely expended.

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

Any realized savings from the Energy Savings Contract for
Mt. Olive Correctional Complex, Huttonsville Correction
Center, Pruntytown Correctional Center, or Denmar Correctional
Center may be transferred from the listed individual correctional
units to Facilities Planning and Administration (fund 0450,
appropriation 38600).

**West Virginia State Police**

(WV Code Chapter 15)

Fund 0453 FY 2015 Org 0612

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Budget</th>
</tr>
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<td>1</td>
<td>Personal Services and Employee</td>
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</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
</tr>
<tr>
<td>3</td>
<td>Children’s Protection Act</td>
<td>09000</td>
</tr>
<tr>
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<td>Current Expenses</td>
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<tr>
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<td>Repairs and Alterations</td>
<td>06400</td>
</tr>
<tr>
<td>6</td>
<td>Vehicle Purchase</td>
<td>45100</td>
</tr>
<tr>
<td>7</td>
<td>Barracks Lease Payments</td>
<td>55600</td>
</tr>
<tr>
<td>8</td>
<td>Communications and Other</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Equipment (R)</td>
<td>55800</td>
</tr>
</tbody>
</table>
10 Trooper Retirement Fund........ 60500 *4,586,341
11 Handgun Administration Expense.. 74700 *80,420
12 Capital Outlay and Maintenance (R) ........... 75500 *250,000
13 Retirement Systems - Unfunded Liability ............ 77500 20,860,000
14 Automated Fingerprint Identification System....... 89800 *671,994
15 BRIM Premium ................ 91300 4,946,608
16 Total ................................ $ 107,215,759

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800), Capital Outlay, Repairs and Equipment – Surplus (fund 0453, appropriation 67700), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0453, fiscal year 2014, appropriation 55800 ($440,000) and fund 0453, fiscal year 2014, appropriation 75500 ($130,000) which shall expire on June 30, 2014.

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.

75 - Fire Commission

*CLERK'S NOTE: The Governor reduced the amount in the Item 74, line 2 from $59,075,965 to $58,568,052; line 3, from $947,942 to $935,819; line 4, from $11,219,232 to $10,397,784; line 6, from $2,403,790 to $1,500,000; line 9, from $1,338,968 to $1,268,968; line 10, from $4,625,240 to $4,586,341; line 11, from $81,668 to $80,420; line 13, from $314,425 to $250,000; and line 17, from $704,920 to $671,994. The total does NOT reflect the reduction made by the Governor.
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(WV Code Chapter 29)

Fund 0436 FY 2015 Org 0619

1 Current Expenses .................. 13000 $ 69,439

76 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 0546 FY 2015 Org 0620

1 Personal Services and Employee Benefits .................. 00100 $ 546,686
2 Current Expenses .................. 13000 132,696
3 Repairs and Alterations .................. 06400 1,804
4 Child Advocacy Centers (R) ........... 45800 *1,502,466
5 Community Corrections (R) ........... 56100 7,727,400
6 Statistical Analysis Program ........... 59700 46,774
7 Sexual Assault Forensic Examination Commission .................. 71400 *100,000
8 Law Enforcement Professional Standards .................. 3800 158,991
9 BRIM Premium .................. 91300 1,421
10 Total ................................ $ 10,468,238

11 Any unexpended balances remaining in the appropriations for Buildings (fund 0546, appropriation 25800), Child Advocacy Centers (fund 0546, appropriation 45800), and Community Corrections (fund 0546, appropriation 56100) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0546, fiscal year 2014, appropriation 45800 ($7,000) and fund 0546, ..........................

* CLERK'S NOTE: The Governor reduced the amount in the Item 76, line 5, from $1,702,466 to $1,502,466; and line 9, from $150,000 to $100,000. The total does NOT reflect the reduction made by the Governor.
fiscal year 2014, appropriation 56100 ($5,000) which shall expire on June 30, 2014.

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.

77 - Division of Juvenile Services

(WV Code Chapter 49)

**Fund 0570 FY 2015 Org 0621**

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Appropriation</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Jones Building Treatment Center</td>
<td>26100</td>
<td>$1,845,902</td>
</tr>
<tr>
<td>2</td>
<td>Statewide Reporting Centers</td>
<td>26200</td>
<td>4,374,172</td>
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<tr>
<td>3</td>
<td>Robert L. Shell Juvenile Center</td>
<td>26700</td>
<td>1,990,132</td>
</tr>
<tr>
<td>4</td>
<td>Central Office</td>
<td>70100</td>
<td>2,186,103</td>
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<td>5</td>
<td>Capital Outlay and Maintenance (R)</td>
<td>75500</td>
<td>250,000</td>
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<td>6</td>
<td>Gene Spadaro Juvenile Center</td>
<td>79300</td>
<td>2,099,223</td>
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<tr>
<td>7</td>
<td>BRIM Premium</td>
<td>91300</td>
<td>96,187</td>
</tr>
<tr>
<td>8</td>
<td>Kenneth Honey Rubenstein</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Juvenile Center (R)</td>
<td>98000</td>
<td>5,198,175</td>
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<tr>
<td>10</td>
<td>Vicki Douglas Juvenile Center</td>
<td>98100</td>
<td>1,866,838</td>
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<td>11</td>
<td>Northern Regional Juvenile</td>
<td></td>
<td></td>
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<tr>
<td>12</td>
<td>Center</td>
<td>98200</td>
<td>1,376,302</td>
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<tr>
<td>13</td>
<td>Lorrie Yeager Jr. Juvenile Center</td>
<td>98300</td>
<td>1,962,459</td>
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<tr>
<td>14</td>
<td>Sam Perdue Juvenile Center</td>
<td>98400</td>
<td>1,970,400</td>
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<tr>
<td>15</td>
<td>Tiger Morton Center</td>
<td>98500</td>
<td>2,108,675</td>
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<tr>
<td>16</td>
<td>Donald R. Kuhn Juvenile Center</td>
<td>98600</td>
<td>4,171,337</td>
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<tr>
<td>17</td>
<td>J.M. “Chick” Buckbee Juvenile</td>
<td></td>
<td></td>
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<tr>
<td>18</td>
<td>Center</td>
<td>98700</td>
<td>2,018,106</td>
</tr>
<tr>
<td>19</td>
<td>Total</td>
<td></td>
<td>$33,514,011</td>
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</tbody>
</table>

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0570, appropriation
Ch. 13] APPROPRIATIONS 137

75500) and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

From the above appropriations, on July 1, 2014, the sum of $50,000 shall be transferred to the department of agriculture – land division – farm operating fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

The director of juvenile services shall have the authority to transfer between appropriations to the individual juvenile centers above.

78 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2015 Org 0622

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
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<td>$2,034,137</td>
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<tr>
<td>2</td>
<td>Unclassified (R)</td>
<td>09900</td>
<td>23,007</td>
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<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>108,216</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>8,500</td>
</tr>
<tr>
<td>5</td>
<td>Equipment (R)</td>
<td>07000</td>
<td>75,000</td>
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<tr>
<td>6</td>
<td>Other Assets</td>
<td>69000</td>
<td>72,825</td>
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<td>7</td>
<td>BRIM Premium</td>
<td>91300</td>
<td>9,969</td>
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<td>8</td>
<td>Total</td>
<td></td>
<td>$2,331,654</td>
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</table>

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 2014 are hereby reappropriated for expenditure during the fiscal year 2015.
### DEPARTMENT OF REVENUE

#### 79 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2015 Org 0701

<table>
<thead>
<tr>
<th>Description</th>
<th>Fund</th>
<th>FY 2015</th>
<th>Org</th>
<th>appropriation 09600</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits (R)</td>
<td>00100</td>
<td>$576,563</td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
<td>6,851</td>
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<td></td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>92,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>1,262</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>8,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>500</td>
<td></td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$685,176</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation for Unclassified - Total (fund 0465, appropriation 09600) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

#### 80 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2015 Org 0702

<table>
<thead>
<tr>
<th>Description</th>
<th>Fund</th>
<th>FY 2015</th>
<th>Org</th>
<th>appropriation 09600</th>
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</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits (R).</td>
<td>00100</td>
<td>$17,286,138</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unclassified (R)</td>
<td>09900</td>
<td>236,680</td>
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<tr>
<td>Current Expenses (R)</td>
<td>13000</td>
<td>6,273,333</td>
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<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>10,000</td>
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<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>50,000</td>
<td></td>
<td></td>
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<tr>
<td>Multi State Tax Commission</td>
<td>65300</td>
<td>77,958</td>
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<td></td>
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<tr>
<td>Other Assets</td>
<td>69000</td>
<td>10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BRIM Premium</td>
<td>91300</td>
<td>13,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$23,957,109</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Employee Benefits (fund 0470, appropriation 01000), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and GIS Development Project (fund 0470, appropriation 56200) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0470, fiscal year 2014, appropriation 00100 ($1,500,000) and fund 0470, fiscal year 2014, appropriation 01000 ($150,000) and fund 0470, fiscal year 2014, appropriation 56200 ($150,000) which shall expire on June 30, 2014.

81 - State Budget Office
(WV Code Chapter 11B)

Fund 0595 FY 2015 Org 0703

1 Personal Services and Employee Benefits ............. 00100 $ 688,096
2 Unclassified (R) .................................. 09900 7,443
3 Current Expenses .................................. 13000 53,771
4 BRIM Premium .................................... 91300 2,806
5 Total .............................................. $ 752,116

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

82 - West Virginia Office of Tax Appeals
(WV Code Chapter 11)

Fund 0593 FY 2015 Org 0709

1 Personal Services and Employee Benefits ............. 00100 $ 470,109
### Appropriations

<table>
<thead>
<tr>
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<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
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<tr>
<td>4</td>
<td>Unclassified (R)</td>
<td>09900</td>
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<tr>
<td>5</td>
<td>Other Assets</td>
<td>69000</td>
</tr>
<tr>
<td>6</td>
<td>BRIM Premium</td>
<td>91300</td>
</tr>
<tr>
<td>7</td>
<td><strong>Total</strong></td>
<td><strong>$579,726</strong></td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation for Unclassified (fund 0593, appropriation 09900) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

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

(WV Code Chapter 29)

**Fund 0523 FY 2015 Org 0933**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
</tr>
<tr>
<td>4</td>
<td><strong>Total</strong></td>
<td><strong>$47,958</strong></td>
</tr>
</tbody>
</table>

**DEPARTMENT OF TRANSPORTATION**

**84 - State Rail Authority**

(WV Code Chapter 29)

**Fund 0506 FY 2014 Org 0804**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
</tr>
<tr>
<td>4</td>
<td>Other Assets (R)</td>
<td>69000</td>
</tr>
<tr>
<td>5</td>
<td>BRIM Premium</td>
<td>91300</td>
</tr>
<tr>
<td>6</td>
<td><strong>Total</strong></td>
<td><strong>$2,212,473</strong></td>
</tr>
</tbody>
</table>
Any unexpended balances remaining in the appropriations for Unclassified (fund 0506, appropriation 09900) and Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0506, fiscal year 2014, appropriation 69000 ($60,000) which shall expire on June 30, 2014.

85 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2015 Org 0805

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>$ 511,049</td>
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<tr>
<td>Current Expenses (R)</td>
<td>13000</td>
<td>1,744,949</td>
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<tr>
<td>Buildings (R)</td>
<td>25800</td>
<td>120,281</td>
</tr>
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<td>Other Assets</td>
<td>69000</td>
<td>100,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$ 2,476,279</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 0510, appropriation 09600), Current Expenses (fund 0510, appropriation 13000), Equipment (fund 0510, appropriation 07000), Buildings (fund 0510, appropriation 25800) and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

86 - Public Port Authority

(WV Code Chapter 17)

Fund 0581 FY 2015 Org 0806

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
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<td>Current Expenses</td>
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<td>Appropriation Details</td>
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<tr>
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<td>------------------------------------------------------</td>
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</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations 06400</td>
<td>500</td>
</tr>
<tr>
<td>5</td>
<td>BRIM Premium 91300</td>
<td>2,500</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$353,470</td>
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</tbody>
</table>

Any unexpended balance remaining in the appropriation for Unclassified (fund 0581, appropriation 09900) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

87 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2015 Org 0807

<table>
<thead>
<tr>
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<th>Appropriation Details</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
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<tr>
<td>2</td>
<td>Benefits</td>
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</tr>
<tr>
<td>3</td>
<td>Current Expenses (R) 13000</td>
<td>807,704</td>
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<td>4</td>
<td>Repairs and Alterations 06400</td>
<td>100</td>
</tr>
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<td>5</td>
<td>Civil Air Patrol 23400</td>
<td>155,095</td>
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<tr>
<td>6</td>
<td>BRIM Premium 91300</td>
<td>3,045</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>$1,179,475</td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

From the above appropriation for Current Expenses (fund 0582, appropriation 13000), the sum of $120,000 shall be distributed equally to each of the twelve local Civil Air Patrol Squadrons.

DEPARTMENT OF VETERANS' ASSISTANCE

88 - Department of Veterans' Assistance
### APPROPRIATIONS

(WV Code Chapter 9A)

**Fund 0456 FY 2015 Org 0613**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
<td>00100</td>
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<tr>
<td>2 Benefits</td>
<td>09900</td>
<td>20,000</td>
</tr>
<tr>
<td>3 Unclassified</td>
<td>13000</td>
<td>325,507</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>06400</td>
<td>5,000</td>
</tr>
<tr>
<td>5 Repairs and Alterations</td>
<td>22800</td>
<td>268,345</td>
</tr>
<tr>
<td>6 Veterans' Field Offices</td>
<td>28600</td>
<td>6,465,358</td>
</tr>
<tr>
<td>7 Veterans' Nursing Home (R)</td>
<td>32800</td>
<td>2,015</td>
</tr>
<tr>
<td>8 Veterans' Reeducation Assistance</td>
<td>32900</td>
<td>29,502</td>
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<tr>
<td>9 Veterans' Grant Program (R)</td>
<td>34200</td>
<td>50,000</td>
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<tr>
<td>10 Veterans' Grave Markers</td>
<td>47300</td>
<td>2,754</td>
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<tr>
<td>11 Veterans' Transportation</td>
<td>48500</td>
<td>625,000</td>
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<tr>
<td>12 Veterans Outreach Programs</td>
<td>61700</td>
<td>208,580</td>
</tr>
<tr>
<td>13 Memorial Day Patriotic Exercise</td>
<td>69700</td>
<td>20,000</td>
</tr>
<tr>
<td>14 Veterans Cemetery</td>
<td>80800</td>
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<tr>
<td>15 BRIM Premium</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$10,339,443</strong></td>
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Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), Veterans' Bonus (fund 0456, appropriation 48300), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0456, fiscal year 2014, appropriation 28600 ($600,000) which shall expire on June 30, 2014.
APPROPRIATIONS

89 - Department of Veterans' Assistance – Veterans' Home
(WV Code Chapter 9A)

Fund 0460 FY 2015 Org 0618

1 Personal Services and Employee
2 Benefits .......................... 00100 $ 1,123,404
3 Current Expenses .................. 13000 $ 69,000
4 Total .................................. $ 1,192,404

BUREAU OF SENIOR SERVICES

90 - Bureau of Senior Services
(WV Code Chapter 29)

Fund 0420 FY 2015 Org 0508

1 Transfer to Division of Human
2 Services for Health Care
3 and Title XIX Waiver for
4 Senior Citizens ........................ 53900 $ *15,957,690

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

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

WEST VIRGINIA COUNCIL FOR COMMUNITY

*CLERK'S NOTE: The Governor reduced the amount in the Item 90, line 4 from $19,457,690 to $15,957,690. The total does NOT reflect the reduction made by the Governor.
AND TECHNICAL COLLEGE EDUCATION

91 - West Virginia Council for
Community and Technical College Education –
Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2015 Org 0420

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>West Virginia Council for Community and Technical Education (R)</td>
<td>39200</td>
<td>$773,248</td>
</tr>
<tr>
<td>2</td>
<td>Transit Training Partnership</td>
<td>78300</td>
<td>71,225</td>
</tr>
<tr>
<td>3</td>
<td>Community College Workforce Development (R)</td>
<td>87800</td>
<td>817,618</td>
</tr>
<tr>
<td>4</td>
<td>College Transition Program</td>
<td>88700</td>
<td>296,920</td>
</tr>
<tr>
<td>5</td>
<td>West Virginia Advance Workforce Development (R)</td>
<td>89300</td>
<td>*3,445,095</td>
</tr>
<tr>
<td>6</td>
<td>Technical Program Development (R)</td>
<td>89400</td>
<td>2,013,086</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td></td>
<td>$7,617,192</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0596, appropriation 09700), West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0596, fiscal year 2014.

*CLERK’S NOTE: The Governor reduced the amount in the Item 91, line 8, from $3,645,095 to $3,445,095; and line 34, from $400,000 to $200,000. The total does NOT reflect the reduction made by the Governor.*
appropriation 39200 ($7,795), fund 0596, fiscal year 2014,
appropriation 87800 ($8,286), fund 0596, fiscal year 2014,
appropriation 89300 ($32,892) and fund 0596, fiscal year 2014,
appropriation 89400 ($20,409) which shall expire on June 30, 2014.

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

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

92 - Mountwest Community and Technical College
(WV Code Chapter 18B)
Fund 0599 FY 2015 Org 0444

1 Mountwest Community and Technical College. .............. 48700 $ 5,731,087

93 - New River Community and Technical College
(WV Code Chapter 18B)
Fund 0600 FY 2015 Org 0445

1 New River Community and Technical College. .............. 35800 $ 5,681,907

94 - Pierpont Community and Technical College
(WV Code Chapter 18B)
Fund 0597 FY 2015 Org 0446
1 Pierpont Community and Technical College ........... 93000 $ 7,584,426

95 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2015 Org 0447

1 Blue Ridge Community and Technical College ........... 88500 $ 4,640,378

96 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2015 Org 0464

1 West Virginia University – Parkersburg ................ 47100 $ *9,858,752

97 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2015 Org 0487

1 Southern West Virginia Community and Technical College ......... 44600 $ 8,321,687

98 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2015 Org 0489

* CLERKS NOTE: The Governor reduced the amount in the Item 96, line 2 from $10,081,330 to $9,858,752. The total does NOT reflect the reduction made by the Governor.
1 West Virginia Northern Community and
2 Technical College. .......... 44700 $ 7,125,451

99 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2015 Org 0492

1 Eastern West Virginia Community and
2 Technical College. .......... 41200 $ 1,895,244

100 - Bridge Valley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2015 Org 0493

1 Bridge Valley Community and
2 Technical College. .......... 71700 $ 7,774,924

HIGHER EDUCATION POLICY COMMISSION

101 - Higher Education Policy Commission –
Administration –
Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2015 Org 0441

1 Personal Services and Employee
2 Benefits. ................. 00100 $ 2,553,040
3 Current Expenses. ........... 13000 175,529
4 Higher Education Grant Program. . 16400 39,019,864
5 Tuition Contract Program (R) .... 16500 1,267,399
6 Underwood-Smith Scholarship
7 Program-Student Awards. .... 16700 192,500
8 Facilities Planning and Administration (R) ................ 38600 1,925,000
9 PROMISE Scholarship – Transfer .................. 80000 18,500,000
10 HEAPS Grant Program (R) ..................... 86700 5,006,535
11 BRIM Premium ........................................ 91300 16,597
12 Total ...................................................... $ 68,656,464

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Facilities Planning and Administration (fund 0589, appropriation 38600), Capital Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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

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

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

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

102 - Higher Education Policy Commission – Administration – West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B)

Fund 0551 FY 2015 Org 0495

1 WVNET ...................... 16900 $ 1,720,914

103 - West Virginia University – School of Medicine Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2015 Org 0463

1 WVU School of Health Science – 2 Eastern Division. ............... 05600 $ 2,337,058 3 WVU – School of Health Sciences. 17400 17,447,465 4 WVU – School of Health Sciences – 5 Charleston Division. ............... 17500 2,412,341 6 Rural Health Outreach 7 Programs (R). ............... 37700 178,242 8 West Virginia University School of 9 Medicine BRIM Subsidy....... 46000 1,227,032 10 Total. ......................... $ 23,602,138

Any unexpended balance remaining in the appropriations for Rural Health Outreach Programs (fund 0343, appropriation 37700), WVU School of Health Sciences – Surplus (fund 0343, appropriation 71300), and Educational Enhancements – Surplus (fund 0343, appropriation 92700) at the close of the fiscal year.
2014 are hereby reappropriated for expenditure during the fiscal year 2015.

Included in the appropriation for WVU – School of Health Sciences (fund 0343, appropriation 17400) is $1,000,000 for Blanchette Rockefeller Project; $1,000,000 for the School of Public Health (year 4 of 5); and $943,080 is for Graduate Medical Education which may be transferred to the Department of Health and Human Resources’ Medical Service Fund (fund 5084) for the purpose of matching federal or other funds to be used in support of graduate medical education, subject to approval of the vice-chancellor for health sciences and the secretary of the department of health and human resources. If approval is denied, the funds may be utilized by the respective institutions for expenditure on graduate medical education.

Included in the above appropriation for WVU – School of Health Sciences – Charleston Division (fund 0343, appropriation 17500), an amount not less than $5,000, is to be used for the West Virginia Academy of Family Physicians Doc of the Day Program.

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

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

104 - West Virginia University –
General Administrative Fund

(WV Code Chapter 18B)
### Fund 0344 FY 2015 Org 0463

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>West Virginia University</td>
<td>45900</td>
<td>$102,999,869</td>
</tr>
<tr>
<td>2</td>
<td>Jackson's Mill (R.)</td>
<td>46100</td>
<td>308,886</td>
</tr>
<tr>
<td>3</td>
<td>West Virginia University Institute for Technology</td>
<td>47900</td>
<td>8,400,448</td>
</tr>
<tr>
<td>4</td>
<td>State Priorities - Brownfield Professional Development (R.)</td>
<td>53100</td>
<td>353,287</td>
</tr>
<tr>
<td>5</td>
<td>West Virginia University – Potomac State</td>
<td>99400</td>
<td>4,177,993</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td></td>
<td>$116,340,483</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Jackson's Mill (fund 0344, appropriation 46100), and State Priorities – Brownfield Professional Development (fund 0344, appropriation 53100) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0344, fiscal year 2014, appropriation 53100 ($4,003) which shall expire on June 30, 2014.

Included in the above appropriation for West Virginia University (fund 0344, appropriation 45900) is $34,500 for the Marshall and WVU Faculty and Course Development International Study Project; $446,429 for the WVU Law School – Skills Program; $300,000 for the WVU Coal and Energy Research Bureau to be expended in consultation with the Board of Coal Mine Health and Safety, the Mine Safety Technology Task Force, and the DEP Advisory Council; $19,714 for the WVU College of Engineering and Mineral Resources – Diesel Training – Transfer; $500,000 for the Mining Engineering

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**Clerks Note**: The Governor reduced the amount in the Item 104, line 1, from $103,099,869 to $102,999,869; and line 21, from $546,429 to $446,429. The total does NOT reflect the reduction made by the Governor.
Program; $220,000 for the WVU Petroleum Engineering Program; $82,500 for the WVU – Sheep Study; $630,000 for the Davis College of Forestry Agriculture and Consumer Sciences of which $80,000 is for a Landscape Architect, $112,500 is to be used for Morgantown Farms, $112,500 is to be used for repairs at the Raymond Memorial Farm, $112,500 is to be used for Reedsville Farm, and $112,500 is to be used for Kerneysville Farm; $200,000 for Reedsville Arena and Jackson’s Mill Arena; $100,000 for the WVU – Soil Testing Program; $100,000 for a veterinarian; $50,000 for the WVU Cancer Study; $500,000 for the Center for Multiple Sclerosis Program; $150,000 for the WV Alzheimer Disease Register; $100,000 for the rifle team; ***

*** and $30,000 for the West Virginia University Extension Service to develop a cyber-bullying prevention program.

Included in the above appropriation for Jackson’s Mill (fund 0344, appropriation 46100) is $150,000 for the Jackson’s Mill Fire Academy.

From the above appropriation for West Virginia University – Potomac State (fund 0344, appropriation 99400) is $50,000 for maintenance, repairs, and equipment; $75,000 for Potomac State Farms for maintenance, repairs, and equipment; and $82,500 for the Potomac State Equine Program.

105 - Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2015 Org 0471

* CLERK’S NOTE: The Governor deleted language on lines 39 through 41.
1 Marshall Medical School ........ 17300 $ 13,416,420
2 Rural Health Outreach
3 Programs (R) ....................... 37700 177,106
4 Marshall University Medical School
5 BRIM Subsidy ...................... 44900 889,979
6 Total ................................ $ 14,483,505

Any unexpended balance remaining in the appropriation for
7 Rural Health Outreach Program (fund 0347, appropriation
8 37700) at the close of the fiscal year 2014 is hereby
9 reappropriated for expenditure during the fiscal year 2015.

Included in the above appropriation for Marshall Medical
11 School (fund 0347, appropriation 17300), an amount not less
12 than $5,000 is to be used for the West Virginia Academy of
13 Family Physicians Doc of the Day Program; $417,351 is for the
14 Marshall University Forensic Lab; $275,061 is for the Marshall
15 University Center for Rural Health; and $295,477 is for Graduate
16 Medical Education which may be transferred to the Department
17 of Health and Human Resources’ Medical Service Fund (fund
19 5084) for the purpose of matching federal or other funds to be
20 used in support of graduate medical education, subject to
21 approval of the vice-chancellor for health sciences and the
22 secretary of the department of health and human resources. If
23 approval is denied, the funds may be utilized by the institution
24 for expenditure on graduate medical education.

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

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

106 - Marshall University – General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2015 Org 0471

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Appropriation Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Marshall University</td>
<td>44800</td>
<td>$48,150,638</td>
</tr>
<tr>
<td>2</td>
<td>Vista E-Learning (R.)</td>
<td>51900</td>
<td>262,928</td>
</tr>
<tr>
<td>3</td>
<td>State Priorities - Brownfield Professional Development (R.)</td>
<td>53100</td>
<td>353,287</td>
</tr>
<tr>
<td>4</td>
<td>WV Autism Training Center (R.)</td>
<td>93200</td>
<td>1,873,340</td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td></td>
<td>$50,640,193</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015 with the exception of fund 0348, fiscal year 2014, appropriation 93200 ($20,968) which shall expire on June 30, 2014.

Included in the above appropriation for Marshall University (fund 0348, appropriation 44800) is $181,280 for the Marshall University – Southern WV CTC 2+2 Program and $175,000 for the Luke Lee Listening Language & Learning Lab.

107 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2015 Org 0476
<table>
<thead>
<tr>
<th></th>
<th>Appropriations</th>
<th>[Ch. 13]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>West Virginia School of Osteopathic Medicine</td>
<td>$7,058,218</td>
</tr>
<tr>
<td>2</td>
<td>Rural Health Outreach Programs (R)</td>
<td>$177,884</td>
</tr>
<tr>
<td>3</td>
<td>West Virginia School of Osteopathic Medicine</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>BRIM Subsidy</td>
<td>$152,915</td>
</tr>
<tr>
<td>5</td>
<td>Rural Health Initiative - Medical</td>
<td>424,662</td>
</tr>
<tr>
<td>6</td>
<td>Schools Support</td>
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</tr>
<tr>
<td>7</td>
<td>Total</td>
<td>$7,813,679</td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

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

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

108 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2015 Org 0482

<table>
<thead>
<tr>
<th></th>
<th>Appropriations</th>
<th>[Ch. 13]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bluefield State College.</td>
<td>$5,856,558</td>
</tr>
</tbody>
</table>

109 - Concord University

(WV Code Chapter 18B)
Fund 0357 FY 2015 Org 0483

1 Concord University ............. 41000 $ 9,040,548

2 Included in the above appropriation for Concord University (appropriation 41000) is $100,000 for the Geographic Alliance.

110 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2015 Org 0484

1 Fairmont State University ........ 41400 $ 15,842,394

111 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2015 Org 0485

1 Glenville State College. ........ 42800 $ 6,318,177

2 Included in the above appropriation for Glenville State College (fund 0363, appropriation 42800) is $300,000 for a 20 county “Hidden Promise” consortium between the County School Systems and Glenville State College; and $200,000 for courses offered in conjunction with the corrections academy.

112 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2015 Org 0486

1 Shepherd University... ............. 43200 $ 9,941,104

2 Included in the above appropriation for Shepherd University (fund 0366, appropriation 43200) is $100,000 for the Gateway Program.
113 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2015 Org 0488

1 West Liberty University ....... 43900 $ 8,255,151

114 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2015 Org 0490

1 West Virginia State University .... 44100 $ 10,380,591
2 West Virginia State University Land
3 Grant Match ........................ 95600 1,673,390
4 Total ............................. $ 12,053,981
5 Total TITLE II, Section 1 —
6 General Revenue
7 (Including claims against
8 the state) ........................... $ 4,253,951,000

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 2015.

DEPARTMENT OF TRANSPORTATION

115 - Division of Motor Vehicles

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

Fund 9007 FY 2015 Org 0802

State
### 116 - Division of Highways

(WV Code Chapters 17 and 17C)

<table>
<thead>
<tr>
<th>Fund 9017 FY 2015 Org 0803</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Debt Service .................. 04000 $ 37,000,000</td>
</tr>
<tr>
<td>2 Maintenance .................... 23700 354,846,000</td>
</tr>
<tr>
<td>3 Maintenance, Contract Paving and</td>
</tr>
<tr>
<td>4 Secondary Road Maintenance. 27200 84,388,245</td>
</tr>
<tr>
<td>5 Bridge Repair and Replacement. 27300 37,000,000</td>
</tr>
<tr>
<td>6 Inventory Revolving. 27500 4,000,000</td>
</tr>
<tr>
<td>7 Equipment Revolving. 27600 15,000,000</td>
</tr>
<tr>
<td>8 General Operations. 27700 51,481,000</td>
</tr>
<tr>
<td>9 Interstate Construction. 27800 120,000,000</td>
</tr>
<tr>
<td>10 Other Federal Aid Programs. 27900 325,000,000</td>
</tr>
<tr>
<td>11 Appalachian Programs. 28000 80,000,000</td>
</tr>
<tr>
<td>12 Nonfederal Aid Construction. 28100 17,000,000</td>
</tr>
<tr>
<td>13 Highway Litter Control. 28200 1,734,000</td>
</tr>
<tr>
<td>14 Federal Economic Stimulus. 89100 1,000,000</td>
</tr>
<tr>
<td>15 Total .......................... $ 1,128,449,245</td>
</tr>
</tbody>
</table>
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.

117 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2015 Org 0808

1 Personal Services and
2 Employee Benefits... 00100 $ 1,585,201
### APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>3 Current Expenses</td>
<td>13000</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>06400</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>07000</td>
</tr>
<tr>
<td>6 BRIM Premium</td>
<td>91300</td>
</tr>
<tr>
<td>7 Total</td>
<td>1,951,979</td>
</tr>
<tr>
<td>8 Total TITLE II, Section 2</td>
<td></td>
</tr>
<tr>
<td>9 State Road Fund</td>
<td></td>
</tr>
<tr>
<td>10 (Including claims against the state)</td>
<td>$1,172,391,708</td>
</tr>
</tbody>
</table>

**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 2015.

### LEGISLATIVE

**118 - Crime Victims Compensation Fund**

(WV Code Chapter 14)

**Fund** 1731 FY 2015 Org 2300

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Other Funds</th>
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<tbody>
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<td>1 Personal Services and Employee</td>
<td>00100</td>
</tr>
<tr>
<td>2 Benefits</td>
<td>33400</td>
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<td>3 Current Expenses</td>
<td>13000</td>
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<tr>
<td>4 Repairs and Alterations</td>
<td>06400</td>
</tr>
<tr>
<td>5 Economic Loss Claim Payment</td>
<td>69000</td>
</tr>
<tr>
<td>6 Fund</td>
<td>69000</td>
</tr>
</tbody>
</table>

### JUDICIAL

**119 - Supreme Court** –
162  

**APPROPRIATIONS**

*Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2015 Org 2400

<table>
<thead>
<tr>
<th>Description</th>
<th>Fund</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Current Expenses</td>
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<td>$1,200,000</td>
</tr>
</tbody>
</table>

**EXECUTIVE**

*120 - Governor’s Office*

*Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2015 Org 0100

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<thead>
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<th>Description</th>
<th>Fund</th>
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</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
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<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>512,126</td>
</tr>
<tr>
<td>Total</td>
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<td>684,926</td>
</tr>
</tbody>
</table>

*121 - Auditor’s Office – Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2015 Org 1200

<table>
<thead>
<tr>
<th>Description</th>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$629,147</td>
</tr>
<tr>
<td>Unclassified</td>
<td>09900</td>
<td>15,139</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>440,291</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>2,600</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>426,741</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,513,918</td>
</tr>
</tbody>
</table>

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

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

122 - Auditor's Office –
Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2015 Org 1200

1 Personal Services and Employee
2 Benefits ................... 00100  $ 308,087
3 Current Expenses ............ 13000  62,030
4 Repairs and Alterations .......... 06400  6,000
5 Equipment ................... 07000  10,805
6 Other Assets ................... 69000  50,000
7 Total .......................... $ 436,922

123 - Auditor's Office –
Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2015 Org 1200

1 Personal Services and Employee
2 Benefits ................... 00100  $ 1,882,510
3 Unclassified ................... 09900  31,866
4 Current Expenses ............ 13000  838,830
5 Repairs and Alterations .......... 06400  12,400
6 Equipment ................... 07000  19,700
7 Other Assets ................... 69000  673,326
164  

**APPROPRIATIONS**

[Ch. 13

8  Total..................................  $  3,458,632

124 - Auditor’s Office –

*Technology Support and Acquisition Fund*

(WV Code Chapter 12)

**Fund 1233 FY 2015 Org 1200**

1  Current Expenses................. 13000  $  300,000
2  Other Assets..................... 69000  100,000
3  Total.................................. $  400,000

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

125 - Auditor’s Office –

*Purchasing Card Administration Fund*

(WV Code Chapter 12)

**Fund 1234 FY 2015 Org 1200**

1  Personal Services and Employee
2  Benefits. ......................... 00100  $  2,499,307
3  Current Expenses................. 13000  1,578,622
4  Repairs and Alterations.......... 06400  5,500
5  Equipment. ....................... 07000  650,000
6  Other Assets..................... 69000  308,886
7  Total.................................. $  5,042,315

8  There is hereby appropriated from this fund, in addition to
9  the above appropriations, the amount necessary to meet the
10  transfer requirements to the Purchasing Improvement Fund (fund
11  2264) and the Hatfield-McCoy Regional Recreation Authority
12  per W.Va. Code §12-3-10d.
126 - Auditor's Office –
Office of the Chief Inspector

(WV Code Chapter 6)

Fund 1235 FY 2015 Org 1200

1 Personal Services and Employee
2 Benefits ................................ 00100 $ 3,405,512
3 Current Expenses ..................... 13000 765,915
4 Equipment ............................ 07000 50,000
5 Total .................................. $ 4,221,427

127 - Auditor's Office –
Volunteer Fire Department Workers' Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2015 Org 1200

1 Volunteer Fire Department
2 Workers' Compensation
3 Subsidy ............................... 83200 $ 4,000,000

128 - Treasurer's Office –
College Prepaid Tuition and Savings Program Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2015 Org 1300

1 Personal Services and Employee
2 Benefits ............................... 00100 $ 769,227
3 Unclassified .......................... 09900 14,000
4 Current Expenses .................... 13000 625,404
5 Total ................................. $ 1,408,631
### 129 - Treasurer’s Office – Technology Support and Acquisition Fund

(WV Code Chapter 12)

Fund **1329 FY 2015 Org 1300**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$183,074</td>
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<td>3</td>
<td>Unclassified</td>
<td>09900</td>
<td>4,700</td>
</tr>
<tr>
<td>4</td>
<td>Current Expenses</td>
<td>13000</td>
<td>228,875</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td></td>
<td>$476,649</td>
</tr>
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</table>

### 130 - Department of Agriculture – Agriculture Fees Fund

(WV Code Chapter 19)

Fund **1401 FY 2015 Org 1400**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$2,244,245</td>
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<td>09900</td>
<td>37,425</td>
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<td>4</td>
<td>Current Expenses</td>
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<td>1,356,184</td>
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<td>5</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>58,500</td>
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<td>6</td>
<td>Equipment</td>
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<td>10,000</td>
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<td>$3,742,563</td>
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</table>

### 131 - Department of Agriculture – West Virginia Rural Rehabilitation Program

(WV Code Chapter 19)

Fund **1408 FY 2015 Org 1400**

<table>
<thead>
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<th>Item</th>
<th>Description</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Code</td>
<td>Amount</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
<td>-------</td>
<td>----------</td>
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<tr>
<td>2</td>
<td>Benefits</td>
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<td>Unclassified</td>
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<td>10,476</td>
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<td>4</td>
<td>Current Expenses</td>
<td>13000</td>
<td>963,404</td>
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<td>5</td>
<td>Total</td>
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<td>$1,047,687</td>
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</tbody>
</table>

132 - Department of Agriculture –  
General John McCausland Memorial Farm Fund  
(WV Code Chapter 19)  
Fund 1409 FY 2015 Org 1400

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unclassified</td>
<td>09900</td>
<td>$2,100</td>
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<td>2</td>
<td>Current Expenses</td>
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<td>129,500</td>
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<td>3</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>47,400</td>
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<td>4</td>
<td>Equipment</td>
<td>07000</td>
<td>31,000</td>
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<td>5</td>
<td>Total</td>
<td></td>
<td>$210,000</td>
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</table>

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

133 - Department of Agriculture –  
Farm Operating Fund  
(WV Code Chapter 19)  
Fund 1412 FY 2015 Org 1400

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
<td>$309,248</td>
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<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
<td>$309,248</td>
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<tr>
<td>3</td>
<td>Unclassified</td>
<td>09900</td>
<td>15,173</td>
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<td>4</td>
<td>Current Expenses</td>
<td>13000</td>
<td>1,167,464</td>
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<td>5</td>
<td>Repairs and Alterations</td>
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<td>238,722</td>
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<tr>
<td>6</td>
<td>Equipment</td>
<td>07000</td>
<td>249,393</td>
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<td>7</td>
<td>Other Assets</td>
<td>69000</td>
<td>20,000</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
<td></td>
<td>$2,000,000</td>
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</tbody>
</table>

134 - Department of Agriculture –  
Donated Food Fund
### 135 - Department of Agriculture –
**Integrated Predation Management Fund**

(WV Code Chapter 7)

<table>
<thead>
<tr>
<th>Fund 1465 FY 2015 Org 1400</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Current Expenses. .......... 13000</td>
</tr>
</tbody>
</table>

### 136 - Department of Agriculture –
**West Virginia Spay Neuter Assistance Fund**

(WV Code Chapter 19)

<table>
<thead>
<tr>
<th>Fund 1481 FY 2015 Org 1400</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Current Expenses. .......... 13000</td>
</tr>
</tbody>
</table>

### 137 - Attorney General –
**Antitrust Enforcement Fund**

(WV Code Chapter 47)

<table>
<thead>
<tr>
<th>Fund 1507 FY 2015 Org 1500</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
</tr>
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</table>
### APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>00100</td>
<td>$362,000</td>
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<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$137,703</td>
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<td>Repairs and Alterations</td>
<td>06400</td>
<td>$3,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$507,703</strong></td>
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</tbody>
</table>

#### 138 - Attorney General – Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

**Fund 1513 FY 2015 Org 1500**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td>00100</td>
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<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$29,065</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>$3,000</td>
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<tr>
<td>Equipment</td>
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<td>$5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$266,841</strong></td>
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</table>

#### 139 - Attorney General – Preneed Funeral Guarantee Fund

(WV Code Chapter 47)

**Fund 1514 FY 2015 Org 1500**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$901,135</td>
</tr>
</tbody>
</table>

#### 140 - Secretary of State – Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

**Fund 1612 FY 2015 Org 1600**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 141 - Secretary of State –  
**General Administrative Fees Account**  
(WV Code Chapters 3, 5 and 59)

**Fund 1617 FY 2015 Org 1600**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$2,488,015</td>
</tr>
<tr>
<td>Benefits</td>
<td>00100</td>
<td>$2,488,015</td>
</tr>
<tr>
<td>Unclassified</td>
<td>09900</td>
<td>25,529</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>721,306</td>
</tr>
<tr>
<td>Technology Improvements</td>
<td>59900</td>
<td>750,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$3,984,850</td>
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</tbody>
</table>

### DEPARTMENT OF ADMINISTRATION

**142 - Department of Administration –  
Office of the Secretary –  
Tobacco Settlement Fund**

(WV Code Chapter 4)

**Fund 2041 FY 2015 Org 0201**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tobacco Settlement Fund –</td>
<td>90200</td>
<td>$3,501,170</td>
</tr>
<tr>
<td>Transfer</td>
<td>90200</td>
<td>$3,501,170</td>
</tr>
</tbody>
</table>
| The above appropriation for Tobacco Settlement Fund –  
Transfer (appropriation 90200) shall be transferred to the  
Division of Health (fund 5124, org 0506) for expenditure.  

**143 - Department of Administration –  
Office of the Secretary**
### Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

**Fund 2044 FY 2015 Org 0201**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Current Expenses</td>
<td>13000</td>
<td>$32,304,000</td>
</tr>
</tbody>
</table>

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers’ Retirement System Employers Accumulation Fund (fund 2601).

### Division of Information Services and Communications

(WV Code Chapter 5A)

**Fund 2220 FY 2015 Org 0210**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$23,378,322</td>
</tr>
<tr>
<td>2</td>
<td>Unclassified</td>
<td>09900</td>
<td>382,354</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>11,394,766</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>1,000</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>2,034,000</td>
</tr>
<tr>
<td>6</td>
<td>Other Assets</td>
<td>69000</td>
<td>1,045,000</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td></td>
<td>$38,235,442</td>
</tr>
</tbody>
</table>

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.

### Division of Purchasing


### Vendor Fee Fund

(WV Code Chapter 5A)

**Fund 2263 FY 2015 Org 0213**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td></td>
<td>$654,444</td>
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<tr>
<td>Benefits</td>
<td>00100</td>
<td></td>
</tr>
<tr>
<td>Unclassified</td>
<td>09900</td>
<td>2,382</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>238,879</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
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<tr>
<td>Equipment</td>
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<tr>
<td>Other Assets</td>
<td>69000</td>
<td>2,500</td>
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<tr>
<td>BRIM Premium</td>
<td>1300</td>
<td>810</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$906,515</td>
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</tbody>
</table>

### 146 - Division of Purchasing – Purchasing Improvement Fund

(WV Code Chapter 5A)

**Fund 2264 FY 2015 Org 0213**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
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<td>Repairs and Alterations</td>
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<td>850</td>
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### 147 - Travel Management

**Fleet Management Office Fund**

(WV Code Chapter 5A)
### Fund 2301 FY 2015 Org 0215

<table>
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<th>Description</th>
<th>Code</th>
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<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$722,586</td>
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<td>2</td>
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<td>3</td>
<td>Current Expenses</td>
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<td>8,819,614</td>
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<tr>
<td>4</td>
<td>Repairs and Alterations</td>
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<td>12,000</td>
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<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>104,000</td>
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<tr>
<td>6</td>
<td>Other Assets</td>
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<td>9,000</td>
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<td>7</td>
<td><strong>Total</strong></td>
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</table>

**148 - Travel Management Aviation Fund**

(WV Code Chapter 5A)

### Fund 2302 FY 2015 Org 0215

<table>
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<th>Description</th>
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<td>Unclassified</td>
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<td>$1,000</td>
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<td>2</td>
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<td>149,000</td>
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<td>Repairs and Alterations</td>
<td>06400</td>
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<td>4</td>
<td>Equipment</td>
<td>07000</td>
<td>1,000</td>
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<td>5</td>
<td>Other Assets</td>
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<td>6</td>
<td><strong>Total</strong></td>
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**149 - Board of Risk and Insurance Management - Premium Tax Savings Fund**

(WV Code Chapter 29)

### Fund 2367 FY 2015 Org 0218

<table>
<thead>
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<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
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<td>***</td>
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</tbody>
</table>
**APPROPRIATIONS**  

**150 - Division of Personnel**  
(WV Code Chapter 29)  

Fund 2440 FY 2015 Org 0222

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$3,942,590</td>
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<td>2</td>
<td>Unclassified</td>
<td>09900</td>
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<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>1,062,813</td>
</tr>
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<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>5,000</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>20,000</td>
</tr>
<tr>
<td>6</td>
<td>Other Assets</td>
<td>69000</td>
<td>60,000</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td></td>
<td>$5,141,821</td>
</tr>
</tbody>
</table>

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

**151 - West Virginia Prosecuting Attorneys Institute**  
(WV Code Chapter 7)  

Fund 2521 FY 2015 Org 0228

<table>
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<tr>
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<td>1</td>
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<td>Current Expenses</td>
<td>13000</td>
<td>294,527</td>
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<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>600</td>
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<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>1,500</td>
</tr>
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</table>

*CLERK'S NOTE: The Governor deleted language on lines 1 through 5.*
Ch. 13] APPROPRIATIONS

7 Other Assets ................... 69000 1,000
8 Total .......................... $ 552,393

152 - Office of Technology – 
Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2015 Org 0231

1 Personal Services and Employee
2 Benefits ................... 00100 $ 399,911
3 Unclassified ................... 09900 6,949
4 Current Expenses ............... 13000 227,116
5 Repairs and Alterations .......... 06400 1,000
6 Equipment ................... 07000 50,000
7 Other Assets ................... 69000 10,000
8 Total .......................... $ 694,976

9 From the above fund, the provisions of W.Va. Code §11B-2-
10 18 shall not operate to permit expenditures in excess of the funds
11 authorized for expenditure herein.

DEPARTMENT OF COMMERCE

153 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2015 Org 0305

1 Personal Services and Employee
2 Benefits ................... 00100 $ 1,261,530
3 Current Expenses ............... 13000 172,000
### Appropriations

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>8,000</td>
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<td>Total</td>
<td></td>
<td>$144,530</td>
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</tbody>
</table>

**154 - Division of Forestry – Timbering Operations Enforcement Fund**

(WV Code Chapter 19)

**Fund 3082 FY 2015 Org 0305**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Benefits</td>
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<td>Current Expenses</td>
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<td>Repairs and Alterations</td>
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<td>11,250</td>
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**155 - Geological and Economic Survey – Geological and Analytical Services Fund**

(WV Code Chapter 29)

**Fund 3100 FY 2015 Org 0306**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
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<tbody>
<tr>
<td>Personal Services and Employee</td>
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<td></td>
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<tr>
<td>Benefits</td>
<td>00100</td>
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<td>09900</td>
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<td>Repairs and Alterations</td>
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<td>Equipment</td>
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<td>Other Assets</td>
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<tr>
<td>Total</td>
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<td>$218,279</td>
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</table>

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

**156 - West Virginia Development Office – Department of Commerce**
### Marketing and Communications Operating Fund

(WV Code Chapter 5B)

**Fund 3002 FY 2015 Org 0307**

<table>
<thead>
<tr>
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<tr>
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<td>Benefits</td>
<td>09900</td>
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<td>Unclassified</td>
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</table>

157 - West Virginia Development Office – Broadband Deployment Fund

(WV Code Chapter 31)

**Fund 3174 FY 2015 Org 0307**

<table>
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158 - Division of Labor – Contractor Licensing Board Fund

(WV Code Chapter 21)

**Fund 3187 FY 2015 Org 0308**

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159 - Division of Labor – Elevator Safety Act

(WV Code Chapter 21)
160 - Division of Labor –
Crane Operator Certification Fund

(WV Code Chapter 21)

161 - Division of Labor –
Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)
<table>
<thead>
<tr>
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<th>Description</th>
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<td>6</td>
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162 - Division of Labor –
State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2015 Org 0308

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<th>Description</th>
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<td>4</td>
<td>Current Expenses</td>
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<td>Repairs and Alterations</td>
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<td>Buildings</td>
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<td>7</td>
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<td>8</td>
<td>Total</td>
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</table>

163 - Division of Labor –
Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2015 Org 0308

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<th>Description</th>
<th>Amount</th>
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<td>Repairs and Alterations</td>
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<td>3</td>
<td>Equipment</td>
<td>76,000</td>
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<td>4</td>
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</table>

164 - Division of Natural Resources –
License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2015 Org 0310
<table>
<thead>
<tr>
<th></th>
<th>Appropriations</th>
<th>[Ch. 13]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Wildlife Resources</td>
<td>02300</td>
</tr>
<tr>
<td>2</td>
<td>Administration</td>
<td>15500</td>
</tr>
<tr>
<td>3</td>
<td>Capital Improvements and Land Purchase (R)</td>
<td>24800</td>
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<tr>
<td>4</td>
<td>Law Enforcement</td>
<td>80600</td>
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<tr>
<td>5</td>
<td>Total</td>
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</table>

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 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

165 - Division of Natural Resources – Game, Fish and Aquatic Life Fund

(WV Code Chapter 20)

Fund **3202** FY 2015 Org **0310**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Current Expenses</td>
<td>13000</td>
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</tbody>
</table>

166 - Division of Natural Resources – Nongame Fund

(WV Code Chapter 20)

Fund **3203** FY 2015 Org **0310**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>07000</td>
</tr>
</tbody>
</table>
### APPROPRIATIONS

#### Division of Natural Resources – Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2015 Org 0310

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>00100</td>
<td>13000</td>
<td>06400</td>
<td>07000</td>
<td>25800</td>
<td>69000</td>
<td>73000</td>
<td>$1,410,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0100</strong></td>
<td><strong>13000</strong></td>
<td><strong>06400</strong></td>
<td><strong>07000</strong></td>
<td><strong>25800</strong></td>
<td><strong>69000</strong></td>
<td><strong>73000</strong></td>
<td><strong>$1,410,700</strong></td>
</tr>
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</table>

#### Division of Natural Resources – Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2015 Org 0310

<table>
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</thead>
<tbody>
<tr>
<td></td>
<td>00100</td>
<td>13000</td>
<td>07000</td>
<td>25800</td>
<td>$1,410,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0100</strong></td>
<td><strong>13000</strong></td>
<td><strong>07000</strong></td>
<td><strong>25800</strong></td>
<td><strong>$1,410,700</strong></td>
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#### Division of Natural Resources – Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2015 Org 0310

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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>00100</td>
<td>13000</td>
<td>07000</td>
<td>25800</td>
<td>$1,357,480</td>
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<td><strong>Total</strong></td>
<td><strong>0100</strong></td>
<td><strong>13000</strong></td>
<td><strong>07000</strong></td>
<td><strong>25800</strong></td>
<td><strong>$1,357,480</strong></td>
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</table>
### 170 - Division of Miners’ Health, Safety and Training – Special Health, Safety and Training Fund

(WV Code Chapter 22A)

<table>
<thead>
<tr>
<th>Fund 3355 FY 2015 Org 0314</th>
</tr>
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<tbody>
<tr>
<td>1 Personal Services and Employee</td>
</tr>
<tr>
<td>2 Benefits ................... 00100 $ 471,606</td>
</tr>
<tr>
<td>3 WV Mining Extension Service. .. 02600 150,000</td>
</tr>
<tr>
<td>4 Unclassified ................... 09900 40,985</td>
</tr>
<tr>
<td>5 Current Expenses. ................ 13000 1,954,557</td>
</tr>
<tr>
<td>6 Buildings. ................... 25800 481,358</td>
</tr>
<tr>
<td>7 Land ......................... 73000 1,000,000</td>
</tr>
<tr>
<td>8 Total. .......................... $ 4,098,506</td>
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</table>

### 171 - Division of Energy – Energy Assistance

(WV Code Chapter 5B)

<table>
<thead>
<tr>
<th>Fund 3010 FY 2015 Org 0328</th>
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</thead>
<tbody>
<tr>
<td>1 Energy Assistance – Total. ........ 64700 $ 172,000</td>
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</table>

### 172 - Division of Energy – Office of Coal Field Community Development

(WV Code Chapter 5B)

<table>
<thead>
<tr>
<th>Fund 3011 FY 2015 Org 0328</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
</tr>
<tr>
<td>2 Benefits ................... 00100 $ 430,724</td>
</tr>
<tr>
<td>3 Unclassified ................... 09900 8,300</td>
</tr>
</tbody>
</table>
4 Current Expenses .................. 13000 394,191
5 Repairs and Alterations ........ 06400 1,000
6 Equipment ..................... 07000 4,000
7 Total ................................ $ 838,215

DEPARTMENT OF EDUCATION

173 - State Board of Education –
Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2015 Org 0402

1 Personal Services and Employee
2 Benefits ......................... 00100 $ 134,000
3 Unclassified .................... 09900 1,000
4 Current Expenses ............... 13000 265,000
5 Total ............................. $ 400,000

174 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2015 Org 0402

1 Personal Services and Employee
2 Benefits ......................... 00100 $ 1,086,552
3 Current Expenses ............... 13000 249,750
4 Repairs and Alterations ........ 06400 7,500
5 Equipment ..................... 07000 26,000
6 Total ............................. $ 1,369,802

The above appropriations are for the administrative expenses
of the school building authority and shall be paid from the
interest earnings on debt service reserve accounts maintained on
behalf of said authority.
### DEPARTMENT OF EDUCATION AND THE ARTS

#### 175 - State Board of Education –
**FFA-FHA Camp and Conference Center**

(WV Code Chapter 18)

Fund 3960 FY 2015 Org 0402

<table>
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<td>Repairs and Alterations</td>
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<td>1,000</td>
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<tr>
<td>Buildings</td>
<td>25800</td>
<td>1,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>10,000</td>
</tr>
<tr>
<td>Land</td>
<td>73000</td>
<td>1,000</td>
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<tr>
<td><strong>Total</strong></td>
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</table>

#### DEPARTMENT OF EDUCATION AND THE ARTS

#### 176 - Office of the Secretary –
**Lottery Education Fund Interest Earnings – Control Account**

(WV Code Chapter 29)

Fund 3508 FY 2015 Org 0431

1. Any unexpended balance remaining in the appropriation for Educational Enhancements (fund 3508, appropriation 69500) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

#### DEPARTMENT OF EDUCATION AND THE ARTS

#### 177 - Division of Culture and History –
**Public Records and Preservation Revenue Account**

(WV Code Chapter 5A)

Fund 3542 FY 2015 Org 0432
Ch. 13] APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
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<td>2</td>
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<td>$75,000</td>
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<td>69000</td>
<td>$52,328</td>
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<td>Land</td>
<td>73000</td>
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178 - State Board of Rehabilitation –
Division of Rehabilitation Services –
West Virginia Rehabilitation Center –
Special Account

(WV Code Chapter 18)

Fund 8664 FY 2015 Org 0932

<table>
<thead>
<tr>
<th>Item</th>
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<tbody>
<tr>
<td>1</td>
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<td>Repairs and Alterations</td>
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<td>5</td>
<td>Other Assets</td>
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

179 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2015 Org 0312

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<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
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<td>13000</td>
<td>$2,059,677</td>
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</table>
180 - Division of Environmental Protection – Hazardous Waste Management Fund

(WV Code Chapter 22)

Fund 3023 FY 2015 Org 0313

1 Personal Services and Employee
2 Benefits .................. 00100 $ 611,197
3 Current Expenses ........... 13000 88,733
4 Repairs and Alterations .......... 06400 500
5 Equipment .................. 07000 3,000
6 Other Assets .................. 69000 2,000
7 Total......................... $ 705,430

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

(WV Code Chapter 22)

Fund 3024 FY 2015 Org 0313

1 Personal Services and Employee
2 Benefits .................. 00100 $ 465,324
3 Current Expenses ........... 13000 1,251,510
4 Repairs and Alterations .......... 06400 13,000
5 Equipment .................. 07000 53,105
6 Other Assets .................. 69000 10,000
7 Total......................... $ 1,792,939

182 - Division of Environmental Protection – Special Reclamation Fund

(WV Code Chapter 22)
### Fund 3321 FY 2015 Org 0313

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<tr>
<th>Description</th>
<th>Code</th>
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<td>1,350,829</td>
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**183 - Division of Environmental Protection – Oil and Gas Reclamation Fund**

(WV Code Chapter 22)

### Fund 3322 FY 2015 Org 0313

<table>
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<th>Description</th>
<th>Code</th>
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</table>

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

(WV Code Chapter 22)

### Fund 3323 FY 2015 Org 0313

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<th>Description</th>
<th>Code</th>
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<td>Repair and Alterations</td>
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<td>4,352,997</td>
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185 - Division of Environmental Protection — Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2015 Org 0313

<table>
<thead>
<tr>
<th>Item</th>
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186 - Division of Environmental Protection — Underground Storage Tank Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2015 Org 0313

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<th>Item</th>
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187 - Division of Environmental Protection — Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2015 Org 0313

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<th>Item</th>
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Ch. 13] APPROPRIATIONS 189

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

(WV Code Chapter 22)

Fund 3332 FY 2015 Org 0313

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189 - Division of Environmental Protection – Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2015 Org 0313

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## 190 - Division of Environmental Protection – Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2015 Org 0313

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## 191 - Division of Environmental Protection – Environmental Laboratory Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2015 Org 0313

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## 192 - Division of Environmental Protection – Stream Restoration Fund

(WV Code Chapter 22)
Ch. 13] APPROPRIATIONS

Fund 3349 FY 2015 Org 0313

1 Current Expenses. .................. 13000 $ 11,294,705
2 Repairs and Alterations. .......... 06400 2,500
3 Equipment. ....................... 07000 500
4 Other Assets. ..................... 69000 500
5 Total. ............................ $ 11,298,205

193 - Division of Environmental Protection –
Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2015 Org 0313

1 Current Expenses. .................. 13000 $ 60,000

194 - Division of Environmental Protection –
Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2015 Org 0313

1 Personal Services and Employee
2 Benefits. .......................... 00100 $ 544,553
3 Current Expenses. .................. 13000 2,237,354
4 Repairs and Alterations. .......... 06400 800
5 Equipment. ....................... 07000 500
6 Other Assets. ..................... 69000 2,500
7 Total. ............................. $ 2,785,707

195 - Division of Environmental Protection –
Mountaintop Removal Fund

(WV Code Chapter 22)
### Fund 3490 FY 2015 Org 0313

1. Personal Services and Employee Benefits: $1,228,345
2. Current Expenses: $649,909
3. Repairs and Alterations: $20,112
4. Equipment: $23,725
5. Other Assets: $15,500
6. Total: $1,937,591

### Fund 3371 FY 2015 Org 0315

1. Personal Services and Employee Benefits: $157,224
2. Current Expenses: $61,225
3. Repairs and Alterations: $1,000
4. Equipment: $9,481
5. Other Assets: $1,500
6. Total: $230,430

### DEPARTMENT OF HEALTH AND HUMAN RESOURCES

197 - Division of Health – Tobacco Settlement Expenditure Fund

1. Institutional Facilities Operations: $3,501,170
Additional funds have been appropriated in fund 0525, fiscal year 2015, organization 0506, and fund 5156, fiscal year 2015, organization 0506, for the operation of the institutional facilities. The secretary of the department of health and human resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

*198 - Division of Health – The Vital Statistics Account*

(WV Code Chapter 16)

**Fund 5144 FY 2015 Org 0506**

1 Personal Services and Employee
2 Benefits .......................... 00100 $ 876,771
3 Unclassified ..................... 09900 15,500
4 Current Expenses .................. 13000 185,954
5 Equipment .......................... 07000 30,000
6 Other Assets ...................... 69000 441,834
7 Total .............................. $ 1,550,059

*199 - Division of Health – Hospital Services Revenue Account Special Fund*

*Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

**Fund 5156 FY 2015 Org 0506**

1 Institutional Facilities Operations . 33500 $ 56,708,911
2 Medical Services Trust Fund –
3 Transfer .......................... 51200 27,800,000
4 Total .............................. $ 84,508,911
The total amount of these appropriations shall be paid from the hospital services revenue account special fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2015, organization 0506 and fund 5124, fiscal year 2015, organization 0506, for the operation of the institutional facilities. The secretary of the department of health and human resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

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

From the above appropriation to Institutional Facilities Operations, together with available funds from the consolidated medical services fund (fund 0525, appropriation 33500) on July 1, 2014, the sum of $160,000 shall be transferred to the department of agriculture – land division – farm operation fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

200 - Division of Health – Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2015 Org 0506

1 Personal Services and Employee
2 Benefits ................... 00100 $ 912,657
3 Unclassified ................... 09900 18,114
4 Current Expenses. ............... 13000 850,133
5 Equipment. ................... 07000 30,583
6 Total........................... $ 1,811,487

201 - Division of Health –
The Health Facility Licensing Account
(WV Code Chapter 16)

Fund 5172 FY 2015 Org 0506

1 Personal Services and Employee
2 Benefits ................... 00100 $ 605,950
3 Unclassified ................... 09900 7,113
4 Current Expenses. ............... 13000 98,247
5 Total........................... $ 711,310

202 - Division of Health –
Hepatitis B Vaccine
(WV Code Chapter 16)

Fund 5183 FY 2015 Org 0506

1 Personal Services and Employee
2 Benefits ................... 00100 $ 88,582
3 Unclassified ................... 09900 18,477
4 Current Expenses. ............... 13000 1,740,699
5 Total........................... $ 1,847,758

203 - Division of Health –
Lead Abatement Account
(WV Code Chapter 16)

Fund 5204 FY 2015 Org 0506
### APPROPRIATIONS

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<th>Description</th>
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#### 204 - Division of Health –
*West Virginia Birth to Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2015 Org 0506

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<th>Code</th>
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<td>1</td>
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#### 205 - Division of Health –
*Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2015 Org 0506

<table>
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<tr>
<td>1</td>
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#### 206 - West Virginia Health Care Authority –
*Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2015 Org 0507

<table>
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<tr>
<th></th>
<th>Description</th>
<th>Code</th>
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<tr>
<td>1</td>
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<tr>
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<td>Benefits</td>
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<td>3</td>
<td>Hospital Assistance</td>
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<td>600,000</td>
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4 Unclassified ................... 09900 67,000
5 Current Expenses. ............. 13000 2,837,945
6 Repairs and Alterations. .......... 06400 25,000
7 Equipment. ................... 07000 50,000
8 Buildings ..................... 25800 25,000
9 Other Assets ................... 69000 100,000
10 Total ................................ $ 6,738,766

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the special revolving fund designated health care cost review fund.

The Health Care Authority is authorized to transfer up to $1,500,000 from fund 5375 to the West Virginia Health Information Network Account (fund 5380) as authorized per W.Va. Code §16-29G-4.

207 - West Virginia Health Care Authority –
West Virginia Health Information Network Account

(WV Code Chapter 16)

Fund 5380 FY 2015 Org 0507

1 Personal Services and Employee
2 Benefits. ....................... 00100 $ 729,000
3 Unclassified ................... 09900 20,000
4 Current Expenses. ............. 13000 1,251,000
5 Technology Infrastructure
6 Network ....................... 35100 $ 3,500,000
7 Total ............................ $ 5,500,000

208 - West Virginia Health Care Authority –
Revolving Loan Fund

(WV Code Chapter 16)
### Fund 5382 FY 2015 Org 0507

<table>
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209 - Division of Human Services –
Health Care Provider Tax –
Medicaid State Share Fund

(WV Code Chapter 11)

### Fund 5090 FY 2015 Org 0511

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The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the department of health and human resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the West Virginia medical services fund (fund 5084).

210 - Division of Human Services –
Child Support Enforcement Fund

(WV Code Chapter 48A)

### Fund 5094 FY 2015 Org 0511

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Any unexpended balances remaining in the appropriations for Unclassified (fund 5094, appropriation 09900) and Current Expenses (fund 5094, appropriation 13000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

211 - Division of Human Services – Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2015 Org 0511

1 Medical Services .................. 18900 $ 182,698,418
2 Medical Services Administrative Costs .................. 78900 548,723
4 Total .................................. $ 183,247,141

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the division of human services accounts.

212 - Division of Human Services – James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2015 Org 0511

1 Personal Services and Employee
200 APPROPRIATIONS [Ch. 13

2 Benefits ................... 00100 $ 89,392
3 Unclassified ................... 09900 16,031
4 Current Expenses ............... 13000 $ 1,497,688
5 Total.......................... $ 1,603,111

213 - Division of Human Services –
Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2015 Org 0511

1 Current Expenses ............... 13000 $ 1,077,982

214 - Division of Human Services –
West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2015 Org 0511

1 Current Expenses ............... 13000 $ 1,065,000

215 - Division of Human Services –
West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2015 Org 0511

1 Current Expenses ............... 13000 $ 3,390,000

216 - Division of Human Services –
Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2015 Org 0511
<table>
<thead>
<tr>
<th>Ch. 13</th>
<th>APPROPRIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
</tr>
<tr>
<td>2</td>
<td>Benefits. ...................... 00100 $ 10,000</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses. .............. 13000 $ 25,000</td>
</tr>
<tr>
<td>4</td>
<td>Total................................ $ 35,000</td>
</tr>
</tbody>
</table>

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

217 - Department of Military Affairs and Public Safety –
Office of the Secretary –
Law-Enforcement, Safety and Emergency Worker
Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2015 Org 0601

| 1 | Current Expenses. .............. 13000 $ 32,000 |

218 - State Armory Board –
General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2015 Org 0603

| 1 | Personal Services and Employee |
| 2 | Benefits. ...................... 00100 $ 1,643,348 |
| 3 | Current Expenses. .............. 13000 $ 750,000 |
| 4 | Repairs and Alterations. ........ 06400 $ 485,652 |
| 5 | Equipment. ..................... 07000 $ 300,000 |
| 6 | Buildings. ..................... 25800 $ 771,000 |
| 7 | Land. ........................... 73000 $ 50,000 |
| 8 | Total................................ $ 4,000,000 |
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).

219 - Division of Homeland Security and Emergency Management – West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2015 Org 0606

1 Current Expenses 13000 $2,000,000

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

220 - West Virginia Division of Corrections – Parolee Supervision Fees

(WV Code Chapter 62)

Fund 6362 FY 2015 Org 0608

1 Personal Services and Employee Benefits 00100 $513,793
2 Unclassified 09900 9,804
3 Current Expenses 13000 408,480
4 Equipment 07000 30,000
5 Other Assets 69000 40,129
7 Total 69000 $1,002,206
### 221 - West Virginia State Police – Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

<table>
<thead>
<tr>
<th>Fund 6501 FY 2015 Org 0612</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
<td></td>
</tr>
<tr>
<td>2 Benefits.......................... 00100</td>
<td>$1,139,560</td>
</tr>
<tr>
<td>3 Current Expenses............... 13000</td>
<td>260,688</td>
</tr>
<tr>
<td>4 Repairs and Alterations....... 06400</td>
<td>4,500</td>
</tr>
<tr>
<td>5 Equipment.......................... 07000</td>
<td>170,000</td>
</tr>
<tr>
<td>6 Buildings.......................... 25800</td>
<td>534,000</td>
</tr>
<tr>
<td>7 Other Assets...................... 69000</td>
<td>5,000</td>
</tr>
<tr>
<td>8 BRIM Premium...................... 91300</td>
<td>302,432</td>
</tr>
<tr>
<td>9 Total.................................</td>
<td>$2,416,180</td>
</tr>
</tbody>
</table>

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. Per W.Va. §17C-16-5(a) any balance remaining in the fund on the last day of June of each fiscal year, not required for the administration and enforcement of the provisions of this article, shall be transferred to the state road fund.

### 222 - West Virginia State Police – Drunk Driving Prevention Fund

(WV Code Chapter 15)

<table>
<thead>
<tr>
<th>Fund 6513 FY 2015 Org 0612</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Current Expenses........... 13000</td>
<td>$1,327,000</td>
</tr>
<tr>
<td>2 Equipment...................... 07000</td>
<td>3,491,895</td>
</tr>
<tr>
<td>3 BRIM Premium................... 91300</td>
<td>154,452</td>
</tr>
<tr>
<td>4 Total...............................</td>
<td>$4,973,347</td>
</tr>
</tbody>
</table>
The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the state treasury.

223 - West Virginia State Police – Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2015 Org 0612

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>25800 $</td>
</tr>
<tr>
<td>Land</td>
<td>73000 $</td>
</tr>
<tr>
<td>BRIM Premium</td>
<td>91300 $</td>
</tr>
<tr>
<td>Total</td>
<td>$ 522,202</td>
</tr>
</tbody>
</table>

224 - West Virginia State Police – Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2015 Org 0612

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Expenses</td>
<td>13000 $</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400 $</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000 $</td>
</tr>
<tr>
<td>Buildings</td>
<td>25800 $</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000 $</td>
</tr>
<tr>
<td>Total</td>
<td>$ 366,065</td>
</tr>
</tbody>
</table>

225 - West Virginia State Police – Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2015 Org 0612

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100 $ 220,235</td>
</tr>
<tr>
<td></td>
<td>Appropriations</td>
</tr>
<tr>
<td>---</td>
<td>----------------</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
</tr>
<tr>
<td>6</td>
<td>Other Assets</td>
</tr>
<tr>
<td>7</td>
<td>BRIM Premium</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
</tr>
</tbody>
</table>

226 - West Virginia State Police -
Bail Bond Enforcer Fund

(WV Code Chapter 15)

Fund 6532 FY 2015 Org 0612

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Current Expenses</td>
</tr>
</tbody>
</table>

227 - West Virginia State Police -
State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2015 Org 0612

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Current Expenses</td>
</tr>
<tr>
<td>2</td>
<td>Repairs and Alterations</td>
</tr>
<tr>
<td>3</td>
<td>Total</td>
</tr>
</tbody>
</table>

228 - Regional Jail and Correctional Facility Authority

(WV Code Chapter 31)

Fund 6675 FY 2015 Org 0615

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
</tr>
<tr>
<td>3</td>
<td>Debt Service</td>
</tr>
<tr>
<td>4</td>
<td>Current Expenses</td>
</tr>
<tr>
<td>5</td>
<td>Repairs and Alterations</td>
</tr>
</tbody>
</table>
### 229 - Fire Commission – Fire Marshal Fees

(WV Code Chapter 29)

**Fund 6152 FY 2015 Org 0619**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Personal Services and Employee</td>
<td>00100</td>
<td>$2,848,036</td>
</tr>
<tr>
<td>2. Benefits</td>
<td></td>
<td>$2,848,036</td>
</tr>
<tr>
<td>3. Unclassified</td>
<td>09900</td>
<td>3,800</td>
</tr>
<tr>
<td>4. Current Expenses</td>
<td>13000</td>
<td>1,238,550</td>
</tr>
<tr>
<td>5. Repairs and Alterations</td>
<td>06400</td>
<td>54,500</td>
</tr>
<tr>
<td>6. Equipment</td>
<td>07000</td>
<td>50,800</td>
</tr>
<tr>
<td>7. Other Assets</td>
<td>69000</td>
<td>12,000</td>
</tr>
<tr>
<td>8. BRIM Premium</td>
<td>91300</td>
<td>50,000</td>
</tr>
<tr>
<td>9. Total</td>
<td></td>
<td>$4,257,686</td>
</tr>
</tbody>
</table>

### 230 - Division of Justice and Community Services – WV Community Corrections Fund

(WV Code Chapter 62)

**Fund 6386 FY 2015 Org 0620**

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Personal Services and Employee</td>
<td>00100</td>
<td>$152,000</td>
</tr>
<tr>
<td>2. Benefits</td>
<td></td>
<td>$152,000</td>
</tr>
<tr>
<td>3. Unclassified</td>
<td>09900</td>
<td>750</td>
</tr>
<tr>
<td>4. Current Expenses</td>
<td>13000</td>
<td>1,846,250</td>
</tr>
<tr>
<td>5. Repairs and Alterations</td>
<td>06400</td>
<td>1,000</td>
</tr>
<tr>
<td>6. Total</td>
<td></td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

### 231 - Division of Justice and Community Services – Court Security Fund

(WV Code Chapter 51)
### Fund 6804 FY 2015 Org 0620

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$21,865</td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>$1,478,135</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td></td>
<td>$1,500,000</td>
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</tbody>
</table>

### DEPARTMENT OF REVENUE

#### 232 - Division of Financial Institutions

(WV Code Chapter 31A)

#### Fund 3041 FY 2015 Org 0303

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$2,409,034</td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Unclassified</td>
<td>09900</td>
<td>32,290</td>
</tr>
<tr>
<td>4</td>
<td>Current Expenses</td>
<td>13000</td>
<td>719,042</td>
</tr>
<tr>
<td>5</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>1,000</td>
</tr>
<tr>
<td>6</td>
<td>Equipment</td>
<td>07000</td>
<td>20,000</td>
</tr>
<tr>
<td>7</td>
<td>Other Assets</td>
<td>69000</td>
<td>47,710</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
<td></td>
<td>$3,229,076</td>
</tr>
</tbody>
</table>

#### 233 - Office of the Secretary – Revenue Shortfall Reserve Fund

(WV Code Chapter 11B)

#### Fund 7005 FY 2015 Org 0701

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Medical Services Trust Fund –</td>
<td>51200</td>
<td>$100,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Transfer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The above appropriation for Medical Services Trust Fund –</td>
<td>51200</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Transfer (appropriation 51200) shall be transferred to the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Medical Services Trust Fund (fund 5185).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CLERK'S NOTE:** The Governor reduced the amount in Item 233, line 2 from $147,552,295 to $100,000,000. The total does NOT reflect the reduction made by the Governor.
The above appropriation does not affect the provisions of W.Va. Code Chapter 11B-2-20(e).

234 - Office of the Secretary – State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2015 Org 0701

1 Directed Transfer ............... 70000 20,000,000
2 Retirement Systems –
3 Unfunded Liability .......... 77500 20,000,000
4 Total.......................... $ 40,000,000

The above appropriation for Directed Transfer shall be transferred to the Consolidated Public Retirement Board – West Virginia Public Employees Retirement System Employers Accumulation Fund (fund 2510).

The above appropriation for Retirement Systems – Unfunded Liability (fund 7007, appropriation 77500) shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers’ Retirement System School Aid Formula Funds Holding Account Fund (fund 2606).

235 - Tax Division – Cemetery Company Account

(WV Code Chapter 35)

Fund 7071 FY 2015 Org 0702

1 Personal Services and Employee
2 Benefits ...................... 00100 $ 23,459
3 Current Expenses .......... 13000 7,717
4 Total.......................... $ 31,176
236 - Tax Division –
Special Audit and Investigative Unit

(WV Code Chapter 11)

Fund 7073 FY 2015 Org 0702

1 Personal Services and Employee Benefits               00100  $ 816,473
2                                              Unclassified       09900        11,000
3 Current Expenses                           13000  260,527
4 Repairs and Alterations                   06400   7,000
5 Equipment                                 07000     5,000
6 Total.................................. $ 1,100,000

237 - Tax Division –
Wine Tax Administration Fund

(WV Code Chapter 60)

Fund 7087 FY 2015 Org 0702

1 Personal Services and Employee Benefits               00100  $ 254,162
2                                              Current Expenses       13000         5,406
3 Total.................................. $ 259,568

238 - Tax Division –
Reduced Cigarette Ignition Propensity
Standard and Fire Prevention Act Fund

(WV Code Chapter 47)

Fund 7092 FY 2015 Org 0702

1 Current Expenses                           13000  $ 35,000
2 Equipment                                 07000   15,000
3 Total.................................. $ 50,000
### 239 - Tax Division –
*Local Sales Tax and Excise Tax Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2015 Org 0702

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$908,968</td>
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<tr>
<td>Unclassified</td>
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<td>10,000</td>
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<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>84,563</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>1,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$1,009,531</strong></td>
</tr>
</tbody>
</table>

### 240 - State Budget Office –
*Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2015 Org 0703

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Employees Insurance Reserve Fund</td>
<td>90300</td>
<td>$6,800,000</td>
</tr>
</tbody>
</table>

3 The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

### 241 - Insurance Commissioner –
*Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2015 Org 0704

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
<td>$718,045</td>
</tr>
</tbody>
</table>
### Ch. 13] APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>1,359,783</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
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<td>10,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>50,000</td>
</tr>
<tr>
<td>Buildings</td>
<td>25800</td>
<td>33,153</td>
</tr>
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<td>Other Assets</td>
<td>69000</td>
<td>11,426</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$ 2,182,407</strong></td>
</tr>
</tbody>
</table>

*242 - Insurance Commissioner – Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2015 Org 0704

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td>00100</td>
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<tr>
<td>Current Expenses</td>
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<td>5,000</td>
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<tr>
<td>Equipment</td>
<td>07000</td>
<td>20,000</td>
</tr>
<tr>
<td>Buildings</td>
<td>25800</td>
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<td>Other Assets</td>
<td>69000</td>
<td>19,460</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$ 817,930</strong></td>
</tr>
</tbody>
</table>

*243 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 7152 FY 2015 Org 0704

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td></td>
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<tr>
<td>Benefits</td>
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<td>Repairs and Alterations</td>
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<td>Other Assets</td>
<td>69000</td>
<td>500,661</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$ 36,000,000</strong></td>
</tr>
</tbody>
</table>
244 - Insurance Commissioner –
Workers’ Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2015 Org 0704

1 Employee Benefits............... 01000  $  100,000
2 Current Expenses............... 13000  549,900,000
3 Total........................... $  550,000,000

245 - Insurance Commissioner –
Workers’ Compensation Uninsured Employers’ Fund

(WV Code Chapter 23)

Fund 7163 FY 2015 Org 0704

1 Current Expenses............... 13000  $  27,000,000

246 - Insurance Commissioner –
Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2015 Org 0704

1 Current Expenses............... 13000  $  5,000,000

247 - Insurance Commissioner –
Self-Insured Employer Security Risk Pool

(WV Code Chapter 23)

Fund 7165 FY 2015 Org 0704

1 Current Expenses............... 13000  $  10,000,000
### 248 - Lottery Commission – Revenue Center Construction Fund

(WV Code Chapter 29)

Fund 7209 FY 2015 Org 0705

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>25800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,639,577</strong></td>
</tr>
</tbody>
</table>

### 249 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2015 Org 0706

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>0100 $246,489</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000  105,878</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000  100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$352,467</strong></td>
</tr>
</tbody>
</table>

### 250 - Racing Commission – Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2015 Org 0707

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Expenses - Total</td>
<td>24500 $57,000</td>
</tr>
</tbody>
</table>

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.
### 251 - Racing Commission – Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2015 Org 0707

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>FY 2015 Org 0707</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$ 256,665</td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td></td>
<td>$ 88,335</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>10,000</td>
</tr>
<tr>
<td>4</td>
<td>Other Assets</td>
<td>69000</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Total</td>
<td></td>
<td>$ 355,000</td>
</tr>
</tbody>
</table>

### 252 - Racing Commission – General Administration

(WV Code Chapter 19)

Fund 7305 FY 2015 Org 0707

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>FY 2015 Org 0707</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$ 2,271,339</td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td></td>
<td>566,248</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>7,000</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>50,000</td>
</tr>
<tr>
<td>5</td>
<td>Other Assets</td>
<td>69000</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td></td>
<td>$ 2,894,587</td>
</tr>
</tbody>
</table>

### 253 - Racing Commission – Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2015 Org 0707

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>FY 2015 Org 0707</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$ 864,474</td>
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<tr>
<td>2</td>
<td>Benefits</td>
<td></td>
<td>209,406</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Code</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>5,000</td>
</tr>
<tr>
<td>5</td>
<td>Other Assets</td>
<td>69000</td>
<td>200,000</td>
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<td>6</td>
<td>Total</td>
<td></td>
<td>$1,278,880</td>
</tr>
</tbody>
</table>

**254 - Alcohol Beverage Control Administration – Wine License Special Fund**

(WV Code Chapter 60)

Fund 7351 FY 2015 Org 0708

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
<td>$122,339</td>
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<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>69,186</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>7,263</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>10,000</td>
</tr>
<tr>
<td>6</td>
<td>Buildings</td>
<td>25800</td>
<td>100,000</td>
</tr>
<tr>
<td>7</td>
<td>Other Assets</td>
<td>69000</td>
<td>100</td>
</tr>
<tr>
<td>8</td>
<td>Total</td>
<td></td>
<td>$308,888</td>
</tr>
</tbody>
</table>

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

**255 - Alcohol Beverage Control Administration**

(WV Code Chapter 60)

Fund 7352 FY 2015 Org 0708

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
<td>$5,413,237</td>
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<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
<td>2,897,577</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>84,000</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
<td>108,000</td>
</tr>
<tr>
<td>6</td>
<td>Buildings</td>
<td>25800</td>
<td>100</td>
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<tr>
<td>7</td>
<td>Other Assets</td>
<td>69000</td>
<td>100</td>
</tr>
<tr>
<td>8</td>
<td>Land</td>
<td>73000</td>
<td>100</td>
</tr>
<tr>
<td>9</td>
<td>Total</td>
<td></td>
<td>$8,503,114</td>
</tr>
</tbody>
</table>
10 The total amount of these appropriations shall be paid from
11 a special revenue fund out of liquor revenues and any other
12 revenues available.

13 The above appropriations include the salary of the
14 commissioner and the salaries, expenses and equipment of
15 administrative offices, warehouses and inspectors.

16 The above appropriations include funding for the
17 Tobacco/Alcohol Education Program.

18 There is hereby appropriated from liquor revenues, in
19 addition to the above appropriations, the necessary amount for
20 the purchase of liquor as provided by law.

DEPARTMENT OF TRANSPORTATION

256 - Division of Motor Vehicles –
Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2015 Org 0802

1 Current Expenses. ..................... 13000$ 189,000

257 - Division of Motor Vehicles –
Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2015 Org 0802

1 Personal Services and Employee Benefits. .................. 00100 $ 2,668,799
2 Current Expenses. ..................... 13000 $ 2,704,226
3 Repairs and Alterations. .............. 06400 16,000
### APPROPRIATIONS

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Other Assets</td>
<td>69000</td>
</tr>
<tr>
<td>6</td>
<td>BRIM Premium</td>
<td>91300</td>
</tr>
<tr>
<td>7</td>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

258 - Division of Highways –
A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2015 Org 0803

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Current Expenses</td>
<td>13000</td>
</tr>
</tbody>
</table>

259 - Public Port Authority –
Special Railroad and Intermodal Enhancement Fund

(WV Code Chapter 17)

Fund 8254 FY 2015 Org 0806

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Current Expenses</td>
<td>13000</td>
</tr>
<tr>
<td>2</td>
<td>Other Assets</td>
<td>69000</td>
</tr>
<tr>
<td>3</td>
<td>Total</td>
<td>14,000,000</td>
</tr>
</tbody>
</table>

### DEPARTMENT OF VETERANS’ ASSISTANCE

260 - Veterans’ Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2015 Org 0613

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Benefits</td>
<td>00100</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>13000</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>06400</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>07000</td>
</tr>
</tbody>
</table>
261 - Department of Veterans' Assistance –
WV Veterans' Home –
Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2015 Org 0618

1 Current Expenses............................ 13000 $ 700,000
2 Repairs and Alterations...................... 06400 50,000
3 Total......................................... $ 750,000

BUREAU OF SENIOR SERVICES

262 - Bureau of Senior Services –
Community Based Service Fund

(WV Code Chapter 22)

Fund 5409 FY 2015 Org 0508

1 Personal Services and Employee Benefits. ............... 00100 $ 149,267
3 Current Expenses............................ 13000 10,350,733
4 Total......................................... $ 10,500,000

5 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.
263 - Higher Education Policy Commission –
System –
Registration Fee Capital Improvement Fund
(Capital Improvement and Bond Retirement Fund)
Control Account

(WV Code Chapters 18 and 18B)

Fund 4902 FY 2015 Org 0442

1 General Capital Expenditures. . . . . 30600 $ 500,000

2 The total amount of this appropriation shall be paid from the
special capital improvements fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available
on July 1 of each year and may be transferred to special revenue
funds for capital improvement projects at the institutions.

264 - Higher Education Policy Commission –
System –
Tuition Fee Capital Improvement Fund
(Capital Improvement and Bond Retirement Fund)
Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2015 Org 0442

1 Debt Service.......................... 04000 $ 28,909,741
2 General Capital Expenditures. . . . . 30600 3,000,000
3 Facilities Planning and
4 Administration...................... 38600 421,082
5 Total...................................... $ 32,330,823

6 The total amount of these appropriations shall be paid from
7 the special capital improvement fund created in W.Va. Code
§18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for debt service, may be transferred to special revenue funds for capital improvement projects at the institutions.

265 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2015 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

266 - Community and Technical College Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2015 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800)
3 at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

5 The total amount of this appropriation shall be paid from the sale of the 2009 Series A Community and Technical College Capital Improvement Revenue Bonds and anticipated interest earnings.

267 - West Virginia University –
West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2015 Org 0463

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$10,274,340</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$4,524,300</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>$425,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>$512,000</td>
</tr>
<tr>
<td>Buildings</td>
<td>25800</td>
<td>$150,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>$50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$15,935,640</strong></td>
</tr>
</tbody>
</table>

MISCELLANEOUS BOARDS AND COMMISSIONS

268 - Board of Barbers and Cosmetologists

(WV Code Chapters 16 and 30)

Fund 5425 FY 2015 Org 0505

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$504,497</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$239,969</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$744,466</strong></td>
</tr>
</tbody>
</table>

5 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.
### APPROPRIATIONS [Ch. 13

#### 269 - Hospital Finance Authority

(WV Code Chapter 16)

Fund 5475 FY 2015 Org 0509

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Personal Services and Employee</td>
<td>00100</td>
<td>$72,682</td>
</tr>
<tr>
<td>2. Benefits</td>
<td>09900</td>
<td>1,450</td>
</tr>
<tr>
<td>3. Unclassified</td>
<td>13000</td>
<td>71,039</td>
</tr>
<tr>
<td>4. Total</td>
<td></td>
<td>$145,171</td>
</tr>
</tbody>
</table>

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.

#### 270 - WV State Board of Examiners for Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2015 Org 0906

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Personal Services and Employee</td>
<td>00100</td>
<td>$428,521</td>
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<tr>
<td>2. Benefits</td>
<td>13000</td>
<td>54,936</td>
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<td>4. Total</td>
<td></td>
<td>$483,457</td>
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</table>

#### 271 - WV Board of Examiners for Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2015 Org 0907

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1. Personal Services and Employee</td>
<td>00100</td>
<td>$1,085,917</td>
</tr>
<tr>
<td>2. Benefits</td>
<td>13000</td>
<td>291,641</td>
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<tr>
<td>3. Repairs and Alterations</td>
<td>06400</td>
<td>3,000</td>
</tr>
<tr>
<td>4. Equipment</td>
<td>07000</td>
<td>19,500</td>
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</table>
### Public Service Commission

(WV Code Chapter 24)

**Fund 8623 FY 2015 Org 0926**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee</td>
<td></td>
</tr>
<tr>
<td>2 Benefits</td>
<td>$11,807,314</td>
</tr>
<tr>
<td>3 Unclassified</td>
<td>147,643</td>
</tr>
<tr>
<td>4 Current Expenses</td>
<td>2,704,398</td>
</tr>
<tr>
<td>5 Repairs and Alterations</td>
<td>55,000</td>
</tr>
<tr>
<td>6 Equipment</td>
<td>50,000</td>
</tr>
<tr>
<td>7 Buildings</td>
<td>4,500,000</td>
</tr>
<tr>
<td>8 PSC Weight Enforcement</td>
<td>4,405,884</td>
</tr>
<tr>
<td>9 Debt Payment/Capital Outlay</td>
<td>350,000</td>
</tr>
<tr>
<td>10 BRIM Premium</td>
<td>114,609</td>
</tr>
<tr>
<td>11 Total</td>
<td>$24,134,848</td>
</tr>
</tbody>
</table>

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 surplus cash in this fund, to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.
### Fund 8624 FY 2015 Org 0926

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$284,198</td>
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<tr>
<td>Benefits</td>
<td></td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
<td>3,851</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>93,115</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>4,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$385,164</td>
</tr>
</tbody>
</table>

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.

**274 - Public Service Commission – Motor Carrier Division**

(WV Code Chapter 24A)

### Fund 8625 FY 2015 Org 0926

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Code</th>
<th>Amount</th>
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</thead>
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<tr>
<td>Personal Services and Employee</td>
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<td></td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
<td>29,233</td>
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<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>577,557</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>23,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>50,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$2,923,316</td>
</tr>
</tbody>
</table>

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.

**275 - Public Service Commission – Consumer Advocate**

(WV Code Chapter 24)
Ch. 13] APPROPRIATIONS

Fund 8627 FY 2015 Org 0926

1 Personal Services and Employee
  2 Benefits. ................... 00100 $ 743,372
  3 Current Expenses. .......... 13000 276,472
  4 Equipment. ................... 07000 10,000
  5 BRIM Premium. ............... 91300 4,532
  6 Total. ......................... $ 1,034,376

The total amount of these appropriations shall be paid from
a special revenue fund out of collections made by the public
service commission.

276 - Real Estate Commission

(WV Code Chapter 30)

Fund 8635 FY 2015 Org 0927

1 Personal Services and Employee
  2 Benefits. ................... 00100 $ 582,413
  3 Current Expenses. .......... 13000 285,622
  4 Repairs and Alterations. .... 06400 5,000
  5 Equipment. ................... 07000 10,000
  6 Total. ......................... $ 883,035

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

277 - WV Board of Examiners for Speech-Language
Pathology and Audiology

(WV Code Chapter 30)

Fund 8646 FY 2015 Org 0930

1 Personal Services and Employee
  2 Benefits. ................... 00100 $ 73,756
<table>
<thead>
<tr>
<th>Fund 8676 FY 2015 Org 0935</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>278 - WV Board of Respiratory Care</strong></td>
</tr>
<tr>
<td>(WV Code Chapter 30)</td>
</tr>
<tr>
<td><strong>Fund 8676 FY 2015 Org 0935</strong></td>
</tr>
<tr>
<td>1. Personal Services and Employee</td>
</tr>
<tr>
<td>2. Benefits 00100 $78,820</td>
</tr>
<tr>
<td>3. Current Expenses 13000 51,750</td>
</tr>
<tr>
<td>4. Repairs and Alterations 06400 400</td>
</tr>
<tr>
<td>5. Total $130,970</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund 8680 FY 2015 Org 0936</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>279 - WV Board of Licensed Dietitians</strong></td>
</tr>
<tr>
<td>(WV Code Chapter 30)</td>
</tr>
<tr>
<td>Fund 8680 FY 2015 Org 0936</td>
</tr>
<tr>
<td>1. Personal Services and Employee</td>
</tr>
<tr>
<td>2. Benefits 00100 $8,648</td>
</tr>
<tr>
<td>3. Current Expenses 13000 14,352</td>
</tr>
<tr>
<td>4. Total $23,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund 8671 FY 2015 Org 0938</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>280 - Massage Therapy Licensure Board</strong></td>
</tr>
<tr>
<td>(WV Code Chapter 30)</td>
</tr>
<tr>
<td>Fund 8671 FY 2015 Org 0938</td>
</tr>
<tr>
<td>1. Personal Services and Employee</td>
</tr>
<tr>
<td>2. Benefits 00100 $102,338</td>
</tr>
<tr>
<td>3. Current Expenses 13000 24,668</td>
</tr>
<tr>
<td>4. Total $127,006</td>
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</table>

<table>
<thead>
<tr>
<th>Fund 8671 FY 2015 Org 0938</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>281 - Board of Medicine</strong></td>
</tr>
<tr>
<td>(WV Code Chapter 30)</td>
</tr>
</tbody>
</table>
### Fund 9070 FY 2015 Org 0945

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$983,753</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$832,788</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>$15,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$1,831,541</strong></td>
</tr>
</tbody>
</table>

**282 - West Virginia Enterprise Resource Planning Board**  
*Enterprise Resource Planning System Fund*  
*(WV Code Chapter 12)*

### Fund 9080 FY 2015 Org 0947

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$6,713,066</td>
</tr>
<tr>
<td>Unclassified</td>
<td>09900</td>
<td>$430,000</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$42,306,934</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>$100,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>$250,000</td>
</tr>
<tr>
<td>Buildings</td>
<td>25800</td>
<td>$100,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>$100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$50,000,000</strong></td>
</tr>
</tbody>
</table>

**283 - Board of Treasury Investments**  
*(WV Code Chapter 12)*

### Fund 9152 FY 2015 Org 0950

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$716,150</td>
</tr>
<tr>
<td>Unclassified</td>
<td>09900</td>
<td>$12,667</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>13000</td>
<td>$478,390</td>
</tr>
<tr>
<td>BRIM Premium</td>
<td>91300</td>
<td>$59,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$1,266,707</strong></td>
</tr>
</tbody>
</table>

*WV Code Chapter 12*
There is hereby appropriated from this fund, in addition to the above appropriation, the amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the Consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

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

Total TITLE II, Section 3 —

Other Funds

(Including claims against the state) . . . $1,849,353,575

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the director of the lottery to the following accounts in the amounts indicated. The director of the lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the director of the lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 9067, and Fund 3514 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 9067, and Fund 3514 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.

284 - Education, Arts, Sciences and Tourism – Debt Service Fund

(WV Code Chapter 5)
Fund 2252 FY 2015 Org 0211

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Lottery Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Debt Service – Total. ........... 31000</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

285 - West Virginia Development Office – Division of Tourism

(WV Code Chapter 5B)

Fund 3067 FY 2015 Org 0304

| Tourism – Telemarketing Center... 46300 | $82,080 |
| WV Film Office. .................. 49800 | 341,177 |
| Tourism – Advertising (R)........ 61800 | 3,571,419 |
| Tourism – Operations (R). ...... 66200 | 4,065,166 |
| Total................................ | $8,059,842 |

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 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

286 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2015 Org 0310

| Personal Services and Employee |  |
| Benefits. ....................... 00100 | $2,140,793 |
| Current Expenses. .............. 13000 | 47,127 |
| Pricketts Fort State Park........ 32400 | 111,000 |
| Non-Game Wildlife (R). .......... 52700 | 389,993 |
| State Parks and Recreation |  |
| Advertising (R). ............... 61900 | 507,578 |
| Total............................. | $3,196,491 |
Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

287 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2015 Org 0402

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Current Expenses</td>
<td>$1,269,375</td>
</tr>
<tr>
<td>2</td>
<td>FBI Checks</td>
<td>109,596</td>
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<tr>
<td>3</td>
<td>Vocational Education Equipment Replacement</td>
<td>800,000</td>
</tr>
<tr>
<td>4</td>
<td>Assessment Program (R)</td>
<td>3,224,946</td>
</tr>
<tr>
<td>5</td>
<td>21st Century Technology Infrastructure Network Tools and Support (R)</td>
<td>14,228,835</td>
</tr>
<tr>
<td>6</td>
<td>Total</td>
<td>$22,017,127</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

*Clerk's Note: The Governor reduced the amount in Item 287, line 1 from $3,653,750 to $1,269,375. The total does NOT reflect the reduction made by the Governor.*
288 - State Department of Education –
School Building Authority –
Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2015 Org 0402

1 Debt Service – Total. ........... 31000 $ 18,000,000

289 - Department of Education and the Arts –
Office of the Secretary –
Control Account –
Lottery Education Fund

(WV Code Chapter 5F)

Fund 3508 FY 2015 Org 0431

1 Unclassified (R). ................. 09900 $ 17,000
2 Current Expenses.................. 13000 103,000
3 Commission for National and
4 Community Service............ 19300 406,625
5 Governor’s Honors Academy (R). 47800 400,000
6 Arts Programs (R). ............. 50000 81,277
7 College Readiness.............. 57900 185,083
8 Statewide STEM 21st Century
9 Academy.......................... 89700 130,000
10 Literacy Project (R)........... 89900 350,000
11 Total.............................. $ 1,672,985

Any unexpended balances remaining in the appropriations
for Unclassified (fund 3508, appropriation 09900), Governor’s
Honors Academy (fund 3508, appropriation 47800), Arts
Programs (fund 3508, appropriation 50000), and Literacy Project
(fund 3508, appropriation 89900) at the close of fiscal year 2014
are hereby reappropriated for expenditure during the fiscal year
2015.
290 - Division of Culture and History –
Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2015 Org 0432

<table>
<thead>
<tr>
<th>Item</th>
<th>Organization</th>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Huntington Symphony</td>
<td>02700</td>
<td>$82,025</td>
</tr>
<tr>
<td>2</td>
<td>Preservation West Virginia</td>
<td>09200</td>
<td>652,799</td>
</tr>
<tr>
<td>3</td>
<td>Fairs and Festivals (R)</td>
<td>12200</td>
<td>1,853,663</td>
</tr>
<tr>
<td>4</td>
<td>Archeological Curation/Capital Improvements (R)</td>
<td>24600</td>
<td>41,820</td>
</tr>
<tr>
<td>5</td>
<td>Historic Preservation Grants (R)</td>
<td>31100</td>
<td>369,581</td>
</tr>
<tr>
<td>6</td>
<td>West Virginia Public Theater</td>
<td>31200</td>
<td>166,693</td>
</tr>
<tr>
<td>7</td>
<td>George Tyler Moore Center for the Study of the Civil War</td>
<td>39700</td>
<td>51,932</td>
</tr>
<tr>
<td>8</td>
<td>Greenbrier Valley Theater</td>
<td>42300</td>
<td>138,254</td>
</tr>
<tr>
<td>9</td>
<td>Theater Arts of West Virginia</td>
<td>46400</td>
<td>125,000</td>
</tr>
<tr>
<td>10</td>
<td>Marshall Artists Series</td>
<td>51800</td>
<td>50,008</td>
</tr>
<tr>
<td>11</td>
<td>Grants for Competitive Arts Program (R)</td>
<td>62400</td>
<td>731,000</td>
</tr>
<tr>
<td>12</td>
<td>West Virginia State Fair</td>
<td>65700</td>
<td>43,391</td>
</tr>
<tr>
<td>13</td>
<td>Save the Music</td>
<td>68000</td>
<td>30,000</td>
</tr>
<tr>
<td>14</td>
<td>Contemporary American Theater Festival</td>
<td>81100</td>
<td>79,558</td>
</tr>
<tr>
<td>15</td>
<td>Independence Hall</td>
<td>81200</td>
<td>37,885</td>
</tr>
<tr>
<td>16</td>
<td>Mountain State Forest Festival</td>
<td>86400</td>
<td>53,038</td>
</tr>
<tr>
<td>17</td>
<td>WV Symphony</td>
<td>90700</td>
<td>82,025</td>
</tr>
<tr>
<td>18</td>
<td>Wheeling Symphony</td>
<td>90800</td>
<td>82,025</td>
</tr>
<tr>
<td>19</td>
<td>Appalachian Children’s Chorus</td>
<td>91600</td>
<td>75,770</td>
</tr>
<tr>
<td>20</td>
<td>Total</td>
<td></td>
<td>$4,746,467</td>
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Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program
(fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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) $3,713, Aracoma Story (Logan) $41,254, Arts Monongahela (Monongalia) $16,502, Barbour County Arts and Humanities Council $1,238, Beckley Main Street (Raleigh) $4,125, Belle Boyd House (Berkeley) $1,650, Buffalo Creek Memorial (Logan) $4,125, Carnegie Hall (Greenbrier) $65,138, Ceredo Historical Society (Wayne) $1,650, Ceredo Kenova Railroad Museum (Wayne) $1,650, Children's Theatre of Charleston (Kanawha) $4,343, Chuck Mathena Center (Mercer) $86,850, Collis P. Huntington Railroad Historical Society (Cabell) $8,251, Country Music Hall of Fame and Museum (Marion) $5,776, First Stage Children's Theater Company $1,650, Flannigan Murrell House (Summers) $8,251, Fort Ashby Fort (Mineral) $1,238, Fort New Salem (Harrison) $3,053, Fort Randolph (Mason) $4,125, General Adam Stephen Memorial Foundation (Berkeley) $15,286, Grafton Mother's Day Shrine Committee (Taylor) $7,013, Hardy County Tour and Crafts Association $16,502, Heritage Craft Center of the Eastern Panhandle (Berkeley) $5,776, Heritage Farm Museum & Village (Cabell) $41,254, Historic Fayette Theater (Fayette) $4,538, Historic Middleway Conservancy (Jefferson) $825, Jefferson County Black History Preservation Society $4,125, Jefferson County Historical Landmark Commission $6,601, Maddie Carroll House (Cabell) $6,188, Marshall County Historical Society $7,013, McCoy Theater (Hardy) $16,502, Morgantown Theater Company (Monongalia) $16,502, Mountaineer Boys' State (Lewis) $8,251, Nicholas Old Main Foundation (Nicholas) $1,650, Norman Dillon Farm Museum (Berkeley) $8,251, Old Opera House Theater Company (Jefferson) $12,376, Parkersburg Arts Center (Wood) $16,502, Pocahontas Historic Opera House
67 $4,950, Raleigh County All Wars Museum $8,251,  
68 Rhododendron Girl’s State (Ohio) $8,251, Roane County 4-H  
69 and FFA Youth Livestock Program $4,125, Scottish Heritage  
70 Society/N. Central WV (Harrison) $4,125, Society for the  
71 Preservation of McGrew House (Preston) $2,888, Southern WV  
72 Veterans’ Museum $3,713, Summers County Historic Landmark  
73 Commission $4,125, Those Who Served War Museum (Mercer)  
74 $3,300, Three Rivers Avian Center (Summers) $12,376, Tug  
75 Valley Arts Council (Mingo) $4,125, Tug Valley Chamber of  
76 Commerce Coal House (Mingo) $1,650, Tunnelton Historical  
77 Society (Preston) $1,650, Veterans Committee for Civic  
78 Improvement of Huntington (Wayne) $4,125, West Virginia  
79 Museum of Glass (Lewis) $4,125, West Virginia Music Hall of  
80 Fame (Kanawha) $28,878, YMCA Camp Horseshoe (Tucker)  
81 $82,508, Youth Museum of Southern WV (Raleigh) $9,901.  
82  
83 From the above appropriation for Fairs and Festivals (fund  
84 3534, appropriation 12200) funding shall be provided to the  
85 African-American Cultural Heritage Festival (Jefferson) $4,125,  
86 Alderson 4th of July Celebration (Greenbrier) $4,125, Allegheny  
87 Echo (Pocahontas) $6,189, Alpine Festival/Leaf Peepers Festival  
88 (Tucker) $9,282, American Civil War (Grant) $4,343, American  
89 Legion Post 8 Veterans Day Parade (McDowell) $1,737, Angus  
90 Beef and Cattle Show (Lewis) $1,238, Annual Don Redman  
91 Heritage Concert & Awards (Jefferson) $1,303, Annual Ruddle  
92 Park Jamboree (Pendleton) $6,514, Antique Market Fair (Lewis)  
93 $1,650, Appalachian Autumn Fest (Gilmer) $3,325, Apollo  
94 Theater-Summer Program (Berkeley) $1,650, Apple Butter  
95 Festival (Morgan) $4,950, Arkansaw Homemaker’s Heritage  
96 Weekend (Hardy) $2,888, Armed Forces Day-South Charleston  
97 (Kanawha) $2,475, Arthurdale Heritage New Deal Festival  
98 (Preston) $4,125, Athens Town Fair (Mercer) $1,650, Augusta  
99 Fair (Randolph) $4,125, Autumn Harvest Fest (Monroe) $1,900,  
100 Barbour County Fair $20,627, Barboursville Octoberfest  
101 (Cabell) $4,125, Bass Festival (Pleasants) $1,527, Battelle  
102 District Fair (Monongalia) $4,125, Battle of Dry Creek  
103 (Greenbrier) $1,238, Battle of Lewisburg Civil War Days
(Greenbrier) $2,475, Battle of Point Pleasant Memorial Committee (Mason) $4,125, Belle Town Fair (Kanawha) $3,713, Belleville Homecoming (Wood) $16,502, Bergoo Down Home Days (Webster) $2,063, Berkeley County Youth Fair $15,264, Black Bear 4K Mountain Bike Race (Kanawha) $950, Black Heritage Festival (Harrison) $4,950, Black Walnut Festival County Fair $8,251, Boone County Labor Day Celebration $3,300, Bradshaw Fall Festival (McDowell) $1,650, Brandonville Heritage Day (Preston) $1,455, Braxton County Fair $9,489, Braxton County Monster Fest / WV Autumn Festival $2,063, Brooke County Fair $2,888, Bruceton Mills Good Neighbor Days (Preston) $1,650, Buckwheat Festival (Preston) $7,014, Buffalo 4th of July Celebration (Putnam) $475, Burlington Apple Harvest Festival (Mineral) $24,752, Burlington Pumpkin Harvest Festival (Raleigh) $4,125, Burnsville Harvest Festival (Braxton) $1,954, Cabell County Fair $8,251, Calhoun County Wood Festival $1,650, Campbell’s Creek Community Fair (Kanawha) $2,063, Cape Coalwood Festival Association (McDowell) $2,063, Capon Bridge Founders Day Festival (Hampshire) $1,650, Capon Springs Ruritan 4th of July (Hampshire) $950, Cass Homecoming (Pocahontas) $1,650, Cedarville Town Festival (Gilmer) $950, Celebration in the Park (Wood) $3,300, Celebration of America (Monongalia) $4,950, Ceredo Freedom Festival (Wayne) $973, Chapmanville Apple Butter Festival (Logan) $950, Chapmanville Fire Department 4th of July (Logan) $2,475, Charles Town Christmas Festival (Jefferson) $4,125, Charles Town Heritage Festival (Jefferson) $4,125, Charlie West Blues Festival (Kanawha) $8,251, Cherry River Festival (Nicholas) $5,363, Chester Fireworks (Hancock) $1,238, Chester Fourth of July Festivities (Hancock) $4,125, Chief Logan State Park-Civil War Celebration (Logan) $6,601, Chilifest WV State Chili Championship (Cabell) $2,171, Christmas In Our Town (Marion) $4,343, Christmas in Shepherdstown (Jefferson) $3,360, Christmas in the Park (Brooke) $4,125, Christmas in the
139 Park (Logan) $20,627, City of Dunbar Critter Dinner (Kanawha)
140 $8,251, City of New Martinsville Festival of Memories (Wetzel)
141 $9,076, City of Pleasant Valley Celebration (Marion) $2,063,
142 Civil War Horse Calvary Race (Barbour) $950, Clay County
143 Golden Delicious Apple Festival $5,776, Coal Field Jamboree
144 (Logan) $28,878, Coalton Days Fair (Randolph) $5,776, Country
145 Roads Festival (Fayette) $1,650, Cowen Railroad Festival
146 (Webster) $2,888, Craigsville Fall Festival (Nicholas) $2,888,
147 Culturefest World Music & Arts Festival (Mercer) $6,514,
148 Delbarton Homecoming (Mingo) $2,888, Doddridge County Fair
149 $5,776, Durbin Days (Pocahontas) $4,125, Eastern Kanawha
150 Valley Homecoming Festival (Kanawha) $2,171, Elbert/Filbert
151 Reunion Festival (McDowell) $1,238, Elizabethtown Festival
152 (Marshall) $4,125, Elkins Randolph County 4th of July Car
153 Show (Randolph) $1,650, Fairview 4th of July Celebration
154 (Marion) $950, Farm Safety Day (Preston) $1,650, Farmer Day
155 Festival (Monroe) $1,737, Farmers’ Day Parade (Wyoming)
156 $1,000, Fayette American Legion 4th of July (Fayette) $917,
157 FestivALL Charleston (Kanawha) $16,502, Fiber Festival
158 (Preston) $1,500, Flatwood Days (Braxton) $973, Flemington
159 Day Fair and Festival (Taylor) $2,888, Follansbee Community
160 Days (Brooke) $6,807, Fort Gay Mountain Heritage Days
161 (Wayne) $4,125, Fort Henry Days (Ohio) $4,373, Fort Henry
162 Living History (Ohio) $2,171, Fort New Salem Spirit of
163 Christmas Festival (Harrison) $3,378, Frankford Autumnfest
164 (Greenbrier) $4,125, Franklin Fishing Derby (Pendleton) $6,189,
165 Franklin’s Fireman Carnival (Pendleton) $4,125, Freshwater
166 Folk Festival (Greenbrier) $4,125, Friends Auxiliary of W.R.
167 Sharpe Hospital (Lewis) $4,125, Frontier Days (Harrison)
168 $2,475, Frontier Fest/Canaan Valley (Taylor) $4,125, Fund for
169 the Arts-Wine & All that Jazz Festival (Kanawha) $2,063,
170 Gassaway Days Celebration (Braxton) $4,125, Gilbert
171 Elementary Fall Blast (Mingo) $2,171, Gilbert Kiwanis Harvest
172 Festival (Mingo) $3,300, Gilbert Spring Fling (Mingo) $4,125,
173 Gilmer County Farm Show $3,300, Grant County Arts Council
174 $1,650, Grape Stomping Wine Festival (Nicholas) $1,650, Great
Ch. 13] APPROPRIATIONS 237

175 Greenbrier River Race (Pocahontas) $8,251, Greater Quinwood Days (Greenbrier) $1,086, Green Spring Days (Hampshire) $950, Guyandotte Civil War Days (Cabell) $8,251, Hamlin 4th of July Celebration (Lincoln) $4,125, Hampshire Civil War Celebration Days (Hampshire) $950, Hampshire County 4th of July Celebration $16,502, Hampshire County Fair $6,948, Hampshire Heritage Days (Hampshire) $3,300, Hancock County Oldtime Fair $4,125, Hardy County Commission - 4th of July $8,251, Hatfield McCoy Matewan Reunion Festival (Mingo) $17,125, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) $4,125, Heat'n the Hills Chilifest (Lincoln) $3,474, Heritage Craft Festival (Monroe) $950, Heritage Days Festival (Roane) $1,238, Hicks Festival (Tucker) $950, Hilltop Festival (Cabell) $950, Hilltop Festival of Lights (McDowell) $1,650, Hinton Railroad Days (Summers) $4,538, Holly River Festival (Webster) $1,238, Hometown Mountain Heritage Festival (Fayette) $3,378, Hundred 4th of July (Wetzel) $5,982, Hundred American Legion Earl Kiger Post Bluegrass Festival (Wetzel) $1,650, Hurricane 4th of July Celebration (Putnam) $4,125, Iaeger Lions Club Annual Golf Show (McDowell) $1,238, Iaeger Town Fair (McDowell) $1,238, Irish Heritage Festival of WV (Raleigh) $4,125, Irish Spring Festival (Lewis) $950, Italian Heritage Festival-Clarksburg (Harrison) $24,752, Jackson County Fair $4,125, Jacksonburg Homecoming Festival (Wetzel) $950, Jamboree (Pocahontas) $4,125, Jane Lew Arts and Crafts Fair (Lewis) $950, Jefferson County Fair Association $20,627, Jersey Mountain Ruritan Pioneer Days (Hampshire) $950, John Henry Days Festival (Monroe) $4,125, Johnnie Johnson Blues and Jazz Festival (Marion) $4,125, Johnstown Community Fair (Harrison) $2,063, Junior Heifer Preview Show (Lewis) $1,650, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) $4,125, Kanawha County Fair $4,125, Keeper of the Mountains-Kayford (Kanawha) $2,063, Kenova Autumn Festival (Wayne) $6,080, Kermit Fall Festival (Mingo) $2,475, Keystone Reunion Gala (McDowell) $2,171, King Coal Festival (Mingo) $4,125, Kingwood
Downtown Street Fair and Heritage Days (Preston) $1,650, L.Z.
Rainelle WV Veterans Reunion (Greenbrier) $4,125, Lady of Agriculture (Preston) $950, Larry Joe Harless Center Octoberfest
Hatfield McCoy Trail (Mingo) $8,251, Larry Joe Harless Community Center Spring Middle School Event (Mingo)
$4,125, Last Blast of Summer (McDowell) $4,125, Lewis County Fair Association $2,888, Lewisburg Shanghai (Greenbrier) $1,650, Lincoln County Fall Festival $6,601,
Lincoln County Winterfest $4,125, Little Birch Days Celebration (Braxton) $475, Little Levels Heritage Festival (Pocahontas)
$1,650, Logan Freedom Festival $6,189, Lost Creek Community Festival (Harrison) $5,776, Main Street Arts Festival (Upshur)
$4,343, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) $3,908, Mannington District Fair (Marion) $4,950,
Maple Syrup Festival (Randolph) $950, Marion County FFA Farm Fest $2,063, Marmet Labor Day Celebration (Kanawha)
$4,275, Marshall County Antique Power Show $2,063, Marshall County Fair $6,189, Mason County Fair $4,125, Mason Dixon Festival (Monongalia) $5,776, Matewan Massacre Reenactment (Mingo) $6,950, Matewan-Magnolia Fair (Mingo) $22,128,
McARTS-McDowell County $16,502, McDowell County Fair $2,063, McGrew House History Day (Preston) $1,650,
McNeill’s Rangers (Mineral) $6,601, Meadow Bridge Hometown Festival (Fayette) $1,032, Meadow River Days Festival (Greenbrier) $2,475, Mercer Bluestone Valley Fair (Mercer) $1,650, Mercer County Fair $1,650, Mid Ohio Valley Antique Engine Festival (Wood) $2,475, Milton Christmas in the Park (Cabell) $2,063, Milton Fourth of July Celebration (Cabell)
$2,063, Mineral County Fair $1,444, Mineral County Veterans Day Parade $1,238, Molasses Festival (Calhoun) $1,650,
Monongahfest (Marion) $5,211, Moon Over Mountwood Fishing Festival (Wood) $2,475, Morgan County Fair-History Wagon $1,238, Moundsville Bass Festival (Marshall) $3,300,
Moundsville July 4th Celebration (Marshall) $4,125, Mount Liberty Fall Festival (Barbour) $2,063, Mountain Fest (Monongalia) $16,502, Mountain Festival (Mercer) $3,816,
247 Mountain Heritage Arts and Crafts Festival (Jefferson) $4,125,
248 Mountain Music Festival (McDowell) $2,063, Mountain State
249 Apple Harvest Festival (Berkeley) $6,189, Mountain State Arts
250 & Crafts Fair Cedar Lakes (Jackson) $37,128, Mountaineer Hot
251 Air Balloon Festival (Monongalia) $3,300, Mud River Festival
252 (Lincoln) $6,601, Mullens Dogwood Festival (Wyoming)
253 $5,776, Multi-Cultural Festival of West Virginia (Kanawha)
254 $16,502, New Cumberland Christmas Parade (Hancock) $2,475,
255 New Cumberland Fourth of July Fireworks (Hancock) $4,125,
256 New River Bridge Day Festival (Fayette) $33,003, Newburg
257 Volunteer Fireman’s Field Day (Preston) $950, Nicholas County
258 Fair $4,125, Nicholas County Potato Festival $2,888, North
259 River Valley Festival (Hampshire) $950, Northern Preston Mule
260 Pull and Farmers Days (Preston) $3,300, Oak Leaf Festival
261 (Fayette) $8,685, Oceana Heritage Festival (Wyoming) $4,950,
262 Oglebay City Park - Festival of Lights (Ohio) $66,006, Oglebay
263 Festival (Ohio) $8,251, Ohio County Country Fair $7,426, Ohio
264 Valley Beef Association (Wood) $2,063, Ohio Valley Black
265 Heritage Festival (Ohio) $4,538, Old Central City Fair (Cabell)
266 $4,125, Old Century City Fair (Barbour) $1,737, Old Tyme
267 Christmas (Jefferson) $1,980, Paden City Labor Day Festival
268 (Wetzel) $5,363, Parkersburg Homecoming (Wood) $12,159,
269 Patty Fest (Monongalia) $1,650, Paw Paw District Fair (Marion)
270 $2,888, Pax Reunion Committee (Fayette) $4,125, Pendleton
271 County 4-H Weekend $1,650, Pendleton County Committee for
272 Arts $12,376, Pendleton County Fair $8,685, Pennsboro Country
273 Road Festival (Ritchie) $1,650, Petersburg Fourth of July
274 Celebration (Grant) $16,502, Petersburg HS Celebration (Grant)
275 $8,251, Piedmont-Annual Back Street Festival (Mineral) $3,300,
276 Pinch Reunion (Kanawha) $1,238, Pine Bluff Fall Festival
277 (Harrison) $3,300, Pine Grove 4th of July Festival (Wetzel)
278 $5,776, Pineville Festival (Wyoming) $4,950, Pleasants County
279 Agriculture Youth Fair $4,125, Poca Heritage Days (Putnam)
280 $2,475, Pocahontas County Pioneer Days $5,776, Point Pleasant
281 Stern Wheel Regatta (Mason) $4,125, Potomac Highlands Maple
282 Festival (Grant) $4,950, Pratt Fall Festival (Kanawha) $2,063,
283 Princeton Autumnfest (Mercer) $2,171, Princeton Street Fair (Mercer) $4,125, Putnam County Fair $4,125, Quartets on Parade (Hardy) $3,300, Rainelle Fall Festival (Greenbrier) $4,343, Rand Community Center Festival (Kanawha) $2,063, Randolph County Community Arts Council $2,475, Randolph County Fair $5,776, Randolph County Ramp and Rails $1,650, Ranson Christmas Festival (Jefferson) $4,125, Ranson Festival (Jefferson) $4,125, Ravenswood Octoberfest (Jackson) $6,601, Renick Liberty Festival (Greenbrier) $950, Ripley 4th of July (Jackson) $12,376, Ritchie County Fair and Exposition $4,125, Ritchie County Pioneer Days $950, River City Festival (Preston) $950, Riverfest (Marion) $1,650, Riverside Blues Festival (Randolph) $4,343, Roane County Agriculture Field Day $2,475, Rocket Boys Festival (Raleigh) $2,375, Romney Heritage Days (Hampshire) $2,606, Ronceverte River Festival (Greenbrier) $4,125, Rotary International Day in the Park (Harrison) $900, Rowlesburg Labor Day Festival (Preston) $950, Rupert Country Fling (Greenbrier) $2,475, Saint Spyridon Greek Festival (Harrison) $2,063, Salem Apple Butter Festival (Harrison) $3,300, Sistersville 4th of July Fireworks (Wetzel) $4,538, Skirmish on the River (Mingo) $1,737, Smoke on the Water (Wetzel) $2,475, South Charleston Summerfest (Kanawha) $8,251, Southern Wayne County Fall Festival $950, Spirit of Grafton Celebration (Taylor) $8,251, Spring Mountain Festival (Grant) $3,300, Springfield Peach Festival (Hampshire) $1,026, St. Albans City of Lights - December (Kanawha) $4,125, St. Albans Town Fair and Carnival (Kanawha) $8,685, Sternwheel Festival (Wood) $2,475, Stoco Reunion (Raleigh) $2,063, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) $9,076, Storytelling Festival (Lewis) $475, Strawberry Festival (Upshur) $24,752, Tacy Fair (Barbour) $950, Taste of Parkersburg (Wood) $4,125, Taylor County Fair $4,538, Terra Alta VFD 4th of July Celebration (Preston) $950, The Gathering at Sweet Creek (Wood) $2,475, Three Rivers Coal Festival (Marion) $6,394, Thunder on the Tygart - Mothers’ Day Celebration (Taylor) $12,376, Town of Delbarton 4th of July
<table>
<thead>
<tr>
<th></th>
<th>Event Description</th>
<th>Appropriations</th>
</tr>
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<tbody>
<tr>
<td>319</td>
<td>Celebration (Mingo)</td>
<td>$2,475</td>
</tr>
<tr>
<td>320</td>
<td>Festival (Fayette)</td>
<td>$6,189</td>
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<tr>
<td>321</td>
<td>(Tucker)</td>
<td>$1,737</td>
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<tr>
<td>322</td>
<td>Town of Rivesville 4th of July Festival (Marion)</td>
<td>$4,343</td>
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<tr>
<td>323</td>
<td>Treasure Mountain Festival (Pendleton)</td>
<td>$20,627</td>
</tr>
<tr>
<td>324</td>
<td>Fair (Grant)</td>
<td>$31,318</td>
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<tr>
<td>325</td>
<td>Celebration $14,851, Tucker County Fair $3,919</td>
<td>Tucker County</td>
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<tr>
<td>326</td>
<td>Health Fair $1,650, Tunnelton Depot Days</td>
<td>$950</td>
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<tr>
<td>327</td>
<td>Tunnelton Volunteer Fire Department Festival</td>
<td>$950</td>
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<tr>
<td>328</td>
<td>Turkey Festival (Hardy) $2,475, Tyler County</td>
<td>Fair $4,290, Tyler</td>
</tr>
<tr>
<td>329</td>
<td>County Fourth of July $475, Tyler County</td>
<td>OctoberFest $1,000</td>
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<tr>
<td>330</td>
<td>Union Community Irish Festival (Barbour)</td>
<td>$900</td>
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<tr>
<td>331</td>
<td>Virginia Festival (Morgan) $1,650, Upper</td>
<td>Kanawha Valley</td>
</tr>
<tr>
<td>332</td>
<td>Oktoberfest (Kanawha) $2,063, Upper Ohio Valley</td>
<td>Festival (Ohio) $9,901,</td>
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<tr>
<td>333</td>
<td>Festival (Ohio)</td>
<td>Upper West Fork Park</td>
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<tr>
<td>334</td>
<td>Festival (Calhoun)</td>
<td>$475</td>
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<tr>
<td>335</td>
<td>District Fair (Preston) $2,888, Veterans</td>
<td>Welcome Home</td>
</tr>
<tr>
<td>336</td>
<td>Celebration (Cabell) $1,303, Vietnam Veterans</td>
<td>of America</td>
</tr>
<tr>
<td>337</td>
<td>Christmas Party (Cabell) $950, Volcano Days at</td>
<td>Mountwood</td>
</tr>
<tr>
<td>338</td>
<td>Park (Wood) $4,125, War Homecoming Fall</td>
<td>Festival</td>
</tr>
<tr>
<td>339</td>
<td>(McDowell) $1,238, Wardensville Fall Festival</td>
<td>(Hardy) $4,125,</td>
</tr>
<tr>
<td>340</td>
<td>Wayne County Fair $4,125, Wayne County Fall</td>
<td>Festival $4,125,</td>
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<tr>
<td>341</td>
<td>Webster County Wood Chopping Festival $12,376,</td>
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<tr>
<td>342</td>
<td>Wild Water Weekend $1,650, Weirton July 4th</td>
<td>Celebration</td>
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<tr>
<td>343</td>
<td>(Hancock) $16,502, Welcome Home Family Day</td>
<td>$2,640</td>
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<tr>
<td>344</td>
<td>(Wayne) $6,189, Wellsburg 4th of July</td>
<td>Celebration</td>
</tr>
<tr>
<td>345</td>
<td>Celebration (Brooke County $4,125, West</td>
<td>Virginia Blackberry</td>
</tr>
<tr>
<td>346</td>
<td>Virginia Blackberry Festival (Harrison) $4,125,</td>
<td></td>
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<tr>
<td>347</td>
<td>Chestnut Festival (Preston) $950, West</td>
<td>Virginia Coal Festival</td>
</tr>
<tr>
<td>348</td>
<td>Virginia Coal Show (Mercer) $2,171,</td>
<td>(Boone) $8,251,</td>
</tr>
<tr>
<td>349</td>
<td>West Virginia Dairy Cattle Show (Lewis) $8,251,</td>
<td>West Virginia</td>
</tr>
<tr>
<td>350</td>
<td>Dandelion Festival (Greenbrier) $4,125, West</td>
<td>Virginia Fair and</td>
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<tr>
<td>351</td>
<td>Exposition (Wood) $6,684, West Virginia</td>
<td>Fireman’s Rodeo</td>
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<tr>
<td>352</td>
<td>(Fayette) $2,063, West Virginia Honey</td>
<td>Festival (Wood) $1,650,</td>
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<tr>
<td>353</td>
<td>Festival (Tyler) $9,076, West</td>
<td>Virginia Polled Hereford</td>
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<tr>
<td>354</td>
<td>Virginia Polled Hereford Association (Braxton)</td>
<td>$1,238, West</td>
</tr>
</tbody>
</table>
Virginia Poultry Festival (Hardy) $4,125, West Virginia
Pumpkin Festival (Cabell) $8,251, West Virginia State Folk
Festival (Gilmer)$4,125, West Virginia State Monarch Butterfly
Festival (Brooke) $4,125, West Virginia Water Festival - City of
Hinton (Summers) $13,201, Weston VFD 4th of July Firemen
Festival (Lewis) $1,650, Wetzel County Autumnfest $4,538,
Wetzel County Town and Country Days $14,026, Wheeling
Celtic Festival (Ohio) $1,650, Wheeling City of Lights (Ohio)
$6,601, Wheeling Sternwheel Regatta (Ohio) $8,251, Wheeling
Vintage Raceboat Regatta (Ohio)$16,502, Whipple Community
Action (Fayette) $2,063, Widen Days Festival (Calhoun) $1,650,
Wileyville Homecoming (Wetzel) $3,300, Wine Festival and
Mountain Music Event (Harrison) $4,125, Winter Festival of the
Waters (Berkeley) $4,125, Wirt County Fair $2,063, Wirt
County Pioneer Days $1,650, Youth Stockman Beef Expo
(Lewis) $1,650.

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 the Cultural Grant Program allocations.

### 291 - Library Commission –
*Lottery Education Fund*
(WV Code Chapter 10)

<table>
<thead>
<tr>
<th>Fund 3559 FY 2015 Org 0433</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Books and Films............</td>
</tr>
<tr>
<td>2 Services to Libraries.....</td>
</tr>
<tr>
<td>3 Grants to Public Libraries.</td>
</tr>
<tr>
<td>4 Digital Resources..........</td>
</tr>
<tr>
<td>5 Libraries - Special Projects (R)</td>
</tr>
<tr>
<td>6 Infomine Network...........</td>
</tr>
<tr>
<td>7 Total.......................</td>
</tr>
</tbody>
</table>

*CLERK’S NOTE: The Governor reduced the amount in Item 291, line 5 from $786,250 to $0. The total does NOT reflect the reduction made by the Governor.*
Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

292 - Bureau of Senior Services – Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2015 Org 0508

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>13000</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>06400</td>
</tr>
<tr>
<td>4</td>
<td>Local Programs Service Delivery Costs</td>
<td>20000</td>
</tr>
<tr>
<td>5</td>
<td>Silver Haired Legislature</td>
<td>20200</td>
</tr>
<tr>
<td>6</td>
<td>Senior Citizen Centers and Programs (R)</td>
<td>46200</td>
</tr>
<tr>
<td>7</td>
<td>Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens</td>
<td>53900</td>
</tr>
<tr>
<td>8</td>
<td>Roger Tompkins Alzheimer’s</td>
<td>64300</td>
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<tr>
<td>9</td>
<td>WV Alzheimer’s Hotline</td>
<td>72400</td>
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<tr>
<td>10</td>
<td>Regional Aged and Disabled</td>
<td>76700</td>
</tr>
<tr>
<td>11</td>
<td>Senior Services Medicaid Transfer</td>
<td>87100</td>
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<tr>
<td>12</td>
<td>Legislative Initiatives for the</td>
<td></td>
</tr>
</tbody>
</table>

*CLERK’S NOTE: The Governor reduced the amount in Item 292, line 9 from $2,284,750 to $1,000,000; and line 26, from $4,520,941 to $4,320,941. The total does NOT reflect the reduction made by the Governor.*
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>21</td>
<td>Elderly</td>
<td>90400</td>
<td>9,671,239</td>
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<tr>
<td>22</td>
<td>Long Term Care Ombudsman</td>
<td>90500</td>
<td>297,226</td>
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<tr>
<td>23</td>
<td>BRIM Premium</td>
<td>91300</td>
<td>6,500</td>
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<tr>
<td>24</td>
<td>In-Home Services and Nutrition for Senior Citizens</td>
<td>91700</td>
<td>*4,320,941</td>
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<tr>
<td>25</td>
<td>Total</td>
<td></td>
<td>$ 48,711,630</td>
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</tbody>
</table>

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

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.

**293 - Higher Education Policy Commission –**

*Lottery Education –

**Higher Education Policy Commission –**

*Control Account*

(WV Code Chapters 18B and 18C)

**Fund 4925 FY 2015 Org 0441**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>RHI Program and Site Support (R)</td>
<td>03600</td>
<td>$ 1,939,944</td>
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<tr>
<td>2</td>
<td>RHI Program and Site Support –</td>
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<tr>
<td>3</td>
<td>RHEP Program</td>
<td></td>
<td></td>
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<tr>
<td>4</td>
<td>Administration (R)</td>
<td>03700</td>
<td>148,758</td>
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<tr>
<td>5</td>
<td>RHI Program and Site Support – Grad Med</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Ed and Fiscal Oversight (R)</td>
<td>03800</td>
<td>87,045</td>
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</tbody>
</table>
Ch. 13] APPROPRIATIONS

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Minority Doctoral Fellowship (R)</td>
<td>16600</td>
</tr>
<tr>
<td>8</td>
<td>Underwood–Smith Scholarship Program–Student Awards</td>
<td>16700</td>
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<tr>
<td>9</td>
<td>Health Sciences Scholarship (R)</td>
<td>17600</td>
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<tr>
<td>10</td>
<td>Vice Chancellor for Health Sciences – Rural Health Residency Program (R)</td>
<td>60100</td>
</tr>
<tr>
<td>11</td>
<td>WV Engineering, Science, and Technology Scholarship Program</td>
<td>86800</td>
</tr>
<tr>
<td>12</td>
<td>Total</td>
<td>$3,180,114</td>
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</table>

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – RHEP Program Administration (fund 4925, appropriation 03700), 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 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

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

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.
246

APPROPRIATIONS

294 - Community and Technical College –
Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2015 Org 0442

Debt Service – Total. ........... 31000 $ 5,000,000

Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

295 - Higher Education Policy Commission –
Lottery Education –
West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2015 Org 0463

1 WVU Health Sciences –
2 RHI Program and Site
3 Support (R). ................. 03500 $ 1,141,355
4 MA Public Health Program and
5 Health Science
6 Technology (R). ............ 62300 55,213
7 Health Sciences Career
8 Opportunities Program (R). ... 86900 333,177
9 HSTA Program (R). ........... 87000 1,698,273
10 Center for Excellence in
11 Disabilities (R).............. 96700 310,196
12 Total.......................... $ 3,538,214
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 2014 are hereby reappropriated for expenditure during the fiscal year 2015.


(WV Code Chapters 18B)

Fund 4267 FY 2015 Org 0471

1 Marshall University Graduate College
2 Writing Project (R) ............... 80700 $ 21,911

Any unexpended balance remaining in the appropriation for Marshall University Graduate College Writing Project (fund 4267, appropriation 80700) at the close of fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

297 - Higher Education Policy Commission – Lottery Education – Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2015 Org 0471

1 Marshall Medical School –
2 RHI Program and Site Support (R) .................. 03300 $ 416,142
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 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, the following appropriations shall be deposited and disbursed by the director of the lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, 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 not sufficient to meet all the appropriations made pursuant to this section, then the director of the lottery shall first provide the necessary funds to meet Fund 7208, appropriation 70000 of this section; next, to provide the funds necessary for Fund 3517, appropriation 77500 of this section; next, to provide the funds necessary for Fund 3517, appropriation 09500 of this section. Allocation of the funds for each appropriation shall be allocated in succession before any funds are provided for the next subsequent appropriation.
298 - Lottery Commission – Refundable Credit

Fund 7207 FY 2015 Org 0705

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Excess Lottery Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directed Transfer</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the state tax commissioner and shall be completed by the director of the lottery upon the commissioner’s request.

299 - Lottery Commission – General Purpose Account

Fund 7206 FY 2015 Org 0705

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Excess Lottery Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directed Transfer</td>
<td>$65,000,000</td>
</tr>
</tbody>
</table>

The above appropriation shall be transferred to the General Revenue Fund as determined by the director of the lottery in accordance with W.Va. Code §29-22-18a.

300 - Higher Education Policy Commission – Education Improvement Fund

Fund 4295 FY 2015 Org 0441

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Excess Lottery Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROMISE Scholarship – Transfer</td>
<td>$29,000,000</td>
</tr>
</tbody>
</table>

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.
The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

### 301 - Economic Development Authority – Economic Development Project Fund

**Fund 9065 FY 2015 Org 0944**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Service – Total.</td>
<td>$19,000,000</td>
</tr>
</tbody>
</table>

Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

### 302 - Economic Development Authority – Cacapon and Beech Fork State Parks Lottery Revenue Debt Service Fund

**Fund 9067 FY 2015 Org 0944**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Debt Service.</td>
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</table>

### 303 - School Building Authority

**Fund 3514 FY 2015 Org 0402**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Debt Service – Total.</td>
<td>$19,000,000</td>
</tr>
</tbody>
</table>

### 304 - West Virginia Infrastructure Council

**Fund 3390 FY 2015 Org 0316**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directed Transfer.</td>
<td>$46,000,000</td>
</tr>
</tbody>
</table>

305 - Higher Education Policy Commission –
Higher Education Improvement Fund

Fund 4297 FY 2015 Org 0441

1 Directed Transfer .................. 70000 $ 15,000,000

2 The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

306 - Division of Natural Resources
State Park Improvement Fund

Fund 3277 FY 2015 Org 0310

1 Current Expenses (R) ................. 13000 $ 2,438,300
2 Repairs and Alterations (R) ....... 06400 2,161,200
3 Equipment (R) ...................... 07000 200,000
4 Buildings (R) ....................... 25800 100,000
5 Other Assets (R) .................... 69000 100,500
6 Total ................................ $ 5,000,000

7 Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.

307 - Racing Commission –

Fund 7308 FY 2015 Org 0707

1 Special Breeders Compensation
2 (WVC §29-22-18a, subsection (l)) . 21800 $ 2,000,000
308 - Lottery Commission –
Excess Lottery Revenue Fund Surplus

Fund 7208 FY 2015 Org 0705

1 Directed Transfer.............. 70000 $ 27,600,000

2 The above appropriation for Directed Transfer (fund 7208, appropriation 70000) shall be transferred to the General Revenue Fund.

309 - Governor’s Office

(WV Code Chapter 5)

Fund 1046 FY 2015 Org 0100

1 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 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

310 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2015 Org 0307

1 Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2014 are hereby reappropriated for expenditure during the fiscal year 2015.
311 - State Department of Education  
(WV Code Chapters 18 and 18A)  

Fund 3517 FY 2015 Org 0402  

1 Teachers' Retirement Savings  
2 Realized .......................... 09500 $ 4,051,000  
3 Retirement Systems –  
4 Unfunded Liability. .............. 77500 $ 0  
5 Total................................. $ 4,051,000  

The above appropriation for Teachers' Retirement Savings Realized (fund 3517, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044).

312 - Higher Education Policy Commission –  
Administration –  
Control Account  
(WV Code Chapter 18B)  

Fund 4932 FY 2015 Org 0441  

1 Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

313 - Division of Health –  
Central Office  
(WV Code Chapter 16)  

Fund 5219 FY 2015 Org 0506  

1 Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 5219, appropriation
375500) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

314 - Division of Corrections – Correctional Units

(WV Code Chapters 25, 28, 49 and 62)

Fund 6283 FY 2015 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 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

Total TITLE II, Section 5 —
Excess Lottery Funds. $241,651,000

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2015.

LEGISLATIVE

315 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2015 Org 2300

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Federal Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Loss Claim</td>
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</tr>
<tr>
<td>Payment Fund</td>
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</table>
### JUDICIAL

#### 316 - Supreme Court

**Fund 8867 FY 2015 Org 2400**

<table>
<thead>
<tr>
<th>Description</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
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<td>Current Expenses</td>
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<td>$1,750,000</td>
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<td>Total</td>
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<td>$2,000,000</td>
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### EXECUTIVE

#### 317 - Governor’s Office

**(WV Code Chapter 5)**

**Fund 8742 FY 2015 Org 0100**

<table>
<thead>
<tr>
<th>Description</th>
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<th>Amount</th>
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</thead>
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<tr>
<td>Personal Services and Employee Benefits</td>
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<td>$138,323</td>
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<tr>
<td>Total</td>
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</table>

#### 318 - Department of Agriculture

**(WV Code Chapter 19)**

**Fund 8736 FY 2015 Org 1400**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
<td>00100</td>
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<td>Unclassified</td>
<td>09900</td>
<td>$50,534</td>
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<tr>
<td>Current Expenses</td>
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<td>$3,229,161</td>
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<tr>
<td>Repairs and Alterations</td>
<td>06400</td>
<td>$50,000</td>
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<tr>
<td>Equipment</td>
<td>07000</td>
<td>$160,000</td>
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<td>Total</td>
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<td>$5,053,455</td>
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</table>
### Appropriations

#### 319 - Department of Agriculture --
*Meat Inspection*

(WV Code Chapter 19)

**Fund 8737 FY 2015 Org 1400**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and</td>
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</tr>
<tr>
<td>Employee Benefits</td>
<td>00100</td>
<td>$ 610,830</td>
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<tr>
<td>Unclassified</td>
<td>09900</td>
<td>8,755</td>
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<td>Current Expenses</td>
<td>13000</td>
<td>136,012</td>
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<tr>
<td>Repairs and Alterations</td>
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<td>5,500</td>
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<td>Equipment</td>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>$ 875,575</strong></td>
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</table>

#### 320 - Department of Agriculture --
*State Conservation Committee*

(WV Code Chapter 19)

**Fund 8783 FY 2015 Org 1400**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and</td>
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<tr>
<td>Employee Benefits</td>
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<td>Current Expenses</td>
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<td>1,717,064</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$ 1,814,314</strong></td>
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</table>

#### 321 - Department of Agriculture --
*Land Protection Authority*

**Fund 8896 FY 2015 Org 1400**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and</td>
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<td></td>
</tr>
<tr>
<td>Employee Benefits</td>
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<td>5,004</td>
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<td>Current Expenses</td>
<td>13000</td>
<td>448,920</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$ 500,450</strong></td>
</tr>
</tbody>
</table>
### 322 - Secretary of State –
**State Election Fund**

(WV Code Chapter 3)

Fund 8854 FY 2015 Org 1600

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1 Personal Services and Employee Benefits</td>
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<td>210,240</td>
</tr>
<tr>
<td>2 Unclassified</td>
<td>09900</td>
<td>12,374</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>13000</td>
<td>749,837</td>
</tr>
<tr>
<td>4 Repairs and Alterations</td>
<td>06400</td>
<td>15,000</td>
</tr>
<tr>
<td>5 Equipment</td>
<td>07000</td>
<td>150,000</td>
</tr>
<tr>
<td>6 Other Assets</td>
<td>69000</td>
<td>100,000</td>
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</tbody>
</table>

**Total** ........................................... $1,237,451

---

### DEPARTMENT OF ADMINISTRATION

**323 - Children’s Health Insurance Agency**

(WV Code Chapter 5)

Fund 8838 FY 2015 Org 0230

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee Benefits</td>
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<td>533,752</td>
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<tr>
<td>2 Current Expenses</td>
<td>13000</td>
<td>47,422,974</td>
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</tbody>
</table>

**Total** ........................................... $47,956,726

---

### DEPARTMENT OF COMMERCE

**324 - Division of Forestry**

(WV Code Chapter 19)

Fund 8703 FY 2015 Org 0305

<table>
<thead>
<tr>
<th>Item</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services and Employee Benefits</td>
<td>00100</td>
<td>942,347</td>
</tr>
</tbody>
</table>
### 325 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2015 Org 0306

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
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<tr>
<td>Unclassified</td>
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<tr>
<td>Current Expenses</td>
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<td>Repairs and Alterations</td>
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<td>5,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>7,500</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>15,000</td>
</tr>
<tr>
<td>Federal Economic Stimulus</td>
<td>89100</td>
<td>1,162,076</td>
</tr>
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<td></td>
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</table>

### 326 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2015 Org 0307

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee Benefits</td>
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<tr>
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<td>96,900</td>
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<tr>
<td>Current Expenses</td>
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<td>8,532,505</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
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<td>2,000</td>
</tr>
<tr>
<td>Equipment</td>
<td>07000</td>
<td>19,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$ 9,702,952</td>
</tr>
</tbody>
</table>
### 327 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2015 Org 0308

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$384,072</td>
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<tr>
<td>Benefits</td>
<td>09900</td>
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<tr>
<td>Unclassified</td>
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<td>$500</td>
</tr>
<tr>
<td>Total</td>
<td></td>
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</tr>
</tbody>
</table>

### 328 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2015 Org 0310

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$7,912,218</td>
</tr>
<tr>
<td>Benefits</td>
<td>09900</td>
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<td>$89,400</td>
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<tr>
<td>Equipment</td>
<td>07000</td>
<td>$1,178,242</td>
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<tr>
<td>Buildings</td>
<td>25800</td>
<td>1,000</td>
</tr>
<tr>
<td>Other Assets</td>
<td>69000</td>
<td>51,000</td>
</tr>
<tr>
<td>Land</td>
<td>73000</td>
<td>1,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$13,597,147</td>
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</tbody>
</table>

### 329 - Division of Miners’ Health, Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2015 Org 0314

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services and Employee</td>
<td>00100</td>
<td>$613,177</td>
</tr>
<tr>
<td></td>
<td>Appropriations</td>
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</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses.</td>
<td>13000</td>
</tr>
<tr>
<td>4</td>
<td>Total.</td>
<td></td>
</tr>
</tbody>
</table>

### 330 - WorkForce West Virginia

(WV Code Chapter 23)

**Fund 8835 FY 2015 Org 0323**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unclassified.</td>
<td>09900</td>
<td>$5,127</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses.</td>
<td>13000</td>
<td>507,530</td>
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<tr>
<td>3</td>
<td>Reed Act 2002 – Unemployment</td>
<td></td>
<td>2,850,000</td>
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<tr>
<td>4</td>
<td>Compensation.</td>
<td>62200</td>
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</tr>
<tr>
<td>5</td>
<td>Reed Act 2002 – Employment</td>
<td></td>
<td>1,650,000</td>
</tr>
<tr>
<td>6</td>
<td>Services</td>
<td>63000</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Total.</td>
<td></td>
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</tbody>
</table>

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state’s unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

### 331 - Office of the Secretary – Office of Economic Opportunity

(WV Code Chapter 5)

**Fund 8780 FY 2015 Org 0327**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<tr>
<td>2</td>
<td>Benefits</td>
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<tr>
<td>3</td>
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<td>09900</td>
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### APPROPRIATIONS

<table>
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<tr>
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<th>Code</th>
<th>Amount</th>
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</thead>
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<tr>
<td>4</td>
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**332 - Division of Energy**

(WV Code Chapter 5B)

**Fund 8892 FY 2015 Org 0328**

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**DEPARTMENT OF EDUCATION**

**333 - State Board of Education – State Department of Education**

(WV Code Chapters 18 and 18A)

**Fund 8712 FY 2015 Org 0402**

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### 334 - State Board of Education – School Lunch Program

(WV Code Chapters 18 and 18A)

**Fund 8713 FY 2015 Org 0402**

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### 335 - State Board of Education – Vocational Division

(WV Code Chapters 18 and 18A)

**Fund 8714 FY 2015 Org 0402**

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### 336 - State Board of Education – Aid for Exceptional Children

(WV Code Chapters 18 and 18A)
## DEPARTMENT OF EDUCATION AND THE ARTS

### 337 - Department of Education and the Arts –  
Office of the Secretary

(WV Code Chapter 5F)

### Fund 8841 FY 2015 Org 0431

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### 338 - Division of Culture and History

(WV Code Chapter 29)

### Fund 8718 FY 2015 Org 0431

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### Fund 8715 FY 2015 Org 0402

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339 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2015 Org 0433

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340 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2015 Org 0439

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341 - State Board of Rehabilitation – Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 8734 FY 2015 Org 0932

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### 342 - State Board of Rehabilitation –
*Division of Rehabilitation Services –
Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2015 Org 0932

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### DEPARTMENT OF ENVIRONMENTAL PROTECTION

343 - *Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2015 Org 0313

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### DEPARTMENT OF HEALTH AND HUMAN RESOURCES

344 - *Consolidated Medical Service Fund*

(WV Code Chapter 16)
### Fund 8723 FY 2015 Org 0506

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

(WV Code Chapter 16)

### Fund 8802 FY 2015 Org 0506

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**346 - Division of Health – West Virginia Safe Drinking Water Treatment**

(WV Code Chapter 16)

### Fund 8824 FY 2015 Org 0506

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**347 - West Virginia Health Care Authority**

(WV Code Chapter 16)
### Fund 8851 FY 2015 Org 0507

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**348 - Human Rights Commission**

(WV Code Chapter 5)

### Fund 8725 FY 2015 Org 0510

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**349 - Division of Human Services**

(WV Code Chapters 9, 48 and 49)

### Fund 8722 FY 2015 Org 0511

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### 350 - Office of the Secretary

(WV Code Chapter 5F)

**Fund 8876 FY 2015 Org 0601**

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### 351 - Adjutant General – State Militia

(WV Code Chapter 15)

**Fund 8726 FY 2015 Org 0603**

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<td>3. Charleston Starbase</td>
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The adjutant general shall have the authority to transfer between appropriations.

### 352 - Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)
### Fund 8785 FY 2015 Org 0603

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### 353 - Division of Homeland Security and Emergency Management

(WV Code Chapter 15)

### Fund 8727 FY 2015 Org 0606

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### 354 - Division of Corrections

(WV Code Chapters 25, 28, 49 and 62)

### Fund 8836 FY 2015 Org 0608

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### 355 - West Virginia State Police

(WV Code Chapter 15)

### Fund 8741 FY 2015 Org 0612

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**356 - Fire Commission**  
(WV Code Chapter 29)  
Fund 8819 FY 2015 Org 0619

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**357 - Division of Justice and Community Services**  
(WV Code Chapter 15)  
Fund 8803 FY 2015 Org 0620

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**DEPARTMENT OF REVENUE**

**358 - Tax Division – Consolidated Federal Fund**  
(WV Code Chapter 11)  
Fund 8899 FY 2015 Org 0702

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### 359 - Insurance Commissioner

(WV Code Chapter 33)

Fund 8883 FY 2015 Org 0704

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### DEPARTMENT OF TRANSPORTATION

#### 360 - Division of Motor Vehicles

(WV Code Chapter 17B)

Fund 8787 FY 2015 Org 0802

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#### 361 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2015 Org 0805

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**362 - Public Port Authority**

(WV Code Chapter 17)

Fund 8830 FY 2015 Org 0806

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**DEPARTMENT OF VETERANS’ ASSISTANCE**

**363 - Department of Veterans’ Assistance**

(WV Code Chapter 9A)

Fund 8858 FY 2015 Org 0613

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**364 - Department of Veterans’ Assistance – Veterans’ Home**

(WV Code Chapter 9A)
**APPROPRIATIONS**

Fund 8728 FY 2015 Org 0618

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**BUREAU OF SENIOR SERVICES**

365 - Bureau of Senior Services  

(WV Code Chapter 29)

Fund 8724 FY 2015 Org 0508

- Personal Services and Employee
  - Benefits: 00100 $713,590
  - Current Expenses: 13000 $13,819,656
  - Repairs and Alterations: 06400 $3,000
  - Total: $14,536,246

**MISCELLANEOUS BOARDS AND COMMISSIONS**

366 - Public Service Commission – Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2015 Org 0926

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367 - Public Service Commission – Gas Pipeline Division

(WV Code Chapter 24B)

Fund 8744 FY 2015 Org 0926

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368 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2015 Org 0941

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369 - Coal Heritage Highway Authority

(WV Code Chapter 29)

Fund 8861 FY 2015 Org 0942

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370 - West Virginia Development Office –  
Community Development  

Fund 8746 FY 2015 Org 0307

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371 - WorkForce West Virginia –  
Workforce Investment Act  

Fund 8749 FY 2015 Org 0323

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## Appropriations

### 372 - Department of Commerce
Office of the Secretary –
Office of Economic Opportunity –
Community Services

**Fund 8781 FY 2015 Org 0327**

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### 373 - Division of Health –
Maternal and Child Health

**Fund 8750 FY 2015 Org 0506**

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### 374 - Division of Health –
Preventive Health

**Fund 8753 FY 2015 Org 0506**

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375 - Division of Health –
Substance Abuse Prevention and Treatment

Fund 8793 FY 2015 Org 0506

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3     Unclassified. .................. 09900 115,924
4  Current Expenses. .................. 13000 10,653,740
5  Total. ........................... $ 11,592,430

376 - Division of Health –
Community Mental Health Services

Fund 8794 FY 2015 Org 0506

1  Personal Services and Employee
2     Benefits. ...................... 00100 $ 936,557
3     Unclassified. .................. 09900 33,533
4  Current Expenses. .................. 13000 2,383,307
5  Total. ........................... $ 3,353,397

377 - Division of Human Services –
Energy Assistance

Fund 8755 FY 2015 Org 0511

1  Personal Services and Employee
2     Benefits. ...................... 00100 $ 1,475,000
3     Unclassified. .................. 09900 350,000
4  Current Expenses. .................. 13000 33,175,000
5  Total. ........................... $ 35,000,000

378 - Division of Human Services –
Social Services

Fund 8757 FY 2015 Org 0511
### APPROPRIATIONS [Ch. 13]

| Division of Human Services – Temporary Assistance for Needy Families |
|-------------------------|-------------------------|
| Fund 8816 FY 2015 Org 0511 |

| 1 Personal Services and Employee |
| 2 Benefits. 00100 | $14,231,684 |
| 3 Unclassified. 09900 | $171,982 |
| 4 Current Expenses. 13000 | $2,870,508 |
| 5 Total. | $17,274,174 |

### Division of Human Services – Child Care and Development

| Fund 8817 FY 2015 Org 0511 |

| 1 Personal Services and Employee |
| 2 Benefits. 00100 | $17,964,349 |
| 3 Unclassified. 09900 | $1,304,191 |
| 4 Current Expenses. 13000 | $111,207,846 |
| 5 Total. | $130,476,386 |

### Division of Justice and Community Services – Juvenile Accountability Incentive

| Fund 8829 FY 2015 Org 0620 |

| 1 Personal Services and Employee |
| 2 Benefits. 00100 | $4,654,643 |
| 3 Current Expenses. 13000 | $30,248,417 |
| 4 Repairs and Alterations. 06400 | $25 |
| 5 Total. | $35,253,060 |

| 1 Personal Services and Employee |
| 2 Benefits. 00100 | $14,246 |
| 3 Current Expenses. 13000 | $235,729 |
| 4 Repairs and Alterations. 06400 | $25 |
| 5 Total. | $250,000 |
6 Total TITLE II, Section 7 —
7 Federal Block Grants.................. $ 324,608,215

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2015, from the fund as designated, in the amounts as specified, general revenue funds in the amount of $2,920,734, special revenue funds in the amount of $351,398, and state road funds in the amount of $611,755 for payment of claims against the state.

Sec. 9. Appropriations from general revenue surplus accrued. — The following item is hereby appropriated from the state fund, general revenue, and are to be available for expenditure during the fiscal year 2015 out of surplus funds only, accrued from the fiscal year ending June 30, 2014, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued as of July 31, 2014 from the fiscal year ending June 30, 2014, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2014, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section.

382 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2015 Org 0702

1 Tax Technology Upgrade –
2 Surplus......................... 45000 $ 2,300,000
Sec. 10. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2015 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended.

In addition to the preceding provisions, any unencumbered balance in the Courtesy Patrol Fund (fund 3078), established by W.Va. Code §5B-2-12, which exceeds $500,000 at the close of the fiscal year 2014, shall be transferred to the Tourism Promotion Fund (fund 3072).

Sec. 11. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2015, 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 2015 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. 12. 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. 13. 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. 14. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.
The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 15. 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. 16. 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. 17. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION.

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state...
government, are conditioned upon the compliance by the
spending unit with the requirements of Article 2, Chapter 11B of
the Code.

Where spending units or parts of spending units have been
absorbed by or combined with other spending units, it is the
intent of this act that appropriations and reappropriations shall be
to the succeeding or later spending unit created, unless otherwise
indicated.

Sec. 2. Constitutionality. — If any part of this act is
declared unconstitutional by a court of competent jurisdiction, its
decision shall not affect any portion of this act which remains,
but the remaining portion shall be in full force and effect as if
the portion declared unconstitutional had never been a part of the
act.

CHAPTER 14

(S. B. 346 - By Senators Kessler (Mr. President)
and M. Hall)
[By Request of the Executive]

[Passed January 29, 2014; in effect from passage.]
[Approved by the Governor on February 4, 2014.]

AN ACT making a supplementary appropriation of Lottery Net Profits
from the balance of moneys remaining as an unappropriated
balance in Lottery Net Profits to the Division of Natural
Resources, fund 3267, fiscal year 2014, organization 0310, and to
the Bureau of Senior Services - Lottery Senior Citizens Fund, fund
5405, fiscal year 2014, organization 0508, by supplementing and
amending the appropriations for the fiscal year ending June 30,
2014.
WHEREAS, The Governor submitted the Executive Budget Document to the Legislature on January 8, 2014, which included a Statement of the Lottery Fund setting forth therein the unappropriated cash balance as of July 1, 2013, and further included the estimate of revenues for the fiscal year 2014, less regular appropriations for fiscal year 2014; and

WHEREAS, It appears from the Governor’s Statement of Lottery Fund, there now remains an unappropriated balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2014; therefore

Be it enacted by the Legislature of West Virginia:

That the total appropriation for the fiscal year ending June 30, 2014, to fund 3267, fiscal year 2014, organization 0310, be supplemented and amended by increasing existing items and adding a new item of appropriation as follows:

**TITLE II - APPROPRIATIONS.**

**Section 4. Appropriations from lottery net profits.**

285-Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2014 Org 0310

<table>
<thead>
<tr>
<th>Activity</th>
<th>Lottery Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1 Personal Services</td>
<td>$1,848,630</td>
</tr>
<tr>
<td>2 2 Employee Benefits</td>
<td>1,018,652</td>
</tr>
<tr>
<td>3 7a Parks Operations (R)</td>
<td>3,735,796</td>
</tr>
</tbody>
</table>
Any unexpended balance remaining in the above appropriation for Parks Operations (fund 3267, activity 645) at the close of the fiscal year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

And, That the total appropriation for the fiscal year ending June 30, 2014, to fund 5405, fiscal year 2014, organization 0508, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 4. Appropriations from lottery net profits.

291-Bureau of Senior Services - Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2014 Org 0508

<table>
<thead>
<tr>
<th>Activity</th>
<th>Lottery Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Senior Services Medicaid</td>
</tr>
<tr>
<td>2</td>
<td>Transfer 871 $41,918,667</td>
</tr>
</tbody>
</table>

The purpose of this supplementary appropriation bill is to supplement, amend, increase existing items and add a new item of appropriation in the aforesaid accounts for the designated spending units for expenditure during the fiscal year 2014.
AN ACT making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2014, organization 0511, by supplementing and amending chapter four, Acts of the Legislature, regular session, 2013, known as the Budget Bill.

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document on January 8, 2014, which included a Statement of the State Excess Lottery Revenue Fund, setting forth therein the unappropriated cash balance as of July 1, 2013, and further included the estimate of revenue for the fiscal year 2014, less regular appropriations and other adjustments for the fiscal year 2014; and

WHEREAS, It appears from the Governor’s Statement of the State Excess Lottery Revenue Fund there now remains an unappropriated balance in the State Treasury which is available for appropriation during the fiscal year ending June 30, 2014; therefore

Be it enacted by the Legislature of West Virginia:

That chapter four, Acts of the Legislature, regular session, 2013, known as the Budget Bill, be supplemented and amended by adding to Title II, section five thereof, the following:
Chapter 16

(Auctioneers)

Title II—Appropriations.

Section 5. Appropriations from State Excess Lottery Revenue Fund.

312a—Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2014 Org 0511

<table>
<thead>
<tr>
<th>Activity</th>
<th>Excess Lottery Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Services</td>
<td>$67,432,506</td>
</tr>
</tbody>
</table>

The purpose of this supplementary appropriation bill is to add a new item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2014.

Chapter 16

(Com. Sub. for H. B. 4410 - By Delegate Hartman)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 31, 2014.]

AN ACT to amend and reenact §19-2C-1, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6b, §19-2C-8 and §19-2C-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §19-2C-3a, §19-2C-3b and §19-2C-9a, all relating to auctioneers and apprentice auctioneers; clarifying definitions; updating license
requirements; updating duties of licensees; updating requirements for license renewals and expired licenses; authorizing rulemaking for the Commissioner of the Department of Agriculture; allowing fees to be set by legislative rule; clarifying the special fund; increasing length of record retention; clarifying examination requirements and excuses; clarifying qualifying test scores; restricting length of apprenticeship; updating duties of sponsoring auctioneer; increasing criminal penalties; requiring contracts to have certain provisions; and requiring escrow accounts.

Be it enacted by the Legislature of West Virginia:

That §19-2C-1, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6b, §19-2C-8 and §19-2C-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto three new sections, designated §19-2C-3a, §19-2C-3b and §19-2C-9a, all to read as follows:

ARTICLE 2C. AUCTIONEERS.

§19-2C-1. Definitions.

For the purposes of this article:

(a) "Auctioneer" means a person who sells goods or real estate at public auction for another on commission or for other compensation. The term "auctioneer" does not include:

(1) Persons conducting sales at auctions conducted by or under the direction of any public authority or pursuant to any judicial order or direction or to any sale required by law to be at auction;

(2) The owner of any real or personal property when personally sold at auction by the owner and the owner has not personally conducted an auction within the previous twelve-month period;

(3) Persons conducting sales pursuant to a deed of trust;
(4) Fiduciaries of estates when selling real or personal property of the estate;

(5) Persons conducting sales on behalf of charitable, religious, fraternal or other nonprofit organizations; and

(6) Persons properly licensed pursuant to the provisions of article forty, chapter thirty of this code when conducting an auction, any portion of which contains any leasehold or any estate in land whether corporeal or incorporeal, freehold or nonfreehold, when the person is retained to conduct an auction by a receiver or trustee in bankruptcy, a fiduciary acting under the authority of a deed of trust or will, or a fiduciary of a decedent’s estate: Provided, That nothing contained in this article exempts persons conducting sales at public markets from the provisions of article two-a of this chapter, where the sale is confined solely to livestock, poultry and other agriculture and horticulture products.

(b) “Commissioner” means the Commissioner of Agriculture of West Virginia.

(c) “Department” means the West Virginia Department of Agriculture.

(d) “Escrow account” means a separate custodial or trust fund account maintained by the auctioneer.

(e) “Public auction” means any public sale of real or personal property when offers or bids are made by prospective purchasers and the property sold to the highest bidder.

§19-2C-3. Procedure for license; Department of Agriculture as statutory agent for licensees.

(a) An applicant for an auctioneer license shall:

(1) Apply on forms prescribed by the commissioner;
(2) Pay a nonreturnable application fee and a license fee; and
(3) File a bond as required by this article.

(b) The commissioner shall, within thirty days after the receipt of an application, notify the applicant of his or her eligibility to be examined at the next regularly scheduled examination, as well as the date of the examination.

(c) If the license is denied, the commissioner shall refund the license fee submitted with the application to the applicant.

(d) All licenses expire on December 31 of each year. A license may be renewed upon the payment of the annual renewal fee within sixty days of the expiration date. Renewals received more than sixty days after the expiration date are subject to a late renewal fee in addition to the annual renewal fee.

(e) A license that has been expired for more than two years cannot be renewed until the auctioneer or apprentice auctioneer takes the written and oral examination, pays the examination fee and complies with the other requirements of this article.

(f) Where an auctioneer or apprentice auctioneer requires a duplicate or replacement license or a license reflecting a change in information, the auctioneer or apprentice auctioneer shall submit the fee with the request.

(g) The state Department of Agriculture is the agent for the purpose of service of process on a licensed auctioneer for any action occasioned by the performance of the duties of the auctioneer. Every licensed auctioneer, by virtue of his or her application for a license, shall be considered to have consented to the statutory agency.

§19-2C-3a. Rulemaking.

(a) The commissioner shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to:
(1) Establish the license requirements for auctioneers and apprentice auctioneers, including the bond requirements;

(2) Set a fee schedule;

(3) Establish the renewal and expiration requirements for licenses;

(4) Establish the continuing education requirements for licensees;

(5) Establish waiver of examination requirements for apprentice auctioneers;

(6) Permit consent agreements or negotiated settlements for the civil penalties; and

(7) Implement the provisions of this article.

(b) The fees in effect on January 1, 2014, shall remain in effect until modified by legislative rule.

§19-2C-3b. Special revenue fund.

All fees collected under this article shall be paid into a special revenue fund in the State Treasury to be used by the Department of Agriculture for the purpose of administering and enforcing this article, and providing continuing education for auctioneers.

§19-2C-5. Requirements for auctioneer license; duties of licensee.

(a) A person seeking an auctioneer license shall submit satisfactory evidence to the commissioner showing that he or she:

1. Has successfully completed the written and oral examinations required by this article;

2. Has a good reputation;
(3) Is of trustworthy character;

(4) Has met the apprenticeship requirements set forth in this article, if applicable;

(5) Is a citizen of the United States; and

(6) Has a general knowledge of the auctioneering profession and the principles involved in conducting an auction.

(b) A licensee shall:

(1) Promptly produce for inspection his or her license at all sales conducted by or participated in by the licensee when requested to do so by any person; and

(2) Keep complete and accurate records of all transactions engaged in for a period of three years.

(c) For the purposes of this section, the term “record” includes, but is not limited to:

(1) Copies of signed contracts, including the names of buyers and their addresses;

(2) Clerk sheets showing items sold, including buyers numbers or names, and the selling prices; and

(3) Final settlement papers.

(d) The records of the auctioneer shall be open to inspection by the commissioner or his or her authorized representative.

§19-2C-5a. Examinations of applicants; excuse for illness.

(a) Examinations shall be held in April and October of each year, at a time and place to be designated by the commissioner or his or her authorized representative.
(b) An individual auctioneer applicant may take the examination for auctioneer or apprentice auctioneer at the regularly scheduled time and place.

(c) The apprentice auctioneer’s examination shall consist of a written examination.

(d) The auctioneer’s examination shall consist of both a written and oral examination. The passing grade for any written or oral examination shall be seventy percent out of one hundred percent. The oral portion will be scored by the commissioner or his or her authorized representative.

(e) If the applicant fails either the written or oral portion of the examination, no license will be issued and he or she may not be administered the examination again until the next regularly scheduled examination date.

(f) A person who has an auctioneer license is considered to be a professional in his or her trade.

(g) Only one notice of the examination will be mailed or emailed to the applicant at the address given on the application. If the applicant fails to appear for an examination, except as provided in this subsection, a new application and a new fee shall be required. No fee will be returned, except when the applicant fails to take the examination because of illness evidenced by a doctor’s certificate sent to the commissioner. If excused because of illness, the applicant shall be admitted to the next scheduled examination without paying an additional fee. No applicant may be excused from taking the scheduled examination for any reason other than illness, unless in the judgment of the commissioner the applicant would suffer undue hardship by not being excused.

(h) An examination fee and any other fees required by this article, shall be collected from each person taking an
examination. If the applicant has previously paid the examination fee and successfully completed the apprentice auctioneer’s examination, no additional examination fee will be required to take the auctioneer’s examination.

(i) If the commissioner determines that an applicant does not qualify for a license, he or she shall notify the applicant by certified mail. The notice shall state:

(1) The reason for the refusal to grant a license; and

(2) The applicant’s right to appeal the commissioner’s decision within twenty days of receipt of the notice.

(j) An examination is not required for the renewal of a license, unless the license has been revoked or suspended, or has expired. If the license was revoked or suspended, then the commissioner may require a person to take and pass a written or oral examination. If a license has been expired for more than two years and was not revoked or suspended, then the applicant is required to take and pass any written and oral examinations required by the commissioner.

§19-2C-6. Requirements for apprentice auctioneer license.

(a) A person seeking an apprentice auctioneer license shall furnish to the commissioner, on forms provided by the commissioner, satisfactory proof that he or she:

(1) Has a good reputation;

(2) Is a trustworthy character;

(3) Is a citizen of the United States; and

(4) Has taken and passed a written examination relating to the skills and knowledge of the statutes and rules governing auctioneers.
(b) An apprentice auctioneer may take the examination to become an auctioneer after completing one of the following:

(1) Serving a two-year apprenticeship under a licensed auctioneer; or

(2) Attending a nationally accredited graduate school of auctioneering, approved by the commissioner, and serving an apprenticeship of six months.

(c) Before an apprentice auctioneer may take the auctioneer’s examination, the apprentice auctioneer shall conduct at least six auction sales under the direct supervision of the sponsoring auctioneer. The commissioner may waive the requirements of this section, on an individual basis, upon the presentation of written evidence that the applicant has educational training or exceptional experience in the auctioneering profession and that the applicant has been unable to obtain sponsorship by a licensed auctioneer: Provided, That the commissioner may not waive apprenticeship requirements for an applicant without the concurrence of the board of review.

(d) When an apprentice auctioneer is discharged or terminates his or her employment with an auctioneer for any reason, the auctioneer shall immediately provide written notification to the commissioner. No discharged or terminated apprentice auctioneer may thereafter perform any acts under the authority of his or her license until the apprentice auctioneer receives a new license bearing the name and address of his or her new employer. No more than one license may be issued to an apprentice auctioneer for the same period of time.

(e) The commissioner may not issue an apprentice auctioneer license until bond has been filed. All apprentice auctioneer licenses expire on December 31 of each year, but are renewable upon the payment of the annual fee.
(f) A person cannot be licensed as an apprentice auctioneer for more than three years without applying for an auctioneer license. Should an apprentice auctioneer allow the three year limit to lapse, then the apprentice auctioneer shall be required to take the apprentice examination and meet all the requirements of this article.

§ 19-2C-6b. Duties and responsibilities of an apprentice auctioneer and a sponsoring auctioneer.

(a) A licensed apprentice auctioneer shall only conduct or assist in auctions under the direct supervision of his or her sponsoring auctioneer. A licensed apprentice auctioneer may not enter into a contract to conduct an auction, unless the contract is cosigned by his or her sponsoring auctioneer.

(b) The sponsoring auctioneer is responsible for:

(1) The actions of an apprentice auctioneer to ensure adherence to state law; and

(2) Training the apprentice auctioneer in all aspects of practical business functions and duties related to the auctioneering profession.

(c) Should an apprentice auctioneer fail to pass both the written and oral examinations to become a fully licensed auctioneer in two consecutive testing sessions, the sponsorship will be terminated. The apprentice auctioneer will be permitted one additional opportunity to pass the oral and written auctioneer examinations only after serving another six month apprenticeship under a different sponsoring auctioneer.

(d) A sponsoring auctioneer relieved of his or her sponsorship will not be considered for another sponsorship unless he or she provides a written affidavit to the commissioner that he or she fully understands the responsibilities of a
sponsoring auctioneer and gives the details as to what additional training will be provided to a new apprentice auctioneer. If the commissioner or his or her representative approves the presented plan, then an auctioneer may be permitted to sponsor a new apprentice auctioneer.

(e) If an apprentice auctioneer conducts an auction without the consent of his or her sponsoring auctioneer, then only the apprentice auctioneer is subject to the penalties set forth in this article.


1 (a) Criminal penalties. — Any person, firm, association or corporation violating a provision of this article or the rules, is guilty of a misdemeanor, and upon conviction, shall be fined not less than $250 nor more than $500 for the first offense, and not less than $500 nor more than $1,000 for the second and subsequent offenses. Magistrates have concurrent jurisdiction with circuit courts to enforce the provisions of this article.

(b) Civil penalties. — Any person violating a provision of this article or the rules, may be assessed a civil penalty by the commissioner. In determining the amount of the civil penalty, the commissioner shall give due consideration to the history of previous violations by the person, the seriousness of the violation, and the demonstrated good faith of the person charged in attempting to achieve compliance with this article before and after written notification of the violation. The commissioner may assess a penalty of not more than $200 for each first offense, and not more than $1,000 for a second and subsequent offense. The civil penalty is payable to the State of West Virginia and is collectible in any manner provided for collection of debt. If any person liable to pay the civil penalty neglects or refuses to pay the penalty, the amount of the civil penalty, together with interest at ten percent, is a lien in favor of the State of West
Virginia upon the property, both real and personal, of the person
after the same has been entered and docketed to record in the
county where the property is situated. The clerk of the county,
upon receipt of the certified copy of the lien, shall enter it to
record without requiring the payment of costs as a condition
precedent to recording.

(c) No state court may allow for the recovery of damages for
any administrative action taken if the court finds that there was
probable cause for such action.

§19-2C-9. Written contracts.

(a) No person may act as an auctioneer on the sale at public
auction of any goods, wares, merchandise or of any other
property, real or personal, until he or she has entered into a
written contract in duplicate with the owner or consignor of the
property to be sold. No apprentice auctioneer may be authorized
to enter into a contract without the written consent of his or her
sponsoring auctioneer. All contracts shall be in the name of and
on behalf of the sponsoring auctioneer.

(b) The written contract shall:

(1) State the terms and conditions upon which the auctioneer
receives or accepts the property for sale at auction;

(2) Be between the auctioneer and the seller;

(3) Be made in duplicate;

(4) Be retained by the auctioneer for a period of three years
from the date of final settlement;

(5) Be furnished to each person that entered into the
contract;
(6) State that an apprentice auctioneer may not contract directly with a client but only through his or her sponsoring auctioneer;

(7) State that an apprentice auctioneer may not engage in a sale with an auctioneer by whom he or she is not sponsored without first obtaining the written consent of his or her sponsoring auctioneer;

(8) Have a prominent statement indicating that the auctioneer is licensed by the Department of Agriculture and is bonded in favor of the State of West Virginia; and

(9) Include the following information:

(A) The name, address and phone number of the owner of the property to be sold or the consignor;

(B) The date of the auction or a termination date of the contract;

(C) The terms and conditions of the auction;

(D) The location of the auction;

(E) The date the owner or consignor is to be paid;

(F) A statement establishing the responsibility for bad checks, debts and unpaid auction items;

(G) A detailed list of all fees to be charged by the auctioneer, including commissions, rentals, advertising and labor;

(H) A statement of the auctioneer’s policy regarding absentee bidding;

(I) A statement above the owner’s signature line: “I have read and accept the terms of the contract”; and
(J) A statement indicating that an explanation of settlement of the auction, or settlement sheet, will be provided to the owner or consignor at the end of the auction.

§19-2C-9a. Escrow accounts.

1 Each auctioneer shall maintain an escrow account and deposit all moneys from each sale from an auction in the escrow account within twenty-four hours of the completion of the sale or on the first business day following the sale, unless the owner or consignor was paid in cash directly at the end of the sale.

CHAPTER 17

(S. B. for S. B. 202 - By Senator Unger)

[Passed March 7, 2014; in effect July 1, 2014]
[Approved by the Governor on March 31, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31F-1-101, §31F-1-102, §31F-1-103, §31F-2-201, §31F-2-202, §31F-2-203, §31F-3-301, §31F-4-401, §31F-4-402, §31F-4-403 and §31F-5-501, all relating to benefit corporations generally; authorizing a corporation to elect to be a benefit corporation; authorizing a corporation to amend its articles of incorporation to include a statement that the corporation is a benefit corporation; authorizing a corporation to terminate status as a benefit corporation; authorizing the articles of a benefit corporation to identify as one of the purposes of the benefit corporation the creation of specific public benefits; establishing that a director shall not have a duty to a certain person; providing that a director shall have immunity from liability under certain circumstances; requiring a benefit corporation to deliver to each stockholder an annual report; and defining terms.
Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new chapter, designated §31F-1-101, §31F-1-102, §31F-1-103, §31F-2-201, §31F-2-202, §31F-2-203, §31F-3-301, §31F-4-401, §31F-4-402, §31F-4-403 and §31F-5-501, all to read as follows:

CHAPTER 31F. WEST VIRGINIA BENEFIT CORPORATION ACT.

ARTICLE 1. GENERAL PROVISIONS.


This chapter is and may be cited as the West Virginia Benefit Corporation Act.

§31F-1-102. Definitions.

As used in this article:

(a) “Benefit corporation” means a corporation organized pursuant to the provisions of this chapter:

(1) That has elected to become subject to this article; and

(2) The status of which as a benefit corporation has not been terminated under section two hundred three, article two of this chapter.

(b) “Benefit enforcement proceeding” means any claim or action brought directly by a benefit corporation, or derivatively on behalf of a benefit corporation, against a director or officer for: (i) Failure to pursue the general public benefit purpose of the benefit corporation or any specific public benefit purpose set forth in its articles of incorporation or bylaws or otherwise adopted by its board of directors; or (ii) a violation of a duty or standard of conduct under this article.
(c) "General public benefit" means a material positive impact on society and the environment taken as a whole, as measured by a third-party standard, from the business and operations of a benefit corporation.

(d) "Independent" means having no material relationship with a benefit corporation or a subsidiary of the benefit corporation, either directly as a shareholder of the benefit corporation or as a partner, a member or an owner of a subsidiary of the benefit corporation or indirectly as a director, an officer, an owner, or a manager of an entity that has a material relationship with the benefit corporation or a subsidiary of the benefit corporation. A material relationship between a person and a benefit corporation or any of its subsidiaries will be conclusively presumed to exist if:

1. The person is, or has been within the last three years, an employee of the benefit corporation or a subsidiary of the benefit corporation;

2. An immediate family member of the person is, or has been within the last three years, an executive officer of the benefit corporation or its subsidiary; or

3. There is beneficial ownership of five percent or more of the outstanding shares of the benefit corporation by:
   (A) The person; or
   (B) An entity:
      (i) Of which the person is a director, an officer or a manager; or
      (ii) In which the person owns beneficially five percent or more of the outstanding equity interests, which percentage shall be calculated as if all outstanding rights to acquire equity interests in the entity had been exercised.
Ch. 17] BENEFIT CORPORATION ACT 303

(e) "Specific public benefit" means a benefit that serves one or more public welfare, religious, charitable, scientific, literary or educational purposes, or other purpose or benefit beyond the strict interest of the shareholders of the benefit corporation, including:

1. Providing low-income or underserved individuals or communities with beneficial products or services;
2. Promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business;
3. Preserving or improving the environment;
4. Improving human health;
5. Promoting the arts, sciences or advancement of knowledge;
6. Increasing the flow of capital to entities with a public benefit purpose; and
7. Conferring any other particular benefit on society or the environment.

(f) "Subsidiary" means, in relation to an individual, an entity in which the individual either: (i) Owns directly or indirectly equity interests entitled to cast a majority of the votes entitled to be cast generally in an election of directors or members of the governing body of the entity; or (ii) otherwise owns or controls voting or contractual power to exercise effective governing control of the entity. The percentage of ownership of equity interests or ownership or control of power to exercise control shall be calculated as if all outstanding rights to acquire equity interests in the entity had been exercised.
(g) "Third-party standard" means a recognized standard for defining, reporting, and assessing corporate social and environmental performance that:

(1) Is developed by a person that is independent of the benefit corporation; and

(2) Is transparent because the following information about the standard is publicly available:

(A) The factors considered when measuring the performance of a business;

(B) The relative weightings of those factors; and

(C) The identity of the persons that develop and control changes to the standard and the process by which those changes are made.

§31F-1-103. Construction of chapter.

(a) This chapter shall apply to all benefit corporations.

(b) The existence of a provision of this chapter does not of itself create an implication that a contrary or different rule of law applies to a corporation organized pursuant to the provisions of this code that is not a benefit corporation. This chapter does not affect a statute or rule of law that applies to a corporation that is not a benefit corporation.

(c) The specific provisions of this chapter control over the general provisions of other chapters of this code.

ARTICLE 2. INCORPORATION.

§31F-2-201. Formation of benefit corporations.

A benefit corporation shall be formed in accordance with article two, chapter thirty-one-d of this code, and its articles as initially filed with the Secretary of State or as amended, shall state that it is a benefit corporation.

1 A corporation that was not formed as a benefit corporation may become a benefit corporation by amending its articles so that they contain, in addition to matters required by section two hundred two, article two, chapter thirty-one-d of this code, a statement that the corporation is a benefit corporation. Any such amendment to the articles of incorporation shall be adopted in accordance with the procedures set forth in article ten, chapter thirty-one-d of this code.

§31F-2-203. Termination of status.

1 A benefit corporation may terminate its status as such and cease to be subject to this chapter by amending its articles to delete the provision required by section two hundred one of this article to be set forth in the articles of incorporation, which amendment shall be adopted in accordance with the procedures set forth in article ten, chapter thirty-one-d of this code.

ARTICLE 3. PURPOSES.

§31F-3-301. Corporate purposes.

1 (a) A benefit corporation shall have as one of its purposes the purpose of creating a general public benefit. The articles of incorporation of a benefit corporation may identify one or more specific public benefits that it is the purpose of the benefit corporation to create. A specific public benefit may also be specified in the bylaws or otherwise adopted by the board of directors. This purpose is in addition to its purpose under section three hundred two, article three, chapter thirty-one-d of this code.

10 (b) The creation of a general public benefit and one or more specific public benefits, if any, under subsection (a) of this section is in the best interests of the benefit corporation.
(c) A benefit corporation may amend its articles of incorporation to add, amend or delete the identification of a specific public benefit that it is the purpose of the benefit corporation to create, which amendment shall be adopted in accordance with the procedures set forth in article ten, chapter thirty-one-d of this code.

ARTICLE 4. DIRECTORS AND OFFICERS.

§31F-4-401. Standard of conduct for directors.

(a) Subject to article eight, chapter thirty-one-d of this code, in discharging the duties of their respective positions and in considering the best interests of the benefit corporation, the board of directors, committees of the board and individual directors of a benefit corporation:

(1) Shall consider the effects of any corporate action upon:

(A) The shareholders of the benefit corporation;

(B) The employees and workforce of the benefit corporation, its subsidiaries, and suppliers;

(C) The interests of customers as beneficiaries of the general or specific public benefit purposes of the benefit corporation;

(D) Community and societal considerations, including those of each community in which offices or facilities of the benefit corporation, its subsidiaries, or suppliers are located;

(E) The local and global environment;

(F) The short-term and long-term interests of the benefit corporation, including benefits that may accrue to the benefit corporation from its long-term plans and the possibility that these interests and the general and specific public benefit purposes of the benefit corporation may be best served by the continued independence of the benefit corporation; and
(G) The ability of the benefit corporation to accomplish its
general and any specific public benefit purpose;

(2) May consider:

(A) The resources; intent; and past, stated and potential
conduct of any person seeking to acquire control of the benefit
corporation; and

(B) Other pertinent factors or the interests of any other
person that they deem appropriate; and

(3) Need not give priority to the interests of a particular
person referred to in subdivisions (1) and (2) of this section over
the interests of any other person unless the benefit corporation
has stated its intention to give priority to interests related to a
specific public benefit purpose identified in its articles.

(b) The consideration of interests and factors in the manner
required by subsection (a) of this section does not constitute a
violation of section eight hundred thirty, article eight, chapter
thirty-one-d of this code or a director conflict of interests under
section eight hundred sixty, article eight, chapter thirty-one-d of
this code.

(c) In any proceeding brought by or in the right of a benefit
corporation or brought by or on behalf of the shareholders of a
benefit corporation, a director is not personally liable for
monetary damages for:

(1) Any action taken as a director if the director performed
the duties of office in compliance with section eight hundred
thirty, article eight, chapter thirty-one-d of this code and this
section; or

(2) Failure of the benefit corporation to create general public
benefit or any specific public benefit specified in its articles of
incorporation or bylaws or otherwise adopted by the board of
directors.
§31F-4-402. Limitation upon liability of officers.

An officer of a benefit corporation has no liability for actions taken that the officer believes, in his or her good faith business judgment, are consistent with: (i) The general public benefit or specific public benefit specified in the articles of incorporation or bylaws or otherwise adopted by the board of directors; and (ii) the requirements of any third-party standard then in effect for the corporation.

§31F-4-403. Right of action.

(a) The duties of directors and officers under this chapter, the obligation of a benefit corporation to prepare and make available the annual benefit report required under section five hundred one, article five of this chapter and the general and any specific public benefit purpose of a benefit corporation may be enforced only in a benefit enforcement proceeding. No person may bring an action or assert a claim against a benefit corporation or its directors or officers with respect to the duties of directors and officers under this article and the general and any specific public benefit purpose of the benefit corporation except in a benefit enforcement proceeding.

(b) A benefit enforcement proceeding may be commenced or maintained only:

(1) Directly by the benefit corporation; or

(2) Derivatively by:

(A) A shareholder of the benefit corporation;

(B) A director of the benefit corporation; or

(C) Other persons as specified in the articles of incorporation or bylaws of the benefit corporation.
ARTICLE 5. REPORT.

§31F-5-501. Annual benefit report.

(a) A benefit corporation shall prepare an annual benefit report that includes all of the following:

(1) A narrative description of:

(A) The ways in which the benefit corporation pursued the general public benefit during the year and the extent to which the general public benefit was created; and

(B) Both:

(i) The ways in which the benefit corporation pursued any specific public benefit that the articles of incorporation or bylaws, or other action taken by the board of directors, state it is the purpose of the benefit corporation to create; and

(ii) The extent to which that specific public benefit was created; and

(C) Any circumstances that have hindered the creation by the benefit corporation of the general or any specific public benefit;

(2) An assessment of the social and environmental performance of the benefit corporation. The assessment shall be:

(A) Prepared in accordance with a third-party standard specified in the articles of incorporation, the bylaws, or otherwise adopted by the board of directors and applied consistently with any application of that standard in prior benefit reports; or

(B) Accompanied by an explanation of the reasons for any inconsistent application; and

(3) Any other information or disclosures that may be required under any third-party standard adopted by the directors of the benefit corporation.
(b) The benefit report shall be made available annually to each shareholder of the benefit corporation:

1. Within one hundred twenty days following the end of the fiscal year of the benefit corporation; or

2. At the same time that the benefit corporation delivers any other annual report to its shareholders.

(c) A benefit corporation shall post its most recent benefit report on a publicly accessible portion of its Internet website, if any. If a benefit corporation does not have an Internet website, it shall make a written or electronic copy of its most recent benefit report available upon written request from any person. A benefit corporation is not required to publicly disclose to persons other than its shareholders any proprietary, confidential, or individual compensation information contained in its benefit report to the extent that any third-party standard adopted by the directors of the benefit corporation permits the omission of such information from public disclosure.

CHAPTER 18

(Com. Sub. for H. B. 4149 - By Mr. Speaker (Mr. Miley) and Delegate Armstead)
[By Request of the Executive]

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §5-4-1 of the Code of West Virginia, 1931, as amended, all relating to the Board of Public Works; providing for board members to be represented by designees; providing that designees may only vote on certain matters; and providing that no more than three designees may vote at a meeting.
Be it enacted by the Legislature of West Virginia:

That §5-4-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 4. BOARD OF PUBLIC WORKS.

§5-4-1. How constituted; powers and duties.

(a) The Governor, Secretary of State, Auditor, Superintendent of Free Schools, Treasurer, Attorney General, and Commissioner of Agriculture shall be and constitute a corporation under the style of “The Board of Public Works.” The board shall have the powers and perform the duties prescribed for it by law.

(b) Board members shall vote in person at regular meetings: Provided, That a board member may send a designee to vote in his or her stead: Provided, however, That a designee may only vote on matters that appear on a properly posted agenda: Provided, further, That no more than three designees may vote at a meeting.

CHAPTER 19

(H. B. 4503 - By Delegates Marshall, Iaquinta, Williams, Anderson and A. Evans)
[By Request of the Executive]

[Passed March 6, 2014; in effect from passage.]
[Approved by the Governor on March 24, 2014.]

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.
Be it enacted by the Legislature of West Virginia:

CLAIMS AGAINST THE STATE.

§1. Finding and declaring certain claims against the Department of Health and Human Resources; Division of Corrections; and Division of Forestry to be moral obligations of the state and directing payments thereof.

The Legislature has heretofore made findings of fact that the state has received the benefit of the commodities received and/or services rendered by certain claimants herein and has considered these claims against the state, and agencies thereof, which have arisen due to over expenditures of the departmental appropriations by officers of the state spending units, the claims having been previously considered by the Court of Claims which also found that the state has received the benefit of the commodities received and/or services rendered by the claimants, but were denied by the Court of Claims on the purely statutory grounds that to allow the claims would be condoning illegal acts contrary to the laws of the state. The Legislature, pursuant to its findings of fact and also by the adoption of the findings of fact by the Court of Claims as its own, while not condoning such illegal acts, hereby declares it to be the moral obligation of the state to pay these claims in the amounts specified below and directs the Auditor to issue warrants upon receipt of properly executed requisitions supported by itemized invoices, statements or other satisfactory documents as required by section ten, article three, chapter twelve of the Code of West Virginia, 1931, as amended, for the payments thereof out of any fund appropriated and available for the purpose.

(a) Claims against the Department of Health and Human Resources:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Chapman’s Mortuary. $2,500.00
AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Be it enacted by the Legislature of West Virginia:

CLAIMS AGAINST THE STATE.

§1. Finding and declaring certain claims against the Department of Administration/Office of Technology; Department of Health and Human Resources; Division of Corrections; Division of Highways; Division of Juvenile Services; Division of Motor Vehicles; Real Estate Commission; Regional Jail Authority; and State of West Virginia to be moral obligations of the state and directing payment thereof.
The Legislature has considered the findings of fact and recommendations reported to it by the Court of Claims concerning various claims against the state and agencies thereof and in respect to each of the following claims, the Legislature adopts those findings of fact as its own and in respect of certain claims herein, the Legislature has independently made findings of fact and determinations of award and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below and directs the Auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

(a) Claims against the Department of Administration/Office of Technology:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) American Telephone Wiring Company .......... $245.00

(2) Ebridge Consulting LLC ................... $156,256.75

(3) IBM Corporation .......................... $10,278.66

(4) Pitney Bowes Inc ......................... $6,438.00

(5) Planet Technologies Inc ................... $86,615.00

(6) Pomeroy IT Solutions Sales

Company Inc ................................ $87,827.04

(b) Claims against the Department of Health and Human Resources:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) AT&T Communications of

West Virginia .................................... $22,000.00

(2) Terrell Ellis & Associates Inc ............. $24,581.83
## Claims against the Division of Corrections:

**TO BE PAID FROM GENERAL REVENUE FUND**

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72 Kasey A. Tucker ........................................ $500.00
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75 (33) Tina Cecil ............................................. $147.34
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78 (35) Dollie P. Childers ..................................... $114.48
79 (36) Gene Chiorello ........................................ $100.00
80 (37) Robert Chumney ...................................... $275.55
81 (38) John D. Clarkson ..................................... $199.76
82 (39) Leonard Cleavenger and
83 Donna Cleavenger ......................................... $250.00
84 (40) Raymond Gary Clevenger ............................. $3,000.00
85 (41) Susan Cleaver ......................................... $716.54
86 (42) Douglas P. Cochran ................................... $310.91
87 (43) Mary J. Coen .......................................... $80.69
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89 (45) Michael Cole .......................................... $370.68
90 (46) Christina Columbo .................................... $452.17
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92 (48) Michael Conte ......................................... $500.00
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182 (128) Leslie R. Howard and
183 Mary J. Howard. ......................... $500.00
184 (129) Bonita Hubbard. ......................... $385.80
185 (130) Joseph Hutchinson and
186 Jennifer Hutchinson. ......................... $85,000.00
187 (131) Teresa Hylton. ......................... $64.00
188 (132) Mariea Dawn Webb and Helen I. Ice. .... $308.89
189 (133) Stacy L. Jackson. ......................... $715.71
190 (134) Frank W. James. ......................... $960.01
191 (135) Dave Janssen and Adriane Janssen. .... $500.00
192 (136) Eleanor Jewell. ......................... $100.00
193 (137) Adam J. Johnson. ......................... $113.95
194 (138) Derek Johnson. ......................... $746.87
195 (139) Garrett Johnson. ......................... $80.56
196 (140) Jeremy Johnson. ......................... $364.75
197 (141) Larry B. Johnson. ......................... $197.82
198 (142) Ronnie Johnson. ......................... $185.45
199 (143) Angela S. Jones and Ricky Jones. .... $1,000.00
200 (144) Keith Jones. ......................... $125.08
201 (145) Rita Jones. ......................... $227.84
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(148) William Chad Jones..................... $607.31
(149) Karen Kaufmann..................... $173.02
(150) Charlotte Keaton and Basil Keaton........... $500.00
(151) Angela Ann Keeney.................... $95.35
(152) Matthew Keesecker................... $268.00
(153) David R. Keith......................... $1,000.00
(154) Robert Kelly...................... $415.00
(155) Lisa L. Kennedy...................... $191.31
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(162) Andrea Kroger........................ $154.66
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(164) Sharon Krutilla...................... $224.94
(165) Michael W. Sprowls and Alicia M. Kuhn........... $120.00
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269 (208) Ralph Moyer. ............................. $141.42
270 (209) Barbara Nissman. ........................ $500.00
271 (210) Judy A. Northup and Rich Northup. ...... $858.98
272 (211) David A. Noss. ............................. $118.78
273 (212) Laura O’Hara. ............................... $569.28
274 (213) Joseph R. Ojeda. .......................... $200.00
275 (214) Krista Oxley............................... $8,019.36
276 (215) Carla Pahl (Ross) and Nicole Pahl. ...... $95.93
277 (216) Mary A. Paisley. ........................... $146.81
278 (217) Adel Palffy. ................................. $66.89
279 (218) Lila Stewart Palumbo. ..................... $612.57
280 (219) Mary Pape. ................................. $410.17
281 (220) Shobha Patel. ............................... $304.15
282 (221) Evan S. Pauley. ............................ $2,000.00
283 (222) William J. Perry. .......................... $500.00
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287 (226) Benjamin Pitt. ............................. $528.46
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(329) Matthew J. Youst and Tracy D. Youst... $500.00

(e) Claim against the Division of Juvenile Services

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Ronald Hambleton........................ $50.00

(f) Claims against the Division of Motor Vehicles:

(TO BE PAID FROM STATE ROAD FUND)

(1) Linsey Degarmo and
    Elizabeth Degarmo........................ $250.00

(2) Micky Leigh Jenks........................ $565.00

(3) Jody Johnson............................. $2,081.76

(g) Claim against the Real Estate Commission:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) Public Employees Insurance Agency........ $2,371.07

(h) Claims against the Regional Jail Authority:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) Dickie Altizer................................ $4.42

(2) Vincent B. Banks.......................... $500.00

(3) Joseph L. Cirigliano...................... $329.84

(4) David L. Gale............................ $93.00

(5) John M. Golaszewski...................... $120.00

(6) Zack McClendon.......................... $271.36
(7) Michael Sams.......................... $46.92

(i) Claims against the State of West Virginia:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Wanda Carney........................ $48,000.00

(2) Betty Jarvis.......................... $57,000.00

The Legislature finds that the above moral obligations and the appropriations made in satisfaction thereof shall be the full compensation for all claimants and that prior to the payments to any claimant provided in this bill, the Court of Claims shall receive a release from said claimant releasing any and all claims for moral obligations arising from the matters considered by the Legislature in the finding of the moral obligations and the making of the appropriations for said claimant. The Court of Claims shall deliver all releases obtained from claimants to the department against which the claim was allowed.

CHAPTER 21

(H. B. 4186 - By Delegates R. Phillips, White, Tomblin, Marcum, Hamilton, A. Evans, Ashley, Barker, Boggs, Hartman and Sponaugle)

[Passed March 6, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 26, 2014.]

AN ACT to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to the procedures for issuing a concealed weapon license; adding requirements to ensure that an applicant is not prohibited under the provisions of state or federal law from the receipt or possession of a firearm.
Be it enacted by the Legislature of West Virginia:

That §61-7-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-4. License to carry deadly weapons; how obtained.

(a) Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of $75, of which $15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Concealed weapons permits may only be issued for pistols or revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

(1) The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. § 922(g)(5)(B);

(2) That, on the date the application is made, the applicant is a bona fide resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

(3) That the applicant is twenty-one years of age or older:

Provided, That any individual who is less than twenty-one years
of age and possesses a properly issued concealed weapons license as of the effective date of this article shall be licensed to maintain his or her concealed weapons license notwithstanding the provisions of this section requiring new applicants to be at least twenty-one years of age: Provided, however, That upon a showing of any applicant who is eighteen years of age or older that he or she is required to carry a concealed weapon as a condition for employment, and presents satisfactory proof to the sheriff thereof, then he or she shall be issued a license upon meeting all other conditions of this section. Upon discontinuance of employment that requires the concealed weapons license, if the individual issued the license is not yet twenty-one years of age, then the individual issued the license is no longer eligible and must return his or her license to the issuing sheriff;

(4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the three years immediately prior to the application:

(A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

(B) Two or more convictions for driving while under the influence or driving while impaired;

(5) That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant’s civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

(6) That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subsection (7) of this section in the five years immediately preceding the application;

(7) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S.
C. § 921(a)(33), or a misdemeanor offense of assault or battery either under the provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or (c), section nine, article two of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

(8) That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

(9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant’s right to possess or receive a firearm has been restored;

(10) That the applicant is not prohibited under the provisions of section seven of this article or federal law, including 18 U.S.C. § 922(q) or (n), from receiving, possessing or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: Provided, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and
(12) That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section seven of this article or federal law, including 18 U.S.C. § 922(g) or (n).

(c) Sixty dollars of the application fee and any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the sheriff into a concealed weapons license administration fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this concealed weapon license administration fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

(d) All persons applying for a license must complete a training course in handling and firing a handgun. The successful completion of any of the following courses fulfills this training requirement:
CONCEALED WEAPONS

(1) Any official National Rifle Association handgun safety or training course;

(2) Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

(3) Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

(4) Any handgun training or safety course or class conducted by any branch of the United States Military, Reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States Military, Reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section.

(e) All concealed weapons license applications must be notarized by a notary public duly licensed under article four, chapter twenty-nine of this code. Falsification of any portion of the application constitutes false swearing and is punishable under the provisions of section two, article five, chapter sixty-one of this code.

(f) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains
156 statements that are materially false or incorrect or that applicant
157 otherwise does not meet the requirements set forth in this
158 section. The sheriff shall issue, reissue or deny the license within
159 forty-five days after the application is filed if all required
160 background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the
162 applicant shall pay to the sheriff a fee in the amount of $25
163 which the sheriff shall forward to the Superintendent of the West
164 Virginia State Police within thirty days of receipt. The license is
165 valid for five years throughout the state, unless sooner revoked.

(h) Each license shall contain the full name and address of
167 the licensee and a space upon which the signature of the licensee
168 shall be signed with pen and ink. The issuing sheriff shall sign
169 and attach his or her seal to all license cards. The sheriff shall
170 provide to each new licensee a duplicate license card, in size
171 similar to other state identification cards and licenses, suitable
172 for carrying in a wallet, and the license card is considered a
173 license for the purposes of this section.

(i) The Superintendent of the West Virginia State Police
175 shall prepare uniform applications for licenses and license cards
176 showing that the license has been granted and shall do any other
177 act required to be done to protect the state and see to the
178 enforcement of this section.

(j) If an application is denied, the specific reasons for the
179 denial shall be stated by the sheriff denying the application. Any
180 person denied a license may file, in the circuit court of the
181 county in which the application was made, a petition seeking
182 review of the denial. The petition shall be filed within thirty days
183 of the denial. The court shall then determine whether the
184 applicant is entitled to the issuance of a license under the criteria
185 set forth in this section. The applicant may be represented by
counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court’s findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals.

(k) If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of $5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the five years: Provided, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

(m) The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

(n) Except when subject to an exception under section six, article seven of this chapter, all licensees shall carry with them a state-issued photo identification card with the concealed weapons license whenever the licensee is carrying a concealed weapon. Any licensee who, in violation of this subsection, fails to have in his or her possession a state-issued photo
identification card and a current concealed weapons license while carrying a concealed weapon is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 or more than $200 for each offense.

(o) The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(p) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(q) Notwithstanding the provisions of subsection (a) of this section, with respect to application by a former law-enforcement officer honorably retired from agencies governed by article fourteen, chapter seven of this code; article fourteen, chapter eight of this code; article two, chapter fifteen of this code; and article seven, chapter twenty of this code, an honorably retired officer is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this shall be applicable to these applicants.

(r) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon permit issued in accordance with the provisions of this section authorizes the holder of the permit to carry a concealed pistol or revolver on the lands or waters of this state.
AN ACT to amend and reenact §46A-2-128 of the Code of West Virginia, 1931, as amended, relating to consumer credit protection generally; and including additional conduct that constitutes unfair or unconscionable conduct when collecting or attempting to collect a debt.

Be it enacted by the Legislature of West Virginia:

That §46A-2-128 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-128. Unfair or unconscionable means.

1 No debt collector may use unfair or unconscionable means to collect or attempt to collect any claim. Without limiting the general application of the foregoing, the following conduct is deemed to violate this section:

5 (a) The seeking or obtaining of any written statement or acknowledgment in any form that specifies that a consumer’s obligation is one incurred for necessaries of life where the original obligation was not in fact incurred for such necessaries;
(b) The seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a consumer who has been declared bankrupt, without clearly disclosing the nature and consequences of such affirmation and the fact that the consumer is not legally obligated to make such affirmation;

(c) The collection or the attempt to collect from the consumer all or any part of the debt collector’s fee or charge for services rendered: Provided, That attorney’s fees, court costs and other reasonable collection costs and charges necessary for the collection of any amount due upon delinquent educational loans made by any institution of higher education within this state may be recovered when the terms of the obligation so provide. Recovery of attorney’s fees and collection costs may not exceed thirty-three and one-third percent of the amount due and owing to any such institution: Provided, however, That nothing contained in this subsection shall be construed to limit or prohibit any institution of higher education from paying additional attorney fees and collection costs as long as such additional attorney fees and collection costs do not exceed an amount equal to five percent of the amount of the debt actually recovered and such additional attorney fees and collection costs are deducted or paid from the amount of the debt recovered for the institution or paid from other funds available to the institution;

(d) The collection of or the attempt to collect any interest or other charge, fee or expense incidental to the principal obligation unless such interest or incidental fee, charge or expense is expressly authorized by the agreement creating the obligation and by statute;

(e) Any communication with a consumer whenever it appears that the consumer is represented by an attorney and the attorney’s name and address are known, or could be easily ascertained, unless the attorney fails to answer correspondence,
return phone calls or discuss the obligation in question or unless the attorney consents to direct communication; and

(f) When the debt is beyond the statute of limitations for filing a legal action for collection, failing to provide the following disclosure informing the consumer in its initial written communication with such consumer that:

1. When collecting on a debt that is not past the date for obsolescence provided for in Section 605(a) of the Fair Credit Reporting Act, 15 U.S. C. 1681c: "The law limits how long you can be sued on a debt. Because of the age of your debt, (INSERT OWNER NAME) cannot sue you for it. If you do not pay the debt, (INSERT OWNER NAME) may report or continue to report it to the credit reporting agencies as unpaid"; and

2. When collecting on debt that is past the date for obsolescence provided for in Section 605(a) of the Fair Credit Reporting Act, 15 U.S. C. 1681c: "The law limits how long you can be sued on a debt. Because of the age of your debt, (INSERT OWNER NAME) cannot sue you for it and (INSERT OWNER NAME) cannot report it to any credit reporting agencies."

CHAPTER 23


[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on April 1, 2014.]

AN ACT to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-204;
§60A-1-101 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended and reenacted; and that §60A-3-308 of said code be amended and reenacted, all to read as follows:

**ARTICLE 1. DEFINITIONS.**


As used in this act:

(a) "Administer" means the direct application of a controlled substance whether by injection, inhalation, ingestion or any other means to the body of a patient or research subject by:

(1) A practitioner (or, in his or her presence, by his or her authorized agent); or

(2) The patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.
(c) "Analogue" means a substance that, in relation to a controlled substance, has a substantially similar chemical structure.

(d) "Bureau" means the "Bureau of Narcotics and Dangerous Drugs, United States Department of Justice" or its successor agency.

(e) "Controlled substance" means a drug, substance or immediate precursor in Schedules I through V of article two of this chapter.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Imitation controlled substance" means: (1) A controlled substance which is falsely represented to be a different controlled substance; (2) a drug or substance which is not a controlled substance but which is falsely represented to be a controlled substance; or (3) a controlled substance or other drug or substance or a combination thereof which is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed or priced so as to cause a reasonable person to believe that it is a controlled substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of: (1) A controlled substance, whether or not there is an agency relationship; (2) a counterfeit substance; or (3) an imitation controlled substance.
(i) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(j) “Dispenser” means a practitioner who dispenses.

(k) “Distribute” means to deliver, other than by administering or dispensing, a controlled substance, a counterfeit substance or an imitation controlled substance.

(l) “Distributor” means a person who distributes.

(m) “Drug” means: (1) Substances recognized as drugs in the official “United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary”, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in subdivision (1), (2) or (3) of this subdivision. It does not include devices or their components, parts or accessories.

(n) “Immediate derivative” means a substance which is the principal compound or any analogue of the parent compound manufactured from a known controlled substance primarily for use and which has equal or similar pharmacologic activity as the parent compound which is necessary to prevent, curtail or limit manufacture.

(o) “Immediate precursor” means a substance which is the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.
(p) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(2) By a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(q) “Marijuana” means all parts of the plant “Cannabis sativa L.”, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, immediate derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, immediate derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(r) “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, immediate derivative or preparation of opium or opiate.
(2) Any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) of this subdivision, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, immediate derivative or preparation of coca leaves and any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(s) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section two hundred one, article two of this chapter, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does not include its racemic and levorotatory forms.

(t) "Opium poppy" means the plant of the species "Papaver somniferum L.", except its seeds.

(u) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(v) "Placebo" means an inert medicament or preparation administered or dispensed for its psychological effect, to satisfy a patient or research subject or to act as a control in experimental series.

(w) "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.
(x) “Practitioner” means:

(1) A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(y) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(z) “State”, when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof and any area subject to the legal authority of the United States of America.

(aa) “Ultimate user” means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Opiates. — Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and
salts is possible within the specific chemical designation (for purposes of subdivision (34) of this subsection only, the term isomer includes the optical and geometric isomers):

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol (except levoalphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(5) Alphameprodine;

(6) Alphamethadol;

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionamidide; 1-(1-methyl-2-phenylethyl)-4-(-propanilido) piperidine);

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide);

(9) Benzethidine;

(10) Betacetylmethadol;

(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

(13) Betameprodine;

(14) Betamethadol;
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34 (15) Betaprodine;
35 (16) Clonitazene;
36 (17) Dextromoramide;
37 (18) Diampromide;
38 (19) Diethylthiambutene;
39 (20) Difenoxin;
40 (21) Dimenoxadol;
41 (22) Dimepheptanol;
42 (23) Dimethylthiambutene;
43 (24) Dioxaphetyl butyrate;
44 (25) Dipipanone;
45 (26) Ethylmethylthiambutene;
46 (27) Etonitazene;
47 (28) Etoxeridine;
48 (29) Furethidine;
49 (30) Hydroxypethidine;
50 (31) Ketobemidone;
51 (32) Levomoramide;
52 (33) Levophenacylmorphan;
53 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
54 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
57 (36) Morpheridine;
58 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
59 (38) Noracymethadol;
60 (39) Norlevorphanol;
61 (40) Normethadone;
62 (41) Norpipanone;
63 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
64 (43) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxy piperidine);
65 (44) Phenadoxone;
66 (45) Phenampromide;
67 (46) Phenomorphan;
68 (47) Phenoperidine;
69 (48) Piritramide;
70 (49) Proheptazine;
71 (50) Properidine;
72 (51) Propiram;
73 (52) Racemoramide;
74 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
75 (54) Tilidine;
(55) Trimeperidine.

(c) Opium derivatives. — Unless specifically excepted or unless listed in another schedule, any of the following opium immediate derivatives, its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine (except HCl Salt);
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
102 (18) Myrophine;
103 (19) Nicocodeine;
104 (20) Nicomorphine;
105 (21) Normorphine;
106 (22) Pholcodine;
107 (23) Thebacon.

(d) Hallucinogenic substances. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term “isomer” includes the optical, position and geometric isomers):

(1) Alpha-ethyltryptamine; some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;

(2) 4-bromo-2,5-dimethoxy-amphetamine; some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenylethylamine; 4-bromo-2,5-DMA;

(3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;

(4) 2,5-dimethoxyamphetamine; some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

(5) 2,5-dimethoxy-4-ethylamphetamine; some trade or other names: DOET;
(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

(7) 4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

(8) 5-methoxy-3,4-methylenedioxyamphetamine;

(9) 4-methyl-2,5-dimethoxyamphetamine; some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP";

(10) 3,4-methylenedioxyamphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine (also known as -ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

(13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as - hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and - hydroxy MDA);

(14) 3,4,5-trimethoxyamphetamine;

(15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(16) Alpha-methyltryptamine (other name: AMT);

(17) Bufotenine; some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

(18) Diethyltryptamine; some trade and other names: N, N-Diethyltryptamine; DET;
(19) Dimethyltryptamine; some trade or other names: DMT;

(20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

(21) Ibogaine; some trade and other names: 7-Ethyl-6,6
Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

(22) Lysergic acid diethylamide;

(23) Marihuana;

(24) Mescaline;

(25) Paraehxyl-7374; some trade or other names: 3-Hexyl
-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 9-trimethyl-6H-dibenzo
[b,d] pyran; Synhexyl;

(26) Peyote; meaning all parts of the plant presently
classified botanically as Lophophora williamsii Lemaire,
whether growing or not, the seeds thereof, any extract from any
part of such plant, and every compound, manufacture, salts,
immediate derivative, mixture or preparation of such plant, its
seeds or extracts;

(27) N-ethyl-3-piperidyl benzilate;

(28) N-methyl-3-piperidyl benzilate;

(29) Psilocybin;

(30) Psilocyn;

(31) Tetrahydrocannabinols; synthetic equivalents of the
substances contained in the plant, or in the resinous extractives
of Cannabis, sp. and/or synthetic substances, immediate
derivatives and their isomers with similar chemical structure and
pharmacological activity such as the following:
Delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

Delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

Delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(32) Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(33) Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

(34) Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine; TPCP, TCP;

(35) 1[1-(2-thienyl)cyclohexyl]pyrroldine; some other names: TCPy.

(36) 4-methylmethcathinone (Mephedrone);

(37) 3,4-methylenedioxyxypyrovalerone (MDPV);

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
(45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
(47) 3,4-Methylenedioxy-N-methylcathinone (Methylone);
(48) (2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7, its optical isomers, salts and salts of isomers;
(49) 5-methoxy-N,N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT);
(50) Alpha-methyltryptamine (other name: AMT);
(51) 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
(52) Synthetic Cannabinoids as follows:
(A) 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and homologues};
(B) rel-2-[(1S, 3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol {also known as CP 47,497-C8 homolog};
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( C ) (6a R) - 9 - ( hydroxy methyl) - 6 , 6-dimethyl-3 -(2-methylcoctan-2-yl)-6a, 7,10,10a-tetrahydrobenzocchromen-1-ol} {also known as HU-210};

(D) (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methylcoctan-2-yl)-6a,7,10,10a-tetrahydrobe

(E) 1-Pentyl-3-[(1-naphthoyl)indole} {also known as JWH-018};

(F) 1-Butyl-3-[(1-naphthoyl)indole} {also known as JWH-073};

(G) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone} {also known as JWH-015};

(H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone} {also known as JWH-019};

(I) [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-naphthalenyl-methanone} {also known as JWH-200};

(J) 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone} {also known as JWH-250};

(K) 2 - ( 1S , 2S , 5S ) - 5 - hydroxy - 2 -(3-hydroxypropyl)cyclohexyl} -5-(2-methylcoctan-2-yl)phenol

(L) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)-methanone} {also known as JWH-122};

(M) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)-methanone} {also known as JWH-398};

(N) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone} {also known as RCS-4};
(O) 1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl) ethanone {also known as RCS-8};

(P) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

(Q) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); and

(R) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).

(53) Synthetic cannabinoids or any material, compound, mixture or preparation which contains any quantity of the following substances, including their analogues, congeners, homologues, isomers, salts and salts of analogues, congeners, homologues and isomers, as follows:

(A) CP 47,497 AND homologues, 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol;

(B) HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6A,7,10,10A-tetrahydrobenzo[C]chromen-1-OL];

(C) HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6A,7,10,10Atetrahydrobenzo[C]chromen-1-OL);

(D) JWH-018, 1-pentyl-3-(1-naphthoyl)indole;

(E) JWH-019, 1-hexyl-3-(1-naphthoyl)indole;

(F) JWH-073, 1-butyl-3-(1-naphthoyl)indole;

(G) JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)-Naphthalen-1-ylmethanone;

(H) JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.
(54) Synthetic cannabinoids including any material, compound, mixture or preparation that is not listed as a controlled substance in Schedule I through V, is not a federal Food and Drug Administration approved drug or used within legitimate and approved medical research and which contains any quantity of the following substances, their salts, isomers, whether optical positional or geometric, analogues, homologues and salts of isomers, analogues and homologues, unless specifically exempted, whenever the existence of these salts, isomers, analogues, homologues and salts of isomers, analogues and homologues if possible within the specific chemical designation:

(A) Tetrahydrocannabinols meaning tetrahydrocannabinols which are naturally contained in a plant of the genus cannabis as well as synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis or synthetic substances, derivatives and their isomers with analogous chemical structure and or pharmacological activity such as the following:

(i) DELTA-1 CIS OR trans tetrahydrocannabinol and their optical isomers.

(ii) DELTA-6 CIS OR trans tetrahydrocannabinol and their optical isomers.

(iii) DELTA-3,4 CIS or their trans tetrahydrocannabinol and their optical isomers.

(B) Naphthoylindoles or any compound containing a 3-(1-Naphthyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include the following:

(i) JWH 015;
(ii) JWH 018;
(iii) JWH 019;
(iv) JWH 073;
(v) JWH 081;
(vi) JWH 122;
(vii) JWH 200;
(viii) JWH 210;
(ix) JWH 398;
(x) AM 2201;
(xi) WIN 55,212.

(55) Naphylmethylindoles or any compound containing a 1hindol-3-yl-(1-naphthyl) methane structure with a substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 175 and JWH 184.

(56) Naphthoylpyrroles or any compound containing a 3-(1-Naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 147 and JWH 307.

(57) Naphthylmethylindenes or any compound containing a Naphthylideneindene structure with substitution at the 3-position of the indene ring whether or not further substituted in the indene ring to any extent and whether or not substituted in
the naphthyl ring to any extent. This shall include, but not be limited to, JWH 176.

(58) Phenylacetylindoles or any compound containing a 3-Phenylacetylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) RCS-8, SR-18 OR BTM-8;

(B) JWH 250;

(C) JWH 203;

(D) JWH 251;

(E) JWH 302.

(59) Cyclohexylphenols or any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with a substitution at the 5-position of the phenolic ring whether or not substituted in the cyclohexyl ring to any extent. This shall include the following:

(A) CP 47,497 and its homologues and analogs;

(B) Cannabicyclohexanol;

(C) CP 55,940.

(60) Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) AM 694;

(B) Pravadoline WIN 48,098;
(C) RCS 4;

(D) AM 679.

(61) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo 
[1,2,3-DE]-1,4-benzoazin-6-YL]-1-napthalenymethanone. This shall include WIN 55,212-2.

(62) Dibenzopyrans or any compound containing a 
11-hydroxydelta 8-tetrahydrocannabinol structure with 
substitution on the 3-pentyl group. This shall include HU-210, 
HU-211, JWH 051 and JWH 133.

(63) Adamantoylindoles or any compound containing a 
3-(-1-Adamantoyl) indole structure with substitution at the 
nitrogen atom of the indole ring whether or not further 
substituted in the adamantoyl ring system to any extent. This shall include AM1248.

(64) Tetramethylcyclopropylinodoles or any compound 
containing A 3-tetramethylcyclopropylindole structure with 
substitution at the nitrogen atom of the indole ring whether or 
not further substituted in the indole ring to any extent and 
whether or not substituted in the tetramethylcyclopropyl ring to 
any extent. This shall include UR-144 and XLR-11.

(65) N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. 
This shall include AKB48.

(66) Any other synthetic chemical compound that is a 
Cannabinoid receptor type 1 agonist as demonstrated by binding 
\textit{studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research. Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.}
(e) **Depressants.** — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

1. Mecloqualone;
2. Methaqualone.

(f) **Stimulants.** — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

1. Aminorex; some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;
2. Cathinone; some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;
3. Fenethylline;
4. Methcathinone, its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers; some other names: (2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxyxypyrvalerone and/or mephedrone;3,4-methylenedioxyxypyrvalerone (MPVD); ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432;
5. (++) cis-4-methylaminorex; (++)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine;
(6) N-ethylamphetamine;

(7) N,N-dimethylamphetemine; also known as N,N-alpha-tri methyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

(8) Alpha-pyrrolidinopentiophenone, also known as alpha-PVP, optical isomers, salts and salts of isomers.

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers.

(2) N-[1-(2-thienyl)methyl-4-piperidyl]-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.

(3) N-benzylpiperazine, also known as BZP.

(h) The following controlled substances are included in Schedule I:

(1) Synthetic Cathinones or any compound, except bupropion or compounds listed under a different schedule, or compounds used within legitimate and approved medical research, structurally derived from 2- Aminopropan-1-one by substitution at the 1-position with Monocyclic or fused polycyclic ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide Substituents whether or not further substituted in the ring system by one or more other univalent substituents.

(B) By substitution at the 3-position with an acyclic alkyl substituent.
(C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups.

(D) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

(2) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research.

§60A-2-206. Schedule II.

(a) Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section.

(b) Substances, vegetable origin or chemical synthesis. — Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts, but including the following:

(A) Raw opium;

(B) Opium extracts;

(C) Opium fluid;

(D) Powdered opium;
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19 (E) Granulated opium;
20 (F) Tincture of opium;
21 (G) Codeine;
22 (H) Dihydroetorphine;
23 (I) Ethylmorphine;
24 (J) Etorphine hydrochloride;
25 (K) Hydrocodone;
26 (L) Hydromorphone;
27 (M) Metopon;
28 (N) Morphine;
29 (O) Oripavine;
30 (P) Oxycodone;
31 (Q) Oxymorphone; and
32 (R) Thebaine;

33 (2) Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (1) of this subsection, except that these substances shall not include the isoquinoline alkaloids of opium;

34 (3) Opium poppy and poppy straw;

35 (4) Coca leaves and any salt, compound, derivative or preparation of coca leaves (including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative or preparation
thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or eegonine;

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy).

(c) Opiates. — Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(1) Alfentanil;
(2) Alphaprodine;
(3) Anileridine;
(4) Bezitramide;
(5) Bulk dextropropoxyphene (nondosage forms);
(6) Carfentanil;
(7) Dihydrocodeine;
(8) Diphenoxylate;
(9) Fentanyl;
(10) Isomethadone;
(11) Levo-alpha-acetylmethadol; some other names: levomethadyl acetate, LAAM;
(12) Levomethorphan;
(13) Levorphanol;
(14) Metazocine;
(15) Methadone;
(16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
(18) Pethidine; (meperidine);
(19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
(20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
(21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(22) Phenazocine;
(23) Piminodine;
(24) Racemethorphan;
(25) Racemorphan;
(26) Remifentanil;
(27) Sufentanil; and
(28) Tapentadol.

(d) Stimulants. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following
substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers;

(2) Methamphetamine, its salts, isomers and salts of its isomers;

(3) Methylphenidate;

(4) Phenmetrazine and its salts; and

(5) Lisdexamfetamine.

(e) **Depressants.** — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital;

(2) Glutethimide;

(3) Pentobarbital;

(4) Phencyclidine;

(5) Secobarbital.

(f) **Hallucinogenic substances:**

Nabilone: [Another name for nabilone: (+-)\-trans-3-(1, 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenz[b,d]pyran-9-one].
Immediate precursors. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(A) Phenylacetone;

(B) Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;

(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine; and

(B) 1-piperidinocyclohexanecarbonitrile (PCC).

(3) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP).

§60A-2-208. Schedule III.

(a) Schedule III consists of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section.

(b) Stimulants. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of the salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substances listed in Schedule
II which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under 21 C.F.R. §1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(c) *Depressants.* — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:

(A) Amobarbital;

(B) Secobarbital;

(C) Pentobarbital; or any salt of pentobarbital and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

(A) Amobarbital;

(B) Secobarbital;

(C) Pentobarbital; or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;

(4) Aprobarbital;

(5) Butabarbital (secbutabarbital);

(6) Butalbital (including, but not limited to, Fioricet);

(7) Butobarbital (butethal);

(8) Chlorhexadol;

(9) Embutramide;

(10) Gamma Hydroxybutyric Acid preparations;

(11) Ketamine, its salts, isomers and salts of isomers [Some other names for ketamine: (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];

(12) Lysergic acid;

(13) Lysergic acid amide;

(14) Methyprylon;

(15) Sulfondiethylmethane;

(16) Sulfonethylmethane;

(17) Sulfonmethane;

(18) Thiamylal;

(19) Thiopental;

(20) Tiletamine and zolazepam or any salt of tiletamine and zolazepam; some trade or other names for a tiletamine-zolazepam combination product: Telazol; some trade
or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade or other names for zolazepam:

4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon; and

(21) Vinbarbital.

(d) Nalorphine. —

(e) Narcotic drugs. — Unless specifically excepted or unless listed in another schedule:

(1) Any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(A) Not more than 1.8 grams of codeine per 100 milliliters and not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium: Provided, That a prescription for a product described in this subdivision may not be filled for more than a one month supply or filled or refilled more than three months after the date of the original prescription. Such prescription may not be refilled more than twice;

(4) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients
Provided, That a prescription for a product described in this subdivision may not be filled for more than a one month supply or filled or refilled more than three months after the date of the original prescription. Such prescription may not be refilled more than twice;

(C) Not more than 1.8 grams of dihydrocodeine per 100 milliliters and not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(D) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(E) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(F) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(2) Any material, compound, mixture or preparation containing buprenorphine or its salts (including, but not limited to, Suboxone).

(f) Anabolic steroids. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of anabolic steroids, including its salts, isomers and salts of isomers whenever the existence of the salts of isomers is possible within the specific chemical designation.

(g) Human growth hormones. —
(h) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product. (Some other names for dronabinol: \(6\alpha R\)-trans)-6a, 7, 8, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo \([b,d]\) pyran-1-ol or \((-\text{delta}-9\)-(trans)-tetrahydrocannabinol).

§60A-2-210. Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

1. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;
2. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

(c) Depressants. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

1. Alprazolam;
2. Barbital;
3. Bromazepam;
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<tr>
<td>22</td>
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<td>Chloral betaine;</td>
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<td>Flurazepam;</td>
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<td>Fospropofol;</td>
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(25) Halazepam;
(26) Haloxazolam;
(27) Ketazolam;
(28) Loprazolam;
(29) Lorazepam;
(30) Lormetazepam;
(31) Mebutamate;
(32) Medazepam;
(33) Meprobamate;
(34) Methohexital;
(35) Methylphenobarbital (mephobarbital);
(36) Midazolam;
(37) Nimetazepam;
(38) Nitrazepam;
(39) Nordiazepam;
(40) Oxazepam;
(41) Oxazolam;
(42) Paraldehyde;
(43) Petrichloral;
(44) Phenobarbital;
(45) Pinazepam;
(46) Prazepam;
(d) Any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible: Fenfluramine and Dexfenfluramine.

(e) Stimulants. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Cathine ((+)-norpseudoephedrine);
(2) Diethylpropion;
(3) Fencamfamin;
(4) Fenproporex;
(5) Mazindol;
(6) Mefenorex;
(7) Modafinil;
(8) Pemoline (including organometallic complexes and chelates thereof);

(9) Phentermine;

(10) Pipradrol;

(11) Sibutramine;

(12) SPA (-)-1-dimethylamino-1,2-diphenylethane).

(f) Other substances. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Pentazocine;

(2) Butorphanol;

(3) Tramadol hydrochloride.

Amyl nitrite, butyl nitrite, isobutyl nitrite and the other organic nitrites are controlled substances and no product containing these compounds as a significant component shall be possessed, bought or sold other than pursuant to a bona fide prescription or for industrial or manufacturing purposes.

§60A-2-212. Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid in limited quantities as set forth below, which shall include one or more nonnarcotic active
9 medicinal ingredients in sufficient proportion to confer upon the
10 compound, mixture or preparation valuable medicinal qualities
11 other than those possessed by the narcotic drug alone:

12 (1) Not more than 200 milligrams of codeine per 100
13 milliliters or per 100 grams;

14 (2) Not more than 100 milligrams of dihydrocodeine per 100
15 milliliters or per 100 grams;

16 (3) Not more than 100 milligrams of ethylmorphine per 100
17 milliliters or per 100 grams;

18 (4) Not more than 2.5 milligrams of diphenoxylate and not
19 less than 25 micrograms of atropine sulfate per dosage unit;

20 (5) Not more than 100 milligrams of opium per 100
21 milliliters or per 100 grams;

22 (6) Not more than 0.5 milligrams of difenoxin and not less
23 than 25 micrograms of atropine sulfate per dosage unit.

24 (c) Stimulants. — Unless specifically exempted or excluded
25 or unless listed in another schedule, any material, compound,
26 mixture or preparation which contains any quantity of the
27 following substances having a stimulant effect on the central
28 nervous system, including its salts, isomers and salts of isomers:

29 (1) Pyrovalerone.

30 (d) Any compound, mixture or preparation containing as its
31 single active ingredient ephedrine, pseudoephedrine or
32 phenylpropanolamine, their salts or optical isomers, or salts of
33 optical isomers except products which are for pediatric use
34 primarily intended for administration to children under the age
35 of twelve: Provided, That neither the offenses set forth in
36 section four hundred one, article four of this chapter, nor the
37 penalties therein, shall be applicable to ephedrine,
pseudoephedrine or phenylpropanolamine which shall be subject
to the provisions of article ten of this chapter.

(e) **Depressants.** — Unless specifically exempted or
excluded or unless listed in another schedule, any material,
compound, mixture or preparation which contains any quantity
of the following substances having a depressant effect on the
central nervous system, including its salts:

1. Ezogabine \[N-(2-amino-4-94-fluorobenzylamino)-
phenyl]-carbamic acid ethyl ester;\
2. Lacosamide \[(R)-2-acetoamido- N -benzyl-3-methoxy-
propionamide;\
3. Pregabalin \[(S)-3-(aminomethyl)-5-methylhexanoic
acid].

§60A-3-308. **Prescriptions.**

(a) Except when dispensed directly by a practitioner, other
than a pharmacy, to an ultimate user, no controlled substance in
Schedule II may be dispensed without the lawful prescription of
a practitioner.

(b) In emergency situations, as defined by rule of the said
appropriate department, board or agency, Schedule II drugs may
be dispensed upon oral prescription of a practitioner, reduced
promptly to writing and filed by the pharmacy. Prescription
shall be retained in conformity with the requirements of section
three hundred six of this article. No prescription for a Schedule
II substance may be refilled.

(c) Except when dispensed directly by a practitioner, other
than a pharmacy, to an ultimate user, a controlled substance
included in Schedule III or IV, which is a prescription drug as
determined under appropriate state or federal statute, shall not be
dispensed without a lawful prescription of a practitioner. The
prescription shall not be filled or refilled more than six months
after the date thereof or be refilled more than five times unless renewed by the practitioner.

(d) (1) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medicinal purpose: Provided, That buprenorphine shall be dispensed only by prescription pursuant to subsections (a), (b) and (c) of this section: Provided, however, That the controlled substances included in subsection (e), section two hundred twelve, article two of this chapter shall be dispensed, sold or distributed only by a physician, in a pharmacy by a pharmacist or pharmacy technician, or health care professional.

(2) If the substance described in subsection (e), section two hundred twelve, article two of this chapter is dispensed, sold or distributed in a pharmacy:

(A) The substance shall be dispensed, sold or distributed only by a pharmacist or a pharmacy technician; and

(B) Any person purchasing, receiving or otherwise acquiring any such substance shall produce a photographic identification issued by a state or federal governmental entity reflecting his or her date of birth.

CHAPTER 24

(H. B. 4488 - By Delegates Morgan, Poore, D. Poling, Fleischauer, Manypenny and Sponaugle)
[By Request of the Secretary of State’s Office]

[Passed March 5, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §19-4-6 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement for
notarization of the articles of incorporation for cooperative associations.

*Be it enacted by the Legislature of West Virginia:*

That §19-4-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. COOPERATIVE ASSOCIATIONS.**

§19-4-6. Articles of incorporation.

1. Each association formed under this article shall prepare and file articles of incorporation, setting forth:

   2. (a) The name of the association, which includes the words "cooperative," "co-operative," or "co-op," and words or abbreviations designating a corporation;

   3. (b) The purposes for which it is formed;

   4. (c) The place where its principal business will be transacted;

   5. (d) The period, if any prescribed, for the duration of the corporation;

   6. (e) The number of incorporators which is not less than three, the number of directors which is not less than three and any number in excess of those minimums, or it may be set forth that the number of directors will be fixed by the bylaws;

   7. (f) If organized without capital stock, whether the property rights and interest of each member are equal or unequal; and if unequal, the general rules applicable to the classes of members whose property rights and interest are determined and fixed; and provision for the admission of new members who may be entitled to share in the property of the association with the old
members, in accordance with the general rules. This provision of
the articles of incorporation may not be altered, amended or
repealed except by the written consent or vote of three fourths of
the members;

(g) If organized with capital stock and authorized to issue
only one class of stock, the total number of shares of stock which
the association has authority to issue, including: (1) The par
value of each of the shares; or (2) a statement that all the shares
are to be without par value;

(h) If the association is authorized to issue more than one
class of stock, the total number of shares of all classes of stock
which the association may issue, including: (1) The number of
shares of each class that have a par value and the par value of
each share by class; (2) the number of shares that are to be
without par value; and (3) a statement of the powers,
preferences, rights, qualifications, limitations or restrictions that
are permitted by section thirteen of this article in respect to a
class of stock fixed by the articles of incorporation or by
resolution of the board of directors;

(i) The articles shall be signed and filed in accordance with
the provisions of the business or nonprofit corporation laws of
this state;

(j) The articles may also contain any provisions managing,
defining, limiting or regulating the powers and affairs of the
association, the directors, the stockholders or members of the
association.
AN ACT to amend and reenact §31-17-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-17A-2 of said code, all relating to permitting certain owners of residential real estate limited exemptions from the licensing requirements of the West Virginia Residential Mortgage Lender, Broker and Servicer Act and the West Virginia Safe Mortgage Licensing Act for self-financed home financing if the owner is not acting within the regular course of business; establishing reporting requirements; and authorizing the Division of Financial Institutions to impose civil administrative penalties for failure to timely report.

Be it enacted by the Legislature of West Virginia:

That §31-17-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §31-17A-2 of said code be amended and reenacted, all to read as follows:

ARTICLE 17. WEST VIRGINIA RESIDENTIAL MORTGAGE LENDER, BROKER AND SERVICER ACT.

§31-17-1. Definitions and general provisions.

1 As used in this article:

2 (a) "Additional charges" means every type of charge arising out of the making or acceptance of a primary or subordinate mortgage loan, except finance charges, including, but not limited
to, official fees and taxes, reasonable closing costs and certain
documentary charges and insurance premiums and other charges
which definition is to be read in conjunction with and permitted
by section one hundred nine, article three, chapter forty-six-a of
this code;

(b) "Affiliated" means persons under the same ownership or
management control. As to corporations, limited liability
companies or partnerships, where common owners manage or
control a majority of the stock, membership interests or general
partnership interests of one or more such corporations, limited
liability companies or partnerships, those persons are considered
affiliated. In addition, persons under the ownership or
management control of the members of an immediate family
shall be considered affiliated. For purposes of this section,
"immediate family" means mother, stepmother, father,
stepfather, sister, stepsister, brother, stepbrother, spouse, child
and grandchildren;

(c) "Amount financed" means the total of the following
items to the extent that payment is deferred:

(1) The cash price of the goods, services or interest in land,
less the amount of any down payment, whether made in cash or
in property traded in;

(2) The amount actually paid or to be paid by the seller
pursuant to an agreement with the buyer to discharge a security
interest in or a lien on property traded in; and

(3) If not included in the cash price:

(A) Any applicable sales, use, privilege, excise or
documentary stamp taxes;

(B) Amounts actually paid or to be paid by the seller for
registration, certificate of title or license fees; and
(C) Additional charges permitted by this article;

(d) "Applicant" means a person who has applied for a lender or broker license;

(e) "Broker" means any person acting in the regular course of business who, for a fee or commission or other consideration, negotiates or arranges, or who offers to negotiate or arrange, or originates or assigns a primary or subordinate mortgage loan between a lender and a borrower. A person is considered to be acting in the regular course of business if he or she negotiates or arranges, or offers to negotiate or arrange, or originates, processes or assigns any primary or subordinate mortgage loans in any one calendar year; or if he or she seeks to charge a borrower or receive from a borrower money or other valuable consideration in any primary or subordinate mortgage transaction before completing performance of all broker services that he or she has agreed to perform for the borrower;

(f) "Brokerage fee" means the fee or commission or other consideration charged by a broker or loan originator for the services described in subdivision (e) of this section;

(g) "Commissioner" means the Commissioner of Financial Institutions of this state;

(h) "Finance charge" means the sum of all interest and similar charges payable directly or indirectly by the debtor imposed or collected by the lender incident to the extension of credit as coextensive with the definition of "loan finance charge" set forth in section one hundred two, article one, chapter forty-six-a of this code;

(i) "Lender" means any person who makes or offers to make or accepts or offers to accept or purchases or services any primary or subordinate mortgage loan in the regular course of business. A person is considered to be acting in the regular
course of business if he or she makes or accepts, or offers to
make or accept, any primary or subordinate mortgage loans in
any one calendar year.

"Lender" does not include any person who does not
currently have and has never held a residential mortgage lender
license in this or in any other state and who makes no more than
three primary or subordinate mortgage loans in any calendar year
to purchasers of any dwelling owned by that person: Provided,
That the person is required to report within thirty days of the
date of the loan any such mortgage loan to the Division of
Financial Institutions on a form available from the division upon
request. Failure to timely report as required by this subsection
may result in imposition by the commissioner of a civil
administrative penalty of up to $250;

(j) "Licensee" means any person duly licensed by the
commissioner under the provisions of this article or article
seventeen-a of this chapter as a lender, broker or mortgage loan
originator;

(k) "Nationwide Mortgage Licensing System and Registry"
means a mortgage licensing system developed and maintained
by the Conference of State Bank Supervisors and the American
Association of Residential Mortgage Regulators for the licensing
and registration of licensed mortgage brokers and lenders
licensed under this article and mortgage loan originators licensed
under article seventeen-a of this chapter;

(l) "Person" means an individual, partnership, association,
trust, corporation or any other legal entity, or any combination
thereof;

(m) "Primary mortgage loan" means any loan primarily for
personal, family or household use that is secured by a mortgage,
deed of trust or other equivalent consensual security interest on
a dwelling as defined in Section 103(w) of the Truth in Lending Act or residential real estate upon which is constructed or intended to be constructed a dwelling;

(n) “Servicing” or “servicing a residential mortgage loan” means through any medium or mode of communication the collection or remittance for, or the right or obligation to collect or remit for another lender, note owner or noteholder, payments of principal, interest, including sales finance charges in a consumer credit sale, and escrow items as insurance and taxes for property subject to a residential mortgage loan; and

(o) “Subordinate mortgage loan” means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling as defined in Section 103(w) of the Truth in Lending Act or residential real estate upon which is constructed or intended to be constructed a dwelling and is subject to the lien of one or more prior recorded mortgages or deeds of trust.

ARTICLE 17A. WEST VIRGINIA SAFE MORTGAGE LICENSING ACT.

§31-17A-2. Definitions.

As used in this article:

(a) “Commissioner” means the Commissioner of Financial Institutions of this state;

(b) “Depository institution” has the same meaning as in Section three of the Federal Deposit Insurance Act and includes any federally insured credit union; and

(c) “Division” means the West Virginia Division of Financial Institutions;
(d) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration and the Federal Deposit Insurance Corporation;

(e) "Immediate family member" means a spouse, child, sibling, parent, grandparent or grandchild. This includes stepparents, stepchildren, stepsiblings and adoptive relationships;

(f) "Individual" means a natural person; and

(g) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed or exempt from licensing under article seventeen of this chapter.

(1) For purposes of this paragraph, "clerical or support duties" may include subsequent to the receipt of an application:

(A) The receipt, collection, distribution and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(B) Communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms; or

(2) An individual engaging solely in loan processor or underwriter activities shall not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that such
individual can or will perform any of the activities of a mortgage
loan originator;

(h) "Mortgage loan originator" means an individual who for
compensation or gain or in the expectation of compensation or
gain takes a residential mortgage loan application or offers or
negotiates terms of a residential mortgage loan and is sponsored
by a mortgage lender, broker or regulated consumer lender
licensed by the Division of Financial Institutions.

"Mortgage loan originator" does not include:

(1) An individual engaged solely as a loan processor or
underwriter except as otherwise provided in section three of this
article;

(2) A person or entity who does not currently have and has
never held a residential mortgage loan originator license in this
or any other state and who acts as a mortgage loan originator on
no more than three residential mortgage loans to purchasers of
any dwelling owned by the person or entity in any calendar year:
Provided, That the person or entity is required to report any such
loan within thirty days of the date of the loan to the Division of
Financial Institutions on a form available from the division upon
request. Failure to timely report as required by this subsection
may result in imposition by the commissioner of a civil
administrative penalty of up to $250;

(3) A person or entity that only performs real estate
brokerage activities and is licensed or registered in accordance
with West Virginia law, unless the person or entity is
compensated by a lender, a mortgage broker or other mortgage
loan originator or by any agent of such lender, mortgage broker
or other mortgage loan originator;

(4) A person or entity solely involved in extensions of credit
relating to timeshare plans, as that term is defined in Section
101(53D) of Title 11, United States Code; or
(5) A manufactured or modular home retailer employee who performs purely administrative or clerical tasks and who receives only the customary salary or commission from the employer in connection with the sales transaction;

(i) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(1) Acting as a real estate salesperson or real estate broker for a buyer, seller, lessor or lessee of real property;

(2) Bringing together parties interested in the sale, purchase, lease, rental or exchange of real property;

(3) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental or exchange of real property other than in connection with providing financing with respect to any such transaction;

(4) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(5) Offering to engage in any activity, or act in any capacity, described in subsection (1), (2), (3) or (4) of this section;

(j) "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage brokers and lenders licensed pursuant to article seventeen of this chapter and mortgage loan originators licensed pursuant to this article;

(k) "Nontraditional mortgage product" means any mortgage product other than a fixed rate mortgage;
(l) "Person" means a natural person, corporation, company, limited liability company, partnership or association;

(m) "Registered mortgage loan originator" means any individual who:

1. Meets the definition of mortgage loan originator and is an employee of:
   
   A. A depository institution;

2. Is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry;

   (o) "Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling as defined in Section 103(w) of the Truth in Lending Act or residential real estate upon which is constructed or intended to be constructed a dwelling;

   (o) "Residential real estate" means any real property located in West Virginia, upon which is constructed or intended to be constructed a dwelling; and

   (p) "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.
AN ACT to amend and reenact §31-20-5h of the Code of West Virginia, 1931, as amended, relating to programs for inmates committed to state correctional facilities; requiring programs offered in regional jails to be the same as those offered in a Division of Corrections facility; requiring Division of Corrections employees or designees of the Commissioner of Corrections to provide said courses and classes; and authorizing the Regional Jail and Correctional Facility Authority and Division of Corrections to agree to designate certain facilities where said classes and programs are to be provided.

Be it enacted by the Legislature of West Virginia:

That §31-20-5h of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.

§31-20-5h. Programs for inmates committed to prison.

(a) The Division of Corrections may develop and implement a cognitive behavioral program to address the needs of inmates detained in a regional jail, but committed to the custody of the Commissioner of Corrections. The program shall be developed in consultation with the Regional Jail and Correctional Facility
Authority, and may be offered by video teleconference or webinar technology. The costs of the program shall be paid out of funds appropriated to the Division of Corrections. The program shall be covered by the rehabilitation plan policies and procedures adopted by the Division of Corrections under subsection (h), section thirteen, article twelve, chapter sixty-two of this code.

(b) In addition to subsection (a) of this section, the Division of Corrections shall make available, to each inmate in the custody of the commissioner who is detained in a regional jail facility awaiting transfer to a Division of Corrections facility, those programs and courses, as are determined by an inmate's risk and needs assessment mandated by section thirteen, article twelve, chapter sixty-two of this code, necessary to prepare the inmate for parole. Such programming and courses shall be provided by the Division of Corrections personnel or the commissioner's designees.

(c) The Regional Jail and Correctional Facility Authority shall provide the necessary facilities and equipment to effectuate this section or, upon the agreement of the Regional Jail and Correctional Facility Authority and the commissioner, other facilities may be utilized.
opportunity development district; increasing the Fort Henry Economic Opportunity Development Project District from three hundred to five hundred contiguous acres of land; providing when the Fort Henry Economic Opportunity Development District may be abolished or terminated; providing time period during which certain economic opportunity development districts may exist and when abolished by operation of law; providing definitions; providing for the authority of the Tax Commissioner; and providing effect of cessation and abolishment of a county economic opportunity development district.

Be it enacted by the Legislature of West Virginia:

That §7-22-9 and §7-22-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 22. COUNTY ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICTS.


(a) General. — County commissions have no inherent authority to levy taxes and have only that authority expressly granted to them by the Legislature. The Legislature is specifically extended, and intends by this article, to exercise certain relevant powers expressed in section six-a, article X of the Constitution of this state as follows: (1) The Legislature may appropriate state funds for use in matching or maximizing grants-in-aid for public purposes from the United States or any department, bureau, commission or agency thereof, or any other source, to any county, municipality or other political subdivision of the state, under such circumstances and subject to such terms, conditions and restrictions as the Legislature may prescribe by law; and (2) the Legislature may impose a state tax or taxes or dedicate a state tax or taxes or any portion thereof for the benefit of and use by counties, municipalities or other political subdivisions of the state for public purposes, the proceeds of any
such imposed or dedicated tax or taxes or portion thereof to be
distributed to such counties, municipalities or other political
subdivisions of the state under such circumstances and subject
to such terms, conditions and restrictions as the Legislature may
prescribe.

Because a special district excise tax would have the effect of
diverting, for a specified period of years, tax dollars which to the
extent, if any, are not essentially incremental to tax dollars
currently paid into the General Revenue Fund of the state, the
Legislature finds that in order to substantially ensure that such
special district excise taxes will not adversely impact the current
level of the General Revenue Fund of the state, it is necessary for
the Legislature to separately consider and act upon each and
every economic development district which is proposed,
including the unique characteristics of location, current condition
and activity of and within the area included in such proposed
economic opportunity development district and that for such
reasons a statute more general in ultimate application is not
feasible for accomplishment of the intention and purpose of the
Legislature in enacting this article. Therefore, no economic
opportunity development district excise tax may be levied by a
county commission until after the Legislature expressly
authorizes the county commission to levy a special district
excise tax on sales of tangible personal property and services
made within district boundaries approved by the Legislature.

(b) Authorizations. — The Legislature authorizes the
following county commissions to levy special district excise
taxes on sales of tangible personal property and services made
from business locations in the following economic opportunity
development districts:

(1) The Ohio County Commission may levy a special district
excise tax for the benefit of the Fort Henry Economic
Opportunity Development District which comprises five hundred
contiguous acres of land. Notwithstanding the time limitations provisions of subdivision (2), subsection (a), section fifteen of this article, the Fort Henry Economic Opportunity Development District shall not be abolished under subdivision (2), subsection (a), section fifteen of this article until the year 2044, unless sooner abolished and terminated in accordance with the provisions of subdivision (1), subsection (a), section fifteen of this article or any other provision of this code, or sooner abolished for any other reason: Provided, That on December 31, 2044, the provisions of subdivision (2), subsection (a), section fifteen of this article shall apply to abolish the Fort Henry Economic Opportunity Development District, if the district has not been abolished prior to that date.

(2) The Harrison County Commission may levy a special district excise tax for the benefit of the Charles Pointe Economic Opportunity Development District which comprises four hundred thirty-seven acres of land; and

(3) The Monongalia County Commission may levy a special district excise tax for the benefit of the University Town Centre Economic Opportunity District which comprises approximately one thousand four hundred fifty contiguous acres of land.

§7-22-15. Abolishment and dissolution of district; notice; hearing.

(a) General. — (1) Except upon the express written consent of the Executive Director of the Development Office and of all the holders or obligees of any indebtedness or other instruments the proceeds of which were applied to any development expenditures or any indebtedness the payment of which is secured by revenues payable into the fund provided under section eight of this article or by any public property, a district may only be abolished by the county commission when there is no outstanding indebtedness, the proceeds of which were applied to any development expenditures or the payment of which is secured by revenues payable into the fund provided under
(2) Thirty-year limitations. —

(A) Thirty-year limitation on new districts. — Notwithstanding subdivision (1) of this subsection, and notwithstanding any other provision of this code to the contrary, any district for which the date of initial enactment was after December 31, 2013, shall cease to exist and shall be abolished by operation of law, at 11:59 P.M., United States eastern time zone, on December 31 of the thirtieth calendar year subsequent to the initial year of enactment. Special district excise tax may not be levied, imposed or collected in or from the district so abolished or from or on any business located therein or any transaction occurring therein after the cessation and abolishment of the district.

(B) Thirty-year limitation on preexisting districts receiving authorization for boundary changes or other changes after December 31, 2013. — Notwithstanding subdivision (1) of this subsection, notwithstanding any other provision of this Code to the contrary and notwithstanding a date of initial enactment for a district that is prior to December 31, 2013, if legislative authorization is enacted after December 31, 2013, to expand or amend the previously authorized boundary, size or acreage of the district, or make any other amendment or change relating to the district, such district shall cease to exist and shall be abolished by operation of law, at 11:59 P.M., United States eastern time zone, on December 31 of the thirtieth calendar year subsequent to the initial year of enactment. Special district excise tax may not be levied, imposed or collected in or from the district so abolished or from or on any business located therein or any transaction occurring therein after the cessation and abolishment of the district.

(C) Definitions. — For purposes of this subdivision:
(i) The term “date of initial enactment” means the date of passage of legislation whereby legislative authorization was first enacted for the county commission to levy special district excise taxes for a district, and prior to enactment of any legislative authorization to expand or amend the authorized boundary, size or acreage of the district, or make any other amendment or change relating to the district as originally authorized.

(ii) The term “initial year of enactment” means the calendar year during which the date of initial enactment occurred.

(D) This section shall not be interpreted to abrogate or hinder the authority of the Tax Commissioner to collect, receive, process or administer any special district excise tax accrued, due or payable for any tax period prior to the cessation and abolishment of the district, or to audit and issue assessments of tax, interest, additions to tax and penalties for the collection, remittance and enforcement thereof.

(E) Upon cessation and abolishment of a district under this section or any provision of this code, or any cessation or abolishment of a district for any reason, the consumers sales and service tax and use tax and municipal consumers sales and service tax and use tax, if applicable, shall be imposed, collected, levied and remitted, as provided by law for sales and uses in the previously authorized district.

(b) Notice of public hearing. — Notice of the public hearing required by subsection (a) of this section shall be provided by first-class mail to all owners of real property within the district and shall be published as a Class I-0 legal advertisement in compliance with article three, chapter fifty-nine of this code at least twenty days prior to the public hearing.

(c) Transfer of district assets and funds. — Upon the abolishment of any economic opportunity development district,
any funds or other assets, contractual rights or obligations, claims against holders of indebtedness or other financial benefits, liabilities or obligations existing after full payment has been made on all existing contracts, bonds, notes or other obligations of the district are transferred to and assumed by the county commission. Any funds or other assets transferred shall be used for the benefit of the area included in the district being abolished.

(d) Reinstatement of district. — Following abolishment of a district pursuant to this section, its reinstatement requires compliance with all requirements and procedures set forth in this article for the initial development, approval, establishment and creation of an economic opportunity development district.

CHAPTER 28

(Com. Sub. for S. B. 458 - By Senators Kessler (Mr. President), Barnes, Fitzsimmons, Kirkendoll, Walters, Laird, Yost, Cookman and Stollings)

[Passed March 8, 2014; in effect July 1, 2014]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to certain fees in the circuit courts of the state to be dedicated to the support of civil legal services for low-income persons by depositing certain fees in the preexisting Fund for Civil Legal Services for Low Income Persons; requiring the civil action filing fee apply to removal of cases from magistrate court; increasing the civil action filing fee; creating a new fee associated with certain civil court filings; creating exceptions; and providing for the collection of certain fees by magistrate court.
Be it enacted by the Legislature of West Virginia:

That §59-1-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-11. Fees to be charged by clerk of circuit court.

(a) The clerk of a circuit court shall charge and collect for services rendered by the clerk the following fees which shall be paid in advance by the parties for whom services are to be rendered:

1. Except as provided in subdivisions (2) and (3) of this subsection, for instituting any civil action under the Rules of Civil Procedure, any statutory summary proceeding, any extraordinary remedy, the docketing of civil appeals or removals of civil cases from magistrate court, or any other action, cause, suit or proceeding, $200, of which $30 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code and $45 shall be deposited in the special revenue account designated the Fund for Civil Legal Services for Low Income Persons, established by paragraph (B), subdivision (4), subsection (c), section ten of this article, and $20 deposited in the special revenue account created in section six hundred three, article twenty-six, chapter forty-eight of this code to provide legal services for domestic violence victims;

2. For instituting an action for medical professional liability, $280, of which $10 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code;

3. Beginning on and after July 1, 1999, for instituting an action for divorce, separate maintenance or annulment, $135;
(4) For petitioning for the modification of an order involving child custody, child visitation, child support or spousal support, $85;

(5) For petitioning for an expedited modification of a child support order, $35; and

(6) For filing any pleading that includes a counterclaim, cross claim, third-party complaint or motion to intervene, $200, which shall be deposited in the special revenue account designated the Fund for Civil Legal Services for Low Income Persons, established by paragraph (B), subdivision (4), subsection (c), section ten of this article: Provided, That this subdivision and the fee it imposes does not apply in family court cases nor may more than one such fee be imposed on any one party in any one civil action.

(b) In addition to the foregoing fees, the following fees shall be charged and collected:

(1) For preparing an abstract of judgment, $5;

(2) For a transcript, copy or paper made by the clerk for use in any other court or otherwise to go out of the office, for each page, $1;

(3) For issuing a suggestion and serving notice to the debtor by certified mail, $25;

(4) For issuing an execution, $25;

(5) For issuing or renewing a suggestee execution and serving notice to the debtor by certified mail, $25;

(6) For vacation or modification of a suggestee execution, $1;
(7) For docketing and issuing an execution on a transcript of judgment from magistrate court, $3;

(8) For arranging the papers in a certified question, writ of error, appeal or removal to any other court, $10, of which $5 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code;

(9) For each subpoena, on the part of either plaintiff or defendant, to be paid by the party requesting the same, fifty cents;

(10) For additional service, plaintiff or appellant, where any case remains on the docket longer than three years, for each additional year or part year, $20; and

(11) For administering funds deposited into a federally insured interest-bearing account or interest-bearing instrument pursuant to a court order, $50, to be collected from the party making the deposit. A fee collected pursuant to this subdivision shall be paid into the general county fund.

(c) In addition to the foregoing fees, a fee for the actual amount of the postage and express may be charged and collected for sending decrees, orders or records that have not been ordered by the court to be sent by mail or express.

(d) The clerk shall tax the following fees for services in a criminal case against a defendant convicted in such court:

(1) In the case of a misdemeanor, $85; and

(2) In the case of a felony, $105, of which $10 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code.
(e) The clerk of a circuit court shall charge and collect a fee of $25 per bond for services rendered by the clerk for processing of criminal bonds and the fee shall be paid at the time of issuance by the person or entity set forth below:

1. For cash bonds, the fee shall be paid by the person tendering cash as bond;
2. For recognizance bonds secured by real estate, the fee shall be paid by the owner of the real estate serving as surety;
3. For recognizance bonds secured by a surety company, the fee shall be paid by the surety company;
4. For ten percent recognizance bonds with surety, the fee shall be paid by the person serving as surety; and
5. For ten percent recognizance bonds without surety, the fee shall be paid by the person tendering ten percent of the bail amount.

In instances in which the total of the bond is posted by more than one bond instrument, the above fee shall be collected at the time of issuance of each bond instrument processed by the clerk and all fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code. Nothing in this subsection authorizes the clerk to collect the above fee from any person for the processing of a personal recognizance bond.

(f) The clerk of a circuit court shall charge and collect a fee of $10 for services rendered by the clerk for processing of bailpiece and the fee shall be paid by the surety at the time of issuance. All fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund.
created by section six, article twenty-six, chapter twenty-nine of
this code.

(g) No clerk is required to handle or accept for disbursement
any fees, cost or amounts of any other officer or party not
payable into the county treasury except on written order of the
court or in compliance with the provisions of law governing such
fees, costs or accounts.

(h) Fees for removal of civil cases from magistrate court
shall be collected by the magistrate court when the case is still
properly before the magistrate court. The magistrate court clerk
shall forward the fees collected to the circuit court clerk.

CHAPTER 29

(Com. Sub. for H. B. 4552 - By Delegates Hunt,
Sponaugle, Wells and Manypenny)

[Passed March 8, 2014; in effect ninety day from passage.]
[Approved by the Governor on March 31, 2014.]

AN ACT to amend and reenact §14-2-1, §14-2-8, §14-2-13, §14-2-13a,
§14-2-16, §14-2-25 and §14-2-28 of the Code of West Virginia,
1931, as amended, all relating to the court of claims; clarifying
purpose of article; authorizing additional days of judges
reimbursement; revising court jurisdiction; revising process for
innocent persons who have been wrongly convicted to file a claim;
authorizing hiring expert witness by court; abolishing advisory
determination procedure; and clarifying actions of Court not
subject to judicial review.
Be it enacted by the Legislature of West Virginia:

That §14-2-1, §14-2-8, §14-2-13, §14-2-13a, §14-2-16, §14-2-25 and §14-2-28 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-1. Purpose.

1 The purpose of this article is to provide a simple and impartial method for the consideration of claims against the state that because of the provisions of section thirty-five, article VI of the Constitution of the State, and of statutory restrictions, inhibitions or limitations, cannot be determined in the regular courts of the state; and to provide for proceedings in which the state has a special interest.


1 Each judge of the court shall receive $210 for each day actually served and expenses incurred in the performance of his or her duties paid at the same per diem rate as members of the Legislature: Provided, That the chief judge shall receive an additional $50 for each day actually served. In addition to the expense per diem, each judge may, when using his or her own vehicle, be reimbursed for mileage at the mileage rate equal to the amount paid by the travel management office of the Department of Administration. The number of days served by each judge shall not exceed one hundred twenty in any fiscal year, except by authority of the Joint Committee on Government and Finance: Provided, That in computing the number of days served, days utilized solely for the exercise of duties assigned to judges and commissioners by the provisions of article two-a of this chapter shall be disregarded. For the purpose of this section, time served shall include time spent in the hearing of claims, in
the consideration of the record, in the preparation of opinions
and in necessary travel.


The jurisdiction of the court, except for the claims excluded
by section fourteen, shall extend to the following matters:

(1) Claims and demands, liquidated and unliquidated, ex
contractu and ex delicto, against the state or any of its agencies,
which the state as a sovereign commonwealth should in equity
and good conscience discharge and pay; and

(2) Claims and demands, liquidated and unliquidated, ex
contractu and ex delicto, which may be asserted in the nature of
set-off or counterclaim on the part of the state or any state
agency.

§14-2-13a. Claims for unjust arrest and imprisonment or
conviction and imprisonment.

(a) Legislative intent — The Legislature finds and declares
that innocent persons who have been wrongly convicted of
crimes and subsequently imprisoned and innocent persons
wrongly arrested, charged with a crime or imprisoned, who have
subsequently been released when another person was arrested,
prosecuted and convicted of the same criminal offense have been
frustrated in seeking legal redress due to a variety of substantive
and technical obstacles in the law and that affected persons
should have an available avenue of redress over and above the
existing tort remedies. Therefore, the Legislature intends by
enactment of the provisions of this section that those innocent
persons who can demonstrate that they were wrongly arrested
and imprisoned or unjustly convicted and imprisoned are able to
seek damages against the state for loss of liberty.
(b) **Notice of Claim** — The claimant’s notice of claim shall state facts in sufficient detail to permit the court to find that a claimant is likely to succeed at a trial on the merits. If the court finds in its discretion after reviewing a claim that the claimant has failed to allege sufficient facts upon which relief can be granted, the court may dismiss the claim, either on its own motion or by a motion of the state.

(c) **Burden of Proof** — A claimant shall demonstrate by clear and convincing evidence that they were unjustly arrested and imprisoned or unjustly convicted and imprisoned, and the court shall, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence or other factors not caused by such persons or those acting on their behalf. Specifically, the following shall be proven by clear and convincing evidence:

1. (A) The claimant has been convicted of one or more felonies or misdemeanors against the state and subsequently sentenced to a term of confinement, and has served all or any part of the sentence; or

   (B) The claimant has been arrested and confined, and charged by warrant, information, or any other accusatory instrument for one or more felonies or misdemeanors, and that the charges were dismissed against the claimant; when another person was subsequently charged, arrested, and convicted of the same felony or felonies, or misdemeanors, or;

2. (A) Another person was subsequently charged, arrested and convicted of the same felony or felonies or misdemeanors;

   (B) The claimant has been pardoned upon the ground of innocence of the crime or crimes for which the claimant was sentenced and which are the grounds for the complaint; or
(C) The claimant’s judgment of conviction was reversed or vacated, and the accusatory instrument dismissed or, if a new trial was ordered, either the claimant was found not guilty at the new trial or the claimant was not retried and the accusatory instrument dismissed; and

(3) The claimant did not by his or her own conduct cause or bring about his or her conviction.

(d) Type of Relief Granted and the Claimant’s Burden to Prove Damages — If the court finds that the claimant is entitled to a judgment, the court shall award damages in a sum of money as the court determines will fairly and reasonably compensate the claimant based upon the sufficiency of the claimant’s proof at trial. Whether the damages fairly and reasonably compensate the claimant will depend upon the unique facts and circumstances of each claim. The claimant shall bear the ultimate burden of proving all damages associated with the claimant’s claim.

§14-2-16. Regular procedure.

The regular procedure for the consideration of claims shall be substantially as follows:

(1) The claimant shall give notice to the clerk that he or she desires to maintain a claim. Notice shall be in writing and shall be in sufficient detail to identify the claimant, the circumstances giving rise to the claim, and the state agency concerned, if any. The claimant shall not otherwise be held to any formal requirement of notice.

(2) The clerk shall transmit a copy of the notice to the state agency concerned. The state agency may deny the claim, or may request a postponement of proceedings to permit negotiations with the claimant. If the court finds that a claim is prima facie
within its jurisdiction, it shall order the claim to be placed upon
its regular docket for hearing.

(3) During the period of negotiations and pending hearing,
the state agency, represented by the Attorney General, shall, if
possible, reach an agreement with the claimant regarding the
facts upon which the claim is based so as to avoid the necessity
for the introduction of evidence at the hearing. If the parties are
unable to agree upon the facts an attempt shall be made to
stipulate the questions of fact in issue.

(4) The court shall so conduct the hearing as to disclose all
material facts and issues of liability and may examine or
cross-examine witnesses. The court may call witnesses or require
evidence not produced by the parties; the court may call expert
witnesses and compensate those experts for their services in an
amount not to exceed $3,500 per expert; the court may stipulate
the questions to be argued by the parties; and the court may
continue the hearing until some subsequent time to permit a
more complete presentation of the claim.

(5) After the close of the hearing the court shall consider the
claim and shall conclude its determination, if possible, within
sixty days.

§14-2-25. Reports of the court.

The clerk shall be the official reporter of the court. He or she
shall collect and edit the approved claims, awards and
statements, shall prepare them for submission to the Legislature
in the form of an annual report and shall prepare them for
publication.

Claims and awards shall be separately classified as follows:

(1) Approved claims and awards not satisfied but referred to
the Legislature for final consideration and appropriation.
(2) Approved claims and awards satisfied by payments out of regular appropriations.

(3) Approved claims and awards satisfied by payment out of a special appropriation made by the Legislature to pay claims arising during the fiscal year.

(4) Claims rejected by the court with the reasons therefor.

The court may include any other information or recommendations pertaining to the performance of its duties.

The court shall transmit its annual report to the presiding officer of each house of the Legislature, and a copy shall be made available to any member of the Legislature upon request therefor. The reports of the court shall be published biennially by the clerk as a public document. The biennial report shall be filed with the clerk of each house of the Legislature, the Governor and the Attorney General.

§14-2-28. Award as condition precedent to appropriation.

(a) It is the policy of the Legislature to make no appropriation to pay any claims against the state, cognizable by the court, unless the claim has first been passed upon by the court.

(b) Because a decision of the court is a recommendation to the Legislature based upon a finding of moral obligation, and the enactment process of passage of legislation authorizing payments of claims recommended by the court is at legislative discretion, no right of appeal exists to findings and award recommendations of the court of claims and they are not subject to judicial review.
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-27-1, §47-27-2, §47-27-3 and §47-27-4, all relating to the establishment of standards for court reporters and entities providing court reporting services; prohibiting certain conduct by court reporters and persons utilizing or arranging for court reporting services; exempting certain court reporters and court reporting services; authorizing disclosure and certification of certain information; and creating civil penalties for violations.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §47-27-1, §47-27-2, §47-27-3 and §47-27-4, all to read as follows:

ARTICLE 27. COURT REPORTER SERVICES.

§47-27-1. Fair trade standards for use of court reporter services.

(a) The purpose of this article is to ensure the integrity of the use of court reporter services by establishing standards for private court reporters and entities providing or arranging for court reporting services. It is declared the policy of the State of West Virginia that fair, ethical and impartial selection and use of
court reporting services are integral to the equitable administration of justice.

(b) For purposes of this article, “court reporter” means private court reporters providing court reporting services, as well as businesses, entities or firms that provide or arrange for court reporting services, and “original transcript” means the original transcription requested by a party along with a certified copy of same for purposes of filing with a court.

(c) The provisions described in this article apply to court reporting services performed in this state that are:

(1) Provided by a court reporter, wherever based, in connection with a legal proceeding commenced or maintained in this state; and

(2) Provided by a court reporter based in this state, whether the parties appear in person or by remote means.

(d) The provisions of this article do not apply to the conduct of official court reporters or their substitutes, appointed by judges pursuant to section one, article seven, chapter fifty-one of this code, when acting in their official capacities, reporters of government proceedings not relating to a legal proceeding, local or federal courts, providing real-time services for hard-of-hearing litigants, the provision of pro bono services to litigants who would qualify for the same through West Virginia Legal Aid or other similar organizations, workers’ compensation proceedings or legal proceedings recorded with sound-and-visual devices. A legal proceeding includes, but is not limited to, the following:

(1) A court proceeding;

(2) A deposition;
(3) An arbitration hearing; and

(4) An examination under oath.

(e) Court reporters, businesses, entities, insurers or firms providing or arranging for court reporting services are subject to the provisions of this section even if the businesses, entities, insurers or firms are not subject to registration or other regulatory oversight in the state.


1. (a) A legal proceeding may not be reported by:

   (1) An individual who engages in a prohibited action as provided in this section;

   (2) A party to the action;

   (3) A relative, employee or attorney of one of the parties;

   (4) Someone with a financial interest in the action or its outcome; or

   (5) A relative, employee or attorney of someone with a financial interest in the action or its outcome.

(b) Court reporters may not:

   (1) Base the compensation for the court reporting services on the outcome of the proceeding or otherwise giving the court reporter or court reporting business, entity or firm a financial interest in the action. Court reporters or businesses, entities or firms providing or arranging for court reporting services may not offer or provide court reporting services where payment for those services will be made contingent on the outcome of the action.
(2) Enter into an agreement, whether formal or informal, for court reporting services which restricts the noticing attorney or party to a legal proceeding from selecting and using the court reporter of his or her own choosing or otherwise requires the noticing attorney or party to a legal proceeding to select or use a court reporter not of his or her own choosing. Before accepting an assignment for court reporting services, the court reporter is obligated to make reasonable efforts to ascertain whether any arrangement exists which is prohibited under this article.

(3) Allow the format, content or body of the transcript as certified by the court reporter to be manipulated in a manner that increases the cost of the transcript.

(4) Charge a fee for the electronic copy or paper copy of a transcript that is more than fifty-five percent of the cost of the original transcript, except by agreement of all parties to a legal proceeding. This prohibition does not apply to real-time court reporting services or accelerated transcript delivery requests made by the party requesting a copy of the transcript when the party requesting the original has not requested accelerated delivery.

(5) Require the attorney purchasing the original or a copy of the transcript to purchase extra services that were neither ordered nor desired from the court reporter as a condition for the sale of the transcript.


(a) Prior to the commencement of a legal proceeding, and at any time during or following the conclusion of a legal proceeding, an attorney or a party to that legal proceeding has the right to an itemized statement of all rates and charges for all services that have been or will be provided by the court reporter or business, entity or firm providing or arranging for court reporting services to any party to the legal proceeding.
(b) A court reporter shall certify on the certification page of each transcript of a legal proceeding, the following: "I certify that the attached transcript meets the requirements set forth within article twenty-seven, chapter forty-seven of the West Virginia Code."

(c) Each transcript of a legal proceeding shall conform to the following minimum standards:

(1) No fewer than twenty-four typed lines on standard 8-1/2 by 11 inches pages.

(2) No fewer than nine characters to the typed inch.

(3) A full line of text shall be no less than fifty-six characters and/or spaces unless timestamping is used, in which case no fewer than forty-eight characters and/or spaces shall be used on a full line of text.

(4) Timestamping may only be printed on a transcript under any of the following circumstances: (A) When a deposition is videotaped; (B) when requested by counsel on the record; and (C) when a transcript will have not less than forty-eight characters per line.

(5) The page numbers, headers and footers do not count as a line of text. Line numbers and the spaces preceding text do not count as a character.

(6) Each question and answer to begin on a separate line.

(7) Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the question and answer to the text.

(8) Carry-over question and answer lines to begin at the left-hand margin.
§47-27-4. Penalties for violations; civil actions; and damages.

A court reporter or the entity that produces and bills for the transcript which violates the provisions of sections two or three of this article is subject to civil penalty in a court of competent jurisdiction as follows: Any party to a civil action, a court reporter, attorney or other person who has been subject to a violation of the provisions of sections two or three of this article may recover, payable to the prevailing party, a civil penalty for any willful violation of this section and the court shall assess a civil penalty of no less than $2,500 for each violation: Provided, That no more than one civil penalty under this section may be assessed in any one matter pending before the court; and if the court finds that the court reporter has engaged in a course of repeated and willful violations of this section, it may assess an additional civil penalty of up to $5,000 for each violation of this section. For any action filed pursuant to this section, the court, in its discretion, may award all or a portion of the costs of litigation, including reasonable attorney fees, court costs and fees, to the prevailing party.
AN ACT to amend and reenact §14-2A-3, §14-2A-9, §14-2A-12, §14-2A-14 and §14-2A-18 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes generally; redefining terms; increasing the amount of victim relocation costs; allowing student loans obtained by a victim to be treated as a lost scholarship in certain instances; eliminating the authority to make awards of compensation for damage caused by operation of a methamphetamine laboratory under certain circumstances; modifying required time period in which a claimant should report offense to law enforcement under certain circumstances; requiring that a criminal complaint being filed is a prerequisite to receipt of compensation in certain circumstances; providing circumstances in which a criminal complaint need not be filed as a prerequisite to receipt of compensation; allowing victims of sexual offenses to undergo a forensic examination rather than reporting to law enforcement; permitting the Court of Claims to hire two additional claim investigators; and permitting claim investigators to acquire autopsy reports from the State Medical Examiner.

Be it enacted by the Legislature of West Virginia:

That §14-2A-3, §14-2A-9, §14-2A-12, §14-2A-14 and §14-2A-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:
ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.


As used in this article, the term:

(a) "Claimant" means any of the following persons, whether residents or nonresidents of this state, who claim an award of compensation under this article:

(1) A victim, except the term "victim" does not include a nonresident of this state where the criminally injurious act did not occur in this state;

(2) A dependent, spouse or minor child of a deceased victim or, if the deceased victim is a minor, the parents, legal guardians and siblings of the victim;

(3) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim or a victim's dependent when the obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim;

(4) A person who is authorized to act on behalf of a victim, dependent or a third person who is not a collateral source including, but not limited to, assignees, persons holding power of attorney or others who hold authority to make or submit claims in place of or on behalf of a victim, a dependent or third person who is not a collateral source and if the victim, dependent or third person who is not a collateral source is a minor or other legally incompetent person, their duly qualified fiduciary; and

(5) A person who is a secondary victim in need of mental health counseling due to the person's exposure to the crime committed whose award may not exceed $1,000;
(b) "Collateral source" means a source of benefits or advantages for economic loss otherwise compensable that the victim or claimant has received or that is readily available to him or her from any of the following sources:

(1) The offender, including restitution received from the offender pursuant to an order by a court sentencing the offender or placing him or her on probation following a conviction in a criminal case arising from the criminally injurious act for which a claim for compensation is made;

(2) The government of the United States or its agencies, a state or its political subdivisions or an instrumentality of two or more states;

(3) Social Security, Medicare and Medicaid;

(4) State-required, temporary, nonoccupational disability insurance or other disability insurance;

(5) Workers' compensation;

(6) Wage continuation programs of an employer;

(7) Proceeds of a contract of insurance payable to the victim or claimant for loss that was sustained because of the criminally injurious conduct;

(8) A contract providing prepaid hospital and other health care services or benefits for disability; and

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim which exceeds $25,000.

(c) "Criminally injurious conduct" means conduct that occurs or is attempted in this state, or in any state not having a
victim compensation program, which poses a substantial threat
of personal injury or death and is punishable by fine or
imprisonment. “Criminally injurious conduct” also includes
criminally injurious conduct committed outside of the United
States against a resident of this state. “Criminally injurious
conduct” does not include conduct arising out of the ownership,
maintenance or use of a motor vehicle unless the person
engaging in the conduct intended to cause personal injury or
death or committed negligent homicide, driving under the
influence of alcohol, controlled substances or drugs, leaving the
scene of the accident or reckless driving.

(d) “Dependent” means an individual who received over half
of his or her support from the victim. For the purpose of making
this determination there shall be taken into account the amount
of support received from the victim as compared to the entire
amount of support the individual received from all sources
including self-support. The term “support” includes, but is not
limited to, food, shelter, clothing, medical and dental care and
education. The term “dependent” includes a child of the victim
born after his or her death.

(e) “Economic loss” means economic detriment consisting
only of allowable expense, work loss and replacement services
loss. If criminally injurious conduct causes death, “economic
loss” includes a dependent’s economic loss and a dependent’s
replacement services loss. Noneconomic detriment is not
economic loss; however, economic loss may be caused by pain
and suffering or physical impairment. For purposes of this
article, the term “economic loss” includes a lost scholarship as
defined in this section.

(f) “Allowable expense” includes the following:

(1) Reasonable charges incurred or to be incurred for
reasonably needed products, services and accommodations
including those for medical care, mental health counseling, prosthetic devices, eye glasses, dentures, rehabilitation and other remedial treatment and care but does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home or other institution engaged in providing nursing care and related services which is in excess of a reasonable and customary charge for semiprivate accommodations unless accommodations other than semiprivate accommodations are medically required;

(2) A total charge not in excess of $10,000 for expenses in any way related to funerals, cremations and burials;

(3) Victim relocation costs not to exceed $2,500;

(4) Reasonable travel expenses not to exceed $1,000 for a claimant to attend court proceedings conducted for the prosecution of the offender;

(5) Reasonable travel expenses for a claimant to return a person who is a minor or incapacitated adult who has been unlawfully removed from this state to another state or country if the removal constitutes a crime under the laws of this state which may not exceed $2,000 for expenses to another state or $3,000 to another country; and

(6) Reasonable travel expenses for the transportation of a victim to and from a medical facility.

(g) “Work loss” means loss of income from work that the injured person would have performed if he or she had not been injured and expenses reasonably incurred or to be incurred by him or her to obtain services in lieu of those he or she would have performed for income. “Work loss” is reduced by income from substitute work actually performed or to be performed by him or her or by income he or she would have earned in
available appropriate substitute work that he or she was capable
of performing but unreasonably failed to undertake. “Work loss”
also includes loss of income from work by the parent or legal
guardian of a minor victim who must miss work to take care of
the minor victim.

(h) “Replacement services loss” means expenses reasonably
incurred or to be incurred in obtaining ordinary and necessary
services in lieu of those the injured person would have
performed for the benefit of himself or herself or his or her
family if he or she had not been injured. “Replacement services
loss” does not include services an injured person would have
performed to generate income.

(i) “Dependent’s economic loss” means loss after a victim’s
death of contributions or things of economic value to his or her
dependents but does not include services they would have
received from the victim if he or she had not suffered the fatal
injury. This amount is reduced by expenses avoided by the
dependent due to the victim’s death.

(j) “Dependent’s replacement service loss” means loss
reasonably incurred or to be incurred by dependents after a
victim’s death in obtaining ordinary and necessary services in
lieu of those the victim would have performed for their benefit
if he or she had not suffered the fatal injury. This amount is
reduced by expenses avoided due to the victim’s death but which
are not already subtracted in calculating a dependent’s economic
loss.

(k) “Victim” means the following:

A person who suffers personal injury or death as a result of
any one of the following:

(A) Criminally injurious conduct;
(B) The good faith effort of the person to prevent criminally injurious conduct; or

(C) The good faith effort of the person to apprehend a person that the injured person has observed engaging in criminally injurious conduct or who the injured person has reasonable cause to believe has engaged in criminally injurious conduct immediately prior to the attempted apprehension.

(I) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award that is unlawful or intentionally tortious and that, without regard to the conduct’s proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim and includes the voluntary intoxication of the claimant, either by the consumption of alcohol or the use of any controlled substance, when the intoxication has a causal connection or relationship to the injury sustained.

(m) "Lost scholarship" means a scholarship, academic award, stipend, student loan or other monetary scholastic assistance which had been awarded, conferred upon or obtained by a victim in conjunction with a post-secondary school educational program and which the victim is unable to receive or use, in whole or in part, due to injuries received from criminally injurious conduct.

§14-2A-9. Claim investigators; compensation and expenses; paralegals and support staff.

The Court of Claims is hereby authorized to hire not more than four claim investigators to be employed within the Office of the clerk of the Court of Claims, who shall carry out the functions and duties set forth in section twelve of this article. Claim investigators shall serve at the pleasure of the Court of
Claims and under the administrative supervision of the Clerk of the Court of Claims. The compensation of claim investigators shall be fixed by the court, and such compensation, together with travel, clerical and other expenses of the Clerk of the Court of Claims relating to a claim investigator carrying out his or her duties under this article, including the cost of obtaining reports required by the investigator in investigating a claim, shall be payable from the crime victims compensation fund as appropriated for such purpose by the Legislature.

The Court of Claims is hereby authorized to hire as support staff such paralegal or paralegals and secretary or secretaries to be employed within the Office of the Clerk of the Court of Claims, necessary to carry out the functions and duties of this article. Such support staff shall serve at the will and pleasure of the Court of Claims and under the administrative supervision of the Clerk of the Court of Claims.

§14-2A-12. Investigation and recommendations by claim investigator.

(a) The clerk of the Court of Claims shall transmit a copy of the application to the claim investigator within seven days after the filing of the application.

(b) The claim investigator, upon receipt of an application for an award of compensation from the Clerk of the Court of Claims, shall investigate the claim. After completing the investigation, the claim investigator shall make a written finding of fact and recommendation concerning an award of compensation. He or she shall file with the clerk the finding of fact and recommendation and all information or documents that he or she used in his or her investigation: Provided, That the claim investigator shall not file information or documents which have been the subject of a protective order entered under the provisions of subsection (c) of this section.
(c) The claim investigator, while investigating the claim, may require the claimant to supplement the application for an award of compensation with any further information or documentary materials, including any medical report readily available, which may lead to any relevant facts aiding in the determination of whether, and the extent to which, a claimant qualifies for an award of compensation.

The claim investigator, while investigating the claim, may also require law-enforcement officers and prosecuting attorneys employed by the state or any political subdivision thereof, to provide him or her with reports, information, witness statements or other data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable him or her to determine whether, and the extent to which, a claimant qualifies for an award of compensation. The prosecuting attorney and any officer or employee of the prosecuting attorney or of the law-enforcement agency shall be immune from any civil liability that might otherwise be incurred as the result of providing such reports, information, witness statements or other data relating to the criminally injurious conduct to the claim investigator.

The claim investigator, while investigating the claim, may obtain autopsy reports including results from the Office of the State Medical Examiner to be used solely for determining eligibility for compensation awards.

Upon motion of any party, court or agency from whom such reports, information, witness statements or other data is sought, and for good cause shown, the court may make any order which justice requires to protect a witness or other person, including, but not limited to, the following: (1) That the reports, information, witness statements or other data not be made available; (2) that the reports, information, witness statements or other data may be made available only on specified terms and conditions, including a designation of time and place; (3) that the
reports, information, witness statements or other data be made available only by a different method than that selected by the claim investigator; (4) that certain matters not be inquired into, or that the scope of the claim investigator’s request be limited to certain matters; (5) that the reports, information, witness statements or other data be examined only by certain persons designated by the court; (6) that the reports, information, witness statements or other data, after being sealed, be opened only by order of the court; and (7) that confidential information or the identity of confidential witnesses or informers not be disclosed, or disclosed only in a designated manner.

However, in any case wherein the claim investigator has reason to believe that his or her investigation may interfere with or jeopardize the investigation of a crime by law-enforcement officers, or the prosecution of a case by prosecuting attorneys, he or she shall apply to the Court of Claims, or a judge thereof, for an order granting leave to discontinue his or her investigation for a reasonable time in order to avoid such interference or jeopardization. When it appears to the satisfaction of the court, or judge, upon application by the claim investigator or in its own discretion, that the investigation of a case by the claim investigator will interfere with or jeopardize the investigation or prosecution of a crime, the court, or judge, shall issue an order granting the claim investigator leave to discontinue his or her investigation for such time as the court, or judge, deems reasonable to avoid such interference or jeopardization.

(d) The finding of fact that is issued by the claim investigator pursuant to subsection (b) of this section shall contain the following:

(1) Whether the criminally injurious conduct that is the basis for the application did occur, the date on which the conduct occurred and the exact nature of the conduct;
(2) If the criminally injurious conduct was reported to a law-enforcement officer or agency, the date on which the conduct was reported and the name of the person who reported the conduct; or the reasons why the conduct was not reported to a law-enforcement officer or agency; or the reasons why the conduct was not reported to a law-enforcement officer or agency within seventy-two hours after the conduct occurred;

(3) The exact nature of the injuries that the victim sustained as a result of the criminally injurious conduct;

(4) If the claim investigator is recommending that an award be made, a specific itemization of the economic loss that was sustained by the victim, the claimant or a dependent as a result of the criminally injurious conduct;

(5) If the claim investigator is recommending that an award be made, a specific itemization of any benefits or advantages that the victim, the claimant or a dependent has received or is entitled to receive from any collateral source for economic loss that resulted from the conduct;

(6) Whether the claimant is the spouse, parent, child, brother or sister of the offender, or is similarly related to an accomplice of the offender who committed the criminally injurious conduct;

(7) Any information which might be a basis for a reasonable reduction or denial of a claim because of contributory misconduct of the claimant or of a victim through whom he or she claims;

(8) Any additional information that the claim investigator deems to be relevant to the evaluation of the claim.

(e) The recommendation that is issued by the claim investigator pursuant to subsection (b) of this section shall contain the following:
(1) Whether an award of compensation should be made to the claimant and the amount of the award;

(2) If the claim investigator recommends that an award not be made to the claimant, the reason for his or her decision.

(f) The claim investigator shall file his or her finding of fact and recommendation with the clerk within six months after the filing of the application: Provided, That where there is active criminal investigation or prosecution of the person or persons alleged to have committed the criminally injurious conduct which is the basis for the claimant's claim, the claim investigator shall file his or her finding of fact and recommendation within six months after the first of any final convictions or other final determinations as to innocence or guilt, or any other final disposition of criminal proceedings. In any case, an additional time period may be provided by order of any Court of Claims judge or commissioner upon good cause shown.

§14-2A-14. Grounds for denial of claim or reduction of awards; maximum awards.

(a) Except as provided in subsection (b), section ten of this article, the judge or commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.

(b) The judge or commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the claimant did not undergo a forensic medical examination, within ninety-six hours after the occurrence of the conduct, unless it is determined that
good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: Provided, That no reporting to a law-enforcement officer or agency or a forensic medical examination is required if the claimant is a juvenile in order for a judge or commissioner to approve an award of compensation.

(c) The judge or commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.

(d) A judge or commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation or reconsider a claim already approved.

(e) A judge or commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county or regional jail, prison, private prison or correctional facility.

(f) After reaching a decision to approve an award of compensation, but prior to announcing the approval, the judge or commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the Court of Claims. The judge or commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected
recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant’s economic loss being recouped by the collateral source: Provided, That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section.

(g) (1) Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim may not exceed $35,000 in the aggregate. Compensation payable to all claimants because of the death of the victim may not exceed $50,000 in the aggregate.

(2) In the event the victim’s personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C.$423, the court may award an additional amount, not to exceed $100,000, for special needs attributable to the injury.

(h) If an award of compensation of $5,000 or more is made to a minor, a guardian shall be appointed pursuant to the provisions of article ten, chapter forty-four of this code to manage the minor’s estate.

§14-2A-18. Effect of no criminal charges being filed or conviction of offender.

The court, or a judge or commissioner thereof, may approve an award of compensation whether or not any person is convicted for committing the conduct that is the basis of the award. The filing of a criminal charge shall be a prerequisite for
receipt of compensation. Provided, That no criminal charges need be filed if: (1) The claimant is an adult at the time the conduct giving rise to the claim occurred and no criminal charges were filed for reasons other than the desire of the claimant and a law-enforcement agency confirms that the available evidence supports a finding that a crime occurred; or (2) the claimant was a juvenile at the time the conduct giving rise to the claim occurred. Proof of conviction of a person whose conduct gave rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered.

The court, or a judge or commissioner thereof, shall suspend, upon a request of the claim investigator, the proceedings in any claim for an award of compensation pending disposition of a criminal prosecution that has been commenced or is imminent.

CHAPTER 32

(H. B. 4445 - By Delegates Eldridge, Hartman, Barrett, Fleischauer, Campbell, Hamilton, Lynch and Sponaugle)

[Amended and again passed March 14, 2014, as a result of the objections of the Governor; in effect ninety days from passage.]
[Approved by the Governor on March 31, 2014.]

AN ACT to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating to amending the elements of assault and battery; and modifying the elements of "assault", "battery", "domestic assault" and "domestic battery" to include the use or attempted use of physical force.
Be it enacted by the Legislature of West Virginia:

That §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9. Malicious or unlawful assault; assault; battery; penalties.

(a) If any person maliciously shoot, stab, cut or wound any person, or by any means cause him or her bodily injury with intent to maim, disfigure, disable or kill, he or she shall, except where it is otherwise provided, be guilty of a felony and, upon conviction, shall be punished by confinement in a state correctional facility not less than two nor more than ten years. If such act be done unlawfully, but not maliciously, with the intent aforesaid, the offender is guilty of a felony and, upon conviction, shall either be confined in a state correctional facility not less than one nor more than five years, or be confined in jail not exceeding twelve months and fined not exceeding $500.

(b) Assault. — Any person who unlawfully attempts to use physical force capable of causing physical pain or injury to the person of another or unlawfully commits an act that places another in reasonable apprehension of immediately suffering physical pain or injury, he or she is guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than six months, or fined not more than $100, or both fined and confined.

(c) Battery. — Any person who unlawfully and intentionally makes physical contact with force capable of causing physical pain or injury to the person of another or unlawfully and intentionally causes physical pain or injury to another person, he or she is guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than twelve months, or fined not more than $500, or both fined and confined.
(d) Any person convicted of a violation of subsection (b) or (c) of this section who has, in the ten years prior to said conviction, been convicted of a violation of either subsection (b) or (c) of this section where the victim was a current or former spouse, current or former sexual or intimate partner, a person with whom the defendant has a child in common, a person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant’s child or ward or a member of the defendant’s household at the time of the offense or convicted of a violation of section twenty-eight of this article or has served a period of pretrial diversion for an alleged violation of subsection (b) or (c) of this section or section twenty-eight of this article when the victim has such present or past relationship shall upon conviction be subject to the penalties set forth in section twenty-eight of this article for a second, third or subsequent criminal act of domestic violence offense, as appropriate.


(a) Domestic battery. — Any person who unlawfully and intentionally makes physical contact with force capable of causing physical pain or injury to his or her family or household member or unlawfully and intentionally causes physical harm to his or her family or household member, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than twelve months, or fined not more than $500, or both fined and confined.

(b) Domestic assault. — Any person who unlawfully attempts to use force capable of causing physical pain or injury against his or her family or household member or unlawfully commits an act that places his or her family or household member in reasonable apprehension of immediately suffering physical pain or injury, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months, or fined not more than $100, or both fined and confined.
(c) Second offense. — Domestic assault or domestic battery.

A person convicted of a violation of subsection (a) of this section after having been previously convicted of a violation of subsection (a) or (b) of this section, after having been convicted of a violation of subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was his or her current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or who has previously been granted a period of pretrial diversion pursuant to section twenty-two, article eleven of this chapter for a violation of subsection (a) or (b) of this section, or a violation of subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than sixty days nor more than one year, or fined not more than $1,000, or both fined and confined.

A person convicted of a violation of subsection (b) of this section after having been previously convicted of a violation of subsection (a) or (b) of this section, after having been convicted of a violation of subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than sixty days nor more than one year, or fined not more than $1,000, or both fined and confined.
a member of the defendant’s household at the time of the offense or having previously been granted a period of pretrial diversion pursuant to section twenty-two, article eleven of this chapter for a violation of subsection (a) or (b) of this section or subsection (b) or (c), section nine of this article or subsection (a), section fourteen-g of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant’s child or ward or a member of the defendant’s household at the time of the offense shall be confined in jail for not less than thirty days nor more than six months, or fined not more than $500, or both fined and confined.

(d) Any person who has been convicted of a third or subsequent violation of the provisions of subsection (a) or (b) of this section, a third or subsequent violation of the provisions of section nine of this article or subsection (a), section fourteen-g of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant’s child or ward or a member of the defendant’s household at the time of the offense or who has previously been granted a period of pretrial diversion pursuant to section twenty-two, article eleven of this chapter for a violation of subsection (a) or (b) of this section or a violation of the provisions of section nine of this article or subsection (a), section fourteen-g of this article in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant’s child or ward or a member of the defendant’s household at the time of the offense, or any combination of convictions or diversions for these offenses, is guilty of a felony if the offense occurs within ten years of a prior conviction of any
of these offenses and, upon conviction thereof, shall be confined in a state correctional facility not less than one nor more than five years or fined not more than $2,500, or both fined and confined.

(e) As used in this section, “family or household member” means “family or household member” as defined in §48-27-204 of this code.

(f) A person charged with a violation of this section may not also be charged with a violation of subsection (b) or (c), section nine of this article for the same act.

(g) No law-enforcement officer may be subject to any civil or criminal action for false arrest or unlawful detention for effecting an arrest pursuant to this section or pursuant to §48-27-1002 of this code.

CHAPTER 33

(Com. Sub. for S. B. 397 - By Senators Williams, Laird, Unger, Tucker, Plymale, Palumbo and Stollings)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 18, 2014.]

AN ACT to amend and reenact §61-2-29b of the Code of West Virginia, 1931, as amended, relating to clarifying definition of “financial exploitation” of the elderly or certain other protected persons; and declaring that being a guardian, conservator, trustee or attorney or holding power of attorney is statutorily alone not a defense to financial exploitation.
Be it enacted by the Legislature of West Virginia:

That §61-2-29b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-29b. Financial exploitation of an elderly person, protected person or incapacitated adult; penalties; definitions.

(a) Any person who financially exploits an elderly person, protected person or an incapacitated adult shall be guilty of larceny and subject to the penalties contained in section thirteen, article three of this chapter. Any person convicted of a violation of this section shall, in addition to any other penalties at law, be subject to an order of restitution.

(b) In determining the value of the money, goods, property or services referred to in subsection (a) of this section, it shall be permissible to cumulate amounts or values where such money, goods, property or services were fraudulently obtained as part of a common scheme or plan.

(c) Financial institutions and their employees, as defined by section one, article two-a, chapter thirty-one-a of this code and as permitted by section four, subsection thirteen of said article, others engaged in financially related activities, as defined by section one, article eight-c, chapter thirty-one-a of this code, caregivers, relatives and other concerned persons are permitted to report suspected cases of financial exploitation to state or federal law-enforcement authorities, the county prosecuting attorney and to the Department of Health and Human Resources, Adult Protective Services Division or Medicaid Fraud Division, as appropriate. Public officers and employees are required to report suspected cases of financial exploitation to the appropriate entities as stated above. The requisite agencies shall investigate or cause the investigation of the allegations.
(d) When financial exploitation is suspected and to the extent permitted by federal law, financial institutions and their employees or other business entities required by federal law or regulation to file suspicious activity reports and currency transaction reports shall also be permitted to disclose suspicious activity reports or currency transaction reports to the prosecuting attorney of any county in which the transactions underlying the suspicious activity reports or currency transaction reports occurred.

(e) Any person or entity that in good faith reports a suspected case of financial exploitation pursuant to this section is immune from civil liability founded upon making that report.

(f) For the purposes of this section:

(1) “Incapacitated adult” means a person as defined by section twenty-nine of this article;

(2) “Elderly person” means a person who is sixty-five years or older;

(3) “Financial exploitation” or “financially exploit” means the intentional misappropriation or misuse of funds or assets of an elderly person, protected person or incapacitated adult, but shall not apply to a transaction or disposition of funds or assets where the accused made a good-faith effort to assist the elderly person, protected person or incapacitated adult with the management of his or her money or other things of value; and

(4) “Protected person” means any person who is defined as a “protected person” in section four, article one, chapter forty-four-a of this code and who is subject to the protections of chapter forty-four-a or forty-four-c of this code.

(g) Notwithstanding any provision of this code to the contrary, acting as guardian, conservator, trustee or attorney for
or holding power of attorney for an elderly person, protected person or incapacitated adult shall not, standing alone, constitute a defense to a violation of subsection (a) of this section.

CHAPTER 34

(Com. Sub. for S. B. 90 - By Senators Laird, Cookman and Fitzsimmons)

[Passed March 5, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 18, 2014.]

AN ACT to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating a criminal offense for interfering with or preventing a person from calling for the assistance of emergency service personnel; defining terms; and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That §61-5-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17. Obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; penalties; definitions.

(a) A person who by threats, menaces, acts or otherwise forcibly or illegally hinders or obstructs or attempts to hinder or obstruct a law-enforcement officer, probation officer or parole officer acting in his or her official capacity is guilty of a misdemeanor and, upon conviction thereof, shall be fined not
(b) A person who intentionally disarms or attempts to disarm a law-enforcement officer, correctional officer, probation officer or parole officer, acting in his or her official capacity, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years.

(c) A person who, with intent to impede or obstruct a law-enforcement officer in the conduct of an investigation of a felony offense, knowingly and willfully makes a materially false statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 nor more than $200, or confined in jail for five days, or both fined and confined. The provisions of this section do not apply to statements made by a spouse, parent, stepparent, grandparent, sibling, half sibling, child, stepchild or grandchild, whether related by blood or marriage, of the person under investigation. Statements made by the person under investigation may not be used as the basis for prosecution under this subsection. For purposes of this subsection, "law-enforcement officer" does not include a watchman, a member of the West Virginia State Police or college security personnel who is not a certified law-enforcement officer.

(d) A person who intentionally flees or attempts to flee by any means other than the use of a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity who is attempting to make a lawful arrest of the person, and who knows or reasonably believes that the officer is attempting to arrest him or her, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 nor more than $500 or confined in jail not more than one year, or both.
(e) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000 and shall be confined in a regional jail not more than one year.

(f) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who operates the vehicle in a manner showing a reckless indifference to the safety of others, is guilty of a felony and, upon conviction thereof, shall be fined not less than $1,000 nor more than $2,000 and shall be imprisoned in a state correctional facility not less than one nor more than five years.

(g) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes damage to the real or personal property of a person during or resulting from his or her flight, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $1,000 nor more than $3,000 and shall be confined in jail for not less than six months nor more than one year.

(h) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes bodily injury to a person during or resulting from his or her flight, is guilty of a felony and, upon
conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than ten years.

(i) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes death to a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than five nor more than fifteen years. A person imprisoned pursuant to this subsection is not eligible for parole prior to having served a minimum of three years of his or her sentence or the minimum period required by section thirteen, article twelve, chapter sixty-two of this code, whichever is greater.

(j) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who is under the influence of alcohol, controlled substances or drugs, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than ten years.

(k) For purposes of this section, the term “vehicle” includes any motor vehicle, motorcycle, motorboat, all-terrain vehicle or snowmobile as those terms are defined in section one, article one, chapter seventeen-a of this code, whether or not it is being operated on a public highway at the time and whether or not it is licensed by the state.

(l) For purposes of this section, the terms “flee”, “fleeing” and “flight” do not include a person’s reasonable attempt to travel to a safe place, allowing the pursuing law-enforcement
officer to maintain appropriate surveillance, for the purpose of complying with the officer’s direction to stop.

(m) The revisions to subsections (e), (f), (g) and (h) of this section enacted during the regular session of the 2010 regular legislative session shall be known as the Jerry Alan Jones Act.

(n) (1) No person, with the intent to purposefully deprive another person of emergency services, may interfere with or prevent another person from making an emergency communication, which a reasonable person would consider necessary under the circumstances, to law-enforcement, fire, or emergency medical service personnel.

(2) For the purpose of this subsection, the term “interfere with or prevent” includes, but is not limited to, seizing, concealing, obstructing access to or disabling or disconnecting a telephone, telephone line or equipment or other communication device.

(3) For the purpose of this subsection, the term “emergency communication” means communication to transmit warnings or other information pertaining to a crime, fire, accident, power outage, disaster or risk of injury or damage to a person or property.

(4) A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than one day nor more than one year and shall be fined not less than $250 nor more than $2,000, or both.

(5) A person who is convicted of a second offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than three months nor more than one year and fined not less than $500 nor more than $3,000, or both.
(6) A person who is convicted of a third or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six months nor more than one year and fined not less than $500 nor more than $4,000, or both.

(7) In determining the number of prior convictions for purposes of imposing punishment under this subsection, the court shall disregard all such prior convictions occurring more than ten years prior to the offense in question.

CHAPTER 35

(H. B. 4006 - By Delegates L. Phillips, Rowan, Fleischauer, Sobonya, Guthrie, Sumner, Lawrence, Miller, Poore, Border and Arvon)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 24, 2014.]

AN ACT to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to crimes pertaining to the possession, transmission, transportation, distribution and exhibiting of material depicting minors in sexually explicit conduct; adding the accessing of such materials with intent to view as a defined offense; creating an enhanced penalties for possessing, accessing with intent to view, transporting, receiving or distributing files or materials based on the number of images in a digital, photographic or video format which depict minors engaging in sexually explicit conduct or depict acts of bestiality involving a child; and setting a number of images based on length for video film or similar media.
Be it enacted by the Legislature of West Virginia:

That §61-8C-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS.

§61-8C-3. Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct prohibited; penalty.

(a) Any person who, knowingly and willfully, sends or causes to be sent or distributes, exhibits, possesses, electronically accesses with intent to view or displays or transports any material visually portraying a minor engaged in any sexually explicit conduct is guilty of a felony.

(b) Any person who violates the provisions of subsection (a) of this section when the conduct involves fifty or fewer images shall, upon conviction, be imprisoned in a state correctional facility for not more than two years or fined not more than $2,000 or both.

(c) Any person who violates the provisions of subsection (a) of this section when the conduct involves more than fifty but fewer than six hundred images shall, upon conviction, be imprisoned in a state correctional facility for not less than two nor more than ten years or fined not more than $5,000, or both.

(d) Notwithstanding the provisions of subsections (b) and (c) of this section any person who violates the provisions of subsection (a) of this section when the conduct involves six hundred or more images or depicts violence against a child or a child engaging in bestiality shall, upon conviction, be imprisoned in a state correctional facility for not less than five nor more than fifteen years or fined not more than $25,000, or both.
24 (e) For purposes of this section each video clip, movie or similar recording of five minutes or less shall constitute seventy-five images. A video clip, movie or similar recording of a duration longer than five minutes shall be deemed to constitute seventy-five images for every two minutes in length it exceeds five minutes.

CHAPTER 36

(Com. Sub. for H. B. 4005 - By Delegates L. Phillips, Rowan, Fleischauer, Border, Lawrence, Guthrie, P. Smith, Marshall and Poore)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §61-8D-1, §61-8D-3, §61-8D-4 and §61-8D-9 of the Code of West Virginia, 1931, as amended, relating to offenses of child abuse and neglect by a parent, guardian or custodian; defining terms and creating exceptions to terms; creating a criminal offense for child abuse by a parent, guardian or custodian which creates a substantial risk of bodily injury; establishing misdemeanor penalties for a first and second offense; providing that those convicted of a first or second offense may be required to undergo certain counseling; making a conviction of a third or subsequent offense a felony and establishing criminal penalties; stating that reasonable discipline of a child is not precluded by the child abuse crimes; making it a felony for a parent, guardian or custodian to grossly neglect a child which creates substantial risk of serious bodily injury or death; creating a criminal offense of child neglect by a parent, guardian or custodian which creates a substantial risk of bodily injury with misdemeanor penalties for first and second offenses and felony penalties for third and subsequent offenses; providing that a parent,
guardian or custodian convicted of a misdemeanor is not required to register as a person convicted of child abuse or neglect or suffer other potential collateral consequences; permitting a person convicted of a misdemeanor to also be required to complete certain counseling; providing that a parent, guardian or custodian convicted of a misdemeanor is not required to register as a person convicted of child abuse or neglect and may not, solely because of the conviction, have their custody, visitation or parental rights automatically restricted; and requiring the court to declare a person an abusing parent under article six, chapter forty-nine of this code if they are convicted of a felony offense under this article.

Be it enacted by the Legislature of West Virginia:

That §61-8D-1, §61-8D-3, §61-8D-4 and §61-8D-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 8D. CHILD ABUSE.

§61-8D-1. Definitions.

In this article, unless a different meaning is plainly required:

(1) “Abuse” means the infliction upon a minor of physical injury by other than accidental means.

(2) “Child” means any person under eighteen years of age not otherwise emancipated by law.

(3) “Controlled substance” means controlled substance as that term is defined in subsection (d), section one hundred one, article one, chapter sixty-a of this code.

(4) “Custodian” means a person over the age of fourteen years who has or shares actual physical possession or care and custody of a child on a full-time or temporary basis, regardless
of whether such person has been granted custody of the child by any contract, agreement or legal proceeding. "Custodian" shall also include, but not be limited to, the spouse of a parent, guardian or custodian, or a person cohabiting with a parent, guardian or custodian in the relationship of husband and wife, where such spouse or other person shares actual physical possession or care and custody of a child with the parent, guardian or custodian.

(5) "Guardian" means a person who has care and custody of a child as the result of any contract, agreement or legal proceeding.

(6) "Gross neglect" means reckless or intentional conduct, behavior or inaction by a parent, guardian or custodian that evidences a clear disregard for a minor child’s health, safety or welfare.

(7) "Neglect" means the unreasonable failure by a parent, guardian or custodian of a minor child to exercise a minimum degree of care to assure the minor child’s physical safety or health. For purposes of this article, the following do not constitute "neglect" by a parent, guardian or custodian:

(A) Permitting a minor child to participate in athletic activities or other similar activities that if done properly are not inherently dangerous, regardless of whether that participation creates a risk of bodily injury;

(B) Exercising discretion in choosing a lawful method of educating a minor child; or

(C) Exercising discretion in making decisions regarding the nutrition and medical care provided to a minor child based upon religious conviction or reasonable personal belief.

(8) "Parent" means the biological father or mother of a child, or the adoptive mother or father of a child.
(9) "Sexual contact" means sexual contact as that term is defined in section one, article eight-b, chapter sixty-one of this code.

(10) "Sexual exploitation" means an act whereby:

(A) A parent, custodian, guardian or other person in a position of trust to a child, whether for financial gain or not, persuades, induces, entices or coerces the child to engage in sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code; or

(B) A parent, guardian, custodian or other person in a position of trust in relation to a child persuades, induces, entices or coerces the child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, person in a position of trust or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, custodian or other person in a position of trust knows such display is likely to be observed by others who would be affronted or alarmed.

(11) "Sexual intercourse" means sexual intercourse as that term is defined in section one, article eight-b, chapter sixty-one of this code.

(12) "Sexual intrusion" means sexual intrusion as that term is defined in section one, article eight-b, chapter sixty-one of this code.

(13) A "person in a position of trust in relation to a child" refers to any person who is acting in the place of a parent and charged with any of a parent’s rights, duties or responsibilities concerning a child or someone responsible for the general supervision of a child’s welfare, or any person who by virtue of their occupation or position is charged with any duty or

(a) If any parent, guardian or custodian shall abuse a child and by such abuse cause such child bodily injury as such term is defined in section one, article eight-b of this chapter, then such parent, guardian or custodian shall be guilty of a felony and, upon conviction thereof, shall be fined not less than $100 nor more than $1,000 and imprisoned in a state correctional facility for not less than one nor more than five years, or in the discretion of the court, be confined in jail for not more than one year.

(b) If any parent, guardian or custodian shall abuse a child and by such abuse cause said child serious bodily injury as such term is defined in section one, article eight-b of this chapter, then such parent, guardian or custodian shall be guilty of a felony and, upon conviction thereof, shall be fined not less than $1,000 nor more than $5,000 and committed to the custody of the Division of Corrections not less than two nor more than ten years.

(c) Any parent, guardian or custodian who abuses a child and by the abuse creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in section one, article eight-b of this chapter, to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than $3,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both.

(d)(1) If a parent, guardian or custodian who has not previously been convicted under this section, section four of this article or a law of another state or the federal government with the same essential elements abuses a child and by the abuse creates a substantial risk of bodily injury, as bodily injury is
defined in section one, article eight-b of this chapter, to the child
is guilty of a misdemeanor and, upon conviction thereof, shall be
fined not less than $100 nor more than $1,000 or confined in jail
not more than six months, or both.

(2) For a second offense under this subsection or for a person
with one prior conviction under this section, section four of this
article or a law of another state or the federal government with
the same essential elements, the parent, guardian or custodian is
guilty of a misdemeanor and, upon conviction thereof, shall be
fined not more than $1,500 and confined in jail not less than
thirty days nor more than one year, or both.

(3) For a third or subsequent offense under this subsection or
for a person with two or more prior convictions under this
section, section four of this article or a law of another state or the
federal government with the same essential elements, the parent,
guardian or custodian is guilty of a felony and, upon conviction
thereof, shall be fined not more than $3,000 and imprisoned in
a state correctional facility not less than one year nor more than
three years, or both.

(e) Any person convicted of a misdemeanor offense under
this section:

(1) May be required to complete parenting classes, substance
abuse counseling, anger management counseling, or other
appropriate services, or any combination thereof, as determined
by Department of Health and Human Resources, Bureau for
Children and Families through its services assessment
evaluation, which shall be submitted to the court of conviction
upon written request;

(2) Shall not be required to register pursuant to article
thirteen, chapter fifteen of this code; and

(3) Shall not, solely by virtue of the conviction, have their
custody, visitation or parental rights automatically restricted.
§61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury; criminal penalties.

(a) If a parent, guardian or custodian neglects a child and by such neglect causes the child bodily injury, as bodily injury is defined in section one, article eight-b of this chapter, then the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not less than $100 nor more than $1,000 dollars or imprisoned in a state correctional facility for not less than one nor more than three years, or in the discretion of the court, be confined in jail for not more than one year, or both.

(b) If a parent, guardian or custodian neglects a child and by such neglect cause the child serious bodily injury, as serious bodily injury is defined in section one, article eight-b of this chapter, then the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not less than $300 nor more than $3,000 dollars or imprisoned in a state correctional facility for not less than one nor more than ten years, or both.

(c) If a parent, guardian or custodian grossly neglects a child and by that gross neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in section one, article eight-b of this chapter, of the child then the parent, guardian or custodian is guilty of a felony and, upon conviction thereof, shall be fined not less than $1,000 nor more than $3,000 dollars or imprisoned in a state correctional facility for not less than one nor more than five years, or both.

(d)(1) If a parent, guardian or custodian who has not been previously convicted under this section, section three of this article or a law of another state or the federal government with
the same essential elements neglects a child and by that neglect
creates a substantial risk of bodily injury, as defined in section
one, article eight-b of this chapter, to the child, then the parent,
guardian or custodian, is guilty of a misdemeanor and, upon
conviction thereof, for a first offense, shall be fined not less than
$100 nor more than $1,000 or confined in jail not more than six
months, or both fined and confined.

(2) For a second offense under this subsection or for a person
with one prior conviction under this section, section three of this
article or a law of another state or the federal government with
the same essential elements, the parent, guardian or custodian is
guilty of a misdemeanor and, upon conviction thereof, shall be
fined not more than $1,000 and confined in jail not less than
thirty days nor more than one year, or both.

(3) For a third or subsequent offense under this subsection or
for a person with two or more prior convictions under this
section, section three of this article or a law of another state or
the federal government with the same essential elements, the
parent, guardian or custodian is guilty of a felony and, upon
conviction thereof, shall be fined not more than $2,000 and
imprisoned in a state correctional facility not less than one year
nor more than three years, or both fined and imprisoned.

(e) The provisions of this section shall not apply if the
neglect by the parent, guardian or custodian is due primarily to
a lack of financial means on the part of such parent, guardian or
custodian.

(f) Any person convicted of a misdemeanor offense under
this section:

(1) May be required to complete parenting classes, substance
abuse counseling, anger management counseling, or other
appropriate services, or any combination thereof, as determined
by Department of Health and Human Resources, Bureau for
Children and Families through its services assessment

In any case where a person is convicted of a felony offense against a child as set forth in this article and the person has custodial, visitation or other parental rights to the child who is the victim of the offense or any child who resides in the same household as the victim, the court shall, at the time of sentencing, find that the person is an abusing parent within the meaning of article six, chapter forty-nine of this code as to the child victim, and may find that the person is an abusing parent as to any child who resides in the same household as the victim, and shall take such further action in accord with the provisions of said article.
all relating to providing to eligibility for parole for persons who are convicted of criminal offenses where the person was less than eighteen years of age at the time the offense was committed, generally; prohibiting a sentence of life imprisonment without the possibility of parole upon such persons; requiring that persons who are convicted of offenses and the person was less than eighteen years of age at the time the offenses were committed shall be eligible for parole after he or she has served fifteen years; requiring certain factors to be considered by court when sentencing such persons convicted after transfer to the criminal jurisdiction of the court; and requiring certain factors to be considered by the parole board when considering the eligibility for parole of a person sentenced after transfer to the criminal jurisdiction of a court.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-11-23; and that said code be amended by adding thereto a new section, designated §62-12-13b, all to read as follows:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-23. Punishment for juvenile convicted as an adult; eligibility for parole; factors to be considered prior to sentencing.

(a) Notwithstanding any other provision of law to the contrary, a sentence of life imprisonment without the possibility of parole may not be imposed on a person who:

(1) Is convicted of an offense punishable by life imprisonment; and

1  2  3  4  5
(2) Was less than eighteen years of age at the time the offense was committed.

(b) Unless otherwise provided by this code, the provisions of article twelve, chapter sixty-two of this code shall govern the eligibility for parole of a person who is convicted of an offense and sentenced to confinement if he or she was less than eighteen years of age at the time the offense was committed, except that a person who is convicted of one or more offenses for which the sentence or any combination of sentences imposed is for a period that renders the person ineligible for parole until he or she has served more than fifteen years shall be eligible for parole after he or she has served fifteen years if the person was less than eighteen years of age at the time each offense was committed.

(c) In addition to other factors required by law to be considered prior to the imposition of a sentence, in determining the appropriate sentence to be imposed on a person who has been transferred to the criminal jurisdiction of the court pursuant to section ten, article five, chapter forty-nine of this code and who has been subsequently tried and convicted of a felony offense as an adult, the court shall consider the following mitigating circumstances:

(1) Age at the time of the offense;

(2) Impetuosity;

(3) Family and community environment;

(4) Ability to appreciate the risks and consequences of the conduct;

(5) Intellectual capacity;

(6) The outcomes of a comprehensive mental health evaluation conducted by an mental health professional licensed
to treat adolescents in the State of West Virginia: Provided, That no provision of this section may be construed to require that a comprehensive mental health evaluation be conducted;

(7) Peer or familial pressure;

(8) Level of participation in the offense;

(9) Ability to participate meaningfully in his or her defense;

(10) Capacity for rehabilitation;

(11) School records and special education evaluations;

(12) Trauma history;

(13) Faith and community involvement;

(14) Involvement in the child welfare system; and

(15) Any other mitigating factor or circumstances.

(d)(1) Prior to the imposition of a sentence on a person who has been transferred to the criminal jurisdiction of the court pursuant to section ten, article five, chapter forty-nine of this code and who has been subsequently tried and convicted of an felony offense as an adult, the court shall consider the outcomes of any comprehensive mental health evaluation conducted by an mental health professional licensed to treat adolescents in the State of West Virginia. The comprehensive mental health evaluation must include the following:

(A) Family interviews;

(B) Prenatal history;

(C) Developmental history;
(D) Medical history;

(E) History of treatment for substance use;

(F) Social history; and

(G) A psychological evaluation.

(2) The provisions of this subsection are only applicable to sentencing proceedings for convictions rendered after the effective date of this section and shall not constitute sufficient grounds for the reconsideration of sentences imposed as the result of convictions rendered after the effective date of this section.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-13b. Special parole considerations for persons convicted as juveniles.

(a) When a person who is serving a sentence imposed as the result of an offense or offenses committed when he or she was less than eighteen years of age becomes eligible for parole pursuant to applicable provisions of this code, including, but not limited to, section twenty-three, article eleven, chapter sixty-one thereof, the parole board shall ensure that the procedures governing its consideration of the person's application for parole ensure that he or she is provided a meaningful opportunity to obtain release and shall adopt rules and guidelines to do so that are consistent with existing case law.

(b) During a parole hearing involving a person described in subsection (a) of this section, in addition to other factors required by law to be considered by the parole board, the parole board shall take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of
16 youth, and any subsequent growth and increased maturity of the
17 prisoner during incarceration. The board shall also consider the
18 following:

19 (1) A review of educational and court documents;
20 (2) Participation in available rehabilitative and educational
21 programs while in prison;
22 (3) Age at the time of the offense;
23 (4) Immaturity at the time of the offense;
24 (5) Home and community environment at the time of the
25 offense;
26 (6) Efforts made toward rehabilitation;
27 (7) Evidence of remorse; and
28 (8) Any other factors or circumstances the board considers
29 relevant.

CHAPTER 38

(Com. Sub. for S. B. 307 - By Senators Cann,
Williams, Cookman and Palumbo)

[Amended and again passed March 14, 2014; in effect ninety days from passage.]
[Approved by the Governor on April 1, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §51-10-5a; to amend and
reenact §62-11C-5 and §62-11C-7 of said code; and to amend said
code by adding thereto a new article, designated §62-11F-1, §62-
11F-2, §62-11F-3, §62-11F-4 and §62-11F-5, all relating to the
pretrial management of persons charged with committing a crime;
clarifying bonding fees for persons charged with a crime; establishing minimum fees for bail bonds; setting schedule for payment of bail bond fees; requiring written prenumbered receipts for bail bond fees; establishing content requirements for bail bond receipts; requiring bail bondsmen to maintain receipt records for not less than five years; requiring courts to notify bondsmen within twenty-four hours if bond is to be forfeited; authorizing pretrial release programs; permitting certain fees to be assessed to county commissions; permitting certain fees to be assessed to persons on pretrial release upon subsequent conviction; stating applicability of pretrial release programs; establishing guidelines for pretrial release programs; providing for potential funding sources; requiring community pretrial committees to recommend release of certain persons facing criminal charges who are in regional jails prior to adjudication; setting forth the duties of pretrial release programs; clarifying that a circuit judge or a magistrate may impose a secured bond on participants in pretrial release programs; and removing day fine programs from the list of authorized community corrections programs.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §51-10-5a; that §§62-11C-5 and §62-11C-7 of said code be amended and reenacted; and that said code be amended by adding thereto a new article, designated §62-11F-1, §62-11F-2, §62-11F-3, §62-11F-4 and §62-11F-5, all to read as follows:

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 10. BAIL BONDSMEN IN CRIMINAL CASES.

§51-10-5a. Bonding fee and collateral security required by bail bondsmen.

(a) The bonding fee required by a bail bondsman shall be at least ten percent of the amount of the bond. The bonding fee
received by the bondsman shall not, in the aggregate, exceed the amount of the bond.

(b) The bonding fee may be paid as follows:

(1) In full at the time of the issuance of the bond; or

(2) At least three percent paid at the issuance of the bond with the remaining percentage to be paid over a period not to exceed twelve months.

(c) When collateral or security is received by a bail bondsman, a receipt shall be furnished. Copies of all receipts issued shall be kept by the bail bondsman for a minimum of five years. All receipts issued shall:

(1) Be prenumbered and used and filed in consecutive numerical order;

(2) Show the name and address of the bail bondsman;

(3) Show the name and address of the person providing the collateral;

(4) Show the amount and nature of the collateral and the date received;

(5) Show the name of the person accepting collateral; and

(6) Show the total amount of the bond for which the collateral is being accepted and the name of the defendant.

(d) When a bond is to be forfeited, the court is to give notification to the bail bondsman within twenty-four hours of the failure to appear.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.
§62-11C-5. Establishment of programs.

(a) Any county or combination of counties, or a county or counties and a Class I or II municipality, may establish and operate community corrections programs, as provided in this section, to be used both prior to trial as a condition of bond in circuit and magistrate court, as well as an alternative sentencing option for those offenders sentenced within the jurisdiction of the county or counties which establish and operate the program: Provided, That the chief judge must certify that the community corrections facility is available for use in connection with the imposition of pretrial bond conditions.

(b) Any county or combination of counties, or a county or counties and a Class I or II municipality, that seek to establish programs as authorized in this section shall submit plans and specifications for the programs to be established, including proposed budgets, for review and approval by the community corrections subcommittee established in section three of this article.

(c) Any county or combination of counties, or a county or counties and a Class I or II municipality, may establish and operate an approved community corrections program to provide alternative sanctioning options for an offender who is convicted of an offense for which he or she may be sentenced to a period of incarceration in a county or regional jail or a state correctional facility and for which probation or home incarceration may be imposed as an alternative to incarceration.

(d) Community corrections programs authorized by subsection (a) of this section may provide, but are not limited to providing, any of the following services:

(1) Probation supervision programs;

(2) Community service restitution programs;
(3) Home incarceration programs;

(4) Substance abuse treatment programs;

(5) Sex offender containment programs;

(6) Licensed domestic violence offender treatment programs;

(7) Day reporting centers;

(8) Educational or counseling programs;

(9) Drug courts;

(10) Community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas and community gardens; and

(11) Pretrial release programs.

(e) A county or combination of counties, or a county or counties and a Class I or II municipality, which establish and operate community corrections programs as provided in this section may contract with other counties to provide community corrections services.

(f) For purposes of this section, the phrase "may be sentenced to a period of incarceration" means that the statute defining the offense provides for a period of incarceration as a possible penalty.

(g) No provision of this article may be construed to allow a person participating in or under the supervision of a community corrections program to earn good time or any other reduction in sentence.

(h) Nothing in this section should be construed as to prohibit a court from imposing a surety bond as a condition of a pretrial release.
§62-11C-7. Supervision or participation fee.

(a) A circuit judge, magistrate, municipal court judge or community criminal justice board may require the payment of a supervision or participation fee from any person required to be supervised by or participate in a community corrections program. The circuit judge, magistrate, municipal court judge or community criminal justice board shall consider the person’s ability to pay in determining the imposition and amount of the fee.

(b) A circuit judge, magistrate or community criminal justice board may require payment of a supervision or participation fee of $7 per person per day of pretrial supervision from the county commission pursuant to a pretrial release program established pursuant to article eleven-f of this chapter.

(c) A person supervised pursuant to the provisions of article eleven-f of this chapter who is later convicted of an offense or offenses underlying the person’s participation in the pretrial release program may be assessed by the sentencing court, as a cost of prosecution, a fee not to exceed $30 per month for each month the person was in the pretrial supervision program.

(d) All fees ordered by the circuit court, magistrate court, municipal court or community criminal justice board pursuant to this section are to be paid to the community criminal justice board, who shall remit the fees monthly to the treasurer of the county designated as the fiscal agent for the board pursuant to section six of this article.

ARTICLE 11F. PRETRIAL RELEASE PROGRAMS.


This article applies to adults charged with one or more misdemeanors or felonies and who are incarcerated in a regional jail prior to adjudication due to their inability to post bond.

(a) **Legislative findings and purpose.** — It is the purpose of pretrial release programs to employ recommendations from the Council of State Government’s Justice Center’s Analyses and Policy Options to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety, by providing for uniform statewide risk assessment and monitoring of those released prior to trial, facilitating a statewide response to the problem of overcrowded regional jails and costs to county commissions.

(b) Any county, circuit or combination thereof that establishes a pretrial program pursuant to this article shall establish a local community pretrial committee that consists of:

(1) A prosecutor, or his or her designee;

(2) A county commissioner, or his or her designee;

(3) A sheriff, or his or her designee;

(4) An executive director of a community corrections program, or his or her designee;

(5) A chief probation officer, or his or her designee; and

(6) A member of the criminal defense bar.

(c) Pretrial release programs may monitor, supervise and assist defendants released prior to trial.

(d) Nothing in this article should be construed to prohibit a court from requiring a defendant to post a secured bond as a condition of pretrial release.

(e) In addition to funding provided pursuant to subsection (c), section three of this article, pretrial release programs may be funded by appropriations made to the Supreme Court of Appeals for such purpose.

(a) The Supreme Court of Appeals has complete oversight and authority over all pretrial services.

(b) The Supreme Court of Appeals shall establish recommended guidelines for pretrial programs to use when ordering pretrial release for defendants whose pretrial risk assessment indicates that they are an appropriate candidate for pretrial release.

(c) The Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, pursuant to section two, article eleven-c of this chapter, shall approve policy and funding for the development, maintenance and evaluation of pretrial release programs. Any county, circuit or combination thereof that establishes a pretrial program intended to provide pretrial release services shall submit a grant proposal to the Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction for review and approval.


The Supreme Court of Appeals of West Virginia may adopt a standardized pretrial risk assessment for use by pretrial release programs to aid in making pretrial decisions under article one-c of this chapter.

§62-11F-5. Role of pretrial release programs.

A pretrial release program established pursuant to this article shall:

(1) Collect and present the necessary information, present risk assessment and make release recommendations to the court;

(2) Present information to the court relating to the risk defendants may pose in failing to appear in court or of
threatening the safety of the community or any other person and,
consistent with court policy, develop release recommendations
responding to risk;

(3) Develop and provide appropriate and effective
supervision for all persons released pending adjudication who
are assigned supervision as a condition of release;

(4) Monitor compliance of released defendants with the
requirements of assigned release conditions;

(5) Promptly inform the court of all apparent violations of
pretrial release conditions or arrests of persons released pending
trial, including those directly supervised by pretrial services as
well as those released under other forms of conditional release,
and recommend appropriate modifications of release conditions;

(6) Coordinate the services of other agencies, individuals or
organizations that may serve as custodians for released
defendants, and advise the court as to their appropriateness,
availability, reliability and capacity relating to pretrial release
conditions;

(7) Review the status of detained defendants on an ongoing
basis for any changes in eligibility for release options and
facilitate their release as soon as feasible and appropriate;

(8) Develop and operate an accurate information
management system to support prompt identification,
information collections and presentation, risk assessment, release
conditions selection, compliance monitoring and detention
review functions essential to an effective pretrial release
program; and

(9) Remind persons released before trial of their court dates
to attempt to facilitate their court appearance.
AN ACT to amend and reenact §32A-2-1, §32A-2-3, §32A-2-4, §32A-2-5, §32A-2-8, §32A-2-10, §32A-2-11, §32A-2-13, §32A-2-18, §32A-2-19, §32A-2-22 and §32A-2-27 of the Code of West Virginia, 1931, as amended, relating to licensing and regulation of those engaged in the business of currency exchange, transmission or transport; providing definitions; providing exemptions; clarifying the form of application for license, renewal or required reports; providing that license fees are based upon volume of business; providing minimum surety requirements for licensees; clarifying examination costs; authorizing civil penalties; providing for cease and desist orders; clarifying duties and requirements of delegates designated by a licensee.

Be it enacted by the Legislature of West Virginia:


ARTICLE 2. CHECKS AND MONEY ORDER SALES, MONEY TRANSMISSION SERVICES, TRANSPORTATION AND CURRENCY EXCHANGE.

§32A-2-1. Definitions.
(1) "Commissioner" means the Commissioner of Financial Institutions of this state.

(2) "Check" or "payment instrument" means any check, traveler's check, draft, money order or other instrument for the transmission or payment of money whether or not the instrument is negotiable. The term does not include a credit card voucher, a letter of credit or any instrument that is redeemable by the issuer in goods or services.

(3) "Currency" means a medium of exchange authorized or adopted by a domestic or foreign government.

(4) "Currency exchange" means the conversion of the currency of one government into the currency of another government, but does not include the issuance and sale of travelers checks denominated in a foreign currency. Transactions involving the electronic transmission of funds by licensed money transmitters which may permit, but do not require, the recipient to obtain the funds in a foreign currency outside of West Virginia are not currency exchange transactions: Provided, That they are not reportable as currency exchange transactions under federal laws and regulations.

(5) "Currency exchange, transportation, transmission business" means a person who is engaging in currency exchange, currency transportation or currency transmission as a service or for profit.

(6) "Currency transmission" or "money transmission" means engaging in the business of selling or issuing checks or the business of receiving currency, the payment of money, or other value that substitutes for money by any means for the purpose of transmitting, either prior to or after receipt, that currency, payment of money or other value that substitutes for money by wire, facsimile or other electronic means, or through the use of a financial institution, financial intermediary, the Federal Reserve system or other funds transfer network. It includes the
transmission of funds through the issuance and sale of stored
value or similar prepaid products’ cards which are intended for
general acceptance and used in commercial or consumer
transactions.

(7) "Currency transportation" means knowingly engaging in
the business of physically transporting currency from one
location to another in a manner other than by a licensed armored
car service exempted under section three of this article.

(8) "Licensee" means a person licensed by the commissioner
under this article.

(9) "Money order" means any instrument for the
transmission or payment of money in relation to which the
purchaser or remitter appoints or purports to appoint the seller
thereof as his or her agent for the receipt, transmission or
handling of money, whether the instrument is signed by the
seller, the purchaser or remitter or some other person.

(10) "Person" means any individual, partnership, association,
joint stock association, limited liability company, trust or
corporation.

(11) "Principal" means a licensee’s owner, president, senior
officer responsible for the licensee’s business, chief financial
officer or any other person who performs similar functions or
who otherwise controls the conduct of the affairs of a licensee.
A person controlling ten percent or more of the voting stock of
any corporate applicant is a principal under this provision.


(a) The following are exempt from the provisions of this
article:

(1) Banks, trust companies, foreign bank agencies, credit
unions, savings banks and savings and loan associations
authorized to do business in the state or which qualify as federally insured depository institutions, whether organized under the laws of this state, any other state or the United States;

(2) The United States and any department or agency of the United States;

(3) The United States post office;

(4) This state and any political subdivision of this state;

(5) The provision of electronic transfer of government benefits for any federal, state or county governmental agency as defined in Federal Reserve Board Regulation E, by a contractor for and on behalf of the United States or any department, agency or instrumentality of the United States or any state or any political subdivisions of a state;

(6) Persons engaged solely in the business of currency transportation who operate an armored car service in this state pursuant to licensure under article eighteen, chapter thirty of this code: Provided, That the net worth of the licensee exceeds $5 million. The term "armored car service" as used in this article means a service provided by a person transporting or offering to transport, under armed security guard, currency or other things of value in a motor vehicle specially equipped to offer a high degree of security. Persons seeking to claim this exemption shall notify the commissioner of their intent to do so and demonstrate that they qualify for its use. Persons seeking an exemption under this subdivision are not exempt from the provisions of this article if they also engage in currency exchange or currency transmission;

(7) Persons engaged in the business of currency transportation whose activities are limited exclusively to providing services to federally insured depository institutions, or to any federal, state or local governmental entities;
(8) Persons engaged solely in the business of removing currency from vending machines providing goods or services, if the machines are not used for gambling purposes or to convey any gambling ticket, token or other device used in a game of chance; and

(9) The State Regulatory Registry, LLC, which administers the Nationwide Mortgage Licensing System and Registry on behalf of states and federal banking regulators.

(b) Any person who holds and maintains a valid license under this article may engage in the business of money transmission or currency exchange at one or more locations through or by means of an authorized delegate or delegates as set forth in section twenty-seven of this article, as the licensee may designate and appoint from time to time. No such authorized delegate is required to obtain a separate license under this article, but the use of sub-delegates is prohibited and the authorized delegate may only conduct business on behalf of its licensee.

(c) The issuance and sale of stored value cards or similar prepaid products which are intended to purchase items only from the issuer or seller of the stored value card is exempt from the provisions of this article.

(d) Any person who is required and properly obtains a license under this article to transport currency is exempt from the requirements of article eighteen, chapter thirty of this code.

§32A-2-4. License application, issuance, and renewal.

(a) An applicant for a license shall submit an application to the commissioner on a form prescribed by the commissioner. The commissioner may direct an applicant to file a license application through the Nationwide Mortgage Licensing System and Registry operated by the State Regulatory Registry, LLC.
(b) Each application shall be accompanied by a nonrefundable application fee and a license fee. If the application is approved, the application fee is the license fee for the first year of licensure.

(c) The commissioner shall issue a license if the commissioner finds that the applicant meets the requirements of this article and the rules adopted under this article. The commissioner shall approve or deny every application for an original license within one hundred twenty days from the date a complete application is submitted, unless the commissioner extends the period for good cause. A license is valid for one year from the date the license is issued by the commissioner.

(d) The licensee at each office it owns and operates in West Virginia shall prominently display, or maintain available for inspection, a copy of the license authorizing the conduct of a currency exchange business, if the location offers and provides such services. Where the currency exchange business is conducted through a licensee’s authorized delegates in this state, each authorized delegate location offering such services shall maintain available for inspection, proof of their appointment by the licensee to conduct such business.

(e) As a condition for renewal of a license, the licensee must submit to the commissioner an application for renewal on a form prescribed by the commissioner and an annual license renewal fee. The commissioner may direct an applicant to file a license renewal application through the Nationwide Mortgage Licensing System and Registry operated by the State Regulatory Registry, LLC.

(f) A license issued under this article may not be transferred or assigned.

(g) An applicant for a license who is not located in this state shall file an irrevocable consent, duly acknowledged, that suits and actions may be commenced against the applicant in the
courts of this state by service of process upon a person located within the state designated to accept service, or by service upon the Secretary of State, as well as by service as set forth in this chapter.

§32A-2-5. Fees.

(a) The commissioner shall charge and collect the license application fees, license fees, license renewal fees, and examination costs in amounts reasonable and necessary to defray the cost of administering this article as follows:

(1) For applying for a license, an application and licensing fee of $1,000, plus $20 for each location at which the applicant and its authorized delegates are conducting business or propose to conduct business excepting the applicant’s principal place of business.

(2) For renewal of a license, a fee of $250 plus $5 for each location at which the licensee and its authorized delegates are conducting business or propose to conduct business excepting the applicant’s principal place of business, plus an assessment of up to $.001 for every dollar of transmission services provided in the prior year.

(3) The total of fees required by subdivisions (1) or (2) of this subsection may not exceed $25,000 for any one application.

(4) For a change in address by the licensee of its principal place of business, a fee of $100.

(5) For failure to timely submit an application of renewal or file audited financial statements required for renewal as set forth in this article, a penalty fee of $10 per day for each day late, unless an extension of time has been granted or the fee waived by the commissioner.

(b) The commissioner may, by rules proposed for legislative approval in accordance with the provisions of article three,
chapter twenty-nine-a of this code, amend the fees set forth in
this section and in subsection (b), section eleven of this article.

(c) Fees and moneys received and collected under this article
shall be paid into the special revenue account in the State
Treasury for the Division of Financial Institutions established in
section eight, article two, chapter thirty-one-a of this code.

§32A-2-8. Qualifications for license or renewal of license.

(a) The commissioner may issue a license to an applicant
only upon first determining that the financial condition, business
experience, and character and general fitness of an applicant are
such that the issuance of the license is in the public interest.

(b) An applicant for a license shall agree in writing to
comply with the currency reporting and record-keeping
requirements of 31 U.S.C. §5313, as well as those set forth in 31
C.F.R. Chapter X and any other relevant federal law.

(c) A person is not eligible for a license or shall surrender an
existing license if, during the previous ten years:

(1) The person or a principal of the person, if a business:

(A) Has been convicted of a felony or a crime involving
fraud, deceit, or moral turpitude under the laws of this state, any
other state, or the United States;

(B) Has been convicted of a crime under the laws of another
country that involves fraud, deceit, or moral turpitude or would
be a felony if committed in the United States; or

(C) Has been convicted under a state or federal law relating
to currency exchange or transmission or any state or federal
monetary instrument reporting requirement; or

(2) The person, a principal of the person, or the spouse of the
person or a principal of the person has been convicted of an
23 offense under a state or federal law relating to drug trafficking,
24 money laundering, or a reporting requirement of the Bank

26 (d) The commissioner will review the application to
determine whether the applicant:

27 (1) Has recklessly failed to file or evaded the obligation to
file a currency transaction report as required by 31 U.S.C. §5313
during the previous three years;

28 (2) Has recklessly accepted currency for exchange, transport,
or transmission during the previous three years in which a
portion of the currency was derived from an illegal transaction
or activity;

29 (3) Will conduct its authorized business within the bounds
of state and federal law, including, but not limited to, section
1501, article fifteen, chapter thirty-one-d of this code;

30 (4) Warrants the trust of the community;

31 (5) Has and will maintain a minimum tangible net worth of
$50,000 computed according to generally accepted accounting
principles as shown by the most recent audited financial
statement filed with and satisfactory to the commissioner, and in
addition has and will maintain a minimum tangible net worth of
$25,000, computed according to generally accepted accounting
principles for each office or delegate location other than its
principal office at which its licensed business is transacted,
except that an applicant for a license or renewal of a license may
not be required by this article to maintain a tangible net worth of
more than $1 million, computed according to generally accepted
accounting principles; and

32 (6) Does not owe delinquent taxes, fines, or fees to any local
or state taxing authority or governmental agency, department, or
other political subdivision of this state.
(e) A person is not eligible for a license, and a person who holds a license shall surrender the license to the commissioner, if the person or a principal of the person has at any time been convicted of:

(1) A felony involving the laundering of money that is the product of or proceeds from criminal activity under chapter sixty-one of this code, or a similar provision of the laws of another state or the United States; or

(2) A felony violation of 31 U.S.C. §5313 or 5324, or a rule adopted under those sections.

(f) Before approving an application for a license of an applicant who has less than one year’s experience in the proposed business governed by this article as a regulated entity in another state, or whose license has been suspended or revoked by another state, the commissioner may, in his or her discretion, conduct an on-site investigation of an applicant at the sole expense of the applicant and may require the applicant to pay a nonrefundable payment of the anticipated expenses for conducting the investigation. Failure to make the payment or cooperate with the investigation is grounds for denying the application.


(a) A person who is licensed under this article shall post a bond with a qualified surety company doing business in this state that is acceptable to the commissioner. The bond shall be in the amount of $100,000 for a licensee which issues or sells checks or money orders, or which engages in currency exchange; or $300,000 for a licensee which engages in receiving money for transmission by wire, facsimile or electronic transfer, or which engages in currency transportation. A licensee which engages in multiple types of these activities shall post the higher amount. A merchant obtaining a license solely to engage in the check cashing business not incidental to the main business of the
merchant as required by article three of this chapter shall post a
bond of $100,000. The bond required by this subsection shall be
increased at the time of license renewal by one percent of the
annual volume of business the licensee conducts in this state
exceeding $10 million rounded to the nearest thousand, as
reported by the licensee: Provided, That in no event shall the
bond exceed $1 million.

(b) No cash deposit or pledge of cash equivalent in
instruments or securities may be accepted in lieu of the bond
required by subsection (a) of this section, unless such alternative
deposit or pledge was in effect prior to April 1, 2014.

(c) A bond posted by a licensee shall be conditioned upon
compliance with the provisions of this article and any rules
thereunder for as long as the person holds the license. The
deposit or bond, as the case may be, shall be made to the State of
West Virginia for the benefit and protection of any claimant
against the applicant or licensee with respect to the receipt,
handling, transmission, and payment of money by the licensee
or authorized delegate in connection with the licensed operations
in this state. A claimant damaged by a breach of the conditions
of the bond or deposit shall, upon the assent of the
commissioner, have a right of action against the bond or deposit
for damages suffered thereby and may bring suit directly
thereon, or the commissioner may bring suit on behalf of the
claimant. The aggregate liability of the surety in no event shall
exceed the principal sum of the bond.

(d) A penalty fee under subdivision (5), subsection (a),
section five of this article, expenses under section eleven of this
article, or a civil penalty under section nineteen of this article
may be paid out of and collected from the proceeds of a bond
under this section.

(e) After receiving a license, the licensee shall maintain the
required bond until five years after it ceases to do business in
this state unless all outstanding checks/payment instruments are
cleared or covered by the provisions of article eight, chapter
thirty-six of this code pertaining to the distribution of unclaimed
property which have become operative and are adhered to by the
licensee. Notwithstanding this provision, however, the
commissioner may permit the bond to be reduced following
cessation of business in the state to the extent the amount of the
licensee’s checks/payment instruments outstanding in this state
are reduced.

(f) If the commissioner at any time reasonably determines
that the required bond or deposit is insecure, deficient in amount,
or exhausted, in whole or in part, he or she may in writing
require the filing of a new or supplemental bond in order to
secure compliance with this article and may demand compliance
with the requirement within thirty days following service on the
licensee. The total amount of the bonds required of the licensee
may not, however, exceed the $1 million set forth in subsection
(a) of this section.


(a) Each licensee is subject to a periodic examination of the
licensee’s business records by the commissioner at the expense
of the licensee. For the purpose of carrying out this article, the
commissioner may examine all books, records, papers, or other
objects that the commissioner determines are necessary for
conducting a complete examination and may also examine under
oath any person associated with the license holder, including an
officer, director, or employee of the licensee or authorized
delgate. Unless it will interfere with the commissioner’s duties
under this article, reasonable notice shall be given to the licensee
and any authorized delegate before any on-site examination visit.
If a person required by the commissioner to submit to an
examination refuses to permit the examination or to answer any
question authorized by this article, the commissioner may
suspend the person’s license until the examination is completed.
(b) The licensee shall bear the reasonable and necessary per
diem and travel expense cost of any on-site examination made
pursuant to this section.

(c) A person, for the purpose of evading a reporting or
record-keeping requirement of 31 U.S.C. §5313, or 31 C.F.R.
Chapter X, or by this article, or a rule adopted under this article,
may not with respect to a transaction with a licensee:

(1) Cause or attempt to cause the licensee to:

(A) Not maintain a record or file a report required by a law
listed by this subsection; or

(B) Maintain a record or file a report required by a law listed
by this subsection that contains a material omission or
misstatement of fact; or

(2) Fraudulently structure the transaction.

(d) For the purposes of this article, a person fraudulently
structures a transaction if the person conducts or attempts to
conduct a transaction in any amount of currency with a licensee
in a manner having the purpose of evading a record-keeping or
reporting requirement of this article, or of a law or rule listed by
subsection (c) of this section, including the division of a single
amount of currency into smaller amounts or the conduct of a
transaction or series of transactions in amounts equal to or less
than the reporting or record-keeping threshold of a law or rule
listed by subsection (c) of this section.

(e) A transaction is not required to exceed a record-keeping
or reporting threshold of a single licensee on a single day to be
a fraudulently structured transaction.


(a) A licensee shall notify the commissioner of any change
in its principal place of business, or its headquarters office if
(b) A licensee shall notify the commissioner of any of the following significant developments within fifteen days after gaining actual notice of its occurrence:

1. The filing of bankruptcy or for reorganization under the bankruptcy laws;

2. The institution of any enforcement action including, but not limited to, a license revocation or suspension against the licensee in by any other state or federal regulator;

3. A felony indictment related to money transmission, currency exchange, fraud, failure to fulfill a fiduciary duty, or other activities of the type regulated under this article of the licensee or its authorized delegates in this state, or of the licensee’s or authorized delegate’s officers, directors, or principals;

4. A felony conviction or plea related to the money transmission, currency exchange, fraud, failure to fulfill a fiduciary duty, or other activities of the type regulated under this article of the licensee or its authorized delegates in this state, or of the licensee’s or authorized delegate’s officers, directors, or principals;

5. Any change in its business activities; and

6. Any change in its principals.

(c) A licensee shall notify the commissioner of any merger or acquisition which may result in a change of control or a change in principals of a licensee within fifteen days of announcement or publication of the proposal, or its occurrence, whichever is earlier. Upon notice of these circumstances by a corporate licensee, the commissioner may require all information necessary to determine whether it results in a transfer or
assignment of the license and thus if a new application is
required in order for the company to continue doing business
under this article. A licensee that is an entity other than a
corporation shall in these circumstances submit a new
application for licensure at the time of notice.

(d) The commissioner may direct that the reports required by
this section and any other reports, data or information deemed
necessary by the commissioner be filed directly with the
Division of Financial Institutions on a date to be determined by
the commissioner or through the Nationwide Mortgage
Licensing System and Registry operated by the State Regulatory
Registry, LLC.


(a) A person commits a criminal offense if the person
knowingly:

(1) Violates a requirement of this article;

(2) Makes a false, fictitious, or fraudulent statement,
representation, or entry in a record or report required under 31
U.S.C. §5313 or 31 C.F.R. Chapter X, or by this article, or a rule
adopted under this article; or

(3) Fraudulently structures or attempts to fraudulently
structure a transaction in violation of section eleven of this
article.

(b) An offense under this section is a felony.

(c) Any officer, director, employee or agent of any licensee
or any other person guilty of any felony offense as provided in
this section shall, upon conviction thereof, be imprisoned in the
penitentiary not less than one nor more than five years and also,
in the discretion of the court, may be fined up to $10,000 for
each violation. Each transaction in violation of this article and
each day that a violation continues is a separate offense.

(a) The commissioner may bring civil actions to enforce this article in the circuit court of Kanawha County or the county in which the violation occurred and seek civil penalties. If, after notice and a hearing, the court finds that a person has violated this article, a rule adopted under this article, or an order of the commissioner issued under this article, the court may order the person to pay to the state a civil penalty. The amount of a civil penalty under this section may not exceed $5,000 for each violation or, in the case of a continuing violation, up to $5,000 for each day that the violation continues. A civil penalty assessed may be collected from the bond required under section ten of this article.

(b) In addition to the authority granted in subsection (a) of this section, the commissioner may by administrative assessment impose a civil penalty of up to $5,000 upon any person he or she believes has violated this article, a rule promulgated under this article, any other law or rule the commissioner is authorized to enforce with respect to persons licensed under this article, or a prior order of the commissioner. For purposes of this subsection, each separate violation is subject to the penalty herein prescribed and, in the case of a continuing violation, a penalty of up to $5,000 may be assessed for each day the violation continues. Any penalty imposed under this subsection may be contested by the licensee pursuant to article five, chapter twenty-nine-a of this code. A civil penalty assessed under this subsection may be collected from the bond required under section ten of this article.


(a) If the commissioner, upon information, has cause to believe that a licensee or other person is engaged in practices contrary to this article or the rules adopted under this article, the commissioner may issue an order directing the licensee or person to cease and desist the violation. A cease and desist order is
appropriate in any case where the commissioner, upon
information, reasonably believes that a principal or the licensee
acting through any authorized person has:

(1) Violated or refused to comply with a provision of this
article, a rule adopted under this article, or any other law or
regulation applicable to a currency exchange, transportation or
transmission business, or to the business of check cashing;

(2) Committed a fraudulent practice in the conduct of the
licensee’s business;

(3) Refused to submit to an examination;

(4) Conducted business in an unsafe or unauthorized
manner;

(5) Violated any federal law or regulation pertaining to the
business of currency exchange, money transportation or
transmission, or the business of check cashing; or

(6) Violated any condition of its license or of any agreement
entered into with the commissioner.

(b) The commissioner shall serve notice and a copy of the
cease and desist order on the affected party either personally or
by certified mail, return receipt requested. Service by mail shall
be deemed completed if the notice is deposited in the post office,
postage prepaid, addressed to the last known address for a
licensee or the person designated by the licensee to accept
service in this state.

(c) The order shall include a statement of the alleged conduct
of the licensee or principal which gave rise to the order, and set
forth the facts and law on which it is based.

(d) A person is entitled to a hearing on the cease and desist
order before the commissioner, or a hearing examiner appointed
by him or her, if the person files with the commissioner a written
authorized delegate location, to the commissioner on a quarterly basis, and shall in the report list any new authorized delegate locations in this state.

(j) No authorized delegate shall act outside its scope of authority as defined under this article and by its contract with the licensee to act on behalf of the licensee with regard to any transaction regulated by this article.

CHAPTER 40

(Com. Sub. for H. B. 4393 - By Delegates Swartzmiller, Wells, Manypenny, Ellem, Paxton, Fragale, Craig and Storch)

[Passed March 6, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5, §19-34-6, §19-34-7, §19-34-8 and §19-34-9, all relating to the regulation of dangerous wild animals; creating the Dangerous Wild Animals Act; setting forth findings and purpose; defining terms; creating the Dangerous Wild Animal Board; setting forth the duties of the board; requiring the board to create a list of dangerous wild animals by rule; permitting the board to issue a permit for a dangerous wild animal legally possessed prior to the effective date of the rules; prohibiting the possession of a dangerous wild animal thereafter; setting forth permit requirements; providing for confiscation and disposition of animals; permitting the suspension and revocation of permits; providing exemptions; providing rule-making authority; and establishing criminal and civil penalties.
Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-34-1, §19-34-2, §19-34-3, §19-34-4, §19-34-5, §19-34-6, §19-34-7, §19-34-8 and §19-34-9, all to read as follows:

ARTICLE 34. DANGEROUS WILD ANIMALS ACT.

§19-34-1. Findings and purpose.

The possession of dangerous wild animals presents serious public health and safety concerns and shall be regulated for the following reasons:

(1) To prevent the introduction or spread of disease or parasites harmful to humans, domestic livestock and poultry, wildlife and captive wild animals;

(2) To ensure the physical safety of humans;

(3) To prevent the escape or release of an animal injurious to or competitive with agricultural, horticultural, forestry, wildlife and other natural resources; and

(4) To prevent the mistreatment of permitted dangerous wild animals.


As used in this article unless otherwise specified:

(1) "Board" means the Dangerous Wild Animal Board;

(2) "Dangerous wild animal" means a mammal, bird, reptile, amphibian or aquatic animal, including a hybrid, that is dangerous to humans, other animals or the environment due to its inherent nature and capability to do significant harm.
"Wildlife", as defined by section two, article one, chapter twenty
of this code, "livestock", as defined in section two, article ten-b,
chapter nineteen of this code, and "domestic animals", as defined
in this section, are excluded.

(3) "Domestic animal" means an animal which, through
extremely long association with humans, has been bred to a
degree which has resulted in genetic changes affecting the
temperament, color, conformation or other attributes of the
species to an extent that makes it unique and distinguishable
from a wild individual of its species, and includes an animal that
has been bred as a companion animal.

(4) "Person" means an individual, partnership, corporation,
organization, trade or professional association, firm, limited
liability company, joint venture, association, trust, estate or other
legal entity and an officer, member, shareholder, director,
employee, agent or representative thereof.


The board shall propose rules for legislative approval to
effectuate the provisions of this article in accordance with the
provisions of article three, chapter twenty-nine-a of this
code. The board may promulgate emergency rules pursuant to
section fifteen, article three, chapter twenty-nine-a of this code.

§19-34-4. Prohibition on the possession of a dangerous wild
animal; exceptions.

(a) Except as otherwise provided in this article, a person may
not possess a dangerous wild animal.

(b) Pursuant to the provisions of this article, the board may
issue a permit for the possession of a dangerous wild animal if
the applicant was in legal possession of the animal prior to the
effective date of the rules promulgated under this article.
§19-34-5. Dangerous Wild Animal Board; composition; duties.

(a) The Dangerous Wild Animal Board is hereby established with the following members: The Commissioner of the Department of Agriculture, the Secretary of the Department of Health and Human Resources and the Director of the Division of Natural Resources, or their designees. The board shall develop a comprehensive list of dangerous wild animals pursuant to the rule-making authority of this article.

(b) The Commissioner of Agriculture shall serve as the chair, the Secretary of the Department of Health and Human Resources as the vice chair and the Director of the Division of Natural Resources shall serve as the secretary of the board. The Department of Agriculture shall provide necessary staff and support services to the board as needed.

(c) The board shall:

(1) Establish minimum caging or enclosure requirements for various dangerous wild animals;

(2) Create a comprehensive list of dangerous wild animals, excluding wildlife, livestock and domestic animals as defined herein. The list may include, but not be limited to:

(A) Bears;

(B) Big Cats;

(C) Canids;

(D) Primates;

(E) Constrictor snakes greater than six feet, and venomous snakes; and

(F) Alligators and caimans;
§19-34-6. Permit applications, requirements, issuance and revocation.

(a) Application. — A person applying for a permit to possess a dangerous wild animal shall submit an application that includes the following:

(1) A fee established by the board for each dangerous wild animal;

(2) The name, address and telephone number of the applicant, and the address where the dangerous wild animal is located;

(3) A description of each dangerous wild animal, including the scientific name, common name, permanent and unique identifier, and any information that would aid in the identification of the animal; and

(4) A description of the exact location on the property and a description of the enclosure or cage where each dangerous wild animal is kept.

(b) Permit requirements and restrictions. — The application shall state, and the person shall acknowledge his or her understanding, that:
(1) He or she may not breed, receive or replace a dangerous wild animal;

(2) He or she shall notify the sheriff or humane officer in his or her county immediately if the dangerous wild animal escapes;

(3) He or she may not allow the dangerous wild animal to come into physical contact with a person other than the peratee, the animal's designated handler, an employee of a law-enforcement agency enforcing this article or a veterinarian administering medical treatment or care;

(4) He or she has not been convicted for an offense involving the abuse or neglect of any animal;

(5) He or she has not had a permit or license concerning the care, possession, exhibition, breeding or sale of a dangerous wild animal revoked or suspended by a governmental agency;

(6) He or she shall permanently mark each dangerous wild animal with a unique identifier;

(7) He or she shall maintain records for each dangerous wild animal, including veterinary records, acquisition papers, the purchase date and other records that prove ownership of the dangerous wild animal;

(8) He or she presents proof of liability insurance in an amount of not less than $300,000 with a deductible of not more than $250 for each occurrence of property damage, bodily injury or death caused by a dangerous wild animal possessed by the person;

(9) He or she shall notify the board not less than three days before a dangerous wild animal is transferred to another person out of state;

(10) He or she may not transfer dangerous wild animals in the state without the written consent of the board;
(11) He or she shall notify the board of any plans to move or change his or her address, and may not move the animal without the written consent of the board. However, in the event of a medical emergency, a dangerous wild animal may be transported to a licensed veterinarian's facility for treatment and care if the animal is at all times confined sufficiently to prevent escape; and

(12) He or she shall comply with all rules promulgated by the board pursuant to the provisions of this article.

(c) The board may issue a permit to possess a dangerous wild animal if it determines that the applicant has met the requirements of this article.

(d) A permit to possess a dangerous wild animal is valid for one calendar year and must be renewed annually.

§19-34-7. Confiscation and disposition of animals; suspension and revocation of permits.

(a) A law-enforcement officer, county humane officer or the state veterinarian may immediately confiscate or euthanize any dangerous wild animal if the animal poses an immediate risk to public health or safety regardless of whether the owner of the animal has a permit issued under this article.

(b) The board may summarily suspend a permit issued under this article if one of the following conditions exists:

(1) An animal whose owner has a permit issued under this article is in a position to harm another animal;

(2) A permitted animal poses a risk to public health or safety; or

(3) The permittee has violated a provision of this article.

(c) In the event of the suspension of a permit or confiscation of an animal pursuant to this section, the dangerous wild animal
may be transferred to another permitee in compliance with the provisions of this article, if the transfer would abate the imminent harm to the animal or the public as determined by the responding law-enforcement officer, county humane officer or state veterinarian. If the transfer of the dangerous wild animal cannot be accomplished without additional risk to public safety, or if no suitable facility is available for transfer, the responding law-enforcement officer, county humane officer or veterinarian may humanely euthanize the animal.

(d) Upon conviction of an offense under this article or any other animal cruelty statute, the board shall revoke that person’s permit.

(e) The board may, for cause, revoke a permit.

(f) A person aggrieved by action of the board may appeal to circuit court.


(a) The permitting provisions of this article do not apply to:

(1) Institutions accredited by the Association of Zoos and Aquariums (AZA) or an AZA-certified facility;

(2) An animal control or law-enforcement agency or officer acting under the authority of this article;

(3) Licensed veterinary hospitals or clinics treating dangerous wild animals;

(4) A licensed or accredited research medical institution;

(5) A research facility as defined in the Animal Welfare Act, 7 U.S.C. §2132(e), as amended;

(6) A circus that is an incorporated, Class C licensee under the Animal Welfare Act, 7 U.S.C. §2132(e), as amended;
(7) A person displaying dangerous wild animals at a fair or festival that is a licensed exhibitor under the Animal Welfare Act, 7 U.S.C. §2132(e), as amended; and

(8) A person temporarily transporting a dangerous wild animal through the state, if the transit time is not more than forty-eight hours and the animal is at all times confined sufficiently to prevent escape.

(b) Qualified exemption. — The permitting provisions of this article do not apply to exhibitors or dealers licensed as of January 1, 2014, under the Animal Welfare Act, 7 U. S. C. §2132(e), as amended, and at the time the rules become effective and who continue to have a valid exhibitor or dealer license. The board may revoke this exemption as to exhibitors or dealers that have repeated, uncorrected citations in violation of the Animal Welfare Act, a conviction for violation of an animal cruelty statute or a violation of sections seven or nine of this article.

§19-34-9. Criminal and civil penalties.

(a) A person who violates a provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $200 nor more than $2,000 for each animal with respect to which there is a violation.

(b) A person who knowingly and intentionally or recklessly releases a dangerous wild animal or unlawfully possesses a dangerous wild animal that does not cause injury to an individual is guilty of a misdemeanor and, upon conviction, may be confined in jail for not more than one year or fined not less than $500 nor more than $2,500, or both confined and fined.

(c) A person who knowingly and intentionally or recklessly releases a dangerous wild animal or unlawfully possesses a dangerous wild animal that injures an individual is guilty of a felony and, upon conviction thereof, may be imprisoned in a
state correctional institution for not less than one year nor more
than three years, or fined not less than $1,000 nor more than
$5,000, or both confined and fined.

(d) Civil penalty. — A person convicted of an offense under
this article is liable for all costs, including personnel costs,
expended by the county or state agencies involved with the
capture, confinement, transfer or euthanasia of a dangerous wild
animal.

(e) The civil liability imposed by this section is in addition
to any other legal remedies for damages to person or property
caused by a dangerous wild animal.

CHAPTER 41

(Com. Sub. for H. B. 2757 - By Delegates Sponaugle,
Lynch, A. Evans and Andes)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §19-20D-1, §19-20D-2
and §19-20D-3, all relating to the creation of a private cause of
action in magistrate court for the purpose of seeking humane
destruction of a dog which has attacked a person; providing the
elements of the cause of action and contents of the verified
petition; allowing attorney fees; providing for limitations of the
cause of action; requiring the court to issue a written order;
providing for contents of order; requiring proof of euthanasia; and
requiring dismissal of petition if euthanasia not ordered.
Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-20D-1, §19-20D-2 and §19-20D-3, all to read as follows:

ARTICLE 20D. PRIVATE CAUSE OF ACTION FOR THE HUMANE DESTRUCTION OF A DOG.

§19-20D-1. Purpose.

The purpose of this article is to protect the public by providing a private cause of action seeking euthanasia of a dog in magistrate court to a person who has been attacked by a dog resulting in personal injuries requiring medical treatment which cost $2,000 or more, or who has been attacked by the dog and the dog had attacked a person causing personal injury which required medical treatment within the previous twelve months.

§19-20D-2. Procedure; petition to magistrate court; elements of action; burden of proof; attorney fees; limitation of action.

(a) A person seeking relief under this article may apply to the magistrate court in the county where the dog owner resides, or the county where the injury occurred, by verified petition setting forth and affirming the following:

(1) That the owner of the dog resides in the county where the petition is filed or the attack giving rise to the action occurred in the county where the petition is filed;

(2) That the petitioner was:

(A) Attacked by the dog and the attack resulted in personal injuries requiring medical treatment in the amount of $2,000 or more; or
12 (B) Attacked by the dog and the dog had engaged in a separate attack on a person causing personal injury requiring medical treatment within the previous twelve months; and

15 (3) That the petitioner did nothing to provoke the dog.

16 (b) The petition and summons shall be served on the respondent in the manner set forth in Rule 4 of the West Virginia Rules of Civil Procedure.

19 (c) The petitioner must prove the allegations in the petition by clear and convincing evidence.

21 (d) The prevailing party is entitled to an award of reasonable attorney fees and costs.

23 (e) The limitations of the cause of action in this article are as follows:

25 (1) Relief, other than attorney fees and costs in subsection (d) of this section, is limited to an order directing that the owner of the dog have the dog euthanized; and

28 (2) The cause of action provided by this article does not establish statutory liability nor does it supplant a common law negligence cause of action.

§19-20D-3. Order of the magistrate court.

1 (a) If the trier of fact finds by clear and convincing evidence that the dog which is the subject of the action under this article has attacked the petitioner and caused personal injuries requiring medical treatment in the amount of $2,000 or more or that the dog attacked the petitioner and within the twelve month period prior to the attack had engaged in a separate attack causing personal injury requiring medical treatment, then the court shall order the owner of the dog to have the dog euthanized.
(b) The magistrate court shall issue and file a written order that sets forth the following:

(1) Findings of fact and conclusions of law; and

(2) If the court orders euthanasia, a specific date upon which the owner of the dog must have the euthanasia performed and a direction that documentation be mailed to the petitioner and filed with the court by a specific date showing that the procedure was performed.

(c) If the court does not order euthanasia, the court shall order that the petition be dismissed with prejudice.

(d) The court may award reasonable attorney fees and costs to the prevailing party.

CHAPTER 42

(Com. Sub. for S. B. 58 - By Senators Cookman, Miller, Plymale and Fitzsimmons)

[Passed March 5, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 14, 2014.]

AN ACT to amend and reenact §48-3-103 and §48-3-105 of the Code of West Virginia, 1931, as amended, all relating to domestic relations law generally; clarifying that conviction of an offense punishable by incarceration for one year or more prior to the marriage and without the knowledge of the other party constitutes a basis for voiding a marriage; clarifying that a party to a marriage who was unaware at the time of the marriage that his or her spouse had previously been convicted of an offense punishable by incarceration for one year or more may not institute an annulment
action if he or she cohabited with that spouse after becoming aware of the conviction; clarifying grounds for voiding marriages; and modifying and removing certain language related to voiding of marriages.

Be it enacted by the Legislature of West Virginia:

That §48-3-103 and §48-3-105 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3. PROPERTY, RIGHTS AND LIABILITIES OF MARRIED WOMEN; HUSBAND AND WIFE.

§48-3-103. Voidable marriages.

The following marriages are voidable and are void from the time they are so declared by a judgment order of nullity:

1. (1) Marriages that are prohibited by law on account of either of the parties having a wife or husband of a prior marriage, when the prior marriage has not been terminated by divorce, annulment or death;

2. (2) Marriages that are prohibited by law on account of consanguinity or affinity between the parties;

3. (3) Marriages solemnized when either of the parties:

   (A) Was mentally incompetent;

   (B) Was afflicted with a sexually transmitted disease;

   (C) Was incapable, because of natural or incurable impotency of the body, of entering into the marriage state;

   (D) Was under the age of consent; or

   (E) Had been, prior to the marriage and without the knowledge of the other party, convicted of a crime punishable by
imprisonment in excess of one year under the applicable law of
this state, another state or the United States;

(4) Marriages solemnized when, at the time of the marriage,
the wife, without the knowledge of the husband, was with child
by some person other than the husband.

§48-3-105. What persons may not institute annulment action.

An action for annulling a marriage may not be instituted:

(a) Where the cause is the natural or incurable impotency of
body of either of the parties to enter the marriage state, by the
party who had knowledge of such incapacity at the time of
marriage;

(b) Where the cause is fraud, force or coercion, by the party
who was guilty of such fraud, force or coercion, nor by the
injured party if, after knowledge of the facts, he or she has by
acts or conduct confirmed such marriage;

(c) Where the cause is affliction with a sexually transmitted
disease existing at the time of marriage, by the party who was so
afflicted if such party has subsequent to the marriage become
cured of such disease, nor by the person who was not so afflicted
if he or she after the curing of the afflicted person has by acts or
conduct confirmed the marriage;

(d) Where the cause is the nonage of either of the parties, by
the party who was capable of consenting, nor by the party not so
capable if he or she has by acts or conduct confirmed the
marriage after arriving at the age of consent; or

(e) Where the cause is lack of consent on the part of either
of the parties, by the party consenting or bringing about the
marriage;
WHERE the cause is that either of the parties has been convicted of a crime punishable by imprisonment in excess of one year under the applicable law of this state, another state or the United States prior to marriage, by the other party if, after knowledge of such fact, he or she has cohabited with the party so convicted; or

Where the cause is that the wife was at the time of marriage with child by some person other than the husband, by the husband, if after knowledge of the fact he has cohabited with the wife.

CHAPTER 43


[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 24, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §48-9-209a, relating to restricted parental rights of child custodial responsibility and parenting time when a child was conceived as a result of a sexual assault or certain sexual abuse; denying custodial responsibility and parenting time rights to a natural parent convicted of sexual assault when a child is produced as a result of the offense; providing limited exceptions when the biological parents cohabit; creating a rebuttable presumption against the allocation of exclusive or shared custodial responsibility or parenting time to the perpetrator of the offense after cohabitation with the other parent under certain circumstances; requiring the court to find by clear
and convincing evidence that custodial responsibility or parenting time by a person convicted of sexual assault or certain sexual abuse is in the best interest of the child, victim, that the victim consents and certain other facts in order to allocate such custodial responsibility or parenting time; and clarifying the natural parent’s continuing support obligations.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §48-9-209a, to read as follows:

ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.

Part 2 – Parenting Plans

§48-9-209a. Child conceived as result of sexual assault or sexual abuse by a parent; rights of a biological parent convicted of sexual assault or abuse; post-conviction cohabitation; rebuttable presumption upon separation or divorce.

(a) Except as otherwise provided in this section, if a child custodial responsibility or parenting time dispute involves a child who is conceived as a result of acts by which one of the child’s biological parents has been convicted of sexual assault, pursuant to section three, four or five, article eight-b, chapter sixty-one of this code, or of sexual abuse by a parent, guardian or custodian, pursuant to section five, article eight-d, chapter sixty-one of this code, the court shall not allocate custodial responsibility to the biological parent convicted of the sexual assault, and the convicted parent has no right to parenting time with the child unless the court finds by clear and convincing
evidence set forth in written findings that it is in the best interests of the child, adequately protects the child and the victim of the sexual offense and that the person or persons with custodial responsibility of the child consent thereto.

(b) Subsection (a) does not apply if:

(1) The biological parents are husband and wife at the time of the offense and, after the date of conviction, cohabit and establish a mutual custodial environment for the child; or

(2) After the date of conviction, the unmarried biological parents cohabit and establish a mutual custodial environment for the child.

(c) If persons described by subsection (b) of this section later separate or divorce, the conviction of sexual assault, pursuant to section three, four or five, article eight-b, chapter sixty-one of this code, or of sexual abuse by a parent, guardian or custodian, pursuant to section five, article eight-d, chapter sixty-one of this code creates a rebuttable presumption that exclusive or shared custodial responsibility of the child by the perpetrator of the offense is not in the best interests of the child. The convicted parent has no right to parenting time with the child unless the court finds by clear and convincing evidence set forth in written findings that, despite the rebuttable presumption required by this subsection, a custodial responsibility or parenting time arrangement with the convicted parent is in the best interests of the child, adequately protects the child and the victim of the sexual offense, and that the victim of the sexual offense consents thereto.

(d) A denial of custodial responsibility or parenting time under this section does not by itself terminate the parental rights of the person denied custodial responsibility or parenting time, nor does it affect the obligation of the person to support the minor child.
CHAPTER 44

(Com. Sub. for S. B. 431 - By Senator Beach)

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to issuance and renewal of driver’s licenses; changing the renewal cycle for driver’s licenses from five to eight years; allowing the commissioner to provide a program for online renewal of driver’s licenses; providing an additional fee for the issuance of driver’s license issued for federal use; permitting more uses for military identification cards; permitting license expiration notifications by electronic means; and clarifying that a driver’s license which is valid for the operation of a commercial motor vehicle shall be issued in accordance with chapter seventeen-e of the West Virginia Code.

Be it enacted by the Legislature of West Virginia:

That §17B-2-8, §17B-2-12 and §17B-2-12a of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. ISSUANCE OF LICENSE; EXPIRATION AND RENEWAL.

§17B-2-8. Issuance and contents of licenses; fees.

(a) The division shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver’s license, which shall indicate the type or general class or classes of
vehicle or vehicles the licensee may operate in accordance with
this chapter or chapter seventeen-e of this code, or motorcycle-
only license. Each license shall contain a coded number assigned
to the licensee, the full legal name, date of birth, residence
address, a brief description and a color photograph of the
licensee and either a facsimile of the signature of the licensee or
a space upon which the signature of the licensee is written with
pen and ink immediately upon receipt of the license. No license
is valid until it has been so signed by the licensee.

(b) A driver’s license which is valid for operation of a
motorcycle shall contain a motorcycle endorsement. A driver’s
license which is valid for the operation of a commercial motor
vehicle shall be issued in accordance with chapter seventeen-e
of this code.

c) The division shall use such process or processes in the
issuance of licenses that will, insofar as possible, prevent any
identity theft, alteration, counterfeiting, duplication,
reproduction, forging or modification of, or the superimposition
of a photograph on, the license.

d) The fee for the issuance of a Class E driver’s license is
$2.50 per year for each year the license is valid. The fee for
issuance of a Class D driver’s license is $6.25 per year for each
year the license is valid. An additional fee of $0.50 shall be
collected from the applicant at the time of original issuance or
each renewal and the additional fee shall be deposited in the
Combined Voter Registration and Driver’s Licensing Fund
established pursuant to the provisions of section twelve, article
two, chapter three of this code. The additional fee for adding a
motorcycle endorsement to a driver’s license is $1 per year for
each year the license is issued.

e) The fee for issuance of a motorcycle-only license is $2.50
for each year for which the motorcycle license is valid. The fees
for the motorcycle endorsement or motorcycle-only license shall be paid into a special fund in the State Treasury known as the Motorcycle Safety Fund as established in section seven, article one-d of this chapter.

(f) The fee for the issuance of either the level one or level two graduated driver’s license as prescribed in section three-a of this article is $5.

(g) The fee for issuance of a federally compliant driver’s license or identification card for federal use is $10 in addition to any other fee required by this chapter. Any fees collected under the provisions of this subsection shall be deposited into the Motor Vehicle Fees Fund established in accordance with section twenty-one, article two, chapter seventeen-a of this code.

(h) The division may use an address on the face of the license other than the applicant’s address of residence if:

(1) The applicant has a physical address or location that is not recognized by the post office for the purpose of receiving mail;

(2) The applicant is enrolled in a state address confidentiality program or the alcohol test and lock program;

(3) The applicant’s address is entitled to be suppressed under a state or federal law or suppressed by a court order; or

(4) At the discretion of the commissioner, the applicant’s address may be suppressed to provide security for classes of applicants such as law-enforcement officials, protected witnesses and members of the state and federal judicial systems.

(i) Notwithstanding any provision in this article to the contrary, a valid military identification card with an expiration date issued by the United States Department of Defense for
active duty, reserve or retired military personnel containing a
digitized photo and the holder’s full legal name may be used to
establish current full legal name and legal presence. The
commissioner may at his or her discretion expand the use of
military identification cards for other uses as permitted under
this code or federal rule.

§17B-2-12. Expiration of licenses.

(a) Except as provided in subsection (c) of this section, every
driver’s license expires eight years from the date of its issuance.

(b)(1) Every driver’s license issued to a person who has
attained his or her twenty-first birthday expires on the licensee’s
birthday. The commissioner may modify the expiration date of
any license as necessary to effectuate the transition from the
five-year renewal cycle to an eight-year renewal cycle as he or
she considers necessary.

(2) Every driver’s license issued to a person who has not
attained his or her twenty-first birthday expires thirty days after
the licensee’s twenty-first birthday, except as provided in section
three-a of this article.

(3) The driver’s license of any person in the armed forces
expires six months after the date on which the person is
separated from active duty in the armed forces under honorable
circumstances.

(c) A license issued to a person who is not a citizen of the
United States may only be issued for the time the person is
legally authorized to be in the United States, not to exceed eight
years. If the time the person is authorized to be in the United
States is extended, the commissioner may renew the license in
accordance with section twelve-a of this article for the time
extended, not to exceed eight years.
§17B-2-12a. Renewal of driver's license upon expiration; vision screening; renewal fees.

(a) The commissioner shall notify each person who holds a valid driver's license of the expiration date of the license by first class mail or by electronic means to the last address known to the division. The notice shall be mailed at least ninety days prior to the expiration date of the license and shall include a renewal application form and instructions for renewal.

(b) The commissioner, at his or her discretion, may provide a program of electronic renewal notices to licensees and an electronic web-based renewal process. This process may include an electronic vision screening verification or waiver subject to processes and restrictions the commissioner considers necessary for highway safety, secure processing and identity verification. The online program shall require the applicant to have his or her digital photo updated at least once every sixteen years.

(c) The holder of a valid driver's license may apply to the division for renewal of the license on the form provided by the division. To be eligible for license renewal the applicant must:

(1) Pay the fee required by section eight of this article;

(2) Obtain a new color photograph from the division, except as provided in subsection (b) of this section; and

(3) Pass a vision screening conducted in the manner prescribed by the division.

(d) The commissioner shall assess an additional fee of $5 for every application for renewal submitted after the expiration of the applicant's license.

(e) The commissioner shall determine whether an applicant qualifies for a renewed license.
(f) The commissioner shall provide by rule a procedure by which an applicant who does not meet the minimum vision standards for licensure may present evidence to show that his or her vision has been corrected to meet the minimum visual standards and that he or she is capable of safely operating a motor vehicle.

(g) The commissioner may not renew the driver's license of an applicant whose eyesight cannot be corrected to conform to the minimum vision standards established by this code and by the rules of the commissioner.

(h) Vision screening conducted pursuant to this section may not be used to collect any type of personal biometric identifying information including, but not limited to, a retinal scan.

(i) The commissioner shall propose legislative rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this section.
during states of emergency; authorizing the Department of Commerce to provide short-term, low-interest loans to adversely-affected small businesses; specifying eligibility criteria; requiring written finding by the Governor; establishing an application process and time period; setting limits on the aggregate and individual amounts of loans and their duration and quantity; accounting for interest collected on program loans; requiring written loan agreement; declaring legal obligation to the state; authorizing actions to recover delinquent loans; authorizing and requiring the filing of emergency and legislative rules; and requiring the filing of annual reports.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5B-1-8, to read as follows:

ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-8. Financial assistance for small businesses during state of emergency.

(a) The Department of Commerce is authorized to make short-term, low-interest loans available to small businesses located in counties listed in a state declaration of a state of emergency. The purpose of these loans is to mitigate the effects of business losses resulting from the conditions giving rise to the state of emergency where other forms of compensation or relief are not available.

(b) For purposes of this section, an eligible, small business means a business with less than seventy-five full-time or full-time equivalent employees, operating lawfully within this state and in compliance with the state’s tax, unemployment compensation and workers’ compensation laws, and which meets the criteria specified by the Department of Commerce by rule for issuance of a loan.
(c) The loan program provided by this section shall only be available when the Governor makes a written finding, following a declaration of a state of emergency by either the Governor or the Legislature, that a substantial portion of small businesses within the relevant counties require emergency financial assistance and authorizes the Department of Commerce to issue loans through this program: Provided, That the authorization also identify an appropriate source of funding for the loans.

(d) Following the Governor's finding and authorization, an eligible, small business may make application for an emergency assistance loan at any time within the duration of a state of emergency, declared pursuant section six, article five, chapter fifteen of this code, and up to ninety days after the termination of the state of emergency. The application shall be made to the division or office designated by the Secretary of Commerce to administer the loan program. Only one loan will be permitted to a business for losses arising out of a declared state of emergency and shall only be available to a business that is located within a county identified in the declaration of the state of emergency. Eligibility provisions of this subsection may apply to any state of emergency, declared by the Governor or the Legislature, that is in effect upon the effective date of this section, but in no event shall loans be made for business losses incurred or originating prior to January 1, 2014.

(e) The source of principal for any loan provided under this section shall be from funds appropriated to the Civil Contingent Fund or from any other appropriation designated for or applicable to the purpose of providing state of emergency loans to small businesses. The principal amount of any loan provided under this section shall not exceed $20,000 and the interest rate of the loan shall be fixed at a rate equal to half of the federal prime interest rate published at the time of execution of a written agreement between the agency and the loan recipient. The period of duration for loans shall be not more than twenty-four months.
The provision of loans is subject to the availability of funds and shall not exceed an aggregate amount of $2 million per declared state of emergency, unless a greater amount is authorized by subsequent appropriation of the Legislature.

(f) Payments of interest on loans provided pursuant to this section shall be credited to the general fund of the state. Payments of principal shall be credited back to the source of funding, or if the source of funding has expired, to the general revenue fund of the state.

(g) Loans will only be provided upon execution of a written agreement with the Department of Commerce, or with the authorized designee of the Secretary of Commerce. The duty to repay the principal and pay the interest constitutes a debt to the state. The Secretary of Commerce or his or her designated representative is authorized to enforce, by any legal means, the provisions of the written agreement and to pursue collection of any and all amounts due under the terms of the written agreement and any costs to the state for the collection.

(h) Following the effective date of this section, the Secretary of Commerce shall designate an office or division within the Department of Commerce to administer the loan program and shall, acting through the designated office or division, promulgate emergency rules and propose corresponding legislative rules for consideration and authorization by the legislature to describe and delineate the manner in which application for loans will be submitted and reviewed, the criteria for approval of loan applications, including, but not limited to, the credit history of the applicant, required security and other provisions necessary for the efficient administration of this program.

(i) When the Governor authorizes the Department of Commerce to issue loans hereunder following the declaration of
a state of emergency, the Secretary of Commerce shall make a report to the Joint Committee on Government and Finance at the conclusion of each fiscal year in which the loan program is in effect and loans are outstanding, regarding the number of businesses that have applied for loans, the number of loans approved, the amounts awarded, the number of employees affected thereby and a financial statement including the balance of funds available and the aggregate amount of principal and interest outstanding and due to the state.

CHAPTER 46

(H. B. 4302 - By Delegates Skaff, Guthrie, Poore, Wells, Perry, Pasdon and Walters)

[Passed March 6, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 26, 2014.]

AN ACT to amend and reenact §11-8-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §13-1-13 of said code; and to amend and reenact §18-9-2 of said code, all relating to elections for public school purposes; clarifying certain language; and designating the county commission as the board of canvassers to canvass the returns of all levy and bond elections for public school purposes.

Be it enacted by the Legislature of West Virginia:

That §11-8-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §13-1-13 of said code be amended and reenacted; and that §18-9-2 of said code be amended and reenacted, all to read as follows:
ARTICLE 8. LEVIES.

§11-8-17. Special levy elections; notices; election officers; conduct of election; supplies; canvass of returns; form of ballot.

(a) The local levying body shall publish a notice, calling the election, as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the territory in which the election is held. Such notice shall be so published within fourteen consecutive days next preceding the election.

(b) All the provisions of the law concerning general elections shall apply so far as they are practicable, except as follows:

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

2. The local levying body shall provide the election supplies necessary for such election and shall canvass the returns thereof: Provided, That the county commission is the board of canvassers to canvass the returns of levy elections called by the board of education.

(c) A separate ballot shall be used at a levy election held in connection with any other election. The ballot shall be entitled:

"Special election to authorize additional levies for the year(s) and for the purpose of according
The additional levy shall be on Class I property _______ cents; on Class II property _______ cents; on Class III property (if any) _______ cents; on Class IV property (if any) _______ cents.

CHAPTER 13. PUBLIC BONDED INDEBTEDNESS.

ARTICLE 1. BOND ISSUES FOR ORIGINAL INDEBTEDNESS.


The authorities calling bond elections shall canvass the returns at the same time with reference to the election and in the same manner as is required of county commissions for general elections: Provided, That the county commission is the board of canvassers to canvass the returns of bond elections called by the board of education.

CHAPTER 18. EDUCATION.

ARTICLE 9. SCHOOL FINANCES.

§18-9-2. Elections under this chapter; procedure.

Any and all elections authorized by this chapter for school purposes may, unless otherwise provided, be held separately or in connection with any general or special election. Notice of an election shall be given by the publication of the order of the board calling the same as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication is the territory in which the election is to be held. The order shall be published within fourteen consecutive days next preceding the day of election. All provisions of the law concerning general and special elections apply in these elections insofar as is practicable.
In cases of special elections the board calling the election shall appoint necessary election officers. The secretary of the board shall procure and furnish to the election commissioners at each place of voting the ballots, poll books, tally sheets and other election supplies necessary for the election. In calling elections, district and county boards of education shall follow the forms prescribed by the Attorney General. For all elections authorized by this chapter for school purposes, the county commission is the board of canvassers to canvass the returns.

CHAPTER 47

(Com. Sub. for H. B. 4228 - By Delegates M. Poling, Perry, Lawrence, Barrett, Young, Tomblin, Barill, Moye, Campbell, Walker and Pethel)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 31, 2014.]

AN ACT to repeal §11-8-16a of the Code of West Virginia, 1931, as amended; to repeal §18-2-17 of said code; to repeal §18-2E-5b and §18-2E-8b of said code; to repeal §18-2G-1, §18-2G-2 and §18-2G-3 of said code; to repeal §18-5-15e and §18-5-38 of said code; to repeal §18-7-1, §18-7-2 and §18-7-3 of said code; to repeal §18-9A-6b, §18-9A-14a and §18-9A-19 of said code; to repeal §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code; to repeal §18A-3-1c and §18A-3-1d of said code; to repeal §18A-4-10b and §18A-4-14a of said code; to amend and reenact §18-2-5a and §18-2-13 of said code; to amend and reenact §18-2E-7 of said code; to amend and reenact §18-8-1a of said code; and to amend and reenact §18A-2-12 of said code, all relating to repealing or removing certain portions of education-
related statutes that are no longer applicable or are expired; repealing the authorization for county boards of education with an excess levy in effect prior to Better Schools Amendment to propose an additional excess levy not exceeding one hundred percent and a period of five years; repealing an expired pilot program for the delivery of leftover foods from schools and penal institutions; repealing expired provisions for review of system of education performance audits; repealing an expired requirement for audit of state board policies; repealing the library media improvement grant program; repealing an expired requirement for study on school equity; repealing an expired provision governing county board meetings; repealing an adult literacy education program financed, in part, by a voluntary state income tax return check-off; repealing the appropriation and allocation, up to $7 million, due to the increase in local share to Teachers Retirement System; repealing the incentive for administrative efficiency in public schools and its associated funding to the county boards of education; repealing a requirement for county boards of education to request funds to which they may be entitled; repealing the Better School Buildings Amendment and associated funding to county boards of education; repealing an expired study on training, certification, licensure and retraining of teachers; repealing a study of alternative certification programs that was required to be submitted to the Legislative Oversight Commission on Education Accountability by December 31, 2013; repealing the requirement to record and distribute exemplary teaching techniques and its associated bonuses to certain teachers; repealing an expired study on daily planning periods; providing that the State Board of Education need only file a single copy of a proposed rule with the Legislative Oversight Commission; removing the requirement that the State Board of Education contract with an independent agency to evaluate the results of character education and biannual reporting; changing the requirement from a school-by-school to a countywide plan for provision of technology and services to
students as part of the twenty-first century strategic learning plan; removing the requirement for semiannual reporting on the effect of the increased compulsory attendance age of students and the progress the state and county boards have made in implementing its associated requirements; and clarifying that the written evaluation system for employment performance of personnel must be conducted at least annually on professional personnel and removing related transitional language.

Be it enacted by the Legislature of West Virginia:

That §11-8-16a of the Code of West Virginia, 1931, as amended, be repealed; that §18-2-17 of said code be repealed; that §18-2E-5b and §18-2E-8b of said code be repealed; that §18-2G-1, §18-2G-2 and §18-2G-3 of said code be repealed; that §18-5-15e and §18-5-38 of said code be repealed; that §18-7-1, §18-7-2 and §18-7-3 of said code be repealed; that §18-9A-6b, §18-9A-14a and §18-9A-19 of said code be repealed; that §18-9C-1, §18-9C-2, §18-9C-3, §18-9C-4, §18-9C-5, §18-9C-6, §18-9C-7 and §18-9C-8 of said code be repealed; that §18A-3-1c and §18A-3-1d of said code be repealed; that §18A-4-10b and §18A-4-14a of said code be repealed; that §18-2-5a and §18-2-13 of said code be amended and reenacted; that §18-2E-7 of said code be amended and reenacted; that §18-8-1a of said code be amended and reenacted, and that §18A-2-12 of said code be amended and reenacted all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5a. Board rules to be filed with Legislature.

The State Board of Education shall file a copy of any rule that it proposes to promulgate, adopt, amend or repeal under the authority of the Constitution or of this code with the Legislative Oversight commission on education accountability pursuant to
article three-b, chapter twenty-nine-a of this code. “Rule,” as
used herein, means a regulation, standard, statement of policy,
or interpretation of general application and future effect.


(a) The state board shall establish a comprehensive approach
to integrate character education into all aspects of school culture,
school functions and existing curriculum.

(b) The state board shall require all public schools that
operate from preschool to grade twelve to develop and integrate
components of character development into their existing
curriculum. The schools may incorporate such programs as “life
skills”, “responsible students”, or any other program
encompassing any of the following components:

(1) Honesty;

(2) Caring;

(3) Citizenship;

(4) Justice;

(5) Fairness;

(6) Respect;

(7) Responsibility;

(8) Voting;

(9) Academic achievement;

(10) Completing homework assignments;
(11) Improving daily attendance;
(12) Avoiding and resolving conflicts;
(13) Alternatives to violence;
(14) Contributing to an orderly positive school environment;
(15) Participating in class;
(16) Resisting social peer pressures to smoke, drink and use drugs;
(17) Developing greater self-esteem and self-confidence;
(18) Effectively coping with social anxiety;
(19) Increasing knowledge of the immediate consequences of substance abuse;
(20) Increasing knowledge of the consequences of one's actions;
(21) The corrupting influence and chance nature of gambling; and
(22) The value of decent, honest work.

(c) Character education shall be integrated into each public school curriculum by September 1, 2001.

(d) The state board shall assist county boards in developing in-service training regarding integrated character education as provided in this section.

(e) The State Department of Education is encouraged to utilize any existing moneys available to the department for
existing character development programs, along with any new
funds appropriated for the purposes of this section, to secure the
maximum amount of any federal funding available for which the
state department is eligible to receive for implementing character
development in the schools.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-7. Providing for twenty-first century instruction and
learning in all public schools.

(a) The Legislature finds that:

(1) The knowledge and skills children need to succeed in the
twenty-first century are changing dramatically and that West
Virginia students must develop proficiency in twenty-first
century content, technology tools and learning skills to succeed
and prosper in life, in school and on the job;

(2) Students must be equipped to live in a multitasking,
multifaceted, technology-driven world;

(3) The provision of twenty-first century technologies and
software resources in grades prekindergarten through twelve is
necessary to meet the goal that high school graduates will be
prepared fully for college, other post-secondary education or
gainful employment;

(4) This goal reflects a fundamental belief that the youth of
the state exit the system equipped with the skills, competencies
and attributes necessary to succeed, to continue learning
throughout their lifetimes and to attain self-sufficiency;

(5) To promote twenty-first century learning, teachers must
be competent in twenty-first century content and learning skills
and must be equipped to fully integrate technology to transform
instructional practice and to support twenty-first century skills
acquisition;
(6) For students to learn twenty-first century skills, students and teachers must have equitable access to high quality, twenty-first century technology tools and resources;

(7) When aligned with standards and curriculum, technology-based assessments can be a powerful tool for teachers; and

(8) Teachers must understand how to use technology to create classroom assessments for accurate, timely measurements of student proficiency in attainment of academic content and twenty-first century skills.

(b) The state board shall ensure that the resources to be used to provide technology services to students in grades prekindergarten through twelve are included in a West Virginia 21st Century Strategic Technology Learning Plan to be developed by the Department of Education as an integral component of the county electronic strategic improvement plan required in section five of this article. The provision of technologies and services to students and teachers shall be based on a county technology plan developed by a team that includes school building-level professional educators and is aligned with the goals and objectives of the West Virginia 21st Century Strategic Technology Learning Plan. This plan shall be an integral component of the county electronic strategic improvement plan as required in section five of this article. Funds shall be allocated equitably to county school systems following peer review of the plans that includes providing necessary technical assistance prior to submission and allows timely review and approval by the West Virginia Department of Education. Technology tools, including hardware, software, network cabling, network electronics and related professional development, shall be purchased pursuant to the provisions of article three, chapter five-a of this code in the amount equal to anticipated revenues being appropriated and based on the
approved county plans. County allocations that support this legislation shall adhere to state contract prices: Provided, That contingent upon approval of the county technology plan, counties that identify, within that plan, specific software or peripheral equipment not listed on the state contract, but necessary to support implementation of twenty-first century skills, may request the West Virginia Department of Education to secure state purchasing prices for those identified items. Total expenditure to purchase these additional items may not exceed ten percent of the annual county allocation. To the extent practicable, the technology shall be used:

(1) To maximize student access to learning tools and resources at all times including during regular school hours, before and after school or class, in the evenings, on weekends and holidays and for public education, noninstructional days and during vacations; and

(2) For student use for homework, remedial work, independent learning, career planning and adult basic education.

(c) The implementation of this section should provide a technology infrastructure capable of supporting multiple technology-based learning strategies designed to enable students to achieve at higher academic levels. The technology infrastructure should facilitate student development by addressing the following areas:

(1) Mastery of rigorous core academic subjects in grades prekindergarten through eight by providing software, other technology resources or both aligned with state standards in reading, mathematics, writing, science, social studies, twenty-first century learning skills and twenty-first century learning tools;

(2) Mastery of rigorous core academic subjects in grades nine through twelve by providing appropriate twenty-first
century technology tools aligned with state standards for learning skills and technology tools;

(3) Attainment of twenty-first century skills outcomes for all students in the use of technology tools and learning skills;

(4) Proficiency in new, emerging twenty-first century content;

(5) Participation in relevant, contextual instruction that uses dynamic, real-world contexts that are engaging and meaningful for students, making learning relevant to life outside of school and bridging the gap between how students live and how they learn in school;

(6) Ability to use digital and emerging technologies to manage information, communicate effectively, think critically, solve problems, work productively as an individual and collaboratively as part of a team and demonstrate personal accountability and other self-directional skills;

(7) Providing students with information on post-secondary educational opportunities, financial aid and the skills and credentials required in various occupations that will help them better prepare for a successful transition following high school;

(8) Providing greater access to advanced and other curricular offerings than could be provided efficiently through traditional on-site delivery formats, including increasing student access to quality distance learning curricula and online distance education tools;

(9) Providing resources for teachers in differentiated instructional strategies, technology integration, sample lesson plans, curriculum resources and online staff development that enhance student achievement; and
(10) Providing resources to support basic skills acquisition and improvement at the above mastery and distinguished levels.

(d) Developed with input from appropriate stakeholder groups, the West Virginia 21st Century Strategic Technology Learning Plan shall be an integral component of the electronic strategic county improvement plan as required in section five of this article. The West Virginia 21st Century Strategic Technology Learning Plan shall be comprehensive and shall address, but not necessarily be limited to, the following provisions:

(1) Allocation of adequate resources to provide students with equitable access to twenty-first century technology tools, including instructional offerings and appropriate curriculum, assessment and technology integration resources aligned to both the content and rigor of state content standards as well as to learning skills and technology tools;

(2) Providing students and staff with equitable access to a technology infrastructure that supports the acquisition of twenty-first century skills, including the ability to access information, solve problems, communicate clearly, make informed decisions, acquire new knowledge, construct products, reports and systems and access online assessment systems;

(3) Inclusion of various technologies that enable and enhance the attainment of twenty-first century skills outcomes for all students;

(4) Collaboration with various partners, including parents, community organization, higher education, schools of education in colleges and universities, employers and content providers;

(5) Seeking of applicable federal government funds, philanthropic funds, other partnership funds or any combination of those types of funds to augment state appropriations and
encouraging the pursuit of funding through grants, gifts, donations or any other sources for uses related to education technology;

(6) Sufficient bandwidth to support teaching and learning and to provide satisfactorily for instructional management needs;

(7) Protection of the integrity and security of the network, as well as student and administrative workstations;

(8) Flexibility to adjust the plan based on developing technology, federal and state requirements and changing local school and county needs;

(9) Incorporation of findings based upon validation from research-based evaluation findings from previous West Virginia-based evaluation projects;

(10) Continuing study of emerging technologies for application in a twenty-first century learning environment and inclusion in the technology plan, as appropriate;

(11) An evaluation component to determine the effectiveness of the program and make recommendations for ongoing implementation;

(12) A program of embedded, sustained professional development for teachers that is strategically developed to support a twenty-first century education for all students and that aligns with state standards for technology, integrates twenty-first century skills into educational practice and supports the implementation of twenty-first century software, technology and assessment resources in the classroom;

(13) Providing for uniformity in technological hardware and software standards and procedures;
(14) The strategy for ensuring that the capabilities and capacities of the technology infrastructure is adequate for acceptable performance of the technology being implemented in the public schools;

(15) Providing for a comprehensive, statewide uniform, integrated education management and information system for data collection and reporting to the Department of Education as provided in section twenty-six, article two of this chapter and commonly referred to as the West Virginia Education Information System;

(16) Providing for an effective model for the distance delivery, virtual delivery or both types of delivery of instruction in subjects where there exists low student enrollment or a shortage of certified teachers or where the delivery method substantially improves the quality of an instructional program such as the West Virginia Virtual School;

(17) Providing a strategy to implement, support and maintain technology in the public schools;

(18) Providing a strategy to provide ongoing support and assistance to teachers in integrating technology into twenty-first century instruction such as with technology integration specialists;

(19) A method of allowing public education to take advantage of appropriate bulk purchasing abilities and to purchase from competitively bid contracts initiated through the southern regional education board educational technology cooperative and the America TelEdCommunications Alliance;

(20) Compliance with United States Department of Education regulations and Federal Communications Commission requirements for federal E-rate discounts; and
(21) Other provisions as considered appropriate, necessary or both to align with applicable guidelines, policies, rules, regulations and requirements of the West Virginia Legislature, the Board of Education and the Department of Education.

(e) Any state code and budget references to the Basic Skills/Computer Education Program and the SUCCESS Initiative will be understood to refer to the statewide technology initiative referenced in this section, commonly referred to as the 21st Century Tools for 21st Century Schools Technology Initiative.

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-1a. Commencement and termination of compulsory school attendance; public school entrance requirements; exceptions.

(a) Notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and, subject to subdivision (3) of this subsection, continues to the sixteenth birthday or for as long as the student continues to be enrolled in a school system after the sixteenth birthday.

(1) A child may be removed from such kindergarten program when the principal, teacher and parent or guardian concur that the best interest of the child would not be served by requiring further attendance: Provided, That the principal shall make the final determination with regard to compulsory school attendance in a publicly supported kindergarten program.

(2) The compulsory school attendance provision of this article shall be enforced against a person eighteen years of age or older for as long as the person continues to be enrolled in a school system, and may not be enforced against the parent, guardian, or custodian of the person.
(3) Beginning with the 2011-2012 high school freshman cohort class of students, and notwithstanding the provisions of section one of this article, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to September 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the seventeenth birthday or for as long as the student continues to be enrolled in a school system after the seventeenth birthday.

(b) Attendance at a state-approved or Montessori kindergarten, as provided in section eighteen, article five of this chapter, is deemed school attendance for purposes of this section. Prior to entrance into the first grade in accordance with section five, article two of this chapter, each child must have either:

(1) Successfully completed such publicly or privately supported, state-approved kindergarten program or Montessori kindergarten program; or

(2) Successfully completed an entrance test of basic readiness skills approved by the county in which the school is located. The test may be administered in lieu of kindergarten attendance only under extraordinary circumstances to be determined by the county board.

(c) Notwithstanding the provisions of this section and of section five, article two of this chapter and section eighteen, article five of this chapter, a county board may provide for advanced entrance or placement under policies adopted by said board for any child who has demonstrated sufficient mental and physical competency for such entrance or placement.

(d) This section does not prevent a student from another state from enrolling in the same grade in a public school in West Virginia as the student was enrolled at the school from which the student transferred.
CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-12. Performance evaluations of school personnel; professional personnel evaluation process; restrictions on requirements on lesson plans and record keeping by classroom teachers.

(a) The state board shall adopt a written system for the evaluation of the employment performance of personnel, which system shall be applied uniformly by county boards in the evaluation of the employment performance of personnel employed by the board.

(b) The system adopted by the state board for evaluating the employment performance of professional personnel shall be in accordance with the provisions of this section.

(c) For purposes of this section, “professional personnel”, “professional” or “professionals”, means professional personnel and other professional employees, as defined in section one, article one of this chapter but does not include classroom teachers, principals and assistant principals subject to the evaluation processes established pursuant to section two, article three-c of this chapter.

(d) In developing the professional personnel performance evaluation system, and amendments thereto, the state board shall consult with the Center for Professional Development created in article three-a of this chapter. The center shall participate actively with the state board in developing written standards for evaluation which clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each professional meets those standards.

(e) The performance evaluation system shall contain, but not be limited to, the following information:
(1) The professional personnel positions to be evaluated;

(2) The frequency and duration of the evaluations, which shall be of such frequency and duration as to insure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn, but at least annually;

(3) The evaluation shall serve the following purposes:

(A) Serve as a basis for the improvement of the performance of the personnel in their assigned duties;

(B) Provide an indicator of satisfactory performance for individual professionals;

(C) Serve as documentation for a dismissal on the grounds of unsatisfactory performance; and

(D) Serve as a basis for programs to increase the professional growth and development of professional personnel;

(4) The standards for satisfactory performance for professional personnel and the criteria to be used to determine whether the performance of each professional meets those standards and other criteria for evaluation for each professional position evaluated. Professional personnel, as appropriate, shall demonstrate competency in the knowledge and implementation of the technology standards adopted by the state board. If a professional fails to demonstrate competency in the knowledge and implementation of these standards, he or she will be subject to an improvement plan to correct the deficiencies; and

(5) Provisions for a written improvement plan, which shall be specific as to what improvements, if any, are needed in the performance of the professional and shall clearly set forth recommendations for improvements, including recommendations
for additional education and training during the professional’s recertification or license renewal process.

(f) A professional whose performance is considered to be unsatisfactory shall be given notice of deficiencies. A remediation plan to correct deficiencies shall be developed by the employing county board and the professional. The professional shall be given a reasonable period of time for remediation of the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the deficiencies.

(g) No person may evaluate professional personnel for the purposes of this section or professional educator for the purposes of section two, article three-c of this chapter unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills through the center for professional development, or equivalent education training approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating. After July 1, 1994, no person may be issued an administrative certificate or have an administrative certificate renewed unless the state board determines that the person has successfully completed education and training in evaluation skills through the center for professional development or equivalent education and training approved by the state board.

(h) Any professional whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing
satisfactorily, the evaluator either shall make additional
recommendations for improvement or may recommend the
dismissal of the professional in accordance with the provisions
of section eight of this article.

(i) This subsection applies to all classroom teachers
irrespective of the process under which they are evaluated.

(1) Lesson plans are intended to serve as a daily guide for
teachers and substitutes for the orderly presentation of the
curriculum. Lesson plans may not be used as a substitute for
observations by an administrator in the performance evaluation
process. A classroom teacher, as defined in section one, article
one of this chapter, may not be required to post his or her lesson
plans on the Internet or otherwise make them available to
students and parents or to include in his or her lesson plans any
of the following:

(A) Teach and reteach strategies;

(B) Write to learn activities;

(C) Cultural diversity;

(D) Color coding; or

(E) Any other similar items which are not required to serve
as a guide to the teacher or substitute for daily instruction;

(2) The Legislature finds that classroom teachers must be
free of unnecessary paper work so that they can focus their time
on instruction. Therefore, classroom teachers may not be
required to keep records or logs of routine contacts with parents
or guardians;

(3) Nothing in this subsection may be construed to prohibit
classroom teachers from voluntarily posting material on the
Internet; and
CHAPTER 48

(Com. Sub. for H. B. 4316 - By Delegates M. Poling, Perry, Moye, Tomblin, Young, Barrett, Barill, Walker, Pasdon, Pethtel and Fragale)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on April 1, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5h, relating to creating the student data accessibility, transparency and accountability act; providing definitions; state, district and school responsibilities for data inventory; providing for data governance manager and responsibilities; establishing parental rights to information and providing for policies on security and access; requiring state board rules; and establishing effect on existing data.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2-5h, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5h. Student Data Accessibility, Transparency and Accountability Act.

(a) Title. — This section shall be known and may be cited as the “Student Data Accessibility, Transparency and Accountability Act.”
(b) Definitions. — As used in this section, the following words have the meanings ascribed to them unless the context clearly implies a different meaning:

(1) "Board" means the West Virginia Board of Education;

(2) "Department" means the West Virginia Department of Education;

(3) "Student Data system" means the West Virginia Department of Education statewide longitudinal data system;

(4) "Aggregate data" means data collected that is reported at the group, cohort, or institutional level with a data set of sufficient size that no information for an individual parent or student is identifiable;

(5) "Redacted data" means a student dataset in which parent and student identifying information has been removed;

(6) "State-assigned student identifier" means the unique student identifier assigned by the state to each student that shall not be or include the Social Security number of a student in whole or in part;

(7) "Student data" means data collected or reported at the individual student level included in a student's educational record;

(8) "Provisional student data" means new student data proposed for inclusion in the student data system;

(9) "School district" means a county board of education, the West Virginia Schools for the Deaf and Blind and the West Virginia Department of Education with respect to the education programs under its jurisdiction that are not in the public schools;
(10) "Directory information" means the following individual student information that is subject to disclosure for school-related purposes only: Student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, indication of "graduate" or "non-graduate," degrees and awards received, most recent previous school attended, and photograph;

(11) "Confidential student information" means data relating to a person's Social Security number, or other identification number issued by a state or federal agency, except for the state-assigned student identifier as defined in this section, religious affiliation, whether the person or a member of their household owns or possesses a firearm, whether the person or their family are or were recipients of financial assistance from a state or federal agency, medical, psychological or behavioral diagnoses, criminal history, criminal history of parents, siblings or any members of the person's household, vehicle registration number, driver's license number, biometric information, handwriting sample, credit card numbers, consumer credit history, credit score, or genetic information;

(12) "Affective computing" means human-computer interaction in which the device has the ability to detect and appropriately respond to its user's emotions and other stimuli; and

(13) "Fair Information Practice Principles" are United States Federal Trade Commission guidelines that represent widely accepted concepts concerning fair information practice in an electronic marketplace.

(c) Data Inventory – State Responsibilities. — The Department of Education shall:
(1) Create, publish, and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields in the student data system to include, but not be limited to:

(A) Any individual student data required to be reported by state and federal education mandates;

(B) Any individual student data which has been proposed in accordance with paragraph (A), subdivision (7) of this subsection for inclusion in the student data system with a statement regarding the purpose or reason and legal authority for the proposed collection; and

(C) Any individual student data that the department collects or maintains with no current identified purpose;

(2) Develop, publish, and make publicly available policies and procedures to comply with all relevant state and federal privacy laws and policies, including, but not limited to, the Federal Family Educational Rights and Privacy Act (FERPA) and other relevant privacy laws and policies. The policies and procedures specifically shall include, but are not limited to:

(A) Access to student and redacted data in the statewide longitudinal data system shall be restricted to:

(i) The authorized staff of the department and the contractors working on behalf of the department who require access to perform their assigned duties as required by law and defined by interagency data-sharing agreements;

(ii) District administrators, teachers and school personnel who require access to perform their assigned duties;

(iii) Students and their parents; and
(iv) The authorized staff of other West Virginia state agencies as required by law and defined by interagency data-sharing agreements;

(B) Ensure that any inter-agency data-sharing agreements shall be posted on the department website, and parents shall be notified of their right to opt out of sharing the child’s data pursuant to agreements.

(C) Use only aggregate data in public reports or in response to record requests in accordance with this section;

(D) Unless otherwise prohibited by law, develop criteria for the approval of research and data requests from state and local agencies, the Legislature, researchers working on behalf of the department, and the public. Student data maintained by the department shall remain redacted; and

(E) Notification to students and parents regarding student privacy rights under federal and state law;

(3) Unless otherwise provided by law, the department shall not transfer student or redacted data that is confidential under this section to any federal, state or local agency or other organization, public or private, with the following exceptions:

(A) A student transfers out-of-state or a school or school district seeks help with locating an out-of-state transfer;

(B) A student leaves the state to attend an out-of-state institution of higher education or training program;

(C) A student registers for or takes a national or multistate assessment;

(D) A student voluntarily participates in a program for which a data transfer is a condition or requirement of participation;
(E) The department enters into a contract that governs databases, assessments, special education or instructional supports with an in-state or out-of-state contractor for the purposes of state level reporting;

(F) A student is classified as “migrant” for federal reporting purposes; or

(G) A federal agency is performing a compliance review.

(4) Develop a detailed data security plan that includes:

(A) Guidelines for the student data system and individual student data including guidelines for authentication of authorized access;

(B) Privacy compliance standards;

(C) Privacy and security audits;

(D) Breach planning, notification and procedures;

(E) Data retention and disposition policies; and

(F) Data security policies including electronic, physical, and administrative safeguards, such as data encryption and training of employees;

(5) Ensure routine and ongoing compliance by the department with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

(6) Ensure that any contracts that govern databases, assessments or instructional supports that include student or redacted data and are outsourced to private vendors include
express provisions that safeguard privacy and security and
include penalties for noncompliance; and

(7) Notify the Governor and the Legislature annually of the
following:

(A) New student data proposed for inclusion in the state
student data system. Any proposal by the Department of
Education to collect new student data must include a statement
regarding the purpose or reason and legal authority for the
proposed collection. The proposal shall be announced to the
general public for a review and comment period of at least sixty
days and approved by the state board before it becomes
effective. Any new student data collection approved by the state
board is a provisional requirement for a period sufficient to
allow schools and school districts the opportunity to meet the
new requirement;

(B) Changes to existing data collections required for any
reason, including changes to federal reporting requirements
made by the U.S. Department of Education and a statement of
the reasons the changes were necessary;

(C) An explanation of any exceptions granted by the state
board in the past year regarding the release or out-of-state
transfer of student or redacted data; and

(D) The results of any and all privacy compliance and
security audits completed in the past year. Notifications
regarding privacy compliance and security audits shall not
include any information that would itself pose a security threat
to the state or local student information systems or to the secure
transmission of data between state and local systems by exposing
vulnerabilities.

(8) Notify the Governor upon the suspicion of a data security
breach or confirmed breach and upon regular intervals as the
breach is being managed. The parents shall be notified as soon as possible after the suspected or confirmed breach.

(9) Prohibit the collection of confidential student information as defined in subdivision ten of subsection (b) of this section.

(d) **Data Inventory – District Responsibilities.** — A school district shall not report to the state the following individual student data:

1. Juvenile delinquency records;
2. Criminal records;
3. Medical and health records; and
4. Student biometric information.

(e) **Data Inventory – School Responsibilities.** — Schools shall not collect the following individual student data:

1. Political affiliation and beliefs;
2. Religion and religious beliefs and affiliations;
3. Any data collected through affective computing;
4. Any data concerning the sexual orientation or beliefs about sexual orientation of the student or any student’s family member; and
5. Any data concerning firearm’s ownership by any member of a student’s family.

(f) **Data Governance Manager.** — The state superintendent shall appoint a data governance manager, who shall report to and be under the general supervision of the state superintendent. The
data governance manager shall have primary responsibility for privacy policy, including:

(1) Assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of student data;

(2) Assuring that student data contained in the student data system is handled in full compliance with the Student Data Accessibility, Transparency, and Accountability Act, FERPA, and other state and federal privacy laws;

(3) Evaluating legislative and regulatory proposals involving collection, use, and disclosure of student data by the Department of Education;

(4) Conducting a privacy impact assessment on proposed rules of the state board and department in general and on the privacy of student data, including the type of personal information collected and the number of students affected;

(5) Coordinating with the general counsel of the state board and department, other legal entities, and organization officers to ensure that programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner;

(6) Preparing a report to the Legislature on an annual basis on activities of the department that affect privacy, including complaints of privacy violations, internal controls, and other matters;

(7) Establishing department-wide policies necessary for implementing Fair Information Practice Principles to enhance privacy protections;

(8) Working with the Office of Data Management and Analysis, the general counsel, and other officials in engaging
with stakeholders about the quality, usefulness, openness, and privacy of data;

(9) Establishing and operating a department-wide Privacy Incident Response Program to ensure that incidents are properly reported, investigated and mitigated, as appropriate;

(10) Establishing and operating a process for parents to file complaints of privacy violations;

(11) Establishing and operating a process to collect and respond to complaints of privacy violations and provides redress, as appropriate; and

(12) Providing training, education and outreach to build a culture of privacy across the department and transparency to the public.

The data governance manager shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the department that relate to programs and operations with respect to his or her responsibilities under this section and shall make investigations and reports relating to the administration of the programs and operations of the department as are necessary or desirable.

(g) Parental rights regarding child's information and education record. — Parents have the right to inspect and review their child's education record maintained by the school and to request student data specific to their child's educational record. School districts must provide parents or guardians with a copy of their child's educational record upon request. Whenever possible, an electronic copy of the educational record must be provided if requested and the identity of the person requesting the information is verified as the parent or guardian.
The state board shall develop guidance for school district policies that:

(1) Annually notify parents of their right to request student information;

(2) Ensure security when providing student data to parents;

(3) Ensure student data is provided only to the authorized individuals;

(4) Detail the timeframe within which record requests must be provided;

(5) Ensure that school districts have a plan to allow parents to view and access data specific to their child's educational record and that any electronic access provided is restricted to eligible parties;

(6) Ensure compliance in the collection, use and disclosure of directory information and providing parents or guardians with a form to limit the information concerning their child in directory and subject to release; and

(7) Informing parents of their rights and the process for filing complaints of privacy violations.

(h) State Board Rules. — The state board shall adopt rules necessary to implement the provisions of the Student Data Accessibility, Transparency, and Accountability Act.

(i) Effect on Existing Data. — Upon the effective date of this section, any existing student data collected by the Department of Education shall not be considered a new student data collection under this section.
AN ACT to amend and reenact §18-2-16 of the Code of West Virginia, 1931, as amended, relating to salaries of service employees of the state camp and conference center known as Cedar Lakes Conference Center; providing that the minimum salary requirements for school service personnel do not apply to service employees who are initially employed to provide services at the camp and conference center on or after July 1, 2014.

Be it enacted by the Legislature of West Virginia:

That §18-2-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-16. Establishment and operation of state camp and conference center; rental thereof; expenditures; gifts and donations; county court may erect and equip buildings.

1 For the purpose of developing competent leadership, developing character, training for useful citizenship, fostering patriotism, and of providing and encouraging the development of organized recreational activities for Future Farmers of America and Future Homemakers of America members, and
other youth and adult groups, a camp and conference center is hereby established.

The West Virginia Board of Education is hereby authorized to secure a site for the camp and conference center at some suitable place and provide the necessary buildings and equipment therefor.

The camp and conference center shall be operated by the division of vocational education of the West Virginia Board of Education. The camp and conference center may be rented for educational purposes only and the rent received therefor shall be deposited in the State Treasury and paid out on requisition of the division of vocational education of the West Virginia Board of Education for the maintenance and operation of the camp and conference center.

The minimum salary requirements in sections eight-a and eighteen, article four, chapter eighteen-a of this code do not apply to service employees who are initially employed on or after July 1, 2014 by the division of vocational education to provide services at the camp and conference center.

Any appropriations now or hereafter made by the Legislature to carry out the provisions and purposes of this section shall be expended through the West Virginia Board of Education.

The West Virginia Board of Education may receive and use such gifts and donations of money, land, buildings, materials, equipment, supplies and labor, either from public or private sources, as may be offered unconditionally or under such conditions as in the judgment of the West Virginia Board of Education are proper and consistent with the provisions of this section.

All the money received as gifts and donations, by the West Virginia Board of Education shall be deposited in the State
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37 Treasury to be used by the said Board of Education in establishing and maintaining the aforesaid camp and conference center. A report of all gifts and donations offered and accepted, together with the names of the donors and the amounts contributed by each and all disbursements therefrom shall be submitted annually to the Governor of the state by the West Virginia Board of Education.

44 The county commission of any county may appropriate and expend money from the general county fund, or from any special fund available for such purpose, to erect and equip a cottage or county building on the camp and conference center property.

CHAPTER 50

(H. B. 4618 - By Delegates Perry, Young, Tomblin, Fragale, Williams, Walker, Espinosa, Cooper, Moye, Sumner and D. Evans)

[Passed March 5, 2014; in effect ninety days from passage.]  
[Approved by the Governor on March 26, 2014.]

AN ACT to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended, relating to establishing transformative system of support for early literacy; making legislative findings; requiring state board rule; minimum provisions of rule; eliminating critical skills instructional support programs for third and eighth graders; and modifying critical skills program framework to apply only to early literacy program.

Be it enacted by the Legislature of West Virginia:

That §18-2E-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:
ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-10. Transformative system of support for early literacy.

(a) The Legislature finds that:

(1) In the early learning years, ensuring that each student masters the content and skills needed for mastery at the next grade level is critically important for student success;

(2) Students who do not demonstrate grade-level proficiency in reading by the end of third grade become increasingly less likely to succeed at each successive grade level and often drop out of school prior to graduation;

(3) State board policy requires every school to establish a process for ensuring the developmental and academic progress of all students. This process is to be coordinated by a school student assistance team that reviews student developmental and academic needs that have persisted despite being addressed through instruction, intervention, and as applicable, supports for personalized learning. Ensuring the developmental and academic success of all students requires every school to implement, in an equitable manner, programs during and after the instructional day at the appropriate instructional levels that contribute to the success of students; and

(4) To ensure that all students read proficiently by the end of third grade, a statewide comprehensive approach to early literacy is required. This approach shall focus on supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

(b) The state board shall, in accordance with the provisions of article three-b, chapter twenty-nine-a of this code, promulgate
legislative rules as necessary to effectuate the provisions of this section. The rules shall provide for at least the following:

(1) Development of a comprehensive, systemic approach to close the reading achievement gap by third grade, which targets school readiness, the attendance gap, summer learning loss and a transformative intervention framework for student and learning supports;

(2) Ensuring all West Virginia children have access to high quality early learning experiences that focus on healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

(3) Closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades;

(4) Assisting county boards in establishing and operating targeted, sustained extended day and extended year reading programs to ensure grade level proficiency and battle summer learning loss;

(5) Maximizing family engagement to result in the development of a culture of literacy from birth through third grade;

(6) Supporting high quality schools and a workforce prepared to address early literacy, identification of interventions, and implementation of a system of intervention for children not reaching grade level proficiency;

(7) Ensuring the employment of qualified teachers and service personnel in accordance with the provisions of section thirty-nine, article five of this chapter and section seven-c, article four, chapter eighteen-a of this code to provide instruction to students enrolled in early literacy support programs;
(8) Creating a formula or grant-based program for the distribution of funds appropriated specifically for the purposes of this section or otherwise available for the support of a targeted, comprehensive system of support for early literacy;

(9) Providing support for transportation and healthy foods for students required to attend after-school and extended year early literacy instructional support programs and supervision at the school that accommodates the typical work schedules of parents; and

(10) Receiving from county boards any applications and annual reports required by rule of the state board.

(c) A student in grades kindergarten through three who is recommended by the student assistance team or the student’s classroom teacher for additional assistance in one or more of the key standards of English Language Arts, including reading, speaking and listening, writing or language may be required to attend an extended year early literacy instructional support program as a condition for promotion if:

(1) The student has been provided additional academic help through an in-school or after-school early literacy instructional support program and, prior to the end of the school year, the student assistance team or the student’s classroom teacher recommends that further additional academic help is needed for the student to be successful at the next grade level; and

(2) The county board has established an early literacy instructional support program during the extended year for the student’s grade level.

(d) County boards shall provide high-quality educational facilities, equipment and services to support early literacy instructional support programs established pursuant to this section. Extended year programs may be provided at a central
location for kindergarten through third graders who qualify for the program.

(e) This section may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student based upon the student’s lack of mastery of the subject matter and preparation for the subject matter at the next grade level.

(f) This section may not be construed to affect the individualized education plans of exceptional students.

(g) This section may not be construed to limit the authority of the county board to establish an extended year program in accordance with section thirty-nine, article five of this chapter. County boards may not charge tuition for enrollment in early literacy instructional support programs established pursuant to this section.

(h) Each county board shall prepare to implement the provisions of this section and the provisions of the state board rule required by subsection (b) of this section. The preparations shall at least include planning, ensuring a process for ensuring the developmental and academic progress of all students through the auspices of student assistance teams as currently required by state board policy and performing a needs assessment to determine the potential capacity requirements for the system of support for early learners.

(i) The state board shall provide a report describing the proposed implementation of the transformative system of support for early literacy to the Legislative Oversight Commission on Education Accountability on or before July 1, 2014.

(j) The state board shall provide a comprehensive report regarding the status of the transformative system of support for
early literacy to the Legislative Oversight Commission on Education Accountability, the Joint Committee on Government and Finance, and the Governor on November 1, 2014, and annually on November 1 on each year thereafter. The report shall address, at a minimum, the progress of the program throughout the state, its effect on student achievement and the sources of the funding both available to and used by the program.

(k) The provisions of this section are subject to the availability of funds from legislative appropriation or other sources specifically designated for the purposes of this section. If a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once the county board determines that adequate funds are available.

CHAPTER 51

(H. B. 4619 - By Delegates M. Poling, Perry, Pethtel, Lawrence, Barrett, Campbell, Rowan, Pasdon, Hamrick, Westfall and Ambler)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on April 1, 2014.]

AN ACT to amend and reenact §18-5B-3 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18-5B-13, all relating to School Innovation Zones Act; providing limited priority for
limited years for certain entrepreneurship education innovation zones; authorizing innovation school districts; making legislative findings and providing intent and purpose of section; school system eligibility and application categories; providing for application process, review, content and periods; innovation school district plan purpose and content; plan development, approval and submission to state board; state board designation of innovation school districts; affect of designation and process for waiver of statutes, policies, rules and interpretations; limitation on waivers; revision and extension of plans; revocation of designation; affect of plan expiration on innovations; requiring state board rule; and annual review.

Be it enacted by the Legislature of West Virginia:

That §18-5B-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be further amended by adding thereto a new section, designated §18-5B-13, all to read as follows:

ARTICLE 5B. SCHOOL INNOVATION ZONES ACT.

§18-5B-3. School innovation zones; application for designation; state board rule.

(a) A school, a group of schools, a subdivision or department of a group of schools, or a subdivision or department of a school may be designated as an innovation zone in accordance with this article.

(b) The state board shall promulgate a rule, including an emergency rule if necessary, in accordance with article three-b, chapter twenty-nine-a of this code to implement the provisions of this article. The rule shall include provisions for at least the following:

(1) A process for a school, a group of schools, a subdivision or department of a group of schools or a subdivision or
department of a school to apply for designation as an innovation zone that encompasses at least the following:

(A) The manner, time and process for the submission of an innovation zone application;

(B) The contents of the application, which must include a general description of the innovations the school or schools seek to institute and an estimation of the employees who may be affected by the implementation of the innovations; and

(C) Factors to be considered by the state board when evaluating an application, which shall include, but are not limited to, the following factors:

(i) The level of staff commitment to apply for designation as an innovation zone as determined by a vote by secret ballot at a special meeting of employees eligible to vote on the plan, as provided in section six of this article;

(ii) Support from parents, students, the county board of education, the local school improvement council and school business partners; and

(iii) The potential for an applicant to be successful as an innovation zone; and

(2) Standards for the state board to review applications for designation as innovation zones and to make determinations on the designation of innovation zones.

(c) The state board shall review innovation zone applications in accordance with the standards adopted by the board and shall determine whether to designate the applicant as an innovation zone. The state board shall notify an applicant of the board’s determination within sixty days of receipt of an innovation zone application.
When initially designating innovation zones after the enactment of this article by the first extraordinary session of the 2009 Legislature, the state board shall consider applicants for designation in the following order: (1) A school and groups of schools; (2) a group of schools seeking designation across the same subdivision or department of the schools; and (3) a school seeking designation of a subdivision or a department.

(d) When designating innovation zones under these provisions following the amendment and reenactment of this section by the Legislature at its regular session 2014, and for each of the four succeeding school years, the state board shall establish a priority for applications that include the establishment of entrepreneurship education programs as a curricular offering for students. To qualify under this priority, the program strategy must include the active involvement of one or more partners from the business community in program delivery. Nothing in this subsection requires the state board to designate all applicants that include the establishment of entrepreneurship education programs as innovation zones, or to exclude other qualified applicants for innovations in other areas from designation.

§18-5B-13. Innovation School District Act; legislative findings, intent and purpose; eligibility; application; innovation plan and plan approval; designation; waiver of statutes, policies, rules or interpretations; exceptions; progress reviews and annual reports; state board rule.

(a) Legislative findings:

(1) High school completion is an essential milestone for all West Virginia students and impacts the future success of the individual, community and state as well as providing the pathway to and appreciation for life-long learning endeavors;
(2) There are significant correlations between educational attainment and labor market outcomes, greater labor force participation rate, increased employment rates, improved health, and decreased levels of poverty and crime. The negative impact on these linkages is most evident in the absence of high school completion;

(3) West Virginia as a state must improve in areas of student achievement, graduation rate, attendance, the college going rate and other indicators of academic success in public schools;

(4) Research identifies a number of effective strategies for engaging students that have the most positive impact on improving student success and high school graduation. Some of these strategies are school-community collaboration, safe learning environments, family engagement, early literacy development, mentoring and tutoring services, service learning opportunities, alternative and nontraditional schooling, offering multiple pathways and settings for attaining high school diplomas, after-school opportunities, individualized instruction and career and technical education;

(5) Among the major issues raised by the Efficiency Audit of West Virginia's Primary and Secondary Education System conducted by Public Works, LLC, is a description of West Virginia's system of schools as heavily regulated. The report expresses the advantages of more local autonomy to better meet the needs of students, elevate their aspirations, and prepare them for post-secondary education and careers. Among its general conclusions is the need to drive more educational decision-making to the level closest to the students, to the classroom and building level - allowing principals to lead and teachers to deliver the most effective curriculum for their students - and then holding them accountable for student success;

(6) The Goals for Education, Vision 2020: An Education Blueprint for Two Thousand Twenty include policy-oriented
39 objectives for restoring the autonomy, authority, flexibility, and
capacity of local schools and county boards to improve student
learning to meet or exceed the expectations established by the
state board and Legislature;

(7) Allowing exceptions from certain statutes, policies, rules
and interpretations through the creation of innovation school
districts will restore the autonomy, authority, flexibility, and
capacity of local schools and county boards to enable greater
local autonomy and encourage innovation over the important
factors that impact student achievement and the delivery of
educational services to improve student learning; and

(8) When educators, parents, elected officials, business
leaders, faith-based leaders, human service personnel, judicial
personnel and civic leaders collectively work together, they are
often able to find innovative solutions to address school and
community problems and implement a variety of innovative
improvements that increase student engagement, develop more
flexible schedules, enhance student and teacher ownership of the
learning process and increase student achievement.

(b) Legislative intent and purpose of section:

In light of the foregoing findings, it is the intent of the
Legislature through this section to create a special category of
innovation zones entitled “Innovation School Districts” to
provide an additional tool for school systems in collaboration
with community and business partners to plan and implement
new approaches to improve the performance and progress of the
students, schools and school system. This section is intended to
establish a process that includes:

(1) Broad participation and collaboration in the
establishment of an innovation school district plan that includes
approaches to build the capacity of the district to improve the
performance and progress of its students, schools and school system; and

(2) Provides multiple opportunities over a period of five years for a school system designated as an innovation school district to seek and receive exceptions to certain statutes, policies, rules and interpretations applicable throughout the county or at certain schools within the county as needed to best meet the needs of its students as the system moves forward with its partners toward fulfillment of its innovation school district plan.

(c) School System Eligibility:

All county boards are eligible to apply for designation as an innovation school district: Provided, That a district that has expended funds or incurred obligations in violation of section twenty-six, article eight, chapter eleven of this code is not eligible to apply for designation as an innovation school district, unless otherwise determined by the state board. The applications shall be taken in four categories: Sparse Density County; Low Density County; Medium Density County; and High Density County, as those terms are defined in section two, article nine-a of this chapter. The state board is authorized to designate no more than one county from each category as an innovation school district beginning July 1, 2015: Provided, That the State Board, after July 1, 2016, may designate one additional county from each category as an innovation school district as long as the number of counties designated at any one time does not exceed two counties from each category as innovation school districts, subject to other considerations included herein. The designation of counties as innovation school districts shall be on a competitive basis.

(d) Application for designation as Innovation School District:
The rule promulgated by the state board to implement this section shall include an application and approval process for innovation school district plans that includes, but is not limited to, the following provisions:

(1) The manner, time and process for the submission of innovation school district applications. The initial application deadline may not be prior to January 2015. If after consideration of the applications submitted to it during an application period, the state board in its sole discretion does not designate the allotted number of school systems in each density category as innovation school districts, the state board may establish another application period to permit county boards in a density category not filled to reapply. In addition, at any time the number of designated innovation school districts in a density category is less than the maximum number allowed by subsection (c) of this section due to the revocation or expiration of a designation, the state board may establish an application period and may select on a competitive basis new school systems to achieve the maximum number allowed by subsection (c) of this section per density category;

(2) The contents of the application, which must include:

(A) The innovation school district plan approved in accordance with subsection (f) of this section; and

(B) A general description of the innovations the school district seeks to institute as proposed in its innovation school district plan;

(3) Factors to be considered by the state board when evaluating an application, which shall include, but are not limited to, the following factors:

(A) Support from teachers, staff, parents, students, the county board of education, the local school improvement council and school business partners; and
(B) The potential for an applicant to be successful in raising student achievement as an innovation school district;

(4) Standards for the state board to review applications for designation as an innovation school district and to make determinations on the designation of a school system as an innovation school district; and

(5) An innovation zone application review committee and recommendation process which shall be the same committee and process as used for all other innovation zones under this article.

(e) Innovation School District Plan:

The innovation school district plan is intended to serve as the basis for the innovative activities of the school system and to provide a vision for the school improvement goals it will work to accomplish in collaboration with its school and community partners. The plan is not intended as a limit on the normal school improvement activities that all school systems are expected to pursue, nor is the plan intended as a restriction on the ability of the school system or its schools to pursue other innovative strategies in accordance with the other provisions of this article. The innovation school district plan may include, but are not limited to, the following proposals:

(1) Methods for providing schools and communities with opportunities for greater collaboration to plan and implement systemic approaches that include evidence-based solutions for increasing graduation rates, increasing achievement and educational outcomes and reducing the number of dropouts;

(2) Innovative approaches to revitalize vocational and technical education, an essential mission of county boards;

(3) Increased collaborative site-based decision-making powers over the budgeting for and spending on programs and services for students;
(4) Increased collaborative site-based decision-making powers over teacher recruitment;

(5) Improved site-based mentoring, collaboration and support for strengthening the professional practices of new and emerging teachers, including recognizing and supporting school-based teacher leaders that perform these duties;

(6) Allowing a collaborative process which ensures accountability and transparency to all stakeholders, provides information and additional measures of the effects of specific innovations upon which the success of the plan may be judged, and documents student, school and school system success;

(7) Allows input and demonstrative buy-in from education personnel regarding appropriate professional development, supports, resources and working conditions.

(8) Allowing a collaborative site-based process to reduce certain requirements to allow staff to meet the school’s mission;

(9) Allowing, through a collaborative site-based process, flexibility to the alternative teacher certification programs;

(10) Utilizing virtual school courses aligned with the Southern Regional Education Board’s Standards for Quality Online Courses;

(11) Providing for greater autonomy for county board, and through the board’s innovation’s, for local schools; and

(12) Other innovation zone plans approved under the provisions of this article and being implemented in other schools and school systems throughout the state.

The innovation school district plan shall include a general description of the innovations the county school district seeks to
(f) Innovation School District Plan - District Level Approval:

Prior to submitting an innovation school district plan to the state board, the county board shall:

1. Form a broad based innovation school district stakeholders committee which may include, but is not limited to, educators, parents, elected officials, business leaders, faith-based leaders, human service personnel, judicial personnel and civic leaders, but at a minimum shall include the principals employed within the county, the chairs of the faculty senates of each school in the county, employee organization representatives, a school service person from each work site and parent representatives. The stakeholder committee shall compose a conceptual proposal for the purpose of soliciting input on a variety of approaches that may be undertaken within the county if designated as an innovation school district and to guide development of an innovation school district plan;

2. Direct the county superintendent to hold a meeting of all regularly employed school employees to provide them an opportunity to examine and discuss the conceptual proposal. The superintendent shall direct that a vote of all regularly employed school employees in the county be conducted within fifteen days of the meeting to determine the level of school employee support for the conceptual proposal. The vote shall be by secret ballot administered by the panels created in subsection (c), section six of this article for each school and shall be administered in accordance with that subsection. For the vote to be valid, ballots must be cast by at least fifty percent of all regularly employed school employees in the county. Before proceeding with the succeeding subdivisions of this subsection, the conceptual
proposal must be approved by at least two-thirds ballots cast voting to approve it. If not approved, the stakeholder committee may revise the conceptual proposal and, subject to direction of the county board, the superintendent shall repeat the steps set forth in this subdivision for a revote;

(3) Make its conceptual proposal for an innovation school district available to the public at least 20 days prior to the public town hall meetings required under subdivision (4) of this subsection. In order to comply with this public notice requirement, the proposed plan shall be posted on the county board’s web site, as well as hard copies of the proposed plan being made available at all county school sites and the county’s central office, for public viewing and copying;

(4) After the closure of the 20 day public review period, conduct public town hall meetings in at least three schools in the county, including at least one each at schools with separate secondary, middle and elementary programmatic levels, or as near as possible considering the county’s facility infrastructure, for the purpose of soliciting input from those in attendance on the challenges affecting the quality of education in the county and the potential strategies and priorities for addressing them;

(5) Direct the county superintendent to hold a meeting of the innovation school district stakeholders committee following the public town hall meetings for the purpose of reviewing the input gathered at the meetings and developing an innovation school district plan;

(6) Direct the county superintendent to hold a meeting of all regularly employed school employees to provide them an opportunity to examine and discuss the innovation school district plan. The superintendent shall direct that a vote of all regularly employed school employees in the county be conducted within fifteen days of the meeting to determine the level of school
employee support for the innovation school district plan. The vote shall be conducted as provided in subdivision (2) of this subsection, except that for the vote to be valid, ballots must be cast by at least sixty percent of all regularly employed school employees in the county and the innovation school district plan must be approved by at least two-thirds of the ballots cast voting to approve it. If not approved, the stakeholder committee may revise the plan and, subject to direction of the county board, the superintendent shall repeat the steps set forth in this subdivision for a revote; and

(7) The plan may then be submitted by the county superintendent to the county board for a vote to submit the plan to the state board. The authority of a county board to vote to submit an innovation school district plan and the right to submit the plan and be designated as an innovation school district, if selected, in accordance with this section are not subject to or affected by the approval status of the school system or intervention in the authority of county board for school system operation pursuant to section five, article two-e of this chapter.

(g) State Board Designation of Innovation School Districts:

The state board shall review the innovation school district applications in accordance with the standards adopted by the board, shall determine the highest rated applicants in each category and shall determine whether to designate those applicants as innovation school districts. The designation of an applicant as an innovation school district is at the sole discretion of the state board. The state board shall notify each applicant of the board’s determination within thirty days of the final determinations.

(h) Innovation School Districts:

The designation of a school system as an innovation school district authorizes the county board to submit requests to the
state board for exceptions to statutes, policies, rules and interpretations that are required to permit implementation of the innovative strategies contemplated in its innovation school district plan. The designation as an innovation school district authorizes the county board to submit multiple individual requests for exceptions to permit implementation of different strategies contemplated in the plan as the strategies are developed. Each request for an exception shall be submitted and may be approved by the state board subject to the following:

(1) The county board of a school system designated as an innovation school district may request an exception to a statute, policy, rule or interpretation by submitting an application to the state board that contains the following information:

(A) A description of the program or initiative the school system intends to implement at a school, group of schools or district-wide as an innovative strategy to improve student achievement if the request is approved by the state board;

(B) An explanation of the specific exception to a statute, policy, rule or interpretation, in the singular or plural, that the school system has identified as prohibiting or constraining the implementation of the program or initiative and why the exception is necessary;

(C) An explanation of how the program or initiative furthers the activities contemplated in the innovation school district plan;

(D) A certification by the county superintendent that the request for an exception was approved by a vote of the eligible employees in accordance with the process for voting as set forth in section six of this article; and

(E) Any other information the state board requires as set forth in its rule to implement this section.

(2) The state board shall review the request in accordance with the standards in its rule and shall determine whether to
approve or disapprove the request. The approval or disapproval of a request is at the sole discretion of the state board in accordance with the requirements of this section.

(3) Except as provided in subdivision (5) of this subsection, the state board shall approve or disapprove the request within sixty days of receipt, subject to the following:

(A) No exceptions to state board policies, rules or interpretations are granted unless the state board approves the request at least conditionally pursuant to subdivisions (2) and (5) of this subsection; and

(B) If the request is disapproved, the state board shall communicate its reasons for the disapproval to the county board and shall make recommendations for improving the request. The county board may amend and resubmit the request.

(4) Upon approval of the request by the state board, all of the exceptions to state board policies, rules and interpretations that were requested are granted;

(5) If a request, or a part thereof, may not be implemented unless an exception to a statute is granted by an Act of the Legislature, the state board may approve the request, or the part thereof, only upon the condition that the Legislature acts to grant the exception. If the state board approves a request on that condition, the state board shall submit the request for an exception to a statute, along with supporting reasons, to the Legislative Oversight Commission of Education Accountability. The commission shall review the request and make a recommendation to the Legislature regarding the exception requested; and

(6) An innovation school district may not request an exception nor may an exception be granted from any of the following:
(A) A required statewide assessment program administered by the West Virginia Department of Education;

(B) Any provision of law or policy required by Public Law 94-142, Public Law No. 107-110 or other federal law;

(C) Sections two and seven, article two, chapter eighteen-a of this code and sections seven-a, seven-b, eight and eight-b, article four, chapter eighteen-a of this code, except that an innovation school district may make a job posting for a teacher vacancy in accordance with the procedures and the approval by a vote of the teachers as provided in section eight of this article; and

(D) Any statute, policy, rule or other requirements of the state board or other agency related to the health and safety of students or employees, any requirements imposed by ethics laws or opinions, any requirements imposed by open records or open meetings laws, any requirements related to financial or academic reporting or transparency, or any requirements designed to protect the civil rights of students or employees.

(i) Revision, Extension and Revocation of Innovation School District Plan:

(1) The county board of a school system designated as an innovation school district pursuant to this section may revise its innovation school district plan and resubmit its plan to the state board for approval after complying with all other applicable plan requirements set forth in this section for initial plan approval.

(2) The designation of a school system as an innovation school district shall be for a period of five years. The state board, upon request of the county board, may extend the designation for an additional two years if the school system has outstanding items in its school system collaborative innovation zone plan that it still wants to pursue and only for the purpose of pursuing those outstanding items.
(3) The state board after periodic review of an established innovation school district may, upon recommendation of the innovation zone application review committee, revoke the school district’s designation as an innovation school district for noncompliance or nonperformance.

(j) Affect of Plan Expiration on Innovations:

The expiration of a school system’s designation as an innovation school district does not negate any exceptions to statutes, policies, rules or interpretations granted to the school system unless and until specifically revoked, repealed or modified by the state board or by the Legislature, as applicable.

(k) State Board Rule and Annual Reviews:

The state board shall adopt, in accordance with article three-b, chapter twenty-nine-a of this code, a rule for the implementation of this section. The state board or its designated committee shall perform annual performance reviews and provide annual reports in accordance with section seven of this article.

CHAPTER 52

(Com. Sub. for H. B. 4373 - By Delegates M. Poling, Barrett, Lawrence, Perry, Fragale, Campbell and Tomblin)

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 31, 2014.]

AN ACT to repeal §18-6-9 and §18-6-10 of the Code of West Virginia, 1931, as amended, to amend and reenact §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8 of said code, all relating to driver education
programs; repealing requirements on the State Department of Education and county superintendents related to instruction and licensing of commercial driver education schools; removing the requirement that schools provide course availability to out-of-school youths and adults; allowing summer school offerings in driver education; prohibiting charges to students for the course; authorizing permitted instructors under certain circumstances; and allowing successful completion of the course in commercial driving school or class accepted by the state board to meet purposes of article.

Be it enacted by the Legislature of West Virginia:

That §18-6-9 and §18-6-10 of the Code of West Virginia, 1931, as amended, be repealed; and that §18-6-1, §18-6-2, §18-6-4, §18-6-5 and §18-6-8 of said code be amended and reenacted, all to read as follows:

ARTICLE 6. DRIVER EDUCATION.

§18-6-1. Purpose and objectives of article.

1 The purpose of this article is to ensure that every secondary school pupil has the opportunity, at or about the time he or she reaches licensing age, to enroll in a course of driver education designed to train him or her to drive skillfully and safely under all traffic and roadway conditions and circumstances.

§18-6-2. Where provided; permit or certificate for persons who are not professional educators to teach course.

1 (a) There shall be offered in all public secondary schools within the state, without charge to students, an approved, comprehensive course in driver education. The course may be offered in summer school in addition to the regular instructional term.

6 (b) In those counties where sufficient public secondary school driver education courses are not available to meet all
requests for the course, county boards of education shall, as quickly as possible, make sufficient courses available to fill those requests.

(c) Under the authority and subject to the conditions provided in section two-a, article three, chapter eighteen-a of this code, the State Superintendent may issue a permit or other certificate to persons who do not qualify for the professional certificate for the purpose of providing instruction in driver education subject to the following:

(1) The applicant for the permit or certificate is subject to the criminal history check of applicants for licensure provided in section ten, article three, chapter eighteen-a of this code;

(2) The permit or certificate may not be given permanent status, but may be renewed in accordance with rules adopted by the State Department of Education;

(3) The duties of a person who has a valid permit or certificate under this subsection may include the supervision of students;

(4) The person, when providing instruction in the public schools, may only be employed under a contract with the respective county board of education that specifies the duties to be performed, a rate of pay that is equivalent to the rate of pay for professional educators in the district who accept similar duties as extra duty assignments and provides for liability insurance associated with the activity;

(5) The person may not be considered an employee of the board for salary and benefit purposes other than as specified in the contract;

(6) The person completes an orientation program designed and approved in accordance with State Department of Education rules; and
39 (7) The position is posted annually and a professional educator fully certified for the position has not applied.

§18-6-4. Rules.

1 In accordance with article three-b, chapter twenty-nine-a of this code, the state board shall, with the advice of the State Superintendent and the Superintendent of the State Police, adopt rules governing the establishment, conduct and scope of driver education for use in the public, private and parochial secondary schools located within this state, subject to the requirements and exceptions set forth in this article.

§18-6-5. Establishment and maintenance of driver education course; who may enroll; exemption from learner's permit requirement; nonpermit student drivers.

1 The State Superintendent shall promote and direct the establishment and maintenance of courses of instruction in driver education in secondary schools in accordance with the provisions of this article and the rules that the state board adopts pursuant to section four of this article. Directors, trustees or other persons having control or authority over private or parochial secondary schools, who establish and maintain the courses in the schools under their control or supervision, shall comply with the rules that the state board adopts pursuant to section four of this article.

10 In the case of a pupil who will not reach the age of fifteen years before completion of the driver education course in which enrolled, instruction shall be limited to the classroom. Pupils who are fifteen years of age and older shall receive instruction and practical training in the operation of motor vehicles on the public streets and highways.

16 Notwithstanding section three-a, article two, chapter seventeen-b of this code, any student who is at least fifteen years of age and is enrolled in a driver education course in accordance
with the provisions of this article and the rules that the state
board adopts pursuant to section four of this article, may operate
a motor vehicle on the roadways of West Virginia while
accompanied by a certified driver education teacher or instructor
permitted by the state superintendent to provide driver education
instruction.

§18-6-8. Driver education course to be made available to all
secondary school pupils prior to their graduation;
exemption; application by pupil for unrestricted
operator’s license.

Before any pupil graduates from a secondary school, he or
she shall first be provided an opportunity and encouraged to
successfully complete a driver education course approved by the
state board in a public, private or parochial secondary school
within the state. If a pupil has successfully completed a similar
course in a secondary school of another state or in a commercial
driving school or class and the course is accepted by the state
board as adequately meeting and complying with the course
standards established by the state board, then the aforementioned
requirement shall be deemed fulfilled regarding that pupil.

Any secondary school pupil sixteen years of age or older, but
under eighteen years of age, who has successfully completed a
driver education course approved by the state board in a public,
private, parochial secondary school within the state or a similar
course in a secondary school of another state or in a commercial
driving school or class and accepted by the state board as
adequately meeting and complying with the course standards
established by the state board, shall be exempted from
submitting a sworn affidavit certified by the parent, legal
guardian, or other responsible adult over the age of twenty-one
that the applicant has successfully completed the minimum
number of hours of behind-the-wheel training as provided in
section three-a, article two, chapter seventeen-b of the code.
AN ACT to amend and reenact §18-7A-14, §18-7A-17, §18-7A-18 and §18-7A-18a of the Code of West Virginia, 1931, as amended, all relating to employer remittance and reporting of Teachers Retirement System member contributions to the retirement board; providing procedure for contributions by members and employers; requiring payment of compounded interest by members of the Public Employees Retirement System when granting service credit in the Teachers Retirement System; closing the Teachers Employers Contribution Collection Account on or before June 30, 2014 and transferring any balance of employer contributions to the Teachers Retirement System Fund; depositing employer contributions through state appropriations to the Teachers Retirement System Fund beginning July 1, 2014; and directing additional funds from the Employers Contribution Collection Account to the Teachers Retirement System Fund.

Be it enacted by the Legislature of West Virginia:

That §18-7A-14, §18-7A-17, §18-7A-18 and §18-7A-18a of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-14. Contributions by members; contributions by employers; forfeitures.
(a) At the end of each month every member of the retirement system shall contribute six percent of that member's monthly gross salary to the retirement board: Provided, That any member employed by a state institution of higher education shall contribute on the member's full earnable compensation, unless otherwise provided in section fourteen-a of this article. The sums are due the State Teachers Retirement System at the end of each calendar month and shall be paid not later than fifteen days following the end of the calendar month. Each remittance shall be accompanied by a detailed summary of the sums withheld from the gross compensation of each member for that month on forms, either paper or electronic, provided by the State Teachers Retirement System for that purpose.

(b) Annually, the contributions of each member shall be credited to the member's account in the State Teachers Retirement System Fund. The contributions shall be deducted from the gross salaries of the members as prescribed in this section and every member shall be considered to have given consent to the deductions. No deductions, however, shall be made from the earnable compensation of any member who retired because of age or service and then resumed service unless as provided in section thirteen-a of this article.

(c) The aggregate of employer contributions, due and payable under this article, shall equal annually the total deductions from the gross salary of members required by this section. Beginning July 1, 1994, the rate shall be seven and one-half percent; beginning on July 1, 1995, the rate shall be nine percent; beginning on July 1, 1996, the rate shall be ten and one-half percent; beginning on July 1, 1997, the rate shall be twelve percent; beginning on July 1, 1998, the rate shall be thirteen and one-half percent; and beginning on July 1, 1999, and thereafter, the rate shall be fifteen percent: Provided, That the rate shall be seven and one-half percent for any individual who becomes a member of the State Teachers Retirement System for
the first time on or after July 1, 2005, or any individual who becomes a member of the State Teachers Retirement System as a result of the voluntary transfer contemplated in article seven-d of this chapter.

(d) Payment by an employer to a member of the sum specified in the employment contract minus the amount of the employee’s deductions shall be considered to be a full discharge of the employer’s contractual obligation as to earnable compensation.

(e) Each employer shall file with the retirement board a completed enrollment form showing the contributor’s date of birth and other data needed by the retirement board.

(f) Notwithstanding any other provisions of this article, forfeitures under the retirement system shall not be applied to increase the benefits any member would otherwise receive under the retirement system.

§18-7A-17. Statement and computation of teachers’ service; qualified military service.

(a) Under rules adopted by the retirement board, each teacher and nonteaching member shall file a detailed statement of his or her length of service as a teacher or nonteacher for which he or she claims credit. The retirement board shall determine what part of a year is the equivalent of a year of service. In computing the service, however, it shall credit no period of more than a month’s duration during which a member was absent without pay, nor shall it credit for more than one year of service performed in any calendar year.

(b) For the purpose of this article, the retirement board shall grant prior service credit to members of the retirement system who were honorably discharged from active duty service in any of the Armed Forces of the United States in any period of
national emergency within which a federal Selective Service Act
was in effect. For purposes of this section, "Armed Forces"
includes Women's Army Corps, women's appointed volunteers
for emergency service, Army Nurse Corps, SPARS, Women's
Reserve and other similar units officially parts of the military
service of the United States. The military service is considered
equivalent to public school teaching, and the salary equivalent
for each year of that service is the actual salary of the member as
a teacher for his or her first year of teaching after discharge from
military service. Prior service credit for military service shall not
exceed ten years for any one member, nor shall it exceed
twenty-five percent of total service at the time of retirement.
Notwithstanding the preceding provisions of this subsection,
contributions, benefits and service credit with respect to
qualified military service shall be provided in accordance with
Section 414(u) of the Internal Revenue Code. For purposes of
this section, "qualified military service" has the same meaning
as in Section 414(u) of the Internal Revenue Code. The
retirement board is authorized to determine all questions and
make all decisions relating to this section and, pursuant to the
authority granted to the retirement board in section one, article
ten-d, chapter five of this code, may promulgate rules relating to
contributions, benefits and service credit to comply with Section
414(u) of the Internal Revenue Code. No military service credit
may be used in more than one retirement system administered by
the Consolidated Public Retirement Board.

(c) For service as a teacher in the employment of the federal
government, or a state or territory of the United States, or a
governmental subdivision of that state or territory, the retirement
board shall grant credit to the member: Provided, That the
member shall pay to the system twelve percent of that member's
gross salary earned during the first full year of current
employment whether a member of the Teachers' Retirement
System or the Teachers' Defined Contribution Retirement
System, times the number of years for which credit is granted,
plus interest at a rate to be determined by the retirement board. The interest shall be deposited in the reserve fund and service credit granted at the time of retirement shall not exceed the lesser of ten years or fifty percent of the member's total service as a teacher in West Virginia. Any purchase of out-of-state service, as provided in this article, shall not be used to establish eligibility for a retirement allowance and the retirement board shall grant credit for the purchased service as additional service only: Provided, however, That a purchase of out-of-state service is prohibited if the service is used to obtain a retirement benefit from another retirement system: Provided further, That salaries paid to members for service prior to entrance into the retirement system shall not be used to compute the average final salary of the member under the retirement system.

(d) No members shall be considered absent from service while serving as a member or employee of the Legislature of the State of West Virginia during any duly constituted session of that body or while serving as an elected member of a county commission during any duly constituted session of that body.

(e) No member shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who has served in that capacity, and no retirant, who served in that capacity while a member, shall be considered to have been absent from service as a teacher by reason of that service: Provided, That the period of service credit granted for that service shall not exceed ten years: Provided, however, That a member or retirant who is serving or has served as an officer of a statewide professional teaching association shall make deposits to the Teachers Retirement System, for the time of any absence, in an amount double the amount which he or she would have contributed in his or her regular assignment for a like period of time.

(f) The Teachers Retirement System shall grant service credit to any former or present member of the West Virginia
Public Employees Retirement System who has been a contributing member of the Teachers Retirement System for more than three years, for service previously credited by the Public Employees Retirement System upon his or her written request and: (1) Shall require the transfer of the member’s Public Employees Retirement System accumulated contributions to the Teachers Retirement System; or (2) shall require a repayment of the amount withdrawn from the Public Employees Retirement System, plus interest at a rate to be determined by the retirement board, compounded annually from the date of withdrawal to the date of payment, any time prior to the member’s effective retirement date: Provided, That there shall be added by the member to the amounts transferred or repaid under this subsection an amount which shall be sufficient to equal the contributions he or she would have made had the member been under the Teachers Retirement System during the period of his or her membership in the Public Employees Retirement System, plus interest at a rate determined by the retirement board, compounded annually from the date the additional contribution would have been made had the member been under the Teachers Retirement System to the date of payment. All interest paid or transferred shall be deposited in the reserve fund.

(g) For service as a teacher in an elementary or secondary parochial school, located within this state and fully accredited by the West Virginia Department of Education, the retirement board shall grant credit to the member: Provided, That the member shall pay to the system twelve percent of that member’s gross salary earned during the first full year of current employment whether a member of the Teachers’ Retirement System or the Teachers’ Defined Contribution Retirement System, times the number of years for which credit is granted, plus interest at a rate to be determined by the retirement board. The interest shall be deposited in the reserve fund and service granted at the time of retirement shall not exceed the lesser of ten years or fifty percent of the member’s total service as a teacher in the West Virginia
public school system. Any purchase of parochial school service, as provided in this section, may not be used to establish eligibility for a retirement allowance and retirement board shall grant credit for the purchase as additional service only: *Provided, however,* That a purchase of parochial school service is prohibited if the service is used to obtain a retirement benefit from another retirement system.

(h) Active members who previously worked in CETA (Comprehensive Employment and Training Act) may receive service credit for time served in that capacity: *Provided, That in order to receive service credit under the provisions of this subsection the following conditions must be met: (1) The member must have moved from temporary employment with the participating employer to permanent full-time employment with the participating employer within one hundred twenty days following the termination of the member’s CETA employment; (2) the retirement board must receive evidence that establishes to a reasonable degree of certainty as determined by the retirement board that the member previously worked in CETA; and (3) the member shall pay to the retirement board an amount equal to the employer and employee contribution plus interest at the amount set by the retirement board for the amount of service credit sought pursuant to this subsection: *Provided, however,* That the maximum service credit that may be obtained under the provisions of this subsection is two years: *Provided further,* That a member must apply and pay for the service credit allowed under this subsection and provide all necessary documentation by March 31, 2003: *And provided further,* That the retirement board shall exercise due diligence to notify affected employees of the provisions of this subsection.

(i) If a member is not eligible for prior service credit or pension as provided in this article, then his or her prior service shall not be considered a part of his or her total service.
(j) A member who withdrew from membership may regain his or her former membership rights as specified in section thirteen of this article only in case he or she has served two years since his or her last withdrawal.

(k) Subject to the provisions of subsections (a) through (l), inclusive, of this section, the retirement board shall verify as soon as practicable the statements of service submitted. The retirement board shall issue prior service certificates to all persons eligible for the certificates under the provisions of this article. The certificates shall state the length of the prior service credit, but in no case shall the prior service credit exceed forty years.

(l) Notwithstanding any provision of this article to the contrary, when a member is or has been elected to serve as a member of the Legislature, and the proper discharge of his or her duties of public office require that member to be absent from his or her teaching or administrative duties, the time served in discharge of his or her duties of the legislative office are credited as time served for purposes of computing service credit: Provided, That the retirement board may not require any additional contributions from that member in order for the retirement board to credit him or her with the contributing service credit earned while discharging official legislative duties: Provided, however, That nothing in this section may be construed to relieve the employer from making the employer contribution at the member’s regular salary rate or rate of pay from that employer on the contributing service credit earned while the member is discharging his or her official legislative duties. These employer payments shall commence as of June 1, 2000: Provided further, That any member to which the provisions of this subsection apply may elect to pay to the retirement board an amount equal to what his or her contribution would have been for those periods of time he or she was serving in the Legislature. The periods of time upon which the member
paid his or her contribution shall then be included for purposes of determining his or her final average salary as well as for determining years of service: And provided further, That a member using the provisions of this subsection is not required to pay interest on any contributions he or she may decide to make.

(m) The Teachers Retirement System shall grant service credit to any former member of the State Police Death, Disability and Retirement System who has been a contributing member for more than three years, for service previously credited by the State Police Death, Disability and Retirement System; and: (1) Shall require the transfer of the member’s contributions to the Teachers Retirement System; or (2) shall require a repayment of the amount withdrawn any time prior to the member’s retirement: Provided, That the member shall add to the amounts transferred or repaid under this paragraph an amount which is sufficient to equal the contributions he or she would have made had the member been under the Teachers Retirement System during the period of his or her membership in the State Police Death, Disability and Retirement System plus interest at a rate to be determined by the retirement board compounded annually from the date of withdrawal to the date of payment. The interest paid shall be deposited in the reserve fund.

§18-7A-18. Teachers Retirement System Fund; transfers.

(a) There is hereby created in the State Treasury a special revenue account designated the “Teachers Employers Contribution Collection Account” to be administered by the Consolidated Public Retirement Board. The Teachers Employers Contribution Collection Account shall be an interest-bearing account with interest credited to and deposited in the account and transferred in accordance with the provisions of this section: Provided, That on or before June 30, 2014, the Consolidated Public Retirement Board shall close the Teachers Employers Contribution Collection Account and transfer any balance in the
Teachers Employers Contribution Collection Account to the Teachers Retirement System Fund. After the Teachers Employers Contribution Collection Account is closed, any amounts required to be transferred or remitted to the Teachers Employers Contribution Collection Account shall be transferred or remitted to the Teachers Retirement System Fund.

(b) There is hereby continued in the State Treasury a separate irrevocable trust designated the Teachers Retirement System Fund. The Teachers Retirement System Fund shall be invested as provided in section nine-a, article six, chapter twelve of this code.

(c) Beginning July 1, 2014, there shall be deposited into the Teachers Retirement System Fund, the following:

(1) Contributions of employers, through state appropriations, and the amounts shall be included in the budget bill submitted annually by the Governor;

(2) Beginning on July 1, 2005, contributions from each county in an amount equal to fifteen percent of all salary paid in excess of that authorized for minimum salaries in sections two and eight-a, article four, chapter eighteen-a of this code and any salary equity authorized in section five of said article or any county supplement equal to the amount distributed for salary equity among the counties for each individual who was a member of the Teachers Retirement System before July 1, 2005: Provided, That the rate shall be seven and one-half percent for any individual who becomes a member of the Teachers Retirement System for the first time on or after July 1, 2005 or any individual who becomes a member of the Teachers Retirement System as a result of the transfer contemplated in article seven-d of this chapter;

(3) Member contributions provided in section fifteen of this article;
(4) Gifts and bequests to the fund and any accretions and accumulations which may properly be paid into and become a part of the fund;

(5) Specific appropriations to the fund made by the Legislature;

(6) Interest on the investment of any part or parts of the fund; and

(7) Any other moneys, available and not otherwise expended, which may be appropriated or transferred to the Teachers Retirement System or the Fund.

(d) The Teachers Retirement System Fund shall be the fund from which annuities shall be paid.

(e) The Consolidated Public Retirement Board has sole authority to direct and approve the making of any and all fund transfers as provided in this section, anything in this code to the contrary notwithstanding.

(f) References in the code to the Teachers Accumulation Fund, the Employers Accumulation Fund, the Benefit Fund, the Reserve Fund and the Expense Fund mean the Teachers Retirement System Fund.

§18-7A-18a. Calculation of allocation to Teachers Retirement System Fund.

(a) There shall be an annual allocation from the State General Revenue Fund to the Teachers Retirement System Fund, created by section eighteen of this article, equal to the actuarially required contribution, reduced by any employer contributions and other allocated amounts.

(b) There shall be an additional allocation in each year an amount equal to the total of all irrevocably forfeited amounts in
the suspension account established in section eleven, article seven-b of this chapter plus earnings thereon which have been certified to the several contributing employers as irrevocably forfeited in the prior fiscal year and subsequently used by the contributing employers to reduce their total aggregate contribution requirements pursuant to section seventeen, article seven-b of this chapter.

(c) The additional allocation provided in this section represents a funding method by which a part of a rational amortization plan will be established to amortize the current unfunded liability of the Teachers Retirement System created by this article. The additional allocations are not and shall not be construed to be moneys which are owed to, nor earned by any employee.

CHAPTER 54

(Com. Sub. for H. B. 4003 - By Delegates Walker, Perry, Paxton, M. Poling and Pethtel)

[Passed March 4, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 20, 2014.]

AN ACT to amend and reenact §18-8-2 of the Code of West Virginia, 1931, as amended, relating to jurisdiction to enforce compulsory school attendance; granting jurisdiction in either county when county of residence and school of enrollment are different.

Be it enacted by the Legislature of West Virginia:

That §18-8-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:
ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-2. Offenses; penalties; cost of prosecution; jurisdiction.

(a) Any person who, after receiving due notice, shall fail to cause a child or children under eighteen years of age in that person's legal or actual charge to attend school in violation of this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than $50 nor more than $100 together with the costs of prosecution, or required to accompany the child to school and remain through the school day for so long as the magistrate or judge may determine is appropriate. The magistrate or judge, upon conviction and pronouncing sentence, may delay the sentence for a period of sixty school days provided the child is in attendance everyday during said sixty-day period. Following the sixty-day period, if said child was present at school for every school day, the delayed sentence may be suspended and not enacted. Upon conviction of a second offense, a fine may be imposed of not less than $50 nor more than $100 together with the costs of prosecution and the person may be required to accompany the child to school and remain throughout the school day until such time as the magistrate or judge may determine is appropriate or confined in jail not less than five nor more than twenty days. Every day a child is out of school contrary to this article shall constitute a separate offense. Magistrates shall have concurrent jurisdiction with circuit courts for the trial of offenses arising under this section.

(b) Any person eighteen years of age or older who is enrolled in school who, after receiving due notice, fails to attend school in violation of this article or without just cause, shall be guilty of a misdemeanor and, shall, upon conviction of a first offense, be fined not less than $50 nor more than $100 together with the costs of prosecution and required to attend school and remain throughout the school day. The magistrate or judge, upon conviction and pronouncing sentence, may delay the imposition
of a fine for a period of sixty school days provided the person is
in attendance every day during said sixty-day period. Following
the sixty-day period, if said student was present at school
everyday, the delayed sentence may be suspended and not
enacted. Upon conviction of a second offense, a fine may be
imposed of not less than $50 nor more than $100 together with
the costs of prosecution and the person may be required to go to
school and remain throughout the school day until such time as
the person graduates or withdraws from school or confined in
jail not less than five nor more than twenty days. Every day a
student is out of school contrary to this article shall constitute a
separate offense. Magistrates shall have concurrent jurisdiction
with circuit courts for the trial of offenses arising under this
section.

(c) Upon conviction of a third offense, any person eighteen
years of age or older who is enrolled in school shall be
withdrawn from school during the remainder of that school year.
Enrollment of that person in school during the next school year
or years thereafter shall be conditional upon all absences being
excused as defined in law, state board policy and county board
of education policy. More than one unexcused absence of such
a student shall be grounds for the director of attendance to
authorize the school to withdraw the person for the remainder of
the school year. Magistrates shall have concurrent jurisdiction
with circuit courts for the trial of offenses arising under this
section.

(d) Jurisdiction to enforce compulsory school attendance laws
lies in the county in which a student resides and in the county
where the school at which the student is enrolled is located.
When the county of residence and enrollment are different, an
action to enforce compulsory school attendance may be brought
in either county and the magistrates and circuit courts of either
county have concurrent jurisdiction for the trial of offenses
arising under this section.
AN ACT to amend and reenact §18-20-1 of the Code of West Virginia, 1931, as amended, relating to special programs and services for exceptional children; requiring county boards to allow student with disabilities whose individualized education plan provides for a modified diploma to participate in graduation ceremony with same grade classmates; permitting continued special education services; and prohibiting county boards from denying continuing special education services to the student due to participation in graduation ceremony.

Be it enacted by the Legislature of West Virginia:

That §18-20-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1. Establishment of special programs and teaching services for exceptional children; modified diploma graduation.

(a) In accordance with the following provisions, county boards of education throughout the state shall establish and maintain for all exceptional children between five and twenty-one years of age special educational programs, including, but not limited to, special schools or classes, regular classroom
programs, home-teaching or visiting-teacher services for any type or classification as the state board shall approve. Special educational programs shall continue to be provided to those children who are at least twenty-one years of age and enrolled in the above-mentioned special education program prior to September 1, 1991, until they reach twenty-three years of age. Provisions shall be made for educating exceptional children (including the handicapped and the gifted) who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics, or in both communicative and intellectual deviation characteristics, to the extent that they cannot be educated safely or profitably in the regular classes of the public schools or to the extent that they need special educational provisions within the regular classroom in order to educate them in accordance with their capacities, limitations and needs: 

*Provided, That for the school year beginning on July 1, 1990, provisions shall be made for educating exceptional children,including the handicapped, the gifted in grades one through eight, the pupils enrolled on July 1, 1989, in the gifted program in grades nine through twelve and the exceptional gifted in grades nine through twelve. The term “exceptional gifted” means those students in grades nine through twelve identified as gifted and at least one of the following: Behavior disorder, specific learning disabilities, psychological adjustment disorder, underachieving or economically disadvantaged. Exceptional gifted children shall be referred for identification pursuant to recommendation by a school psychologist, school counselor, principal, teacher, parent or by self-referral, at which time the placement process, including development of an individualized education program, and attendant due-process rights, shall commence. Exceptional gifted children, for purposes of calculating adjusted enrollment pursuant to section two, article nine-a of this chapter, shall not exceed one percent of net enrollment in grades nine through twelve. Nothing herein shall*
be construed to limit the number of students identified as exceptional gifted and who receive appropriate services. Each county board of education is mandated to provide gifted education to its students according to guidelines promulgated by the state board and consistent with the provisions of this chapter. Upon the recommendation of a principal, counselor, teacher and parent, a student who does not meet the gifted eligibility criteria may participate in any school program deemed appropriate for the student provided that classroom space is available. In addition, county boards of education may establish and maintain other educational services for exceptional children as the State Superintendent of Schools may approve.

(b) County boards of education shall establish and maintain these special educational programs, including, but not limited to, special schools classes, regular class programs, home-teaching and visiting-teacher services. The special education programs shall include home-teaching or visiting-teacher services for children who are homebound due to injury or who for any other reason as certified by a licensed physician are homebound for a period that has lasted or will last more than three weeks. The state board shall adopt rules to advance and accomplish this program and to assure that all exceptional children in the state, including children in mental health facilities, residential institutions and private schools, will receive an education in accordance with the mandates of state and federal laws: Provided, That commencing with the school year beginning on July 1, 1991, all exceptional children in the state in foster care and correctional facilities will receive an education in accordance with the mandates of state and federal laws.

(c) Each county board of education shall adopt a policy that allows a student with disabilities whose individualized education program provides for a modified diploma to participate in the graduation ceremony of his or her same grade classmates if requested in writing by his or her parent or legal guardian. The
county board shall also permit the student to continue receiving his or her special education services after the graduation ceremony. The county board may not terminate, deny or declare the student ineligible for post-graduation ceremony special education services due to his or her participation in the graduation ceremony.

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CHAPTER 56

(Com. Sub. for H. B. 4384 - By Delegates Campbell, Poling, Perry, Tomblin, Young, Barrett, Lawrence, Hartman, L. Phillips, Ferro and Hunt)

[Passed March 3, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children; requiring processes for certain other teachers of students with exceptional needs to either participate in the meeting to develop or document reading and understanding of student’s individualized education program; and requiring accommodations and modifications if needed or identified.

Be it enacted by the Legislature of West Virginia:

That §18-20-1c of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-1c. Integrated classrooms serving students with exceptional needs; and requirements as to the assistance, training
and information to be provided to the affected classroom teacher.

(a) The regular classroom teacher is entitled to the following when placing a student with exceptional needs into an integrated classroom when the student’s individualized education program requires an adjustment in either the curriculum, instruction or service to be provided by the regular classroom teacher:

(1) Training provided pursuant to the integrated classroom program and additional individualized training, pursuant to the rules developed by the State Board of Education, if requested by the regular classroom teacher to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, the training shall be provided prior to the placement. Where prior training is not possible, the training shall be commenced no later than ten days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training may not result in the exclusion of a special needs student from any class if the training cannot be provided in ten days;

(2) A signed copy of the individualized education program for the special education student prior to the placement of the student into the regular classroom. The receiving and referring teachers shall participate in the development of that student’s individualized education program and shall also sign the individualized education program as developed. In all cases the teacher shall receive a copy of the individualized education program for the special education student prior to or at the time of the placement of the student into the regular classroom. Any teacher disagreeing with the individualized education program committee’s recommendation shall file a written explanation outlining his or her disagreement or recommendation;

(3) Participation by referring teachers in all eligibility committees and participation by referring and receiving teachers
in all individualized education program committees which involve possible placement of an exceptional student in an integrated classroom;

(4) Opportunity to reconvene the committee responsible for the individualized education program of the student with special needs assigned to the regular classroom teacher. The meeting shall include all persons involved in a student’s individualized education program and shall be held within twenty-one days of the time the request is made; and

(5) Assistance from persons trained or certified to deal with a student’s exceptional needs whenever assistance is part of the student’s individualized education program as necessary to promote accomplishment of the program’s goals and objectives: Provided, That aides in the area of special education cannot be reassigned to more than one school without the employee’s consent.

(b) Except teachers already required to participate in the development of a student’s individualized education program and sign it as provided in subdivision (2) of this section, all other teachers in whose class or program a student with exceptional needs is enrolled shall:

(1) Participate in the meeting to develop the student’s individualized education program, or read and sign a copy of the student’s individualized education program plan acknowledging that he or she has read and understands it; and

(2) Make accommodations and modifications for the student, if needed or identified, to help the student succeed in the class or program.

This requirement includes, but is not limited to, teachers of music, musical education, art, driver education and other instruction offered.
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-10, relating to defining dyslexia and dyscalculia; state board responsibilities; and specifying legislative findings.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-20-10, to read as follows:

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-10. Dyslexia and dyscalculia defined.

(a) The Legislature finds as follows:

(1) Reading difficulties are the most common cause of academic failure and underachievement;

(2) There are many students who demonstrate significant weaknesses with reading, writing and mathematics that are the root causes of specific learning disabilities, including dyslexia, dyscalculia and related learning difficulties. Of those who are referred to special education services in public schools, the majority are referred because of problems with language, reading, writing, or a combination of each;

(3) Teaching reading effectively, especially to students experiencing difficulty, requires considerable knowledge and
skill. Informed and effective classroom instruction, especially in the early grades, can prevent and relieve the severity of language difficulties, and significantly improve literacy development;

(4) For those students with specific learning disabilities, including dyslexia and dyscalculia, who need specialized instruction, competent intervention can lessen the impact of the disorder and help the student overcome the most debilitating symptoms;

(5) While programs for specific learning disabilities, including dyslexia and dyscalculia, that certify or support teachers, clinicians or specialists differ in their preparation methodologies, teaching approaches and organizational purposes, they should ascribe to a common set of professional standards for the benefit of the students they serve. Compliance with such standards can assure the public that individuals who serve students with specific learning disabilities in public schools are prepared to implement scientifically based and clinically proven practices;

(6) The American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), and the federal Individuals with Disabilities Education and Improvement Act of 2004 (IDEA) offer widely-adopted and consistent standards to guide the preparation, certification and professional development for teachers of reading and related literacy skills in classroom, remedial and clinical settings; and

(7) The basis of ascribing to common standards to benefit students with specific learning disabilities, including dyslexia and dyscalculia, requires recognizing common characteristics of the disabilities. The Legislature finds that the definitions of dyslexia and dyscalculia prescribed by IDEA and DSM-5 are the appropriate measure for recognizing characteristics of dyslexia and dyscalculia in students.
(b) The Legislature recognizes the following regarding dyslexia and dyscalculia:

1. Dyslexia and dyscalculia are conditions that may be considered under the specific learning disability category, and their definitions are consistent with IDEA and state board policy. State board policy provides that "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

2. Dyslexia is an alternative term used to refer to a pattern of learning difficulties characterized by problems with accurate or fluent word recognition, poor decoding, and poor spelling abilities. If dyslexia is used to specify this particular pattern of difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with reading comprehension or math reasoning; and

3. Dyscalculia is an alternative term used to refer to a pattern of learning difficulties characterized by problems processing numerical information, learning arithmetic facts, and performing accurate or fluent calculations. If dyscalculia is used to specify this particular pattern of mathematic difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with math reasoning or word reasoning accuracy.

(c) The state board is responsible for the following:

1. Ensuring that all students receive the necessary and appropriate screenings, evaluations and early assessments for specific learning disabilities, including dyslexia and dyscalculia;
77 (2) Ensuring that any Individualized Education Program
78 regarding specific learning disabilities, including dyslexia or
79 dyscalculia, which is developed or implemented, is consistent
80 with the provisions of this section; and

81 (3) Providing ongoing information and education to parents
82 regarding specific learning disabilities, including dyslexia and
83 dyscalculia, and the services available to students with such
84 disabilities.

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CHAPTER 58

(Com. Sub. for S. B. 253 - By Senators Palumbo and Laird)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §18-21-2 and §18-21-4 of the Code of
West Virginia, 1931, as amended, all relating to the special
Community-Based Pilot Demonstration Project to Improve
Outcomes for At-Risk Youth; updating certain titles; and making
technical corrections.

Be it enacted by the Legislature of West Virginia:

That §18-21-2 and §18-21-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 21. SPECIAL COMMUNITY-BASED PILOT DEMONSTRATION PROJECT TO IMPROVE OUTCOMES FOR AT-RISK YOUTH.

§18-21-2. Creation of a special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth.
Effective July 1, 2012, if funds are available, the Secretary of the West Virginia Department of Health and Human Resources shall select a community-based organization to establish a special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth in a specified community for a duration of four years. The project will identify, implement and document best practices that can be replicated in other communities. The designated community-based organization shall operate the special pilot project under the direction of the Secretary of the Department of Health and Human Resources and shall work in collaboration with the State School Superintendent, local county school superintendent, Chancellor for Community and Technical College Education, the closest community and technical college and four-year college or university, State Workforce Investment Division, Executive Director of the West Virginia Vocational Rehabilitation Services, the local juvenile court system, the local workforce investment board, the Chancellor for Higher Education, the Director of West Virginia Division of Juvenile Services, the local mental or behavioral health organizations and other governmental and community-based organizations.

§18-21-4. Organization and goals of the community-based pilot demonstration program.

(a) The pilot program shall be operated by a local community-based organization under the direction of the Secretary of the West Virginia Department of Health and Human Resources and in collaboration with the State School Superintendent, county school superintendent, Executive Director of the State Workforce Investment Division, Executive Director of WV Vocational Rehabilitation Services, the local juvenile court system, the Chancellor for Higher Education, the Chancellor for Community and Technical College Education, president of the local community and technical college and
four-year college or university, the Director of the West Virginia
Division of Juvenile Services, the local mental or behavioral
health organizations and other governmental and
community-based organizations and partner agencies to serve as
a clearinghouse to coordinate comprehensive youth and family
services. The pilot project shall be housed within the community
and will be directed by a local community-based nonprofit
organization.

(b) The pilot project shall operate out of a centrally located
building to coordinate services to youth and their families in the
selected county from birth to seventeen years of age who are
referred by the Department of Health and Human Resources.

(c) The goal of the pilot program is to improve outcomes for
at-risk youth as measured by the following metrics:

(1) Early childhood development:

(A) Increase in the number of mothers receiving early
prenatal care;

(B) Increase in the number of mothers participating in the
Right From the Start Program;

(C) Increase in the number of children screened by the birth
to three year-old program for early development delays;

(D) Increase in the number of three year-olds enrolled in
Head Start;

(E) Increase in the number of four year-olds enrolled in
preschool.

(2) Preschool youth and teen measures:

(A) Decrease in school truancy;
(B) Decrease in truancy hearings;

(C) Decrease in school suspensions;

(D) Decrease in school expulsions;

(E) Decrease in high school dropouts at a select school;

(F) Increase in the number of youth participating in a mentoring program;

(G) Increase in academic performance for select students;

(H) Increase in the number of youth participating in summer employment; and

(I) Increase in the number of youth entering postsecondary education or the workforce.

3 Parent measures:

(A) Increase in the number of individuals registered at the WorkForce West Virginia Center;

(B) Increase in the number of individuals enrolled in job training;

(C) Increase in the number of individuals completing job training with a certification or credential;

(D) Increase in the number of individuals placed in employment; and

(E) Increase in the number of children enrolled in the CHIP program.
AN ACT to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, all relating to establishing voting precincts and changing the composition of standard receiving boards; authorizing the consolidation of certain precincts in certain circumstances; increasing the limit on the size of certain voting precincts to three thousand registered voters in urban areas and one thousand five hundred in rural areas; permitting precincts in urban or rural areas to have fewer than the minimum numbers of registered voters allowed; removing language requiring the West Virginia Office of Legislative Services to consult with county commissions regarding precinct modification; permitting an increase in the size of standard receiving boards; providing an option to have more poll workers and commissioners; and permitting fewer poll workers in precincts during a municipal election where there is no simultaneous state or county election.

Be it enacted by the Legislature of West Virginia:

That §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-5. Voting precincts and places established; number of voters in precincts; precinct map; municipal map.
(a) The precinct is the basic territorial election unit. The county commission shall divide each magisterial district of the county into election precincts, shall number the precincts, shall determine and establish the boundaries thereof and shall designate one voting place in each precinct, which place shall be established as nearly as possible at the point most convenient for the voters of the precinct. Each magisterial district shall contain at least one voting precinct and each precinct shall have but one voting place therein.

Each precinct within any urban center shall contain not less than three hundred nor more than one thousand five hundred registered voters. Each precinct in a rural or less thickly settled area shall contain not less than two hundred nor more than seven hundred registered voters. A county commission may permit the establishment or retention of a precinct less than the minimum numbers allowed in this subsection upon making a written finding that to do otherwise would cause undue hardship to the voters. If, at any time the number of registered voters exceeds the maximum number specified, the county commission shall rearrange the precincts within the political division so that the new precincts each contain a number of registered voters within the designated limits: Provided, That any precincts with polling places that are within a one mile radius of each other on or after July 1, 2014, may be consolidated, at the discretion of the county clerk and county commission into one or more new precincts that contain not more than three thousand registered voters in any urban center, nor more than one thousand five hundred registered voters in a rural or less thickly settled area: Provided, however, That no precincts may be consolidated pursuant to this section if the consolidation would create a geographical barrier or path of travel between voters in a precinct and their proposed new polling place that would create an undue hardship to voters of any current precinct.
If a county commission fails to rearrange the precincts as required, any qualified voter of the county may apply for a writ of mandamus to compel the performance of this duty: Provided, that when in the discretion of the county commission, there is only one place convenient to vote within the precinct and when there are more than seven hundred registered voters within the existing precinct, the county commission may designate two or more precincts with the same geographic boundaries and which have voting places located within the same building. The county commission shall designate alphabetically the voters who are eligible to vote in each precinct so created. Each precinct shall be operated separately and independently with separate voting booths, ballot boxes, election commissioners and clerks, and whenever possible, in separate rooms. No two of the precincts may use the same counting board.

(b) In order to facilitate the conduct of local and special elections and the use of election registration records therein, precinct boundaries shall be established to coincide with the boundaries of any municipality of the county and with the wards or other geographical districts of the municipality except in instances where found by the county commission to be wholly impracticable so to do. Governing bodies of all municipalities shall provide accurate and current maps of their boundaries to the clerk of any county commission of a county in which any portion of the municipality is located.

(c) To facilitate the federal and state redistricting process, precinct boundaries shall be comprised of intersecting geographic physical features or municipal boundaries recognized by the U. S. Census Bureau. For purposes of this subsection, geographic physical features include streets, roads, streams, creeks, rivers, railroad tracks and mountain ridge lines. The county commission of every county shall modify precinct boundaries to follow geographic physical features or municipal
boundaries and submit changes to the Joint Committee on
Government and Finance by June 30, 2007, and by June 30,
every ten calendar years thereafter. The county commission shall
also submit precinct boundary details to the U.S. Census Bureau
upon request.

(d) The county commission shall keep available at all times
during business hours in the courthouse at a place convenient for
public inspection a map or maps of the county and municipalities
with the current boundaries of all precincts.

§3-1-29. Boards of election officials; definitions, composition of
boards, determination of number and type.

(a) For the purpose of this article:

(1) The term "standard receiving board" means those
election officials charged with conducting the process of voting
within a precinct and consists of no less than five persons, to be
comprised as follows:

(A) Each precinct shall have at least one team of poll clerks,
one team of election commissioners for the ballot box and one
additional election commissioner.

(B) At the discretion of the county clerk and county
commission, any county may add additional teams of poll clerks
and commissioners to any precinct, as necessary to fairly and
efficiently conduct an election;

(2) The term "counting board" means those election officials
charged with counting the ballots at the precinct in counties
using paper ballots and includes one team of poll clerks, one
team of election commissioners and one additional
commissioner;
(3) The term “team of poll clerks” or “team of election commissioners” means two persons appointed by opposite political parties to perform the specific functions of the office: Provided, That no team of poll clerks or team of election commissioners may consist of two persons with the same registered political party affiliation or two persons registered with no political party affiliation; and

(4) The term “election official trainee” means an individual who is sixteen or seventeen years of age who meets the requirements of subdivisions (2), (3), (4), (5) and (6), subsection (a), section twenty-eight of this article.

(b) For each primary and general election in the county, the county commission shall designate the number and type of election boards for the various precincts according to the provisions of this section. At least eighty-four days before each primary and general election the county commission shall notify the county executive committees of the two major political parties in writing of the number of nominations which may be made for poll clerks and election commissioners.

(c) For each municipal election held at a time when there is no county or state election:

(1) The governing body of the municipality shall perform the duties of the county commission as provided in this section; and

(2) The standard receiving board may, at the discretion of the official charged with the administration of election, consist of as few as four persons, including one team of poll clerks and one team of election commissioners for the ballot box.
AN ACT to amend and reenact §3-4A-28 of the Code of West Virginia, 1931, as amended, relating to the post-election canvassing of votes involving electronic voting systems; reducing the number of precincts to be chosen at random for a manual count.

Be it enacted by the Legislature of West Virginia:

That §3-4A-28 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-28. Post-election custody and inspection of vote-recording devices and electronic poll books; canvass and recounts.

(a) The vote-recording devices, electronic poll books, tabulating programs and standard validation test ballots are to remain sealed during the canvass of the returns of the election, except that the equipment may be opened for the canvass and must be resealed immediately thereafter. During the seven-day period after the completion of the canvass, any candidate or the local chair of a political party may be permitted to examine any of the sealed materials: Provided, That a notice of the time and place of the examination shall be posted at the central counting...
center before and on the hour of nine o'clock in the morning on
the day the examination is to occur and all persons entitled to be
present at the central counting center may, at their option, be
present. Upon completion of the canvass and after the seven-day
period has expired, the vote-recording devices, test results and
standard validation test ballots are to be sealed for one year:
Provided, however, That the vote-recording devices, electronic
poll books and all tabulating equipment may be released for use
in any other lawful election to be held more than ten days after
the canvass is completed and any of the electronic voting
equipment or electronic poll books discussed in this section may
be released for inspection or review by a request of a circuit
court or the Supreme Court of Appeals.

(b) In canvassing the returns of the election, the board of
canvassers shall examine, as required by subsection (d) of this
section, all of the vote-recording devices, electronic poll books,
the automatic tabulating equipment used in the election and
those voter-verified paper ballots generated by direct recording
electronic vote machines, shall determine the number of votes
cast for each candidate and for and against each question and, by
this examination, shall procure the correct returns and ascertain
the true results of the election. Any candidate or his or her party
representative may be present at the examination.

(c) If any qualified individual demands a recount of the votes
cast at an election, the voter-verified paper ballot shall be used
according to the same rules that are used in the original vote
count pursuant to section twenty-seven of this article. For
purposes of this subsection, "qualified individual" means a
person who is a candidate for office on the ballot or a voter
affected by an issue, other than an individual's candidacy, on the
ballot.

(d) During the canvass and any requested recount, at least
three percent of the precincts are to be chosen at random and the
Whenever the vote total obtained from the manual count of the voter-verified paper ballots for all votes cast in a randomly selected precinct:

(1) Differs by more than one percent from the automated vote tabulation equipment; or

(2) Results in a different prevailing candidate or outcome, either passage or defeat, of one or more ballot issues in the randomly selected precincts for any contest or ballot issue, then the discrepancies shall immediately be disclosed to the public and all of the voter-verified paper ballots shall be manually counted. In every case where there is a difference between the vote totals obtained from the automated vote tabulation equipment and the corresponding vote totals obtained from the manual count of the voter-verified paper ballots, the manual count of the voter-verified paper ballots is the vote of record.

AN ACT to amend and reenact §3-5-24 of the Code of West Virginia, 1931, as amended, relating to certificates of nomination for elected office; stating filing deadlines for certificates of nomination; declaring location where certificates of nomination must be filed; clarifying with whom the certificates are filed and to whom the fees are to be paid; prohibiting untimely filings or untimely fee
payment; and clarifying that this section does not apply to nonpartisan elections.

Be it enacted by the Legislature of West Virginia:

That §3-5-24 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-24. Filing of nomination certificates; time; location; fees; effect of failure to timely file or pay fee.

(a) All certificates nominating candidates for office under section twenty-three of this article shall be filed not later than August 1 preceding the November general election: Provided, That for municipal or other elections not held in conjunction with regular state and county general elections, certificates shall be filed not later than ninety days before the date of the election, unless otherwise provided by charter, ordinance or code.

(b) The nomination certificate required by this section and section twenty-three of this article shall be filed:

(1) In the case of a candidate to be voted for by the voters of the entire state or by any subdivision of the state other than a single county, with the Secretary of State;

(2) In the case of all candidates for county and magisterial district offices, including all offices to be filled by the voters of a single county, with the clerk of the county commission; and

(3) In the case of candidates for election in a municipality, with the recorder or other official designated by charter or ordinance to perform election responsibilities.
(c) Each candidate shall pay the filing fee required by section eight of this article, at the time of the filing of the nomination certificate.

(d) If any nomination certificate is not timely filed or if the filing fee is not timely paid, the certificate may not be received by the Secretary of State, the clerk of the county commission or the recorder or other official designated by charter or ordinance to perform municipal election responsibilities, as the case may be.

(e) This section is inapplicable to nonpartisan elections.

CHAPTER 62

(Com. Sub. for H. B. 4147 - By Mr. Speaker (Mr. Miley) and Delegate Armstead)
[By Request of the Executive]

[Passed March 8, 2014; in effect from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §15-5-1 and §15-5-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6J-1, §46A-6J-2, §46A-6J-3 and §46A-6J-4 of said code, all relating to emergency preparedness; revising the policy statement for the Division of Homeland Security and Emergency Management; authorizing the Governor or the Legislature to declare a state of preparedness; limiting a state of preparedness to thirty days; identifying conditions that permit a declaration of a state of preparedness; adding the term "state of preparedness" to where "state of emergency" is referred throughout the code; providing that a state of preparedness has the same effect as a state of emergency for the purposes of the Emergency Management
Assistance Compact and the Statewide Mutual Aid System; revising the definition of “state of emergency” in the West Virginia Consumer Protection Act; defining “state of preparedness” and “large-scale threat” in the West Virginia Consumer Protection Act; requiring the Governor to specifically list items or services subject to unfair pricing provisions in a proclamation declaring a state of preparedness; requiring notification of a state of preparedness by the Secretary of State; and making other technical and stylistic revisions.

Be it enacted by the Legislature of West Virginia:

That §15-5-1 and §15-5-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §46A-6J-1, §46A-6J-2, §46A-6J-3 and §46A-6J-4 of said code be amended and reenacted, all to read as follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-1. Policy and purpose.

1 In view of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness and large-scale threats, resulting from terrorism, enemy attack, sabotage or other hostile action, or from fire, flood, earthquakes or other natural or man-made causes and in order to insure that preparations of this state will be adequate to deal with the disasters and large-scale threats, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the people of the state, it is found and declared to be necessary: (1)

To create the Division of Homeland Security and Emergency Management and to authorize the creation of local and regional organizations for emergency services in the political
subdivisions of the state; (2) to confer upon the Governor and
upon the executive heads of governing bodies of the political
subdivisions of the state the emergency powers provided herein;
(3) to provide for the rendering of mutual aid among the political
subdivisions of the state and with other states and to cooperate
with the federal government with respect to the carrying out of
emergency services and homeland security functions; and (4) to
establish and implement comprehensive homeland security and
emergency management plans to deal with such disasters and
large-scale threats. It is further declared to be the purpose of this
article and the policy of the state that all homeland security and
emergency management funds and functions of this state be
coordinated to the maximum extent with the Secretary of the
Department of Military Affairs and Public Safety and with the
comparable functions of the federal government including its
various departments and agencies, of other states and localities
and of private agencies of every type, so that the most effective
preparation and use may be made of the nation’s and this state’s
manpower, resources and facilities for dealing with any disaster
or large-scale threat that may occur.


(a) The provisions of this section are operative only during
the existence of a state of emergency or state of preparedness.
The existence of a state of emergency or state of preparedness
may be proclaimed by the Governor or by concurrent resolution
of the Legislature if the Governor in the proclamation, or the
Legislature in the resolution, finds that an attack upon the United
States has occurred or is anticipated in the immediate future, or
that a natural or man-made disaster of major proportions has
actually occurred or is imminent within the state, or that an
emergency exists or may be imminent due to a large-scale threat
beyond local control, and that the safety and welfare of the
inhabitants of this state require an invocation of the provisions
of this section.
(b) Any state of emergency or state of preparedness, whether
proclaimed by the Governor or by the Legislature, terminates
upon the proclamation of the termination by the Governor, or the
passage by the Legislature of a concurrent resolution terminating
the state of emergency or state of preparedness: Provided, That
in no case shall a state of preparedness last longer than thirty
days.

(c) So long as a state of emergency or state of preparedness
exists, the Governor has and may exercise the following
additional emergency powers:

(1) To enforce all laws and rules relating to the provision of
emergency services and to assume direct operational control of
any or all emergency service forces and helpers in the state;

(2) To sell, lend, lease, give, transfer or deliver materials or
perform functions relating to emergency services on terms and
conditions he or she prescribes and without regard to the
limitations of any existing law and to account to the State
Treasurer for any funds received for the property;

(3) To procure materials and facilities for emergency
services by purchase, condemnation under the provisions of
chapter fifty-four of this code or seizure pending institution of
condemnation proceedings within thirty days from the seizing
thereof and to construct, lease, transport, store, maintain,
renovate or distribute the materials and facilities. Compensation
for property so procured shall be made in the manner provided
in chapter fifty-four of this code;

(4) To obtain the services of necessary personnel, required
during the emergency, and to compensate them for their services
from his or her contingent funds or other funds available to him
or her;
(5) To provide and compel the evacuation of all or part of
the population from any stricken or threatened area within the
state and to take steps that are necessary for the receipt and care
of the evacuees;

(6) To control ingress and egress to and from a disaster area
or an area where large-scale threat exists, the movement of
persons within the area and the occupancy of premises therein;

(7) To suspend the provisions of any regulatory statute
prescribing the procedures for conduct of state business or the
orders, rules of any state agency, if strict compliance therewith
would in any way prevent, hinder or delay necessary action in
coping with the emergency;

(8) To use available resources of the state and of its political
subdivisions that are reasonably necessary to cope with the
emergency;

(9) To suspend or limit the sale, dispensing or transportation
of alcoholic beverages, explosives and combustibles;

(10) To make provision for the availability and use of
temporary emergency housing; and

(11) To perform and exercise other functions, powers and
duties that are necessary to promote and secure the safety and
protection of the civilian population.

(d) The declaration of a state of preparedness has the same
effect as a declaration of a state of emergency for the purposes
of the Emergency Management Assistance Compact established
in section twenty-two of this article and the Statewide Mutual
Aid Systems set forth in section twenty-eight of this article.

(e) The powers granted under this section do not authorize
any action that would violate the prohibitions of section
nineteen-a of this article.
CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT
AND PROTECTION ACT.

ARTICLE 6J. PROTECTION OF CONSUMERS FROM PRICE
GOUGING AND UNFAIR PRICING
PRACTICES DURING AND SHORTLY
AFTER A STATE OF EMERGENCY OR
STATE OF PREPAREDNESS.

§46A-6J-1. Emergencies and natural disasters - Taking unfair
advantage of consumers.

The Legislature finds that during emergencies and major
disasters, including, but not limited to, tornados, earthquakes,
tides, floods, storms or civil disturbances or where a large-scale
threat exists, some merchants have taken unfair advantage of
consumers by greatly increasing prices for essential consumer
goods or services. While the pricing of consumer goods and
services is generally best left to the marketplace under ordinary
conditions, when a declared state of emergency or state of
preparedness results in abnormal disruptions of the market, the
public interest requires that excessive and unjustified increases
in the prices of essential consumer goods and services be
prohibited. It is the intent of the Legislature in enacting this
article to protect citizens from excessive and unjustified increases
in the prices charged during or shortly after a declared
state of emergency or state of preparedness for goods and
services that are vital and necessary for the health, safety and
welfare of consumers. Further, it is the intent of the Legislature
that this article be liberally construed so that its beneficial
purposes may be served.


(a) "Building materials" means lumber, construction tools,
windows and any other item used in the building or rebuilding of
property.

(b) "Consumer food item" means any article that is used or
intended for use for food or drink by a person or animal.
(c) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action.

(d) "Emergency supplies" includes, but is not limited to, water, flashlights, radios, batteries, candles, blankets, generators, heaters and temporary shelters.

(e) "Essential consumer item" means any article that is necessary to the health, safety and welfare of consumers, including, but not limited to, clothing, diapers, soap, cleaning supplies and toiletries.

(f) "Gasoline" means any fuel used to power any motor vehicle or power tool.

(g) "Housing" means any rental housing leased on a month-to-month term or the sale of manufactured homes, as that term is defined in section two, article nine, chapter twenty-one of this code.

(h) "Large-scale threat" means circumstances which present a reasonable probability that necessary services or public order would be disrupted and effect a significant number of people from either natural or man-made causes.

(i) "Medical supplies" includes, but is not limited to, prescription and nonprescription medications, bandages, gauze, isopropyl alcohol and antibacterial products.

(j) "Repair or reconstruction services" means any services performed by any person for repairs to residential, commercial or public property of any type that is damaged as a result of a disaster.
(k) "State of emergency" means the situation existing during or after the occurrence of a disaster or large-scale threat in which a state of emergency has been declared by the Governor or by the Legislature pursuant to the provisions of section six, article five, chapter fifteen of this code or in which a major disaster declaration or emergency declaration has been issued by the president of the United States pursuant to the provisions of 42 U. S. C. § 5122.

(l) "State of preparedness" means the situation existing before a disaster or large-scale threat in which a state of preparedness has been declared by the Governor or by the Legislature pursuant to the provisions of section six, article five, chapter fifteen of this code.

(m) "Transportation, freight and storage services" means any service that is performed by any company that contracts to move, store or transport personal or business property or rents equipment or storage space for those purposes.


(a) Upon the declaration of a state of emergency or state of preparedness, and continuing for the existence of the state of emergency or state of preparedness or for thirty days following the declaration, whichever period is longer, it is unlawful for any person, contractor, business, or other entity to sell or offer to sell to any person in the area subject to the declaration any consumer food items, essential consumer items, goods used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight and storage services, or gasoline or other motor fuels for a price greater than ten percent above the price charged by that person for those goods or services on the tenth day immediately preceding the declaration of emergency state of preparedness, unless the increase in price is directly attributable to additional costs imposed on the seller by the supplier of the goods or services.
Provided, That in those situations where the increase in price is attributable to additional costs imposed by the seller's supplier or additional costs of providing the good or service during the state of emergency or state of preparedness, the price is no greater than ten percent above the total of the cost to the seller plus the markup customarily applied by the seller for that good or service in the usual course of business on the tenth day immediately preceding the declaration: Provided, however, That where a supplier of gasoline or other motor fuels cannot determine their daily costs, the supplier may sell gasoline or other motor fuels to distributors on any day at a rate not to exceed the average of the Oil Price Information Service's average wholesale rack price for that product at the Montvale/Roanoke, Virginia, Fairfax, Virginia and Pittsburgh, Pennsylvania wholesale racks for the previous day.

(b) Upon the declaration of a state of emergency or state of preparedness, and for a period of one hundred eighty days following that declaration, it is unlawful for any contractor to sell or offer to sell any repair or reconstruction services or any services used in emergency cleanup in the area subject to the declaration for a price greater than ten percent above the price charged by that person for those services on the tenth day immediately preceding the declaration, unless the increase in price was directly attributable to additional costs imposed on it by the supplier of the goods or directly attributable to additional costs for labor or materials used to provide the services: Provided, That in those situations where the increase in price is attributable to the additional costs imposed by the contractor's supplier or additional costs of providing the service, the price is no greater than ten percent above the total of the cost to the contractor plus the markup customarily applied by the contractor for that good or service in the usual course of business on the tenth day immediately preceding to the declaration of the state of emergency state of preparedness.
(c) Any business offering an item for sale at a reduced price ten days immediately prior to the declaration of the state of emergency or state of preparedness may use the price at which it usually sells the item to calculate the price pursuant to subsection (a) or (b) of this section.

(d) Whenever the Governor declares a state of preparedness, the provisions of this article shall only apply to those items or services specifically set forth in the proclamation.

(e) The price restrictions imposed by this article may be limited or terminated by proclamation of the Governor.

§46A-6J-4. Notification by the Secretary of State; registry.

The Secretary of State shall promulgate rules to establish a system by which any person, corporation, trade association or partnership may register to receive notification that a state of emergency or state of preparedness has been declared and that the provisions of this article are in effect. The rules promulgated pursuant to the authority conferred by this section may include a requirement of the payment of fees for registration.

CHAPTER 63

(H. B. 4346 - By Delegates R. Phillips, Caputo, Andes, Craig, Sumner, Pethel, Marcum, Lynch, Tomblin, Eldridge and Barker)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on April 1, 2014.

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-20, relating to the development of a state plan to reduce carbon pollution and
greenhouse gas production under section 111 of the Clean Air Act; establishing separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units; establishing separate standards of performance for natural gas-fired electric generating units; and factors and considerations to be reflected in the developed state plan.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §22-5-20, to read as follows:

ARTICLE 5. AIR POLLUTION CONTROL.

§22-5-20. Regulating carbon dioxide emissions from existing fossil fuel-fired electric generating units.

(a) The Department of Environmental Protection, in consultation with the Department of Environmental Protection Advisory Council, shall establish separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units in accordance with subsection (b) and from existing natural gas-fired electric generating units in accordance with subsection (c). The standards of performance developed and proposed under any state plan to comply with Section 111 of the Clean Air Act should allow for greater flexibility and take into consideration the additional factors set forth in subsection (d) as a part of any state plan to achieve targeted reductions in greenhouse gas emissions which are equivalent or comparable to the goals and marks established by federal guidelines.

(b) Standards of performance for existing coal-fired electric generating units. — Except as provided under subsection (d), the standard of performance established for existing coal-fired electric generating units under subsection (a) shall be based upon:
(1) The best system of emission reduction which, taking into account the cost of achieving the reduction and any non-air quality health and environmental impact and energy requirements, has been adequately demonstrated for coal-fired electric generating units that are subject to the standard of performance;

(2) Reductions in emissions of carbon dioxide that can reasonably be achieved through measures undertaken at each coal-fired electric generating unit; and

(3) Efficiency and other measures that can be undertaken at each coal-fired electric generating unit to reduce carbon dioxide emissions from the unit without switching from coal to other fuels or limiting the economic utilization of the unit; and

(4) Additional regulatory mechanisms that provide flexibility in complying with the standards, including: (A) Emissions trading with credited reduction for any unit that was in operation January 1, 2011, or thereafter, and fleet wide averaging; (B) other alternative implementation measures that are determined to further the interests of West Virginia and its citizens including state programs such as clean energy programs that mandate reduced energy consumption resulting in avoided emissions, emission reductions, or a reduction in the state’s carbon dioxide intensity whereby the state shall credit equally based on the output to the generators located in the state that are subject to carbon dioxide performance standard rules under Section 111(d) of the Clean Air Act.

(c) Standards of performance for existing natural gas-fired electric generating units. — Except as provided in subsection (d), the standard of performance established for existing gas-fired electric generating units under subsection (a) shall be based upon:

(1) The best system of emission reduction which, taking into account the cost of achieving the reduction and any non-air
quality health and environmental impact and energy requirements, has been adequately demonstrated for natural gas-fired electric generating units that are subject to the standard of performance;

(2) Reductions in emissions of carbon dioxide that can reasonably be achieved through measures at each natural gas-fired electric generating unit; and

(3) Efficiency and other measures that can be undertaken at the unit to reduce carbon dioxide emissions from the unit without switching from natural gas to other lower-carbon fuels or limiting the economic utilization of the unit.

(d) Flexibility in establishing standards of performance. — In developing a flexible state plan to achieve targeted reductions in greenhouse gas emissions, the Department of Environmental Protection shall endeavor to establish an achievable standard of performance for any existing fossil fuel-fired electric generating unit, and examine whether less stringent performance standards or longer compliance schedules may be implemented or adopted for existing fossil fuel-fired electric generating units in comparison to the performance standards established for new, modified or reconstructed generating units, based on the following:

(1) Consumer impacts, including any disproportionate impacts of energy price increases on lower income populations;

(2) Non-air quality health and environmental impacts;

(3) Projected energy requirements;

(4) Market-based considerations in achieving performance standards;

(5) The costs of achieving emission reductions due to factors such as plant age, location or basic process design;
(6) Physical difficulties with or any apparent inability to feasibly implement certain emission reduction measures;

(7) The absolute cost of applying the performance standard to the unit;

(8) The expected remaining useful life of the unit;

(9) The impacts of closing the unit, including economic consequences such as expected job losses, if the unit is unable to comply with the performance standard;

(10) Impacts on the reliability of the system; and

(11) Any other factors specific to the unit that make application of a modified or less stringent standard or a longer compliance schedule more reasonable.

(e) State plan requirement. — The Department of Environmental Protection shall propose or submit to the U. S. Environmental Protection Agency a state plan which includes achievable performance standards for existing sources, and a combination of additional measures designed to meet the U. S. Environmental Protection Agency’s guidelines, consistent with the considerations, goals and parameters set forth in this section.
Be it enacted by the Legislature of West Virginia:

That §22-14-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 14. DAM CONTROL ACT.

§22-14-3. Definition of terms used in article.

As used in this article, unless used in a context that clearly requires a different meaning, the term:

(a) “Alterations” or “repairs” means only those changes in the structure or integrity of a dam that may affect its safety to be determined by the secretary.

(b) “Application for a certificate of approval” means the written application provided to the secretary requesting that a person be issued a certificate of approval.

(c) “Appurtenant works” means any structure or facility that is an adjunct of, or connected, appended or annexed to, a dam, including, but not limited to, spillways, a reservoir and its rim, low-level outlet works or water conduits such as tunnels, pipelines and penstocks either through the dam or its abutments.

(d) “Authority” means the Water Development Authority provided in section four, article one, chapter twenty-two-c of this code.

(e) “Certificate of approval” means the written approval issued by the secretary to a person who has applied to the secretary for a certificate of approval that authorizes the person to place, construct, enlarge, alter, repair or remove a dam and specifies the conditions or limitations under which the work is to be performed by that person.
(f)(1) "Dam" means an artificial barrier or obstruction, including any works appurtenant to it and any reservoir created by it, which is or will be placed, constructed, enlarged, altered or repaired so that it does or will impound or divert water and: (A) is or will be twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier and which does or can impound fifteen acrefeet or more of water; or

(B) is or will be six feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier and which does or can impound fifty acrefeet or more of water;

(2) "Dam" does not mean:

(A) Any dam owned by the federal government;

(B) Any dam for which the operation and maintenance of the dam is the responsibility of the federal government;

(C) Farm ponds constructed and used primarily for agricultural purposes, including, but not limited to, livestock watering, irrigation, retention of animal wastes and fish culture and that have no potential to cause loss of human life in the event of embankment failure; or

(D) Roadfill or other transportation structures that do not or will not impound water under normal conditions and that have a designed culvert or similar conveyance or capacity that would be used under a state-designed highway at the same location: Provided, That the secretary may apply the provisions of section ten of this article for roadfill or other transportation structures that become a hazard to human life or property through the frequent or continuous impoundment of water.

(g) "Deficient dam" means a noncoal-related dam that exhibits one or more design, maintenance or operational
problems that may adversely affect the performance of the dam over a period of time or during a major storm or other inclement weather that may cause loss of life or property; or a noncoal-related dam that otherwise fails to meet the requirements of this article.

(h) "Department" means the Department of Environmental Protection.

(i) "Enlargement" means any change in or addition to an existing dam which: (1) Raises the height of the dam; (2) raises or may raise the water storage elevation of the water impounded by the dam; (3) increases or may increase the amount of water impounded by the dam; or (4) increases or may increase the watershed area from which water is impounded by the dam.

(j) "Noncompliant dam owner" means an owner who has received two or more orders to repair or remove a deficient dam without completion of the repairs or removal within time frames established by the secretary.

(k) "Owner" means any person who:

(1) Holds legal possession, ownership or partial ownership of an interest in a dam, its appurtenant works or the real property the dam is situated upon;

(2) Has a lease, easement or right-of-way to construct, operate or maintain a dam; or

(3) Is a sponsoring organization with existing or prior agreement with the Natural Resources Conservation Service for a dam or its appurtenant works constructed with assistance from Public Law 78-534, Section 13 of the Flood Control Act of 1944; Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954; the pilot watershed program authorized under the heading "Flood Prevention" of the Department of
Agriculture Appropriation Act of 1954, Public Law 156, 67 Stat. 214; or Subtitle H of Title XV of the Agriculture and Flood Act of 1981, commonly known as the Resource Conservation and Development Program, 16 U.S. C. § 3451: Provided, That an owner is not responsible for or liable for repairs, maintenance or damage arising from the regular operation, maintenance, deficiencies or ownership of the dam, nor shall the owner be cited as a noncompliant dam owner for any deficiencies of the dam, so long as the owner does not intentionally cause, damage or interfere with the regular operation and maintenance of the dam.

(l) “Person” means any public or private corporation, institution, association, society, firm, organization or company organized or existing under the laws of this or any other state or country; the State of West Virginia; any state governmental agency; any political subdivision of the state or of its counties or municipalities; a sanitary district; a public service district; a drainage district; a conservation district; a watershed improvement district; a partnership, trust or estate; a person or individual; a group of persons or individuals acting individually or as a group; or any other legal entity. The term “person”, when used in this article, includes and refers to any authorized agent, lessee or trustee of any of the foregoing or receiver or trustee appointed by any court for any of the foregoing.

(m) “Reservoir” means any basin which contains or will contain impounded water.

(n) “Secretary” means the Secretary of the Department of Environmental Protection.

(o) “Natural Resources Conservation Service” means the Natural Resources Conservation Service of the United States Department of Agriculture or any successor or predecessor agency, including the Soil Conservation Service.
(p) "Water" means any liquid, including any solids or other matter that may be contained in the liquid, which is or may be impounded by a dam.

(q) "Water storage elevation" means the maximum elevation that water can reach behind a dam without encroaching on the freeboard approved for the dam under flood conditions.

CHAPTER 65

(Com. Sub. for H. B. 4298 - By Delegates Manchin and Morgan)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §6B-2-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Ethics Commission; continuing the Ethics Commission; changing the requirements of who can be a member of the Ethics Commission; reducing the number of members on the Ethics Commission to nine; and changing the composition of the membership.

Be it enacted by the Legislature of West Virginia:

That §6B-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.
§6B-2-1. West Virginia Ethics Commission created; members; appointment, term of office and oath; compensation and reimbursement for expenses; meetings and quorum.

(a) The West Virginia Ethics Commission is continued. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate.

(b) No person may be appointed to the commission or continue to serve as a member of the commission who:

1. Holds elected or appointed office under the government of the United States, the State of West Virginia or any of its political subdivisions;

2. Is a candidate for any political office;

3. Is otherwise subject to the provisions of this chapter other than by reason of his or her appointment to or service on the commission; or

4. Holds any political party office or participates in a campaign relating to a referendum or other ballot issue: Provided, That a member may contribute to a political campaign.

(c) Commencing July 1, 2014, the Ethics Commission shall consist of the following nine members, appointed with staggered terms:

1. One member who served as a member of the West Virginia Legislature;

2. One member who served as an elected or appointed county official;
(3) One member who served as an elected or appointed municipal official;

(4) One member who served as an elected county school board member;

(5) One member from a rural area; and

(6) Four citizen members.

d) Any commission member in office on June 30, 2014, who meets one of the categories for membership set out in subsection (c) of this section, may be reappointed. No more than five members of the commission shall be of the same political party and no more than four members shall be from the same congressional district.

e) After the initial staggered terms, the term of office for a commission member is five years. No member shall serve more than two consecutive full or partial terms. No person may be reappointed to the commission until at least two years have elapsed after the completion of the second consecutive term. A member may continue to serve until a successor has been appointed and qualified.

(f) All appointments shall be made by the Governor in a timely manner so as not to create a vacancy for longer than sixty days.

(g) Each member must be a resident of this state during the appointment term.

(h) Five members of the commission constitutes a quorum.

(i) Each member of the commission shall take and subscribe to the oath or affirmation required pursuant to section five, article IV of the Constitution of West Virginia.
(j) A member may be removed by the Governor for substantial neglect of duty, gross misconduct in office or a violation of this chapter, after written notice and opportunity for reply.

(k) The commission, as appointed on July 1, 2014, shall meet before August 1, 2014, at a time and place to be determined by the Governor, who shall designate a member to preside at that meeting until a chairperson is elected. At the first meeting, the commission shall elect a chairperson and any other officers as are necessary. The commission shall within ninety days after the first meeting adopt rules for its procedures. The commission may use the rules in place on July 1, 2014, until those rules are amended or revoked.

(l) Members of the commission shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties: Provided, That to be eligible for compensation and expense reimbursement, the member must participate in a meeting or adjudicatory session: Provided, however, That the member is not eligible for expense reimbursement if he or she does not attend a meeting or adjudicatory session in person.

(m) The commission shall appoint an executive director to assist the commission in carrying out its functions in accordance with commission rules and with applicable law. The executive director shall be paid a salary fixed by the commission or as otherwise provided by law. The commission shall appoint and discharge counsel and employees and shall fix the compensation of employees and prescribe their duties. Counsel to the commission shall advise the commission on all legal matters and on the instruction of the commission may commence appropriate civil actions: Provided, That no counsel shall both advise the
commission and act in a representative capacity in any proceeding.

(n) The commission may delegate authority to the chairperson or the executive director to act in the name of the commission between meetings of the commission, except that the commission shall not delegate the power to hold hearings and determine violations to the chairperson or the executive director.

(o) The principal office of the commission shall be in the seat of government, but it or its designated subcommittees may meet and exercise its power at any other place in the state.

Meetings of the commission shall be public unless:

(1) They are required to be private by the provisions of this chapter relating to confidentiality; or

(2) They involve discussions of commission personnel, planned or ongoing litigation, and planned or ongoing investigations.

(p) Meetings of the commission shall be upon the call of the chairperson and may be conducted by telephonic or other electronic conferencing means: Provided, That telephone or other electronic conferencing, and voting are not permitted when the commission is acting as a hearing board under this article, or when the Probable Cause Review Board meets to receive an oral response as authorized by this article. Members shall be given notice of meetings held by telephone or other electronic conferencing in the same manner as meetings at which the members are required to attend in person. Telephone or other electronic conferences shall be electronically recorded and the recordings shall be retained by the commission in accordance with its record retention policy.
AN ACT to amend and reenact §31-17-11 of the Code of West Virginia, 1931, as amended, relating to the filing of reports, data and other information deemed necessary by the Commissioner of Financial Institutions with the Division of Financial Institutions; permitting the commissioner to determine when those reports, data or information are filed; and providing that in addition to the reports not being public records, the filed data and information are also not public records.

Be it enacted by the Legislature of West Virginia:

That §31-17-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 17. WEST VIRGINIA RESIDENTIAL MORTGAGE LENDER, BROKER AND SERVICER ACT.

§31-17-11. Records and reports; examination of records; analysis.

(a) Every lender and broker licensee shall maintain at his or her place of business in this state, if any, or if he or she has no place of business in this state, at his or her principal place of business outside this state, such books, accounts and records relating to all transactions within this article as are necessary to enable the commissioner to enforce the provisions of this article. All the books, accounts and records shall be preserved, exhibited to the commissioner and kept available as provided herein for
the reasonable period of time as the commissioner may by rules require. The commissioner is hereby authorized to prescribe by rules the minimum information to be shown in the books, accounts and records.

(b) Each licensee shall file a report through the Nationwide Mortgage Licensing System and Registry under oath or affirmation concerning his or her business and operations in this state for the defined reporting period established by the Nationwide Mortgage Licensing System and Registry and on a date established by the Nationwide Mortgage Licensing System and Registry. The commissioner may direct that the reports required by this subsection and any other reports, data or information deemed necessary by the commissioner be filed directly with the Division of Financial Institutions on a date to be determined by the commissioner. The reports, data and information filed pursuant to this subsection are not public records and may not be open to public inspection.

(c) The commissioner may, at his or her discretion, make or cause to be made an examination of the books, accounts and records of every lender or broker licensee pertaining to primary and subordinate mortgage loans made in this state under the provisions of this article, for the purpose of determining whether each lender and broker licensee is complying with the provisions hereof and for the purpose of verifying each lender or broker licensee’s annual report. If the examination is made outside this state, the licensee shall pay the cost thereof in like manner as applicants are required to pay the cost of investigations outside this state.

(d) The commissioner shall publish annually a list of the licenses issued under this chapter and shall direct consumers to public information available through the Nationwide Mortgage Licensing System and Registry.

(e) The commissioner may enter into cooperative and information-sharing agreements with regulators in other states or
AN ACT to amend and reenact §8-15-26 of the Code of West Virginia, 1931, as amended, relating to violating provisions of the civil service law for paid fire departments; and increasing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That §8-15-26 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.


1 Any individual who makes an appointment or promotion to any position, or selects an individual for employment contrary to the civil service provisions of this article, or willfully refuses or neglects otherwise to comply with, or to conform to, any of the civil service provisions of this article, or violates any of those provisions, is guilty of a misdemeanor.

2 Any commissioner or examiner, or any other individual, who

3 willfully, by himself or herself or in cooperation with one or
more persons, defeats, deceives or obstructs any individual with respect to his or her right of examination or registration according to the civil service provisions of this article, or to any rules and regulations prescribed pursuant thereto, or who willfully or corruptly, falsely marks, grades, estimates or reports upon any such examination or proper standing of any individual so examined, registered or certified, pursuant to the civil service provisions of this article, or aids in so doing, or who willfully or corruptly furnishes to any individual any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment or promotion to any position of any individual so examined, registered or certified, or to be so examined, registered or certified, or who impersonates any other individual, or permit or aid in any manner any other individual to impersonate him or her, in connection with any such examination or registration, or application or request to be examined or registered, is, for each offense, guilty of a misdemeanor.

Any person convicted of any of these misdemeanor offenses shall be punished by a fine of not less than $500, nor more than $10,000 or by confinement in jail for a term not exceeding one year, or by both fine and confinement, in the discretion of the court.

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CHAPTER 68

(S. B. 325 - By Senators Kessler (Mr. President) and M. Hall)
[By Request of the Executive]

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 24, 2014.]

AN ACT to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to the State Fire Marshal; providing
that the State Fire Marshal be appointed by and serve at the will and pleasure of the Fire Commission; exempting the State Fire Marshal from the classified civil service system; and providing requirements to serve as the State Fire Marshal.

*Be it enacted by the Legislature of West Virginia:*

That §29-3-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

§29-3-11. Appointment of State Fire Marshal; term of office; removal; salary; qualifications; responsibilities; employees; equipment.

(a) The State Fire Commission shall appoint a State Fire Marshal. The State Fire Marshal serves at the will and pleasure of the commission and is exempt from coverage under the classified civil service system.

(b) The State Fire Marshal shall have a baccalaureate degree from an accredited four-year college or university, or equivalent experience as determined by the commission, and six years of full-time or part-time equivalent paid or volunteer experience in fire prevention or fire safety including two years in a supervisory capacity in fire prevention and fire safety.

(c) The State Fire Marshal, within policy established by the State Fire Commission, shall have all responsibility for the implementation of fire safety programs in this state designated to minimize fire hazards and disaster and loss of life and property from these causes. These responsibilities include, but are not limited to, the establishment and enforcement of fire safety practices throughout the state, preventive inspection and correction activities, coordination of fire safety programs with volunteer and paid fire departments and critical analysis and
evaluation of West Virginia's fire loss statistics for
determination of problems and solutions.

(d) The State Fire Marshal may employ such technical,
clerical, stenographic and other personnel and fix their
compensation and may incur such expenses as may be necessary
in the performance of the duties of his or her office within the
appropriation therefor. Employees of the Fire Marshal's office
shall be members of the state civil service system and all
appointments of the office shall be a part of the classified service
under the civil service system.

Further, any individual who is employed to conduct criminal
investigations or who may become actively involved in matters
of a criminal nature shall first be required to pass a civil service
examination testing his or her competency and proficiency in the
law of arrest, search and seizure and other criminal procedures
relating to the powers granted to the State Fire Marshal pursuant
to the provisions of this article.

(e) The State Fire Marshal and other personnel of the State
Fire Marshal's office shall be provided with appropriate office
space, furniture, equipment, supplies, stationery and printing in
the same manner as provided for other state agencies.

CHAPTER 69

(Com. Sub. for S. B. 353 - By Senators Williams, Beach,
D. Hall, Miller, Sypolt, Stollings, Tucker and Plymale)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §19-1A-3b, relating to
creating the offense of timber theft from state forests; providing the Division of Forestry authority to investigate and enforce timber theft violations in state forests for research and investigative purposes; directing the Division of Forestry to create and maintain a central registry of information relating to timber theft from state forests; and setting forth criminal and civil penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-1A-3b, to read as follows:

ARTICLE 1A. DIVISION OF FORESTRY.

§19-1A-3b. Timber theft on state forests; investigations; criminal and civil penalties.

(a) Timber theft is the misappropriation or taking of timber belonging to another, or proceeds derived from the sale of timber, either taken without the consent of the owner, or by means of fraudulent conduct, practices or representations, with the intent to deprive the owner permanently of the timber or proceeds derived therefrom.

(b) The Division of Forestry has the primary responsibility for the collection, preparation and central registry of information relating to timber theft in state forests. The division has the authority to investigate and enforce the provisions of this section when violations occur in state forests. The division may assist law-enforcement agencies in investigations of violations of the provisions of subsection (b), section forty-eight, article three, chapter sixty-one of this code when requested.

(c) Criminal and civil penalties. — A person who commits timber theft in a state forest where the timber taken is of a value of $25,000 or less is guilty of a misdemeanor and shall be fined
not more than $5,000 or confined in jail for not more than one
year, or both. A person who commits timber theft in a state
forest where the timber taken is of a value of $25,000 or more is
guilty of a felony and shall be fined not more than $10,000 or
imprisoned in a state correctional facility for not more than five
years, or both. In addition to any fines and costs that may be
assessed by the court, a person convicted of a violation of this
section shall be ordered to pay a $500 civil penalty to the
division within sixty days of the entry of a final order of
conviction. The civil penalty shall be collected by the court in
which the person is convicted and forwarded to the State
Treasurer for deposit in the Division of Forestry Fund (3081) for
use in administering the provisions of this section.

CHAPTER 70

(Com. Sub. for S. B. 357 - By Senators Williams, Beach,
D. Hall, Miller, Sypolt, Plymale and Tucker)

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 18, 2014.]

AN ACT to repeal §19-1B-12 of the Code of West Virginia, 1931, as
amended; and to amend and reenact §19-1B-12a of said code,
relating to civil and criminal penalties for violations of the
Logging Sediment Control Act pertaining to timber operations; and
establishing a violation for failure to reclaim.

Be it enacted by the Legislature of West Virginia:

That §19-1B-12 of the Code of West Virginia, 1931, as amended,
be repealed; and that §19-1B-12a of said code be amended and
reenacted, all to read as follows:
ARTICLE 1B. SEDIMENT CONTROL DURING COMMERCIAL TIMBER HARVESTING OPERATIONS.

§19-1B-12a. Criminal and civil penalties.

(a) It is illegal for a person to:

1. Conduct timbering operations, purchase timber or buy logs for resale in this state without holding a valid license from the Director of the Division of Forestry, as required by section four of this article;

2. Conduct timbering operations or sever trees for sale at a location in this state without providing the Director of the Division of Forestry with notice of the location where the timbering or harvesting operations are to be conducted, as required by section six of this article;

3. Conduct a timbering operation in this state that is not supervised by a certified logger who holds a valid certificate from the Director of the Division of Forestry, as required by section seven of this article;

4. Continue to conduct timbering operations in violation of a suspension or revocation order that has been issued by the Director of the Division of Forestry or a conference panel under section five, ten or eleven of this article; and

5. Fail to reclaim the real property in accordance with the best management practices set forth by the Division of Forestry and the committee established in subsection (h), section seven of this article.

(b) Criminal and civil penalties. — A person that violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than $250 nor more than $500 for each violation. In addition to fines and costs, a person or entity convicted of a violation of this section shall pay a $500 civil
penalty to the division within sixty days. The civil penalty shall be collected by the court in which the person is convicted and forwarded to the State Treasurer for deposit in the Division of Forestry Timber Operations Enforcement Fund (3082) for use in administering the provisions of this article.

(c) Each day that a person is in violation of this section constitutes a separate criminal and civil offense.

(d) In addition to any other law-enforcement agencies that have jurisdiction over criminal violations, any forester or forest technician employed by the Division of Forestry who, as a part of his or her official duties is authorized by the Director of the Division of Forestry to inspect timbering operations, is authorized to issue citations for any of the listed violations in this article that he or she has witnessed. The limited authority granted to employees of the Division of Forestry to issue citations to enforce the provisions of this section does not include the power to place any individual or person under arrest.

CHAPTER 71

(Com. Sub. for S. B. 461 - By Senators Kessler (Mr. President), Williams, Tucker, Plymale, Stollings, Snyder, Cookman, Palumbo, Fitzsimmons, Beach, Yost, Miller, D. Hall, Jenkins, McCabe, Wells, Edgell, Barnes, Blair, Boley, Cann, Chafin, Kirkendoll, Laird, Nohe, Prezioso, Sypolt, Unger, Walters, Green and M. Hall)

[Passed March 8, 2014; in effect ninety days from passage.] [Approved by the Governor on March 20, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5b, relating to
creation of a Future Fund for conserving a portion of proceeds from certain severance tax revenues for future expenditures; creating an interest-bearing special revenue account; authorizing the West Virginia Investment Management Board to invest moneys of the fund; providing that the principal of the fund be inviolate and that only the investment income may be expended; providing for contributions to the fund from a portion of revenues collected from certain severance taxes; prohibiting appropriation and expenditure from the fund until fiscal year 2020; limiting of amount of appropriation from the fund in certain circumstances; requiring moneys to be expended solely for enhancing education and workforce development; economic development and diversification; infrastructure improvements; tax relief measures for the benefit of the citizens and businesses of the State of West Virginia; and defining certain terms.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-13A-5b, to read as follows:

ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.

§11-13A-5b. Creation of West Virginia Future Fund; legislative intent; calculation of deposits from excess severance tax revenues; permissible uses of investment income and limitations on expenditures; definitions.

1 (a) There is hereby created in the State Treasury a special revenue account, designated the West Virginia Future Fund, which is an interest-bearing account and may be invested by the West Virginia Investment Management Board in the manner permitted by the provisions of article six, chapter twelve of this
code, with the investment income to be credited to the fund and deposited in the special revenue account.

(b) The Legislature declares its intention to use the fund as a means of conserving a portion of the state’s revenue derived from the increased revenue proceeds received by the state as a result of any mineral production as well as other funding sources as the Legislature may designate in order to meet future needs. The principal of the fund shall remain inviolate and no portion of the principal may be appropriated, expended or encumbered by the Legislature or any official of the state. Only the investment income of this fund may be appropriated and expended: Provided, That no more than the average net investment return for the immediately preceding five fiscal years may be appropriated or expended in any one fiscal year.

(c) Notwithstanding any provision of this code to the contrary, for the fiscal year beginning July 1, 2014, and each year thereafter, the secretary of revenue shall cause to be deposited in this fund three percent of the annual severance tax revenue which would otherwise be deposited into the General Revenue Fund which is attributable to the severance of coal, limestone, sandstone, natural gas and oil and collected and received pursuant to the provisions of sections three and three-a, article thirteen-a, chapter eleven of this code: Provided, That these deposits shall only be made during fiscal years within which the balance of the Revenue Shortfall Reserve Fund equals or exceeds thirteen percent of the state’s General Revenue Fund budget for the fiscal year just ended as determined within sixty days of the end of that prior fiscal year as provided by subsection (b), section twenty, article two, chapter eleven-b of this code: Provided, however, That these deposits shall not be made in any fiscal year in which the Governor’s General Revenue Fund estimate relies on transfers from the Revenue Shortfall Reserve Fund: Provided further, That these deposits shall not be made in any fiscal year for which mid-year spending reductions, hiring freezes, mid-year decreases in appropriations or transfers from
the Revenue Shortfall Reserve Fund are necessitated due to revenue shortfalls or would be necessitated if the deposits were to be made: And provided further, That amounts that may be deposited into the fund in error or found later to be subject to these limitations shall be redeposited into the General Revenue Fund. The Legislature may, by general appropriation or by designation of other funding sources, deposit into the fund additional moneys as it considers appropriate.

(d) In order to maximize the value of the fund, no money from the fund may be expended or appropriated until fiscal year 2020 and thereafter the Legislature may appropriate, subject to the limitations provided in this section, from the fund solely for enhancing education and workforce development; economic development and diversification; infrastructure improvements; and tax relief measures for the benefit of the citizens and businesses of the State of West Virginia.

(e) For purposes of this section:

(1) “Economic development and diversification” means fostering economic growth and development in the state, including commercial, industrial, community, cultural or historical improvements; or preservation or other proper purposes.

(2) “Infrastructure improvements” means fostering infrastructure improvements including, but not limited to, post-mining land use, water or wastewater facilities or a part thereof, storm water systems, steam, gas, telephone and telecommunications, broadband development, electric lines and installations, roads, bridges, railroad spurs, drainage and flood control facilities, industrial park development or buildings that promote job creation and retention.

(3) “Tax relief” means reducing the tax responsibility of citizens and businesses located in the State of West Virginia,
including but not limited to increasing the Homestead Exemption and reducing or eliminating the ad valorem property tax on inventory and equipment held for commercial or industrial use.

CHAPTER 72

(Com. Sub. for S. B. 535 - By Senators Tucker, Laird, D. Hall and Miller)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of "ginseng".

Be it enacted by the Legislature of West Virginia:

That §19-1A-3a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1A. DIVISION OF FORESTRY.

§19-1A-3a. Providing criminal penalties for the illegal possession of uncertified ginseng.

(a) (1) The Legislature finds that ginseng trade must be controlled in order to protect the survival of wild ginseng as evidenced by its listing in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It is the policy of this state to regulate the commerce in ginseng in a manner that protects the survival of wild ginseng.

(2) For purposes of this section:
(A) "Certified" means the ginseng carries a certificate of origin issued by the director which allows the export from West Virginia of ginseng legally harvested in this state;

(B) "Commercial use" means to sell or to use ginseng for financial gain;

(C) "Cultivated ginseng" means ginseng that is purposefully planted in beds under artificial shade using standard horticultural practices such as mechanical tillage, fertilization, weed control, irrigation and pesticides;

(D) "Dealer" means a person who purchases ginseng for purposes of commercial use;

(E) "Digger" means a person who digs, collects or gathers wild ginseng by searching woodlands to find the plants;

(F) "Director" means the Director of the Division of Forestry;

(G) "Division" means the Division of Forestry;

(H) "Export" means the movement of ginseng from state to state as well as sending it abroad;

(I) "Ginseng" means whole, sliced or parts of roots of cultivated ginseng, woods grown ginseng, wild simulated ginseng and wild ginseng, excluding manufactured parts, products, and derivatives, such as powders, pills, extracts, tonics, teas and confectionary;

(J) "Green ginseng" means a fresh wild ginseng root that has not been intentionally subjected to a drying process and from which most natural moisture has not been removed by drying.

(K) "Grower" means a person who purposefully plants and grows cultivated ginseng, woods-grown ginseng or wild
simulated ginseng for purposes of commercial use: Provided,
That a grower does not include a digger who plants wild ginseng
seed from the wild ginseng plants he or she digs, collects or
gathers;

(L) "Harvest" means to dig, collect or gather ginseng;

(M) "Person" means an individual, corporation, partnership,
firm or association;

(N) "Rootlets" means woods-grown or wild simulated one
to two-year old ginseng roots commonly sold as transplants to
growers;

(O) "Wild ginseng" means *Panax quinquefolius* L. that is not
grown or nurtured by a person regardless of the putative origin
of the plants: Provided, That wild ginseng may originate from
seeds planted by a digger at the same site from which the digger
harvests the wild ginseng;

(P) "Wild simulated ginseng" means ginseng that is
purposefully planted in the woods without a bed being prepared
and without the use of any chemical weed, disease or pest
control agents;

(Q) "Woods-grown ginseng" means ginseng that is
purposefully planted in beds prepared in the woods in a manner
that uses trees to provide necessary shade and which may be
grown with the use of chemical or mechanical weed, disease or
pest control agents.

(A) The Division of Forestry shall regulate the growing,
digging, collecting, gathering, possessing and selling of ginseng.

(B) The division may propose rules for legislative approval
in accordance with article three, chapter twenty-nine-a of this
code to implement the provisions of this section including the
amount of any permit fee.
(C) For purposes of regulating the growing, harvesting and commercial use of ginseng, a division employee may enter upon any public or private property, other than a dwelling house, at reasonable times, in order to inspect the ginseng operation or records. A person may not obstruct or hinder the employee in the discharge of his or her enforcement duties.

(D) All moneys received from permit fees and civil penalties assessed pursuant to this section shall be credited to the special account within the Division of Forestry to be used for the purposes set forth in section three of this article.

(E) The site plats required to be submitted to the division and other information identifying the specific location of ginseng plants are not open to public inspection pursuant to article one, chapter twenty-nine-b of this code since they disclose information having a significant commercial value.

(b) (1) The digging season for wild ginseng begins on September 1, and ends on November 30, of each year. It is unlawful for a person to dig, collect or gather wild ginseng between December 1, and the thirty-first day of August of the following year.

(2) A person digging, collecting or gathering wild ginseng upon the enclosed or posted lands of another person shall first obtain written permission from the landowner, tenant or agent, and shall carry the written permission on his or her person while digging, collecting or gathering wild ginseng upon the enclosed or posted lands. It is unlawful to dig, collect or gather wild ginseng from the property of another without the written permission of the landowner.

(3) A person digging, collecting or gathering wild ginseng shall plant the seeds from the wild ginseng plants at the time and at the site from which the wild ginseng is harvested. It is unlawful to remove wild ginseng seeds from the site of collection.
It is unlawful to dig, collect or gather wild ginseng less than five years old.

A person may not rescue wild ginseng plants endangered by ground-disturbing activities unless he or she has first obtained a moving permit from the division. The person shall provide the reason for moving the plants, the current location of the plants, the proposed new planting site and other information required by the division.

It is unlawful to plant ginseng or ginseng seed and to dig, collect or gather ginseng on West Virginia public lands, except by land grant university researchers performing research or demonstration projects regarding the growing, cultivating or harvesting of ginseng: Provided, That it is unlawful for anyone to plant ginseng or ginseng seed and to dig, collect or gather ginseng on state wildlife management areas or on state parks.

A person may not act as a grower unless he or she has obtained a grower’s permit from the division.

Prior to planting cultivated, woods-grown or wild simulated ginseng, a grower shall:

(A) Submit to the director a plat of the exact planting location prepared by a licensed surveyor or a registered forester as defined in article nineteen, chapter thirty of this code, along with information verifying the name of the landowner: Provided, That if the grower is not the landowner, the grower shall also submit written permission from the landowner to grow and harvest cultivated, woods-grown or wild simulated ginseng on that property.

(B) Obtain a written determination from the director certifying that the planting area is free from wild ginseng; and

(C) Submit other information required by the division.
(3) A grower shall keep accurate and complete records on each ginseng planting on forms provided by the division. The records shall be available for inspection by a division employee and shall be submitted to the division at intervals established by rule by the division. A grower shall maintain records for a period of not less than ten years. The information required to be kept shall include:

(A) The origin of ginseng seed, rootlets or plants;

(B) The location of purposefully planted cultivated, wild simulated and woods-grown ginseng and a site plat of the planting;

(C) The original of the director's determination that the site was free from wild ginseng at the time of planting;

(D) The date each site was planted;

(E) The number of pounds of seeds planted, or the number and age of rootlets, or both; and

(F) Other information required by the division.

(4) A grower may harvest cultivated ginseng on or after the effective date of this section throughout the year.

(5) A grower may harvest wild simulated and woods-grown ginseng from September 1, through November 30, of each year.

(6) It is unlawful for a person to dig, collect or gather wild simulated and woods-grown ginseng between December 1 and August 31.

(7) It is unlawful to dig, collect and gather wild simulated and woods-grown ginseng less than five years old.

(8) A grower shall comply with the certification procedures set forth in subdivision (f) of this section.
(9) For planting locations in existence prior to July 1, 2005, provide proof of having purchased ginseng seed, rootlets or plants for planting for a minimum of one or more of the five years immediately prior to July 1, 2005, and sign a certification that to the best of his or her knowledge, no wild ginseng existed on the site at the time the ginseng was planted: Provided, That no grower may certify a planting location in existence prior to July 1, 2005, under this provision after December 31, 2009.

(d) (1) A person may not act as a dealer unless he or she has obtained a dealer's permit from the division.

(2) A dealer shall keep accurate and complete records on his or her ginseng transactions on forms provided by the division. A dealer is required to maintain a record of all persons, including a digger, grower and dealer, involved in each purchase or sale transaction and shall include the name, address, permit number and a copy of each ginseng certification issued by the division. All records shall be available for inspection by a division employee. A dealer shall maintain records for a period of not less than ten years. In addition, a dealer is required to report the following information to the division monthly:

(A) The date of the transaction;

(B) The type of ginseng, whether wild, cultivated, woods-grown or wild simulated ginseng;

(C) Whether the ginseng is dried or green at the time of the transaction;

(D) The weight of the ginseng;

(E) The county from which the ginseng was harvested;

(F) The identification number from the state ginseng certification; and
(G) Other information required by the division.

(3) A dealer shall include a West Virginia export certificate, numbered by the division, with each shipment of ginseng transported out-of-state.

(4) A dealer may not import out-of-state ginseng into this state unless the ginseng is accompanied by a valid export certificate issued by the state of origin. A dealer must return uncertified ginseng to the state of origin within fifteen calendar days.

(5) It is unlawful to include false information on any certificate or record required to be completed or maintained by this section. All ginseng harvested in West Virginia must be certified by the director before being transported or shipped out-of-state.

(e) (1) A person may not act as a grower or act as a dealer unless he or she has been issued the appropriate permit by the division. A person must obtain a separate permit for each activity. Permit applications shall be made on forms provided by the division. The application for a permit shall be accompanied by the applicable permit fee. The division shall assign a permit number to each person granted a permit and it shall keep records of the permits issued.

(2) Permits expire on December 31 of each year for growers and August 31 of each year for dealers. All permits must be renewed annually. Renewal forms will be mailed to current permit holders. The failure to receive a renewal form does not relieve the permit holder of the obligation to renew. The division may require a late fee when renewal is received more than sixty days after the expiration of the current permit.

(3) The permit holder shall notify the division of any changes in the information on the permit.
(f) All ginseng harvested in this state shall be certified as to type, whether wild, cultivated, woods grown or wild simulated, and to its origin, weight and lawful harvest. Other information may be required for ginseng to be certified by the division to comply with the Convention on International Trade in Endangered Species of Wild Fauna and Flora to allow for its export: Provided, That live one and two-year old cultivated, woods-grown or wild simulated rootlets sold by growers for propagation purposes within the United States are not regarded as harvested and are exempt from the certification requirement. All ginseng, except cultivated ginseng, must be certified or weight receipted by April 1 of the year following harvest: Provided, however, That no ginseng may be certified between January 1 through March 31 unless the person requesting certification displays a valid permit. It is unlawful for a person to have in his or her possession uncertified wild ginseng from April 1 through August 31.

(g) The director shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code designed to implement the ginseng certification process.

(h) The division may, by order entered in accordance with the provisions of article five, chapter twenty-nine-a of this code, deny, suspend or revoke the permit of a grower or dealer and may invalidate an export certificate completed by a dealer when the division finds that a grower or dealer has violated any provision of this section or a legislatively approved rule.

(i) The division may assess a civil penalty against a person who violates any provision of this section or a provision of a legislatively approved rule. The division may assess a monetary penalty of not less than $100 nor more than $500.

(j) Any person violating a provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than $500 for the first offense, and
for each subsequent offense, shall be fined not less than $500 nor
more than $1,000, or confined in jail not more than six months,
or both. The court, in imposing the sentence of a person
convicted of an offense under this section, shall order the person
to forfeit all ginseng involved in the offense.

(k) It is the duty of the prosecuting attorney of the county in
which the violation occurred to represent the division, to institute
proceedings and to prosecute the person charged with the
violation.

CHAPTER 73

(Com. Sub. for 4335 - By Delegates L. Phillips, Campbell,
Guthrie, Poore, Staggers, Moore, Perdue, M. Poling,
Eldridge, Fleischauer and Marshall)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §16-1-19, relating to a
child's right to nurse; and establishing as the public policy of this
state that nursing in a public place is socially acceptable.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by
adding thereto a new section, designated §16-1-19, to read as follows:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-19. Child’s right to nurse; location where permitted; right
protected.
The Legislature finds that breast feeding is an important, basic act of nurturing that is protected in the interests of maternal and child health.

Notwithstanding any provision of this code to the contrary, a mother may breast feed a child in any location open to the public.

CHAPTER 74

(Com. Sub. for S. B. 602 - By Senators Stollings, Beach, Jenkins and Laird)

[Passed March 6, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1C-1, §16-1C-2, §16-1C-3, §16-1C-4 and §16-1C-5, all relating generally to requiring health care providers to wear identification badges; providing definitions; establishing identification badge requirement; setting forth exemptions; providing for applicability; and granting rule-making authority.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-1C-1, §16-1C-2, §16-1C-3, §16-1C-4 and §16-1C-5, all to read as follows:

ARTICLE 1C. HEALTH CARE PROVIDER TRANSPARENCY ACT.

§16-1C-1. Definitions.

(a) "Direct patient care" means health care that provides for the physical, diagnostic, emotional or rehabilitation needs of a
patient or health care that involves examination, treatment or preparation for diagnostic tests or procedures.

(b) "Employee" means an employee or contractor of a health care provider or a person who is granted privileges by a health care provider who delivers direct patient care.

(c) "Health care provider" means an individual, partnership, corporation, facility, hospital or institution licensed or certified or authorized by law to provide professional health care service in this state to a patient during that patient's medical, remedial or behavioral health care, treatment or confinement.

(d) "Secretary" means the Secretary of the West Virginia Department of Health and Human Resources. The secretary may define in rules any term or phrase used in this article which is not expressly defined.

§16-1C-2. Identification badge requirements.

Notwithstanding any other provision of this code, an employee shall wear an identification badge when providing direct patient care. The identification badge shall be worn in a conspicuous manner so as to be visible and apparent.

§16-1C-3. Exceptions.

(a) Notwithstanding section two of this article, the following shall apply:

(1) An employee shall not be required to wear an identification badge while delivering direct patient care if it is not clinically feasible.

(2) The last name of the employee may be omitted or concealed from an identification badge when delivering direct patient care if the employee is concerned for his or her safety.
(b) An employee may petition the secretary for an exemption from the requirements of this article for reasons that are not set forth in this section.

(c) An employee providing direct patient care in a behavioral health care setting may not be required to wear an identification badge.

§16-1C-4. Rules.

The Secretary of the Department of Health and Human Resources, in consultation with appropriate health care provider professional licensing boards, shall propose rules for legislative approval in accordance with the provisions of chapter twenty-nine-a of this code to implement the provisions of this article. These rules shall include, at a minimum:

(1) The contents of the identification badge, which shall at least include the name of the employee and title of the employee;

(2) The title to be used to identify employee licensure information;

(3) The appearance of the identification badge, which shall have the title of the employee as large as possible in block type: Provided, That health care facilities providing identification badges prior to enactment of this article shall not be required to issue new badges;

(4) The process and procedure for seeking an exemption from the requirements of this article; and

(5) Such other rules as may be deemed necessary to effectuate the purposes of this article.

§16-1C-5. Applicability.

Section two of this article applies to employees of health care providers who employ at least three licensed practitioners or employ more than ten employees as of July 1, 2016.
AN ACT to amend and reenact §16-2D-5c of the Code of West Virginia, 1931, as amended, relating to extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Be it enacted by the Legislature of West Virginia:

That §16-2D-5c of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-5c. Exception permitting development and operation of certain nursing beds by a nonprofit community health care organization.

(a) Notwithstanding any provision of law to the contrary and any rule issued by the state agency, a nonprofit community group designated by a county commission is exempt from the existing moratorium on nursing home beds established in subsection (g), section five of this article, in order to develop and operate a nursing home bed facility in any county in West Virginia that currently is without a nursing home if:

(1) The nursing bed facility will be located in the county of that county commission;
(2) The nursing bed facility will be operated on real property owned by the nonprofit community health care organization and designated by the county commission;

(3) The nursing bed facility will exist in a county which has been continuously without nursing home beds since prior to the nursing home bed moratorium was enacted;

(4) The nonprofit community group develops and operates no more than thirty-six nursing home beds pursuant to this section; and

(5) The nonprofit community group applies for a license to operate the nursing home by July 1, 2016.

(b) The establishment of a nursing home and nursing beds under this section requires a certificate of need and is subject to all certificate of need laws and rules.

CHAPTER 76

(Com. Sub. for S. B. 619 - By Senator Tucker)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 31, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5d, relating to creating an exemption to the certificate of need process for certain critical access hospitals in certain situations.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-2D-5d, to read as follows:
ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-5d. Exception for reopened critical access hospitals.

1 Notwithstanding any provision of law to the contrary and
2 any rule issued by the state agency, a critical access hospital,
3 designated by the state as a critical access hospital after meeting
4 all federal eligibility criteria, previously licensed as a hospital
5 and subsequently closed is not required to apply for or obtain a
6 certificate of need if it reopens within ten years of its closure.

CHAPTER 77

(Com. Sub. for H. B. 4312 - By Delegates Staggers
and Lawrence)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend the Code of West Virginia, 1931, by adding thereto
a new section, designated §16-4C-6c; and to amend and reenact
§22A-10-1 of said code, all relating to creating a certification for
emergency medical technician-industrial; establishing the
certification and recertification requirements; specifying the term
of the certification; restricting the practice of emergency medical
technician-industrial; clarifying that emergency medical
technician-industrial certification replaces emergency medical
technician-miner certification; allowing the emergency medical
technician-miner certification courses and examinations to be used
for emergency medical technician-industrial certification; and
authorizing rule-making authority for Commissioner of Bureau for
Public Health in consultation with the Board of Miner Training,
Education and Certification.
Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, be amended by adding thereto a new section, designated §16-4C-6c; and that §22A-10-1 of said code be amended and reenacted, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-6c. Certification requirements for emergency medical technician-industrial.

1 (a) Commencing July 1, 2014, an applicant for certification as an emergency medical technician-industrial shall:

2 (1) Be at least eighteen years old;

3 (2) Apply on a form prescribed by the Commissioner;

4 (3) Pay the application fee;

5 (4) Possess a valid cardiopulmonary resuscitation (CPR) certification;

6 (5) Successfully complete an emergency medical technician-industrial education program authorized by the Commissioner in consultation with the Board of Miner Training, Education and Certification; and

7 (6) Successfully complete emergency medical technician-industrial cognitive and skills examinations authorized by the Commissioner in consultation with the Board of Miner Training, Education and Certification.

16 (b) The emergency medical technician-industrial certification is valid for three years.
(c) A certified emergency medical technician-industrial is only authorized to practice during his or her regular employment on industrial property. For the purposes of this section, "industrial property" means property being used for production, extraction or manufacturing activities.

(d) To be recertified as an emergency medical technician-industrial, a certificate holder shall:

(1) Apply on a form prescribed by the commissioner;

(2) Pay the application fee;

(3) Possess a valid cardiopulmonary resuscitation (CPR) certification;

(4) Successfully complete one of the following:

(A) A one-time thirty-two hour emergency medical technician-industrial recertification course authorized by the commissioner in consultation with the Board of Miner Training, Education and Certification; or

(B) Three annual eight-hour retraining and testing programs authorized by the commissioner in consultation with the Board of Miner Training, Education and Certification; and

(5) Successfully complete emergency medical technician-industrial cognitive and skills recertification examinations authorized by the commissioner in consultation with the Board of Miner Training, Education and Certification.

(e) Commencing July 1, 2014, the certification for emergency medical technician-miner, also known as emergency medical technician-mining, shall be known as the certification for emergency medical technician-industrial, and the certification is valid until the original expiration date, at which
time the person may recertify as an emergency medical technician-industrial pursuant to this section.

(f) The education program, training, courses, and cognitive and skills examinations required for certification and recertification as an emergency medical technician-miner, also known as emergency medical technician-mining, in existence on January 1, 2014, shall remain in effect for the certification and recertification of emergency medical technician-industrial until they are changed by legislative rule by the commissioner in consultation with the Board of Miner Training, Education and Certification.

(g) The administration of the emergency medical technician-industrial certification and recertification program by the commissioner shall be done in consultation with the Board of Miner Training, Education and Certification.

(h) The commissioner shall propose rules for legislative approval, pursuant to the provisions of article three, chapter twenty-nine-a of this code, in consultation with the Board of Miner Training, Education and Certification, and may propose emergency rules, to:

1. Establish emergency medical technician-industrial certification and recertification courses and examinations;

2. Authorize providers to administer the certification and recertification courses and examinations, including mine training personnel, independent trainers, community and technical colleges, and Regional Educational Service Agencies (RESA): Provided, That the mine training personnel and independent trainers must have a valid cardiopulmonary resuscitation (CPR) certification and must be an approved MSHA or OSHA certified instructor;
Establish a fee schedule: Provided, That the application fee may not exceed ten dollars and there shall be no fee for a certificate; and

(4) Implement the provisions of this section.

CHAPTER 22A. MINERS’ HEALTH, SAFETY AND TRAINING.

ARTICLE 10. EMERGENCY MEDICAL PERSONNEL.

§22A-10-1. Emergency personnel in coal mines.

(a) Emergency medical services personnel must be employed on each shift at every mine that:

(1) Employs more than ten employees; and

(2) Has more than eight persons present on the shift.

(b) The emergency medical services personnel must be employed at their regular duties at a central location or, when more than one person is required pursuant to the provisions of subsection(d) of this section, at a location which provides for convenient, quick response to an emergency. The emergency medical services personnel must have available to them at all times such equipment prescribed by the Director of the Office of Miners’ Health, Safety and Training, in consultation with the Commissioner of the Bureau for Public Health.

(c) “Emergency medical services personnel” means any person certified by the Commissioner of the Bureau for Public Health, or authorities recognized and approved by the commissioner, to provide emergency medical services as authorized in article four-c, chapter sixteen of this code, including emergency medical technician-industrial.

(d) At least one emergency medical services personnel shall be employed at a mine for every fifty employees or any part
thereof who are engaged at any time, in the extraction, production or preparation of coal.

(e) Commencing July 1, 2014, the certification for emergency medical technician-miner, also known as emergency medical technician-mining, shall be known as the certification for emergency medical technician-industrial, and the certification is valid until the original expiration date, at which time the person may recertify as an emergency medical technician-industrial pursuant to section six-c, article four-c, chapter sixteen of this code.

(f) A person wanting to be certified or recertified as an emergency medical technician-industrial must comply with the provisions of section six-c, article four-c, chapter sixteen of this code.

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5C-21, relating to prohibiting employment by a nursing home of a person convicted of certain crimes unless a variance has been granted by the secretary; and authorizing the Secretary of the Department of Health and Human Resources to propose legislative rules.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-5C-21, to read as follows:
ARTICLE 5C. NURSING HOMES.

§16-5C-21 Employment restrictions.

1 (a) Notwithstanding a legislative rule or provider manual
2 issued by the department, a person cannot be employed by a
3 nursing home unless granted a variance by the secretary, or his
4 or her designee, if convicted of:

5 (1) Abduction or kidnapping;

6 (2) Any violent felony crime including, but not limited to,
7 rape, sexual assault, homicide, felonious physical assault or
8 felonious battery;

9 (3) Child or adult abuse or neglect;

10 (4) Crimes which involve the exploitation of a child or an
11 incapacitated adult;

12 (5) Felony domestic battery or domestic assault;

13 (6) Felony arson;

14 (7) Felony or misdemeanor crime against a child or
15 incapacitated adult which causes harm;

16 (8) Felony drug-related offenses;

17 (9) Felony driving under the influence of drugs or alcohol;

18 (10) Hate crimes;

19 (11) Murder or manslaughter;

20 (12) Neglect or abuse by a caregiver;
(13) Pornography crimes involving children or incapacitated adults including, but not limited to, use of minors or incapacitated adults in filming sexual explicit conduct, distribution and exhibition of material depicting minors or incapacitated adults in sexually explicit conduct or sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian or custodian, depicting a minor or incapacitated adult engaged in sexually explicit conduct;

(14) Purchase or sale of a child;

(15) Sexual offenses including, but not limited to, incest, sexual abuse or indecent exposure;

(16) Felony or misdemeanor involving financial exploitation of a minor or elderly person;

(17) Felony offense related to fraud, theft, embezzlement, breach of fiduciary responsibility or other financial misconduct in connection with the delivery of a health care item or service, or with respect to any act or omission in a health care program operated or financed, in whole or in part, by any federal, state or local government agency; or

(18) Any criminal offense related to the delivery of an item or service under Medicare or a state health care program.

(b) The secretary shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code, to allow persons to appeal decisions, demonstrate rehabilitation, request a review of their initial negative determinations and to implement any variance procedure as may be required by state or federal law.
AN ACT to amend and reenact §16-5O-2, §16-5O-3, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-10 and §16-5O-12 of the Code of West Virginia, 1931, as amended, all relating to the performance of certain functions by approved medication assistive personnel; defining terms; updating terminology; requiring the authorizing agency to collaborate with the Board of Respiratory Care; adding requirements to be completed by a registered nurse to become a trainer; requiring the department to maintain a list of unauthorized individuals; and changing the membership of the advisory committee.

Be it enacted by the Legislature of West Virginia:

That §16-5O-2, §16-5O-3, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-10 and §16-5O-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 5O. APPROVED MEDICATION ASSISTIVE PERSONNEL.

§16-5O-2. Definitions.

1 As used in this article the following definitions apply:

2 (a) "Administration of medication" means:

3 (1) Assisting a person in the ingestion, application or inhalation of medications, including prescription drugs, or in the
use of universal precautions or rectal or vaginal insertion of medication, according to the legibly written or printed directions of the attending physician or the health care professional in accordance with subdivision sixty-one, section four, article five, chapter thirty of this code, or as written on the prescription label; and

(2) Making a written record of such assistance with regard to each medication administered, including the time, route and amount taken. However, for purposes of this article, “administration” does not include judgment, evaluation, assessments, injections of medication (except for prefilled insulin or insulin pens), or monitoring of medication or self-administration of medications, such as prescription drugs and self-injection of medication by the resident.

(b) “Approved medication assistive personnel (AMAP)” means unlicensed facility staff member, who meets eligibility requirements, has successfully completed the required training and competency testing, and is considered competent by the authorized registered professional nurse to administer medications or perform health maintenance tasks, or both, to residents of the facility in accordance with this article.

(c) “Authorized practitioner” means a physician licensed under the provisions of article three, chapter thirty of this code or article fourteen, chapter thirty of this code.

(d) “Authorized registered professional nurse” means a person who holds an unencumbered license pursuant to article seven, chapter thirty, and meets the requirements to train and supervise approved medication assistive personnel pursuant to this article, and has completed and passed the facility trainer/instructor course developed by the authorizing agency.

(e) “Authorizing agency” means the Office of Health Facility Licensure and Certification.
(f) "Delegation" means transferring to a competent individual, as determined by the authorized registered professional nurse, the authority to perform a selected task in a selected situation.

(g) "Delegation decision model" means the process the authorized registered professional nurse must follow to determine whether or not to delegate a nursing task to an approved medication assistive personnel. The delegation decision model is approved by the West Virginia Board of Examiners for Registered Professional Nurses.

(h) "Department" means the Department of Health and Human Resources.

(i) "Facility" means an intermediate care facility for individuals with an intellectual disability, assisted living, behavioral health group home, private residence in which health care services and health maintenance tasks are provided under the supervision of a registered professional nurse as defined in article seven, chapter thirty of this code.

(j) "Facility staff member" means an individual employed by a facility but does not include a health care professional acting within his or her scope of practice.

(k) "Family" means biological parents, adoptive parents, foster parents, or other immediate family members living within the same household.

(l) "Health care professional" means a medical doctor or doctor of osteopathy, a podiatrist, registered professional nurse, practical nurse, advanced practice registered nurse, physician's assistant, dentist, optometrist or respiratory care professional licensed under chapter thirty of this code.

(m) "Health maintenance tasks" means performing the following tasks according to the legibly written or printed
directions of a health care professional or as written on the
prescription label, and making a written record of that assistance
with regard to each health maintenance task administered,
including the time, route and amount taken:

(1) Administering glucometer tests;

(2) Administering gastrostomy tube feedings;

(3) Administering enemas;

(4) Performing ostomy care which includes skin care and
changing appliances; and

(5) Performing tracheostomy and ventilator care for
residents in a private residence who are living with family and/or
natural supports.

"Health maintenance tasks" do not include judgment,
evaluation, assessments, injections of medication, except for
prefilled insulin or insulin pens, or monitoring of medication or
self-administration of medications, such as prescription drugs
and self-injection of medication by the resident.

(n) "Immediate family" means mother, stepmother, father,
stepfather, sister, stepsister, brother, stepbrother, spouse, child,
grandparent and grandchildren.

(o) "Location of medication administration or location where
health maintenance tasks are performed" means a facility or
location where the resident requires administration of medication
or assistance in taking medications or the performance of health
maintenance tasks.

(p) "Medication" means a drug, as defined in section one
hundred one, article one, chapter sixty-a of this code, which has
been prescribed by a health care professional to be ingested
through the mouth, inhaled through the nose or mouth,
administered through a gastrostomy tube, applied to the outer
skin, eye or ear, or applied through nose drops, vaginal or rectal suppositories.

(q) “Natural supports” means family, friends, neighbors or anyone who provides assistance and support to a resident but is not reimbursed.

(r) “Registered professional nurse” means a person who holds a valid license pursuant to article seven, chapter thirty of this code.

(s) “Resident” means a resident of a facility who for purposes of this article, is in a stable condition.

(t) “Secretary” means the Secretary of the department or his or her designee.

(u) “Self-administration of medication” means the act of a resident, who is independently capable of reading and understanding the labels of drugs ordered by an authorized practitioner, in opening and accessing prepackaged drug containers, accurately identifying and taking the correct dosage of the drugs as ordered by the health care professional, at the correct time and under the correct circumstances.

(v) “Self-administration of medication with assistance” means assisting residents who are otherwise able to self-administer their own medications except their physical disabilities prevent them from completing one or more steps in the process.

(w) “Stable” means the individual’s health condition is predictable and consistent as determined by the registered professional nurse.

(x) “Supervision of self-administration of medication” means a personal service which includes reminding residents to take medications, opening medication containers for residents, reading the medication label to residents, observing residents
§16-50-3. Administration of medications; performance of health maintenance tasks; maintenance of liability insurance in facilities.

(a) The secretary shall continue a program for the administration of medications and performance of health maintenance tasks in locations covered by this article. The program shall be developed and conducted in cooperation with the appropriate agencies, advisory bodies and boards.

(b) Administration of medication or performance of health maintenance tasks shall be performed only by:

(1) Licensed health care professionals; or

(2) Facility staff members who have been trained and retrained every two years and who are subject to the supervision of and approval by an authorized registered professional nurse.

(c) After assessing the health status of an individual resident, a registered professional nurse, in collaboration with the resident's health care professional and the facility staff member, may recommend that the facility authorize a facility staff member to administer medication or perform health maintenance tasks if the staff member:

(1) Has been trained pursuant to the requirements of this article;

(2) Is considered by the authorized registered professional nurse to be competent;

(3) Consults with the authorized registered professional nurse on a regular basis; and
(4) Is monitored or supervised by the authorized registered professional nurse.

(d) An agency or facility employing personnel for the purposes of supervising the administration of medication or the performance of health maintenance tasks shall maintain liability insurance for the licensed health care provider, any facility staff member who has been trained and is employed to administer medication or perform health maintenance tasks and if applicable the health care provider's collaborative supervising physician.

(e) Nothing in this article may be construed to prohibit any facility staff member from administering medications or performing health maintenance tasks, or providing any other prudent emergency assistance to aid any person who is in acute physical distress or requires emergency assistance.

(f) Supervision of self-administration of medication by facility staff members who are not licensed health care professionals may be permitted in certain circumstances, when the substantial purpose of the setting is other than the provision of health care.

§16-50-5. Instruction and training.

(a) The authorizing agency shall establish a council of nurses to represent the facilities and registered professional nurses affected by this article. The council shall prepare a procedural manual and recommendations regarding a training course to the secretary. The council shall meet every two years to review and make recommendations to the training curricula, competency evaluation procedures and rules implemented by the secretary.

(b) The department shall develop and approve training curricula and competency evaluation procedures for facility staff members who administer medication or perform health maintenance tasks. The department shall consider the
recommendations of the council and shall consult with the West Virginia Board of Examiners for Registered Nurses in developing the training curricula and competency evaluation procedures.

(c) The authorizing agency shall coordinate and collaborate with the Board of Respiratory Care to develop the training and testing component for health maintenance tasks related to respiratory care, including but not limited to inhaled medications, tracheostomy care and ventilator care. This includes modifying and updating the existing curriculum for an authorized registered professional nurse and the approved medication assistive persons.

(1) The authorizing agency shall develop and approve training curricula and competency evaluation. The authorizing agency shall establish a council of nurses to assist with the development of the training and evaluation process.

(2) The curriculum, training competency and testing components related to respiratory care shall be approved by the Respiratory Care Board per subsection (e), section fifteen, article thirty-four, chapter thirty.

(d) The program developed by the department shall require that any person who applies to act as a facility staff member authorized to administer medications or perform health maintenance tasks shall:

(1) Hold a high school diploma or general education diploma;

(2) Be certified in cardiopulmonary resuscitation and first aid;

(3) Participate in the initial training program developed by the department;
(4) Pass a competency evaluation developed by the department; and

(5) Participate in a retraining program every two years.

e) Any facility may offer the training and competency evaluation program developed by the department to its facility staff members. The training and competency programs shall be provided by the facility through a registered professional nurse.

(f) A registered professional nurse who is authorized to train facility staff members to administer medications or perform health maintenance tasks in facilities shall:

(1) Possess a current active license as set forth in article seven, chapter thirty in good standing to practice as a registered nurse;

(2) Have practiced as a registered professional nurse in a position or capacity requiring knowledge of medications and the performance of health maintenance tasks for the immediate two years prior to being authorized to train facility staff members;

(3) Be familiar with the nursing care needs of residents of facilities as described in this article; and

(4) Have completed and passed the facility trainer/instructor course developed by the authorizing agency.

(g) After successfully completing the initial training and testing for the AMAP program, registered professional nurses and AMAPs shall have competencies for health maintenance tasks reassessed and documented annually by the employer of record to ensure continued competence.

§16-5O-6. Availability of records; eligibility requirements of facility staff.

(a) Any facility which authorizes unlicensed staff members to administer medications or perform health maintenance tasks
shall make available to the authorizing agency a list of the individual facility staff members authorized to administer medications or perform health maintenance tasks.

(b) Any facility may permit a facility staff member to administer medications or perform health maintenance tasks in a single specific agency only after compliance with all of the following:

(1) The staff member has successfully completed a training program and received a satisfactory competency evaluation as required by this article;

(2) The facility determines there is no statement on the state administered nurse aide registry indicating that the staff member has been the subject of finding of abuse or neglect of a long-term care facility resident or convicted of the misappropriation of a resident’s property;

(3) The facility staff member has had a criminal background check or if applicable, a check of the State Police Abuse Registry, establishing that the individual has not been convicted of crimes against persons or drug related crimes;

(4) The medication to be administered is received and maintained by the facility staff member in the original container in which it was dispensed by a pharmacist or the physician; and

(5) The facility staff member has complied with all other applicable requirements of this article, the legislative rules adopted pursuant to this article and other criteria, including minimum competency requirements, as are specified by the authorizing agency.

§16-50-7. Oversight of medication administration and performance of health maintenance tasks by the approved medication assistive personnel.

(a) Any facility in which medication is administered or health maintenance tasks performed by the approved medication
assistive personnel shall establish an administrative monitoring system in administrative policy. The specific requirements of the administrative policy shall be established by the department, through legislative rules. These rules shall be developed in consultation with the West Virginia Board of Examiners for Registered Nurses, the West Virginia Nurses Association, the West Virginia Statewide Independent Living Council, and the West Virginia Board of Respiratory Care. These rules are required to include, at a minimum:

(1) Instructions on protocols for contacting an appropriate healthcare professional in situations where a condition arises which may create a risk to the resident’s health and safety;

(2) The type and frequency of monitoring and training requirements for management of these occurrences; and

(3) Procedures to prevent drug diversion.

(b) Monitoring of facility staff members authorized pursuant to this article shall be performed by a registered professional nurse employed or contracted by the facility, who shall exercise judgment, evaluate and assess the patient, inject medicine, except prefilled insulin and insulin pens if this task is delegated to an approved medication assistive person, and monitor medications, self-administration of medications and self-injections by the resident in accordance with his or her scope of practice.

§16-5O-8. Withdrawal of authorization.

The registered professional nurse who monitors or supervises the facility staff members authorized to administer medication or perform health maintenance tasks may withdraw authorization for a facility staff member if the nurse determines that the facility staff member is not performing medication administration or health maintenance tasks in accordance with the training and written instructions. The withdrawal of the
authorization shall be documented and relayed to the facility and
the department in order to remove the facility staff member from
the list of authorized individuals. The department shall maintain
a list of the names of persons whose authorization to administer
medication or perform health maintenance tasks has been
withdrawn, and the reasons for withdrawal of authorization. The
list may be accessed by registered professional nurses or
facilities.

§16-50-10. Limitations on medication administration or
performance of health maintenance tasks.

The following limitations apply to the administration of
medication or performance of health maintenance tasks by
facility staff members:

(a) Injections or any parenteral medications may not be
administered, except that prefilled insulin or insulin pens may be
administered;

(b) Irrigations or debriding agents used in the treatment of a
skin condition or minor abrasions may not be administered;

(c) No verbal medication orders may be accepted, no new
medication orders shall be transcribed and no drug dosages may
be converted and calculated;

(d) No medications ordered by the health care professional
to be given “as needed” may be administered unless the order is
written with specific parameters which preclude independent
judgment; and

(e) Health maintenance tasks for the performance of
tracheostomy care and ventilator care is not permitted in an
intermediate care facility for individuals with an intellectual
disability, assisted living, behavioral health group home, private
residence where the resident is not residing with family and/or
natural supports.
§16-5O-12. Advisory Committee.

(a) There is continued an advisory committee to assist with the development of polices and procedures regarding health maintenance care in order to safeguard the well-being and to preserve the dignity of persons who need assistance to live in their communities and avoid institutionalization.

(b) (1) The advisory committee shall consist of eleven voting members as follows:

(A) The Olmstead Coordinator within the department of Health and Human Resources, Office of Inspector General;

(B) One physician with expertise in respiratory medicine to be chosen by the West Virginia Board of Respiratory Care.

(C) A representative chosen by AARP West Virginia;

(D) A representative chosen by the West Virginia Statewide Independent Living Council;

(E) A representative chosen by the West Virginia Developmental Disabilities Council;

(F) A representative chosen by the West Virginia Board of Respiratory Care;

(G) A representative chosen by the West Virginia Society for Respiratory Care;

(H) One representative of the West Virginia Board of Examiners for Registered Professional Nurses;

(I) One representative of the West Virginia Nurses Association;

(J) One representative of the Fair Shake Network; and
(K) The Office Director of the Office of Health Facility Licensure and Certification.

(c) A chairman shall be selected from the voting members of the advisory committee.

(d) The advisory committee shall meet at least four times annually, upon the call of the chairman, or at the request of the authorizing agency. A simple majority of the members shall constitute a quorum.

(e) All members of the committee shall be reimbursed reasonable expenses pursuant to the rules promulgated by the Department of Administration for the reimbursement of expenses of state officials and employees and shall receive no other compensation for their services.

CHAPTER 80

(Com. Sub. for H. B. 4560 - By Delegates Manchin, Caputo, Longstreth, Skinner, Moore, Wells, M. Poling and Sponaugle)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, all relating to reimbursement for copies of medical records; copies of medical records in electronic format; and limiting the reimbursement fee for electronic records.

Be it enacted by the Legislature of West Virginia:

That §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:
ARTICLE 29. HEALTH CARE RECORDS.

§16-29-1. Copies of health care records to be furnished to patients.

(a) Any licensed, certified or registered health care provider so licensed, certified or registered under the laws of this state shall, upon the written request of a patient, his or her authorized agent or authorized representative, within a reasonable time, furnish a copy, in the form of a paper copy or, if requested and if the provider routinely stores records electronically and has the ability to so provide, a copy in an electronic format including, but not limited to, a copy saved upon a computer disc, an electronically mailed copy or a copy saved upon a portable memory device of all or a portion of the patient's record to the patient, his or her authorized agent or authorized representative subject to the following exceptions:

(1) In the case of a patient receiving treatment for psychiatric or psychological problems, a summary of the record shall be made available to the patient, his or her authorized agent or authorized representative following termination of the treatment program.

(2) The furnishing of a copy, as requested, of the reports of X-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article.

(b) Nothing in this article shall be construed to require a health care provider responsible for diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease according to any provision of this code, to release patient records of such diagnosis, treatment or provision of health care as aforesaid to a parent or guardian, without prior written consent therefor from the patient, nor shall anything in
this article be construed to apply to persons regulated under the
provisions of chapter eighteen of this code or the rules and
regulations established thereunder.

(c) This article does not apply to records subpoenaed or
otherwise requested through court process.

(d) The provisions of this article may be enforced by a
patient, authorized agent or authorized representative, and any
health care provider found to be in violation of this article shall
pay any attorney fees and costs, including court costs incurred in
the course of such enforcement.

(e) Nothing in this article shall be construed to apply to
health care records maintained by health care providers governed
by the AIDS-related Medical Testing and Records
Confidentiality Act under the provisions of article three-c of this
chapter.

§16-29-2. Reasonable expenses to be reimbursed.

(a) A person requesting records from a provider shall place
the request in writing and pay a reasonable, cost-based fee, at the
time of delivery. Notwithstanding any other section of the code
or rule, the fee shall be based on the provider’s cost of: (1) Labor
for copying the requested records if in paper, or for placing the
records in electronic media; (2) supplies for creating the paper
copy or electronic media; and (3) postage if the person requested
that the records be mailed.

If a person requests or agrees to an explanation or summary
of the records, the provider may charge a reasonable cost-based
fee for the labor cost if preparing the explanation or the
summary; for the supplies for creating the explanation or
summary; and for the cost of postage, if the person requested
that the records be mailed. If the records are stored with a third
party or a third party responds to the request for records in paper or electronic media, the provider may charge additionally for the actual charges incurred from the third party.

(b) The labor for copying under this section shall not exceed twenty-five dollars per hour and shall be adjusted to reflect the consumer price index for medical care services such that the base amount shall be increased by the proportional consumer price index in effect as of October of the calendar year in which the request was made, rounded to the nearest dollar.

(c) Notwithstanding the provisions of subsection (a) of this section, a provider shall not impose a charge on an indigent person or his or her authorized representative if the medical records are necessary for the purpose of supporting a claim or appeal under any provisions of the Social Security Act, 42 U.S.C. §301 et seq.

For purposes of this section, a person is considered indigent if he or she:

(1) Is represented by an organization or affiliated pro bono program that provides legal assistance to indigents; or

(2) Verifies on a medical records request and release form that the records are requested for purposes of supporting a Social Security claim or appeal and submits with the release form reasonable proof that the person is financially unable to pay full copying charges by reason of unemployment, disability, income below the federal poverty level, or receipt of state or federal income assistance.

(d) Any person requesting free copies of written medical records pursuant to the provisions of subsection (c) of this section is limited to one set of copies per provider. Any additional requests for the same records from the same provider shall be subject to the fee provisions of subsection (a).
AN ACT to amend and reenact §18B-1B-6 of the Code of West Virginia, 1931, as amended, relating to renaming the administrative heads of Potomac State College of West Virginia University and West Virginia University Institute of Technology; and updating obsolete provisions.

Be it enacted by the Legislature of West Virginia:

That §18B-1B-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-6. Appointment of institutional presidents; evaluation.

(a) Appointment of institutional presidents. — Appointment of presidents of the state institutions of higher education shall be made as follows:

(1) The initial contract term for a president of a state institution of higher education may not exceed two years. At the end of the initial contract period, and subject to the provisions of subsection (c) of this section, the governing board may offer the president a contract of longer duration, but not to exceed five years.

(2) The president of a state institution of higher education serves at the will and pleasure of the appointing governing board.
(3) Subject to the approval of the commission, the governing
board of the institution appoints a president for Bluefield State
College, Concord University, Fairmont State University,
Glenville State College, Marshall University, Shepherd
University, West Liberty University, West Virginia School of
Osteopathic Medicine, West Virginia State University and West
Virginia University.

(4) Subject to the approval of the council, the governing
board of the community and technical college appoints a
president for Blue Ridge Community and Technical College,
Bridge Valley Community and Technical College, Eastern West
Virginia Community and Technical College, Mountwest
Community and Technical College, New River Community and
Technical College, Pierpont Community and Technical College,
Southern West Virginia Community and Technical College,
West Virginia Northern Community and Technical College and
West Virginia University at Parkersburg.

(b) Other appointments. — The President of West Virginia
University appoints a campus president to be the administrative
head of Potomac State College of West Virginia University and
a campus president to be the administrative head of West
Virginia University Institute of Technology.

(c) Evaluation of presidents. —

(1) The appointing governing board shall conduct written
performance evaluations of the institution’s president.
Evaluations shall be done at the end of the initial contract period
and in every third year of employment as president thereafter,
recognizing unique characteristics of the institution and using
institutional personnel, boards of advisors as appropriate, staff
of the appropriate governing board and persons knowledgeable
in higher education matters who are not otherwise employed by
a governing board. A part of the evaluation shall be a
determination of the success of the institution in meeting the
requirements of its institutional compact and in achieving the
goals, objectives and priorities established in articles one and
one-d of this chapter.

(2) After reviewing the evaluations, the governing board
shall make a determination by majority vote of its members on
continuing employment and the compensation level for the
president in accordance with subsection (a) of this section.

(d) The legislative rules of the commission and council
promulgated in accordance with section six, article one of this
chapter and article three-a, chapter twenty-nine-a of this code
which are in effect on January 1, 2014, continue in effect unless
amended or repealed. The rules provide guidance for the
governing boards in filling vacancies in the office of president in
accordance with this chapter and shall include, but are not
limited to, clarifying the powers, duties and roles of the
governing boards, commission, council and chancellors in the
presidential appointment process.

CHAPTER 82

(H. B. 4457 - By Delegates Lawrence, Raines,
Staggers, Fleischauer, Longstreth, Marshall, Hunt,
Barrett, Moore, L. Phillips and Skinner)

[Passed March 5, 2014; in effect from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §18B-17-3 of the Code of West
Virginia, 1931, as amended, relating to authorizing a legislative
rule for the Council for Community and Technical College
Education regarding standards for granting college credit for
courses under the West Virginia EDGE program.
Be it enacted by the Legislature of West Virginia:

That §18B-17-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 17. LEGISLATIVE RULES.

§18B-17-3. Authorizing rules of the Council for Community and Technical College Education.

(a) The legislative rule filed in the State Register on September 29, 2004, relating to the West Virginia Council for Community and Technical College Education (performance indicators) is authorized.

(b) The legislative rule filed in the State Register on October 13, 2005, relating to the West Virginia Council for Community and Technical College Education (Authorization of degree-granting institutions) is authorized.

(c) The legislative rule filed in the State Register on October 30, 2006, relating to the West Virginia Council for Community and Technical College Education (Workforce Development Initiative Program) is authorized.

(d) The legislative rule filed in the State Register on December 4, 2008, relating to the West Virginia Council for Community and Technical College Education (Employing and Evaluating Presidents) is authorized.

(e) The legislative rule filed in the State Register on December 23, 2008, relating to the West Virginia Council for Community and Technical College Education (Performance Indicators) is authorized.

(f) The legislative rule filed in the State Register on February 5, 2009, relating to the West Virginia Council for Community and Technical College Education (Finance) is authorized.
(g) The legislative rule filed in the State Register on February 5, 2009, relating to the West Virginia Council for Community and Technical College Education (Accountability System) is authorized.

(h) The legislative rule filed in the State Register on June 15, 2011, relating to the West Virginia Council for Community and Technical College Education (Workforce Development Initiative Program) is authorized.

(i) The legislative rule filed in the State Register on October 26, 2011, relating to the West Virginia Council for Community and Technical College Education (Tuition and Fees) is authorized.

(j) The legislative rule filed in the State Register on October 17, 2012, relating to the West Virginia Council for Community and Technical College Education (Authorization of Degree Granting Institutions) is authorized.

(k) The legislative rule filed in the State Register on October 17, 2012, relating to the West Virginia Council for Community and Technical College Education (Annual Reauthorization of Degree Granting Institutions) is authorized.

(l) The legislative rule filed in the State Register on March 21, 2013, relating to the West Virginia Council for Community and Technical College Education (Human Resources Administration) is authorized.

(m) The legislative rule filed in the State Register on August 21, 2012, relating to the West Virginia Council for Community and Technical College Education (West Virginia EDGE Program) is authorized.
CHAPTER 83

(Com. Sub. for H. B. 4496 - By Delegates Skaff,
Mr. Speaker (Mr. Miley), White, Paxton, Armstead, Lane,
E. Nelson, Fragale, Moore, McCuskey and Poore)

[Passed March 6, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 26, 2014.]

AN ACT to amend and reenact §18B-18A-1, §18B-18A-2,
Code of West Virginia, 1931, as amended, all relating generally to
providing for the allocation of matching funds from the West
Virginia Research Trust Fund; expanding the eligible recipients of
matching funds to include West Virginia State University; and
continuing legislative rule and expanding its application.

Be it enacted by the Legislature of West Virginia:

§18B-18A-9 and §18B-18A-11 of the Code of West Virginia, 1931, as
amended, be amended and reenacted, all to read as follows:

ARTICLE 18A. DIRECTED RESEARCH ENDOWMENTS.

§18B-18A-1. Legislative findings; purpose; and intent.

(a) The Legislature finds that the continued expansion of the
nation's economy is dependent upon the ability of its institutions
of higher education to increase the quality, quantity and
productivity of its citizens who are engaged in scientific and
technical fields of study. Failure of the United States to compete
in these areas may lead to lower standards of living, dependence
upon foreign intellectual capital and international insecurity. The
economic future of West Virginia is equally dependent upon the
ability of Marshall University and West Virginia University, the state's two doctoral-granting, public research universities, as well as its other higher education institutions to promote, educate and train researchers and research support staff in these diverse fields of study.

The Legislature further finds that a recent emphasis on the creation of innovative curricula and the receipt of significant private donations by Marshall University and West Virginia University has led to major expansions in certain areas of study, including energy, national security technology, environmental sciences, health and biomedical sciences, biometrics, biotechnology and nanotechnology. Despite these expansions, the additional investment of both private donations and state moneys is critical to recruiting world-class scientists, researchers, research staff, technicians and professional degree graduates, as well as providing funding for laboratories and scientific equipment.

(b) The purpose of the Legislature in enacting this article is to establish a state fund to be administered by the Higher Education Policy Commission to address the findings outlined in subsection (a) of this section. The fund will make public moneys available to the state's two doctoral-granting public research universities, Marshall University and West Virginia University, and a state land grant higher education institution, West Virginia State University, to match qualified private donations and qualified private donation pledges; thereby creating an incentive for donors to support certain priority areas of study consistent with each participating institution's long-range strategic plan for research. Creation of this fund promotes strategic private donations targeted to specific areas of research and creates a sustainable source of funding for research initiatives that are critical to achieving long-term goals including, but not limited to, the following:
(1) Research-based economic development and economic diversification; and

(2) Increased potential for patenting, licensing and related technology transfer and commercialization of scientific and technological research in the state.


(a) General. – For the purposes of this article, terms have the meaning ascribed to them in section two, article one of this chapter, unless the context in which the term is used clearly requires a different meaning or a specific definition is provided in this section.

(b) Definitions. – Solely for the purposes of this article, the following words and phrases have the meanings ascribed to them.

(1) "Directed research endowment" or "research endowment" means an account established at or administered by a participating institution or its affiliated research corporation or foundation in accordance with the provisions of section four of this article;

(2) "Directed research endowment plan" or "research plan" means the strategies and procedures formally approved and adopted by a governing board of a participating institution pursuant to section seven of this article outlining how a participating institution proposes to use directed research endowment proceeds to meet established goals and objectives;

(3) "Directed research endowment proceeds" or "endowment proceeds" means those investment earnings accruing to a participating institution’s directed research endowment and available for expenditure by a participating institution or its affiliated research corporation in accordance with the provisions of section four of this article;
(4) "Trust fund" means the special account designated as the West Virginia Research Trust Fund established in section three of this article;

(5) "Participating institution" means Marshall University, West Virginia University or West Virginia State University;

(6) "Qualified private donation" or "qualified donation" means a private donation, gift or bequest to a directed research endowment that meets the criteria set forth in section five of this article;

(7) "Qualified private donation pledge" or "qualified pledge" means a pledge, commitment or other agreement to give a private donation to a directed research endowment that is made pursuant to a written agreement between the donor and the institution or its affiliated research corporation or foundation and that meets the criteria set forth in section five of this article;

(8) "Foundation" means a corporation created, organized and located in West Virginia that meets the following conditions:

(A) Is organized and operated for educational purposes in support of one or more state institutions of higher education;

(B) Is designated by the board of governors of one or more state institutions of higher education to receive charitable contributions for educational purposes on behalf of the institution or institutions;

(C) Does not have any part of its earnings inuring to the benefit of a private shareholder or individual;

(D) Is not disqualified from tax exemption under 26 U.S.C. §501(c)(3) for any reason; and

(E) Does not participate or intervene in, on behalf of or in opposition to any political campaigns for public office;
(9) "Research corporation" means an organization created pursuant to the provisions of article twelve of this chapter; and

(10) "State college" means the West Virginia School of Osteopathic Medicine, Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University or West Liberty University.


(a) There is continued in the State Treasury a special fund to be known as the West Virginia Research Trust Fund which shall consist of appropriations of moneys to the fund made by the Legislature, all earnings from investment of the fund and any unmatched portion of state moneys returned by a state institution of higher education.

(b) Expenditures from the trust fund shall be made for the purposes set forth in this article and are not subject to separate appropriation by the Legislature. Any balance in the trust fund at the end of each fiscal year, including accrued investment earnings on any unmatched portion of state moneys returned by a state institution of higher education, does not expire to the General Revenue Fund, but remains in the trust fund to be expended as provided by this article.

(c) In accordance with and subject to the provisions of section eight of this article, the commission shall make available moneys in this account to match qualified donations and qualified pledges as follows:

(1) Sixty-five percent to West Virginia University;

(2) Thirty percent to Marshall University; and

(3) Five percent to West Virginia State University.
(d) Investment earnings accruing in the account may be expended by the commission to provide matching research funds to state colleges in accordance with the provisions of section ten of this article.


(a) A participating institution seeking a distribution of matching moneys from the trust fund first shall obtain qualified donations, qualified pledges, or both, in an amount equal to the amount of matching moneys requested for distribution and shall submit a request to the commission setting forth the following:

(1) The amount of qualified donations, qualified pledges, or both, designated for use in requesting the distribution of matching moneys from the trust fund and the amount of any previous distributions of matching moneys from the trust fund;

(2) The amount requested for distribution to the participating institution pursuant to section three of this article;

(3) An explanation of how the proposed use satisfies the criteria for the eligible uses of endowment proceeds set forth in section six of this article;

(4) An explanation of how the proposed use of the endowment proceeds furthers the purposes of this article and addresses the research needs of the institution as identified in the research plan; and

(5) A designation of the applicable research endowment into which the requested matching moneys are to be deposited.

(b) The commission shall review each request for distribution of matching moneys from the trust fund for compliance with the provisions of this article and the rule promulgated pursuant to section eleven of this article.
(c) Once the commission approves the request of a participating institution, it shall distribute matching moneys from those allocated to the institution in the trust fund to the applicable research endowment in an amount equal to the amount of qualified donations, qualified pledges, or both.


(a) No later than seven years from the July 1, 2014, each participating institution shall have deposited into its research endowments an amount of qualified donations equal to or greater than the total amount of moneys allocated for distribution to the institution pursuant to the provisions of subsection (c), section three of this article.

(1) If one of the participating institutions fails to have deposited into its research endowments the requisite amount of qualified donations by the end of the seven-year period, then any portion of the moneys allocated to the institution that has not been distributed shall be reallocated for distribution to the other participating institutions pursuant to the terms of this article.

(2) To be eligible to receive a distribution of reallocated moneys pursuant to this subsection, another participating institution shall have qualified donations in excess of the amount required by subsection (a) of this section deposited into its research endowment(s) in an amount equal to or greater than the amount of reallocated moneys.

(3) If another participating institution does not have excess qualified donations on deposit, the reallocated moneys shall be made available for distribution by the commission to state colleges in accordance with the provisions of section ten of this article.

(b) If any pledge previously used by a participating institution to obtain a distribution of matching moneys from the
trust fund has not been paid in full within seven years from July 1, 2014, then the institution shall return the unmatched portion of state moneys to the trust fund. These moneys shall be reallocated for distribution to the other participating institutions or to the state colleges pursuant to the terms of this section and section ten of this article as applicable.

(c) If all participating institutions fail to have deposited into their respective research endowments the requisite amount of qualified donations within seven years from July 1, 2014, then any moneys remaining in the trust fund that have not been distributed shall be made available for distribution by the commission to state colleges in accordance with the provisions of this article.


(a) The commission's legislative rule to implement the provisions and purposes of this article which is in effect on July 1, 2014, continues in effect unless repealed or amended in accordance with the provisions of section six, article one of this chapter and article three-a, chapter twenty-nine-a of this code. The rule shall be interpreted to include West Virginia State University as a participating institution as provided in this article.

(b) The rule shall include the following:

(1) Documentation standards and review procedures to determine whether a donation or pledge meets the criteria of a qualified donation or qualified pledge when initially received or when the terms of a qualified donation or a qualified pledge are materially altered;

(2) Eligibility criteria in accordance with the provisions of section six of this article for the expenditure of endowment proceeds to pay the base salaries of personnel, to fund research fellowships and to purchase basic infrastructure;
19. (3) Procedures to ensure that endowment proceeds are expended in compliance with the provisions of this article;

20. (4) A requirement for each participating institution to report on the total amount of qualified donations received, the investment earnings realized and any anticipated expenditures of the research endowment proceeds in its annual operating budget;

21. and

22. (5) Procedures for the competitive application and review of requests from state colleges and criteria for the eligible use of moneys distributed pursuant to section ten of this article.

CHAPTER 84

(S. B. 394 - By Senators Laird, Stollings, Plymale, Wells, Beach, Chafin, Tucker, Boley, Carmichael and Jenkins)

[Passed March 6, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the Health Sciences Service Program; continuing special revolving fund account and designating new name of fund; modifying fund expenditure provisions; modifying certain defined term; and expanding and modifying program eligibility.

Be it enacted by the Legislature of West Virginia:

That §18C-3-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:
ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.

§18C-3-3. Health Sciences Service Program; establishment; administration; eligibility.

(a) Legislative findings. — The Legislature finds that there is a critical need for additional practicing health care professionals in West Virginia. Therefore, there is created a Health Sciences Service Program to be administered by the Vice Chancellor for Health Sciences. The purpose of this program is to provide an incentive for health professional students to complete their training and provide primary care in underserved areas of West Virginia.

(b) Special account. — There is continued a special revolving fund account under the Higher Education Policy Commission in the State Treasury formerly known as the Health Sciences Scholarship Fund and hereafter designated the Health Sciences Service Program Fund. The fund shall be used to accomplish the purposes of this section. The fund consists of any of the following:

(1) All unexpended health sciences scholarship funds on deposit in the State Treasury on the effective date of this section;

(2) Appropriations as may be provided by the Legislature;

(3) Repayments, including interest as set by the Vice Chancellor for Health Sciences, collected from program award recipients who fail to practice or teach in West Virginia under the terms of an award agreement or the health sciences scholarship program previously established by this section; and

(4) Amounts that may become available from other sources.

Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs
associated with the administration of this section shall be paid from the Health Sciences Service Program Fund under the direction of the Vice Chancellor for Health Sciences.

(c) Eligibility requirements. — Award preference is given to West Virginia residents. An individual is eligible for consideration for a Health Sciences Service Program award if the individual:

   (1) Either:

      (A) Is a fourth-year medical student at the Marshall University School of Medicine, West Virginia School of Osteopathic Medicine or West Virginia University School of Medicine who has been accepted in a primary care internship/residency program in West Virginia; or

      (B) Is enrolled in an approved education program at a West Virginia institution leading to a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker or other disciplines identified as shortage fields by the Vice Chancellor for Health Sciences; and

   (2) Signs an agreement to practice for at least two years in an underserved area of West Virginia or, if pursuing a master’s degree in nursing, signs an agreement to teach at least two years for a school of nursing located in West Virginia, as may be determined by the Vice Chancellor for Health Sciences, after receiving the master’s degree.

(d) Program awards. — Program awards shall be in an amount set by the Higher Education Policy Commission of at least $20,000 for medical and dental students and at least $10,000 for all others and may be awarded by the Vice Chancellor for Health Sciences, with the advice of an advisory
panel, from the pool of all applicants with a commitment to
practice in an underserved area of West Virginia. This section
does not grant or guarantee any applicant any right to a program
award.

(e) Repayment provisions. — A program award recipient
who fails to practice in an underserved area of West Virginia
within six months of the completion of his or her training, or
who fails to complete his or her training or required teaching, is
in breach of contract and is liable for repayment of the program
award and any accrued interest. The granting or renewal of a
license to practice in West Virginia or to reciprocal licensure in
another state based upon licensure in West Virginia is contingent
upon beginning payment and continuing payment until complete
repayment of the award and any accrued interest. A license,
renewal or reciprocity may not be granted to any person whose
repayment is in arrears. The appropriate regulatory board shall
inform all other states where a recipient has reciprocated based
upon West Virginia licensure of any refusal to renew licensure
in West Virginia as a result of failure to repay the award. This
provision shall be explained in bold type in the award contract.
Repayment terms, not inconsistent with this section, shall be
established by the Vice Chancellor for Health Sciences pursuant
to the rule required by this section.

(f) Rule. — The Higher Education Policy Commission shall
promulgate a rule pursuant to article three-a, chapter twenty
nine-a of this code to implement and administer this section.

(g) Definitions. — As used in this section:

(1) “Training” means:

(A) The entire degree program or certification program for
nurse midwives, nurse practitioners, nurse educators, physician
assistants, dentists, pharmacists, physical therapists, doctoral
clinical psychologists, licensed independent clinical social
90 workers and other disciplines identified as shortage fields by the
91 Vice Chancellor for Health Sciences; or

92 (B) Completion of a degree program and an approved
93 residency/internship program for students pursuing a degree in
94 medicine or osteopathy, or as otherwise may be designated for
95 such students in the rule required by this section.

96 (2) "Underserved area" means any primary care health
97 professional shortage area located in the state as determined by
98 the Bureau for Public Health or any additional health
99 professional shortage area determined by the Vice Chancellor for
100 Health Sciences.

CHAPTER 85

(H. B. 4135 - By Delegates P. Smith, Perry, Pino, Walker,
Young, Lynch, Hamilton, Hartman and Kinsey)

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 21, 2014.]

AN ACT to amend and reenact §2-2-1a of the Code of West Virginia,
1931, as amended, relating to designating the first Thursday in
May the West Virginia Day of Prayer.

Be it enacted by the Legislature of West Virginia:

That §2-2-1a of the Code of West Virginia, 1931, as amended, be
amended and reenacted to read as follows:

ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL
DAYS; CONSTRUCTION OF STATUTES;
DEFINITIONS.
§2-2-1a. Special memorial days.

(a) The Governor shall, by proclamation, declare the week beginning with the Sunday before Thanksgiving as a special memorial week to be known as Native American Indian Heritage Week.

(b) The first Tuesday after the first Monday of November is designated Susan B. Anthony Day and shall only be a legal holiday in all years ending in an even number. The Governor shall annually issue a proclamation calling on all schools, civic organizations, government departments and citizens to undertake activities on the designated day and surrounding days to pay tribute to the accomplishments of Susan B. Anthony in securing the civil and political rights of all Americans, including securing equal voting rights for women.

(c) The Governor shall, by proclamation, declare the week during which December 7 falls to be a special memorial week, to be known as Pearl Harbor and Military Appreciation week, honoring all West Virginians who fought in World War II and all other military conflicts and shall encourage all municipalities in the state to do the same. The State Department of Education is directed to implement a program involving activities in which students shall participate which shall recognize the contributions West Virginians have made to their country through service in the United States Military.

(d) The Governor shall, by proclamation, declare March 30 as a special memorial day to be known as Vietnam Veteran Recognition Day honoring all West Virginians who served in the United States Armed Forces in the Republic of Vietnam during the period beginning February 28, 1961 and ending May 7, 1975, and shall encourage all counties and municipalities in the state to do the same.
(e) The Governor shall, by proclamation, declare August 7 as a special memorial day, to be known as Purple Heart Recognition Day, honoring all West Virginians who, while serving in the United States Armed Forces, have been wounded or killed in action and shall encourage all municipalities and counties in the state to do the same.

(f) The Governor shall, by proclamation, declare July 27 as a special memorial day to be known as Korean War Veteran Recognition Day honoring all West Virginians who served in the United States Armed Forces in the Korean War, and shall encourage all counties and municipalities in the state to do the same.

(g) The Governor shall, by proclamation, declare the first Thursday in May as the West Virginia Day of Prayer. The West Virginia Day of Prayer corresponds with the National Day of Prayer, 36 U.S.C. §119, on which the people of West Virginia may turn to God in prayer and meditation at churches, in groups, and as individuals.

CHAPTER 86

(S. B. 314 - By Senators Williams and Sypolt)

[Passed March 5, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 14, 2014.]

AN ACT to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to proceeds of the hotel occupancy tax; allowing expenditure of the proceeds for medical care and emergency services in certain counties with no more than one hospital; and measuring county populations according to most recent decennial census for these purposes.
Be it enacted by the Legislature of West Virginia:

That §7-18-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 18. HOTEL OCCUPANCY TAX.

§7-18-14. Proceeds of tax; application of proceeds.

(a) Application of proceeds. — The net proceeds of the tax collected and remitted to the taxing authority pursuant to this article shall be deposited into the General Revenue Fund of such municipality or county commission and, after appropriation thereof, shall be expended only as provided in subsections (b) and (c) of this section.

(b) Required expenditures. — At least fifty percent of the net revenue receivable during the fiscal year by a county or a municipality pursuant to this article shall be expended in the following manner for the promotion of conventions and tourism:

(1) Municipalities. — If a convention and visitor’s bureau is located within the municipality, county or region, the governing body of such municipality shall appropriate the percentage required by this subsection to that bureau. If a convention and visitor’s bureau is not located within such municipality, county or region, then the percentage appropriation required by this subsection shall be appropriated as follows:

(A) Any hotel located within such municipality, county or region may apply to such municipality for an appropriation to such hotel of a portion of the tax authorized by this article and collected by such hotel and remitted to such municipality, for uses directly related to the promotion of tourism and travel, including advertising, salaries, travel, office expenses, publications and similar expenses. The portion of such tax allocable to such hotel shall not exceed seventy-five percent of
that portion of such tax collected and remitted by such hotel which is required to be expended pursuant to this subsection:  

_Provided_, That prior to appropriating any moneys to such hotel, such municipality shall require the submission of, and give approval to, a budget setting forth the proposed uses of such moneys.

(B) If there is more than one convention and visitor’s bureau located within a municipality, county or region, the city council may allocate the tax authorized by this article to one or more of such bureaus in such portion as the city council in its sole discretion determines.

(C) The balance of net revenue required to be expended by this subsection shall be appropriated to the regional travel council serving the area in which the municipality is located.

(2) **Counties.** — If a convention and visitor’s bureau is located within a county or region, the county commission shall appropriate the percentage required by this subsection to that convention and visitor’s bureau. If a convention and visitor’s bureau is not located within such county or region, then the percentage appropriation required by this subsection shall be appropriated as follows:

(A) Any hotel located within such county or region may apply to such county for an appropriation to such hotel of a portion of the tax authorized by this article and collected by such hotel and remitted to such county, for uses directly related to the promotion of tourism and travel, including advertising, salaries, travel, office expenses, publications and similar expenses. The portion of such tax allocable to such hotel shall not exceed seventy-five percent of that portion of such tax collected and remitted by such hotel which is required to be expended pursuant to this subsection:  

_Provided_, That prior to appropriating any moneys to such hotel such county shall require the submission
of, and give approval to, a budget setting forth the proposed uses of such moneys.

(B) If there is more than one convention and visitor's bureau located within a county or region, the county commission may allocate the tax authorized by this article to one or more of such bureaus in such portion as the county commission in its sole discretion determines.

(C) The balance of net revenue required to be expended by this subsection shall be appropriated to the regional travel council serving the area in which the county is located.

(3) Legislative finding. — The Legislature hereby finds and declares that in order to attract new business and industry to this state and to retain existing business and industry all to provide the citizens of the state with economic security, and to advance the business prosperity and economic welfare of this state, it is necessary to enhance recreational and tourism opportunities. Therefore, in order to promote recreation and tourism, the Legislature finds that public financial support should be provided for constructing, equipping, improving and maintaining projects, agencies and facilities which promote recreation and tourism. The Legislature also finds that the support of convention and visitor's bureaus, hotels and regional travel councils is a public purpose for which funds may be expended. Local convention and visitor's bureaus, hotels and regional travel councils receiving funds under this subsection may expend such funds for the payment of administrative expenses, and for the direct or indirect promotion of conventions and tourism, and for any other uses and purposes authorized by subdivisions (1) and (2) of this subsection.

(c) Permissible expenditures. — After making the appropriation required by subsection (b) of this section, the remaining portion of the net revenues receivable during the fiscal year by such county or municipality, pursuant to this article, may
be expended for one or more of the purposes set forth in this subsection, but for no other purpose. The purposes for which expenditures may be made pursuant to this subsection are as follows:

(1) The planning, construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, equipment, maintenance, repair and operation of publicly owned convention facilities, including, but not limited to, arenas, auditoriums, civic centers and convention centers;

(2) The payment of principal or interest or both on revenue bonds issued to finance such convention facilities;

(3) The promotion of conventions;

(4) The construction, operation or maintenance of public parks, tourist information centers and recreation facilities, including land acquisition;

(5) The promotion of the arts;

(6) Historic sites;

(7) Beautification projects;

(8) Passenger air service incentives and subsidies directly related to increasing passenger air service availability to tourism destinations in this state;

(9) Medical care and emergency services, in an amount not exceeding $200,000, in any county where:

(A) There is an urgent necessity to preserve the delivery of acute medical care and emergency services;

(B) There is an increase in need for acute medical care and emergency services directly related to tourism;
(C) Recurrent flooding in the county significantly disrupts, on a periodic basis, the delivery of acute medical care and emergency services;

(D) There is an inadequate economic base within the county from any source other than tourism to preserve the delivery of acute medical care and emergency services;

(E) There is an inadequate economic base directly related to low population in the county, specifically, a population of less than ten thousand persons according to the most recent decennial census taken under the authority of the United States;

(F) There is no more than one hospital within the county; and

(G) The county commission makes specific findings, by resolution, that all of the foregoing conditions within the county exist; or

(10) Support and operation of the Hatfield-McCoy Recreation Area by the participating county commissions in the Hatfield-McCoy Regional Recreational Authority.

(d) Definitions. — For purposes of this section, the following terms are defined:

(1) Convention and visitor’s bureau and visitor’s and convention bureau. — “Convention and visitor’s bureau” and “visitor’s and convention bureau” are interchangeable and either shall mean a nonstock, nonprofit corporation with a full-time staff working exclusively to promote tourism and to attract conventions, conferences and visitors to the municipality, county or region in which such convention and visitor’s bureau or visitor’s and convention bureau is located or engaged in business within.
(2) *Convention center.* — "Convention center" means a convention facility owned by the state, a county, a municipality or other public entity or instrumentality and shall include all facilities, including armories, commercial, office, community service and parking facilities and publicly owned facilities constructed or used for the accommodation and entertainment of tourists and visitors, constructed in conjunction with the convention center and forming reasonable appurtenances thereto.

(3) *Fiscal year.* — "Fiscal year" means the year beginning July 1 and ending June 30 of the next calendar year.

(4) *Net proceeds.* — "Net proceeds" means the gross amount of tax collections less the amount of tax lawfully refunded.

(5) *Promotion of the arts.* — "Promotion of the arts" means activity to promote public appreciation and interest in one or more of the arts. It includes the promotion of music for all types, the dramatic arts, dancing, painting and the creative arts through shows, exhibits, festivals, concerts, musicals and plays.

(6) *Recreational facilities.* — "Recreational facilities" means and includes any public park, parkway, playground, public recreation center, athletic field, sports arena, stadium, skating rink or arena, golf course, tennis courts and other park and recreation facilities, whether of a like or different nature, that are owned by a county or municipality.

(7) *Region.* — "Region" means an area consisting of one or more counties that have agreed by contract to fund a convention and visitor's bureau to promote those counties.

(8) *Regional travel council.* — "Regional travel council" means a nonstock, nonprofit corporation, with a full-time staff working exclusively to promote tourism and to attract conventions, conferences and visitors to the region of this state served by the regional travel council.
(9) **Historic site.** — "Historic site" means any site listed on
the United States National Register of Historic Places, or listed
by a local historical landmarks commission, established under
state law, when such sites are owned by a city, a county or a
nonprofit historical association and are open, from time to time,
to accommodate visitors.

(e) Any member of a governing body who willingly and
knowingly votes to or causes to be expended moneys generated
by the provisions of this section for purposes other than
specifically set forth in this section is guilty of a misdemeanor
and, upon conviction thereof, shall be fined not more than $100.

CHAPTER 87

(Com. Sub. for H. B. 2387 - By Delegates Marshall and Moore)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 24, 2014.]

AN ACT to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and
§5-11A-7 of the Code of West Virginia, 1931, as amended, all
relating to reasonable accommodations under the West Virginia
Fair Housing Act for persons with disabilities who need assistance
animals; defining terms; requiring rules, policies, practices and
services related to animals to be subject to reasonable
accommodation; providing for the submission of documentation of
the disability related need for the assistance animal; providing for
the sufficiency of the requested documentation; prohibiting a
request for access to medical records or providers; providing for
the denial of a request for an accommodation of an assistance
animal under certain circumstances; requiring a determination of
a direct threat or substantial physical damage to be based on
individualized assessment; prohibiting an unreasonable denial of accommodation; and replacing the term “handicapped” with the term “disability” throughout the article.

Be it enacted by the Legislature of West Virginia:

That §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 11A. WEST VIRGINIA FAIR HOUSING ACT.


As used in this article:

(a) “Commission” means the West Virginia Human Rights Commission;

(b) “Dwelling” means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence or sleeping place by one or more persons or families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof;

(c) “Family” includes a single individual;

(d) “Person” includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries;

(e) “To rent” includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant;
(f) "Discriminatory housing practice" means an act that is unlawful under section five, six, seven or nineteen of this article;

(g) "Disability" means, with respect to a person:

1. A physical or mental impairment which substantially limits one or more of the person's major life activities;

2. A record of having such an impairment; or

3. Being regarded as having such an impairment, but the term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substances Act, Title 21, United States Code, Section 802;

(h) "Aggrieved person" includes any person who:

1. Claims to have been injured by a discriminatory housing practice; or

2. Believes that the person will be injured by a discriminatory housing practice that is about to occur;

(i) "Complainant" means the person, including the commission, who files a complaint under section eleven of this article;

(j) "Familial status" means:

1. One or more individuals who have not attained the age of eighteen years being domiciled with:

   A. A parent or another person having legal custody of the individual or individuals; or

   B. The designee of the parent or other person having custody of the individual with the written permission of the parent or other person; or
(2) Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(k) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint through informal negotiations involving the aggrieved person, the respondent and the commission;

(l) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation;

(m) "Respondent" means:

(1) The person or other entity accused in a complaint of an unfair housing practice; and

(2) Any other person or entity identified in the course of investigation and notified as required with respect to respondents identified under subsection (a), section eleven of this article;

(n) The term "rooming house" means a house or building where there are one or more bedrooms which the proprietor can spare for the purpose of giving lodgings to persons he or she chooses to receive; and

(o) The term "basic universal design" means the design of products and environments to be useable by all people, to the greatest extent possible, without the need for adaptation or specialization.

(p) "Assistance animal" means any service, therapy or support animal, weighing less than one hundred fifty pounds, with or without specific training or certification, that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviate one or more identified symptoms or effects of a person's disability.
§5-11A-5. Discrimination in sale or rental of housing and other prohibited practices.

As made applicable by section four of this article and except as exempted by sections four and eight of this article, it is unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, ancestry, sex, familial status, blindness, disability or national origin;

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, ancestry, sex, familial status, blindness, disability or national origin;

(c) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, blindness, disability, familial status, ancestry or national origin, or an intention to make any such preference, limitation or discrimination;

(d) To represent to any person because of race, color, religion, sex, blindness, disability, familial status, ancestry or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is in fact available;

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, blindness, disability, familial status, ancestry or national origin; or
(f) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of: (A) That buyer or renter; (B) a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or (C) any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a disability of: (A) That person; (B) a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or (C) any person associated with that person.

(3) For purposes of this subdivision, discrimination includes:

(A) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(B) A refusal to make reasonable accommodations in rules, policies, practices or services when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(C) In connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is thirty months after the date of enactment of the West Virginia Fair Housing Act, a failure to design and construct those dwellings in a manner that:
(i) The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;

(ii) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(iii) All premises within the dwellings contain the following features of adaptive design: (I) An accessible route into and through the dwelling; (II) light switches, electrical outlets, thermostats and other environmental controls in accessible locations; (III) reinforcements in bathroom walls to allow later installation of grab bars; and (IV) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People, commonly cited as ANSI A117.1, suffices to satisfy the requirements of subparagraph (3)(C)(iii) of this subdivision.

(5) (A) If a unit of general local government has incorporated into its laws the requirements set forth in subparagraph (3)(C) of this subdivision, compliance with those laws satisfy the requirements of that subparagraph.

(B) The commission or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subparagraph (3)(C) of this subdivision are met.

(C) The commission shall encourage, but may not require, units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design
and construction of such dwellings are consistent with subparagraph (3)(C) of this subdivision, and may provide technical assistance to units of local government and other persons to implement the requirements of that subparagraph.

(D) Nothing in this article requires the commission to review or approve the plans, designs or construction of all covered multifamily dwellings to determine whether the design and construction of the dwellings are consistent with the requirements of subparagraph (3)(C) of this subdivision.

(6) (A) Nothing in paragraph (5) of this subdivision affects the authority and responsibility of the commission or a local public agency to receive and process complaints or otherwise engage in enforcement activities under this article.

(B) Determinations by a unit of general local government under subparagraphs (5)(A) and (B) of this subdivision are not conclusive in enforcement proceedings under this article.

(7) As used in this section, the term “covered multifamily dwellings” means: (A) Buildings consisting of four or more units if the buildings have one or more elevators; and (B) ground floor units in other buildings consisting of four or more units.

(8) Nothing in this article invalidates or limits any law of this state or any political subdivision of this state that requires dwellings to be designed and constructed in a manner that affords disabled persons greater access than is required by this article.

(9) This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. The burden of proving such threat to health
or safety or the likelihood of such damage is upon the respondent.

(10) For the purposes of this subdivision, rules, policies, practices or services regarding animals are subject to the reasonable accommodation requirements of subparagraph (B), paragraph (3) of this subdivision and the following provisions:

(A) In connection with a request for reasonable accommodation to the rules, policies or services, a person with a disability may be required to submit documentation, from a professional treatment provider, of the disability related need for the assistance animal.

(i) Such documentation is sufficient if it establishes that the assistance animal will provide some type of disability-related assistance or emotional support.

(ii) A person with a disability may not be required to submit or provide access to medical records or medical providers, or to provide detailed or extensive information or documentation of a person’s physical or mental impairments.

(B) A person with a disability may be denied the accommodation of an assistance animal if there is credible evidence that:

(i) The assistance animal poses a direct threat to the health or safety of others that cannot be eliminated by another reasonable accommodation; or

(ii) The assistance animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

(C) A determination that an assistance animal poses a direct threat of harm to others or would cause substantial physical
damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal’s actual conduct.

(D) A request for a reasonable accommodation may not be unreasonably denied, conditioned on payment of a fee or deposit or other terms and conditions applied to applicants or residents with pets, and a response may not be unreasonably delayed.

§5-11A-6. Discrimination in residential real estate-related transactions.

(a) It is unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, blindness, disability, familial status, ancestry or national origin.

(b) As used in this section, the term “residential real estate-related transaction” means any of the following:

(1) The making or purchasing of loans or providing other financial assistance: (A) For purchasing, constructing, improving, repairing or maintaining a dwelling; or (B) secured by residential real estate; or

(2) The selling, brokering or appraising of residential real property.

(c) Nothing in this article prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, ancestry, sex, blindness, disability or familial status.

§5-11A-7. Discrimination in provision of brokerage services.

It is unlawful to deny any person access to or membership or participation in any multiple listing service, real estate broker’s
organization or other service, organization or facility relating to
the business of selling or renting dwellings, or to discriminate
against him or her in the terms or conditions of such access,
membership or participation on account of race, color, religion,
sex, blindness, disability, familial status, ancestry or national
origin.

CHAPTER 88

(Com. Sub. for S. B. 579 - By Senators Unger,
Cookman, Edgell, Laird, Miller, Palumbo, Snyder,
Stollings and Kessler (Mr. President))

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on April 1, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §31-18E-1, §31-18E-2,
§31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7,
§31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12,
§31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17
and §31-18E-18, all relating to improving housing development
and land use; authorizing creation of a land reuse agency by West
Virginia municipalities, counties or a combination thereof; stating
legislative findings; defining terms; providing requirements for the
permissive creation and operation of land reuse agencies; detailing
certain requirements for a land reuse agency board and staff;
requiring certain terms of the land reuse agency be set forth;
providing certain immunity to land reuse jurisdictions; setting forth
powers and limitations of land reuse agencies; explicitly stating
that land reuse agencies do not have the power of eminent domain;
detailing criteria for acquisition and disposition of property by land
reuse agencies; authorizing certain land reuse agency property as
exempt from property tax; stating land reuse agency funding sources; stating requirements and constraints on disposition of property; detailing potential financing of land reuse agency operations; permitting special allocation of certain property taxes in certain situations; authorizing the issuance of certain bonds; requiring land reuse agencies to follow open meetings and freedom of information requirements; providing a process for dissolution of land reuse agencies; requiring the Ethics Act to apply to land reuse agency employees and board members; providing for expedited quiet of title proceedings in circuit court; providing for liberal construction of the article; and requiring an annual audit and report of all land reuse agencies.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §31-18E-1, §31-18E-2, §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7, §31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12, §31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17 and §31-18E-18, all to read as follows:

ARTICLE 18E. WEST VIRGINIA LAND REUSE AGENCY AUTHORIZATION ACT.

§31-18E-1. Short title.

1 This article may be known and cited as the West Virginia Land Reuse Agency Authorization Act.

§31-18E-2. Legislative findings.

1 The Legislature finds and declares that:

2 (1) Strong communities are important to the social and economic vitality of this state. Whether urban, suburban or rural,
many communities are struggling to cope with vacant, abandoned and tax-delinquent properties.

(2) Citizens of this state are affected adversely by vacant, abandoned and tax-delinquent properties, including properties which have been vacated or abandoned due to mortgage foreclosure.

(3) Vacant, abandoned and tax-delinquent properties impose significant costs on neighborhoods, communities, municipalities and counties by lowering property values, increasing fire and police protection costs, decreasing tax revenues and undermining community cohesion.

(4) Vacant, abandoned and tax-delinquent properties contribute to blight, invite crime and pests and provide unsafe play spaces.

(5) There is an overriding public need to confront the problems caused by vacant, abandoned and tax-delinquent properties through the creation of new tools to enable municipalities and counties to turn vacant, abandoned and tax-delinquent spaces into vibrant places.

(6) Land reuse agencies, often called land banks in other jurisdictions, are one of the tools that municipalities and counties may use to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use.


As used in this article:

(1) “Board” means the board of directors of a land reuse agency;

(2) “Deconstruct” means to attempt to remove salvageable pieces of a housing unit prior to or as part of demolition or renovation;
(3) "Financial institution" means a bank, savings association, operating subsidiary of a bank or savings association, credit union, association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution;

(4) "Land reuse agency" means a public body established under this article;

(5) "Land reuse jurisdiction" means: (A) A county or municipality in this state; or (B) two or more municipalities or counties that enter into an intergovernmental cooperation agreement to establish and maintain a land reuse agency;

(6) "Municipality" means a municipality as defined in section two, article one, chapter eight of this code; and

(7) "Real property" means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest and right, legal or equitable, in them, including terms of years and liens by way of judgment, mortgage or otherwise, and indebtedness secured by the liens.

§31-18E-4. Creation and existence.

(a) Authority. — A land reuse jurisdiction may elect to create a land reuse agency by the adoption of an ordinance to create a binding legal obligation. The ordinance must specify the type of entity created and the following:

1. The name of the land reuse agency;
2. The number of members of the board;
3. The names of individuals to serve as initial members of the board;
(4) The qualifications, manner of selection or appointment and terms of office of members of the board;

(5) The manner by which residents will be provided an opportunity to have input into the land reuse agency decision-making process; and

(6) Additional terms and conditions the land reuse jurisdiction deems reasonable and necessary for operation of the land reuse agency that are not inconsistent with this article.

(b) **Filing.** — The governing body of the land reuse jurisdiction which creates a land reuse agency shall file a copy of the ordinance with the West Virginia Housing Development Fund and with the Secretary of State. After receipt of the ordinance, the Secretary of State shall issue the appropriate documentation indicating the formation of the entity.

(c) **Combinations.** — (1) The authority under subsection (a) of this section may be exercised in combination pursuant to an intergovernmental cooperation agreement by:

(A) More than one land reuse jurisdiction; or

(B) A land reuse jurisdiction and one or more municipalities or counties.

(2) If a land reuse agency is established under subdivision (1) of this subsection, the intergovernmental cooperation agreement must specify matters identified in subsection (a) of this section.

(d) **Limitation.** — Except as set forth in subsection (c) of this section, if a county establishes a land reuse agency, the land reuse agency may acquire real property only in those portions of the county located outside of the geographical boundaries of any
other land reuse agency established by another land reuse jurisdiction located partially or entirely within the county.

(e) **Legal status of land reuse agency.** — A land reuse agency:

1. Is a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this article; and

2. Exists until terminated and dissolved under section fourteen of this article.

(f) **Collaboration.** — A land reuse agency, a political subdivision and another municipal entity may enter into an intergovernmental cooperation agreement relative to the operations of a land reuse agency.

**§31-18E-5. Board of directors of a land reuse agency.**

(a) **Membership.** — A board shall consist of an odd number of members and be not less than five members nor more than eleven members. Unless restricted by the actions or agreements specified in section four of this article and subject to the limits stated in this section, the size of the board may be adjusted in accordance with bylaws of the land reuse agency.

(b) **Eligibility to serve on board.** —

1. Notwithstanding any law to the contrary, a public officer is eligible to serve as a board member, and the acceptance of the appointment neither terminates nor impairs that public office;

2. A municipal employee is eligible to serve as a board member;
(3) An established land reuse agency board shall include at least one voting member who:

(A) Is a resident of the land reuse jurisdiction;

(B) Is not a public official or municipal employee; and

(C) Maintains membership with a recognized civic organization within the land reuse jurisdiction;

(4) A member removed under subdivision (3), subsection (d) of this section is ineligible for reappointment to the board unless the reappointment is confirmed unanimously by the board;

(5) As used in this subsection, the term "public officer" means an individual who is elected to office.

(c) Officers. — The members of the board shall select annually from among their members a chair, vice chair, secretary, treasurer and other officers as the board determines.

(d) Rules. — The board shall establish rules on all of the following:

(1) Duties of officers;

(2) Attendance and participation of members in its regular and special meetings;

(3) A procedure to remove a member by a majority vote of the other members for failure to comply with a rule; and

(4) Other matters necessary to govern the conduct of a land reuse agency.

(e) Vacancies. — A vacancy on the board shall be filled in the same manner as the original appointment. Upon removal
under subdivision (3), subsection (d) of this section, the position becomes vacant.

(f) Compensation. — Board members serve without compensation. The board may reimburse a member for expenses actually incurred in the performance of duties on behalf of the land reuse agency.

(g) Meetings. — (1) The board shall meet as follows:

(A) In regular session according to a schedule adopted by the board;

(B) In special session:

(i) As convened by the chair; or

(ii) Upon written notice signed by a majority of the members;

(2) A majority of the board, excluding vacancies, is a quorum. Physical presence is required under this paragraph.

(h) Voting. — (1) Except as set forth in subdivision (2) or (3) of this subsection or elsewhere in this article, action of the board must be approved by the affirmative vote of a majority of the board present and voting.

(2) Action of the board on the following matters must be approved by a majority of the entire board membership:

(A) Adoption of bylaws;

(B) Adoption of rules under subsection (d) of this section;

(C) Hiring or firing of an employee or contractor of the land reuse agency. This function may, by majority vote of the entire
board membership, be delegated by the board to a specified officer or committee of the land reuse agency;

(D) Incurring of debt;

(E) Adoption or amendment of the annual budget; or

(F) Sale, lease, encumbrance or alienation of real property or personal property with a value of more than $50,000.

(3) A resolution under section fourteen of this article, relating to dissolution of a land reuse agency, must be approved by two thirds of the entire board membership.

(4) A member of the board may not vote by proxy.

(5) A member may request a recorded vote on any resolution or action of the land reuse agency.

(i) Immunity. — A land reuse jurisdiction which establishes a land reuse agency and a municipality or county which are parties to an intergovernmental cooperation agreement establishing a land reuse agency shall not be liable personally on the bonds or other obligations of the land reuse agency. Rights of creditors of a land reuse agency are solely against the land reuse agency.

§31-18E-6. Staff of the land reuse agency.

(a) Employees. — A land reuse agency may employ or enter into a contract for an executive director, counsel and legal staff, technical experts and other individuals and may determine the qualifications and fix the compensation and benefits of those employees.

(b) Contracts. — A land reuse agency may enter into a contract with a municipality or county for:

A land reuse agency is a public body, corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this article, including but not limited to the following:

(1) To adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To sue and be sued in its own name and be a party in a civil action. This paragraph includes an action to clear title to property of the land reuse agency;

(3) To adopt a seal and to alter the same at pleasure;

(4) To borrow from federal government funds, from the state, from private lenders or from municipalities or counties, as necessary, for the operation and work of the land reuse agency;

(5) To issue negotiable revenue bonds and notes according to the provisions of this article;

(6) To procure insurance or guarantees from the federal government or the state of the payment of debt incurred by the land reuse agency and to pay premiums in connection with the insurance or guarantee;

(7) To enter into contracts and other instruments necessary, incidental or convenient to the performance of its duties and the
exercise of its powers. This paragraph includes intergovernmental cooperation agreements for the joint exercise of powers under this article;

(8) To enter into contracts and intergovernmental cooperation agreements with municipalities or counties for the performance of functions by municipalities or counties on behalf of the land reuse agency or by the land reuse agency on behalf of municipalities or counties;

(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land reuse agency. Any contract or instrument signed shall be executed by and for the land reuse agency if the contract or instrument is signed, including an authorized facsimile signature, by:

(A) The chair or vice chair of the land reuse agency; and

(B) Either:

(i) The secretary or assistant secretary of the land reuse agency; or

(ii) The treasurer or assistant treasurer of the land reuse agency;

(10) To procure insurance against losses in connection with the real property, assets or activities of the land reuse agency;

(11) To invest money of the land reuse agency at the discretion of the board in instruments, obligations, securities or property determined proper by the board and to name and use depositories for its money;

(12) To enter into contracts for the management of, the collection of rent from or the sale of real property of the land reuse agency;
(13) To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate and otherwise improve real property or rights or interests in real property;

(14) To fix, charge and collect rents, fees and charges for the use of real property of the land reuse agency and for services provided by the land reuse agency;

(15) To grant or acquire licenses, easements, leases or options with respect to real property of the land reuse agency;

(16) To enter into partnerships, joint ventures and other collaborative relationships with municipalities, counties and other public and private entities for the ownership, management, development and disposition of real property;

(17) To organize and reorganize the executive, administrative, clerical and other departments of the land reuse agency and to fix the duties, powers and compensation of employees, agents and consultants of the land reuse agency; and

(18) To do all other things necessary or convenient to achieve the objectives and purposes of the land reuse agency or other law related to the purposes and responsibility of the land reuse agency.

§31-18E-8. Eminent domain.

A land reuse agency does not possess the power of eminent domain. Any property obtained by the power of eminent domain after the effective date of this article may not be acquired by a land reuse agency by any means.

§31-18E-9. Acquisition of property.

(a) Title to be held in its name. — A land reuse agency shall hold in its own name all real property it acquires.
(b) **Tax exemption.** — (1) Except as set forth in subdivision (2) of this subsection, the real property of a land reuse agency and its income and operations are exempt from property tax.

(2) Subdivision (1) of this subsection does not apply to real property of a land reuse agency after the fifth consecutive year in which the real property is continuously leased to a private third party. However, real property continues to be exempt from property taxes if it is leased to a nonprofit or governmental agency at substantially less than fair market value.

(c) **Methods of acquisition.** — A land reuse agency may acquire real property or interests in real property by any means on terms and conditions and in a manner the land reuse agency considers proper: *Provided,* That a land reuse agency may not acquire any interest in oil, gas or minerals which have been severed from the realty.

(d) **Acquisitions from municipalities or counties.** — (1) A land reuse agency may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts and land contracts and may accept transfers from municipalities or counties upon terms and conditions as agreed to by the land reuse agency and the municipality or county.

(2) A municipality or county may transfer to a land reuse agency real property and interests in real property of the municipality or county on terms and conditions and according to procedures determined by the municipality or county as long as the real property is located within the jurisdiction of the land reuse agency.

(3) An urban renewal authority, as defined in section four, article eighteen, chapter sixteen of this code, located within a land reuse jurisdiction established under this article may, with the consent of the local governing body and without a
redevelopment contract, convey property to the land reuse agency. A conveyance under this subdivision shall be with fee simple title, free of all liens and encumbrances.

(e) Maintenance. — A land reuse agency shall maintain all of its real property in accordance with the statutes and ordinances of the jurisdiction in which the real property is located.

(f) Prohibition. — (1) Subject to the provisions of subdivision (2) of this subsection, a land reuse agency may not own or hold real property located outside the jurisdictional boundaries of the entities which created the land reuse agency under subsection (c), section four of this article.

(2) A land reuse agency may be granted authority pursuant to an intergovernmental cooperation agreement with a municipality or county to manage and maintain real property located within the jurisdiction of the municipality or county.

(g) Acquisition of tax delinquent properties. — Notwithstanding any other provision of this code to the contrary, if authorized by the land reuse jurisdiction which created a land reuse agency or otherwise by intergovernmental cooperation agreement, a land reuse agency may acquire an interest in tax delinquent property through the provisions of chapter eleven-a of this code. Notwithstanding the provisions of section eight, article three, chapter eleven-a of this code, if no person present at the tax sale bids the amount of the taxes, interest and charges due on any unredeemed tract or lot or undivided interest in real estate offered for sale, the sheriff shall, prior to certifying the real estate to the auditor for disposition pursuant to section forty-four, article three, chapter eleven-a of this code, provide a list of all of said real estate within a land reuse jurisdiction to the land reuse agency and the land reuse agency shall be given an opportunity to purchase the tax lien and pay the taxes, interest...
and charges due for any unredeemed tract or lot or undivided interest therein as if the land reuse agency were an individual who purchased the tax lien at the tax sale.

§31-18E-10. Disposition of property.

(a) Public access to inventory. — A land reuse agency shall maintain and make available for public review and inspection an inventory of real property held by the land reuse agency.

(b) Power. — A land reuse agency may convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the land reuse agency in the form and by the method determined to be in the best interests of the land reuse agency.

(c) Consideration. — (1) A land reuse agency shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease as lessor, grant or mortgage interests in real property.

(2) Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee and other forms of consideration as determined by the board to be in the best interest of the land reuse agency.

(d) Policies and procedures. — (1) A board shall determine and state in the land reuse agency policies and procedures the general terms and conditions for consideration to be received by the land reuse agency for the transfer of real property and interests in real property, including but not limited to, a process for distribution of any proceeds to any claimants, taxing entities and the land reuse agency.

(2) Requirements which may be applicable to the disposition of real property and interests in real property by municipalities
or counties shall not be applicable to the disposition of real property and interests in real property by a land reuse agency.

(e) **Ranking of priorities.** — (1) A land reuse jurisdiction may establish a hierarchical ranking of priorities for the use of real property conveyed by a land reuse agency, including use for:

(A) Purely public spaces and places;

(B) Affordable housing;

(C) Conservation areas; and

(D) Retail, commercial and industrial activities.

(2) The priorities established may be for the entire land reuse jurisdiction or may be set according to the needs of different neighborhoods, municipalities or other locations within the land reuse jurisdiction, or according to the nature of the real property.

(f) **Land use plans.** — A land reuse agency shall consider all duly adopted land use plans and make reasonable efforts to coordinate the disposition of land reuse agency real property with the land use plans.

(g) **Specific voting and approval requirements.** — (1) A land reuse jurisdiction may, in its ordinance creating a land reuse agency or in the case of multiple land reuse jurisdictions and municipalities or counties creating a single land reuse agency in the applicable intergovernmental cooperation agreement, require that a particular form of disposition of real property or a disposition of real property located within specified jurisdictions be subject to specified voting and approval requirements of the board.

(2) Except as restricted or constrained under paragraph (1) of this subsection, the board may delegate to officers and
employees the authority to enter into and execute agreements, instruments of conveyance and other related documents pertaining to the conveyance of real property by the land reuse agency.


(a) General rule. — A land reuse agency may receive funding through grants and loans from:

(1) The federal government;
(2) The state;
(3) A municipality or county;
(4) The land reuse jurisdiction which created the land reuse agency; and
(5) Private or other public sources.

(b) Funding. — A land reuse agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments and for an asset and activity lawfully permitted to a land reuse agency under this article.

(c) Allocated real property taxes. — (1) A taxing jurisdiction may authorize the remittance or dedication of a portion of real property taxes collected pursuant to the laws of this state to a land reuse agency on real property conveyed by a land reuse agency.

(2) Allocation of property tax revenues in accordance with this subsection, if authorized by the taxing jurisdiction, begins with the first taxable year following the date of conveyance and
continues for a period of up to five years and may not exceed a
maximum of fifty percent of the aggregate property tax revenues
generated by the property.

(3) Remittance or dedication of real property taxes include
the real property taxes of a county board of education only if the
county board of education enters into an agreement with the land
reuse agency for the remittance or dedication.


(a) Authority. — (1) A land reuse agency may issue a bond
for any of its corporate purposes.

(2) The principal and interest of a bond is payable from the
land reuse agency’s general revenue.

(3) The bond may be secured by any of the following:

(A) A pledge of revenue. This paragraph includes a grant or
contribution from: (i) The federal government or a federal
agency or instrumentality; or (ii) the state, a state agency or an
instrumentality of the state; or

(B) A mortgage of property of the land reuse agency.

(b) Nature. — The bond is a negotiable instrument under the
provisions of article eight, chapter forty-six of this code.

(c) Tax exempt. — A bond and the income from the bond is
exempt from taxation by: (1) The state; and (2) a political
subdivision.

(d) Procedure. — (1) A bond must be authorized by
resolution of the board and shall be a limited obligation of the
land reuse agency.

(2) The principal and interest, costs of issuance and other
costs incidental to the bond are payable solely from the income
and revenue derived from the sale, lease or other disposition of the assets of the land reuse agency. The land reuse agency may secure the bond by a mortgage or other security device covering all or part of the project from which the pledged revenues may be derived.

(3) A refunding bond issued under this section:

(A) Is payable from: (i) A source described in this article; or (ii) the investment of the proceeds of the refunding bonds; and

(B) Is not an indebtedness or pledge of the general credit of a political subdivision within the meaning of a constitutional or statutory limitation of indebtedness and shall contain a recital to that effect.

(4) A bond must comply with the authorizing resolution as to:

(A) Form;
(B) Denomination;
(C) Interest rate;
(D) Maturity; and
(E) Execution.

(5) A bond may be subject to redemption at the option of and in the manner determined by the board in the authorizing resolution.

(e) Powers of municipalities or counties. — A municipality or county may elect to guarantee, insure or otherwise become primarily or secondarily obligated on the indebtedness of a land reuse agency, subject, however, to all other provisions of law of this state applicable to municipal or county indebtedness.
(f) **Sale.** — (1) A bond shall be issued, sold and delivered in accordance with the terms and provisions of the authorizing resolution. The board, to effectuate its best interest, may determine the manner of sale, public or private, and the price of the bond.

(2) The resolution issuing a bond must be published in a newspaper of general circulation within the jurisdiction in which the land reuse agency is located.

(g) **Liability.** — (1) Neither the members of a land reuse agency nor a person executing the bond shall be liable personally on the bonds by reason of the issuance of the bond.

(2) The bond or other obligation of a land reuse agency related to a bond shall not be a debt of a municipality, county or of the state. A statement to this effect shall appear on the face of the bond or obligation.

(3) On the bond or other obligation of a land reuse agency related to a bond, all of the following apply:

(A) The state has no liability. This paragraph applies to the revenue and property of the state; and

(B) A municipality or county has no liability. This paragraph applies to the revenue and property of a municipality or county.

§31-18E-13. **Public records and public access.**

(a) **Public records.** — A board shall keep minutes and a record of its proceedings.

(b) **Public access.** — A land reuse agency is subject to article nine-a, chapter six of this code, relating to open meetings, and chapter twenty-nine-b of this code, relating to public records.

(a) General rule. — A land reuse agency may be dissolved as a public body corporate and politic upon compliance with all of the following:

1. Sixty calendar days advance written notice of consideration of a resolution to request dissolution must be:
   1. Given to the land reuse jurisdiction which created the land reuse agency;
   2. Published in a local newspaper of general circulation;
   3. Sent by certified mail to the trustees of outstanding bonds of the land reuse agency;

2. Satisfaction of all outstanding liabilities; and

3. Approval of a resolution requesting dissolution, pursuant to subdivision (3), subsection (h), section five of this article.

(b) Authority. — Upon receipt of a proper resolution described in subsection (a) of this section, the land reuse jurisdiction which created the land reuse agency may dissolve the land reuse agency by adoption of an ordinance or order. If approved, the governing body of the land reuse jurisdiction which created the land reuse agency shall file a certified copy of the ordinance or order with the Secretary of State and notify the West Virginia Housing Development Fund of the dissolution of the land reuse agency. The Secretary of State shall cause the termination of the existence of the land reuse agency to be noted on the record of incorporation. Upon the filing, the land reuse agency shall cease to function.

(c) Transfer of assets. — Upon dissolution of the land reuse agency, real property, personal property and other assets of the
land reuse agency become the assets of the municipality in which the property is located or the county in which the property is located, if it is not within a municipality. The following apply:

(1) Personal property, including financial assets, of the land reuse agency shall be divided among participating land reuse jurisdictions in proportion to the population of each jurisdiction.

(2) The municipality in which real property is located or the county in which the property is located, if it is not within a municipality, shall approve the transfer of title to the municipality or county.

(d) Multiple jurisdictions. — If multiple land reuse jurisdictions create a land reuse agency under section four of this article, the withdrawal of one or more land reuse jurisdictions does not require dissolution of the land reuse agency unless:

(1) The intergovernmental cooperation agreement provides for dissolution in this event; and

(2) There is no land reuse jurisdiction which desires to continue the existence of the land reuse agency.

§31-18E-15. Conflicts of interest.

(a) Ethics Act. — The acts and decisions of members of a board and of employees of a land reuse agency are subject to chapter six-b of this code.

(b) Supplemental rules and guidelines. — The board may adopt:

(1) Supplemental rules addressing potential conflicts of interest; and

(2) Ethical guidelines for members of the board and land reuse agency employees.

(a) Authorization. — (1) A land reuse agency may file an action in circuit court to quiet title to real property in which the land reuse agency has an interest.

(2) A land reuse agency may join in a single complaint to quiet title to one or more parcels of real property.

(3) For purposes of an action under this section, the land reuse agency shall be deemed to be the holder of sufficient legal and equitable interests and possessory rights so as to qualify the land reuse agency as an adequate complainant in the action.

(b) Procedural requirements. — (1) Prior to the filing of an action to quiet title, the land reuse agency must conduct an examination of title to determine the identity of any person possessing a claim or interest in or to the real property.

(2) Service of the complaint to quiet title shall be provided in accordance with the requirements to serve a civil complaint generally, including that service to interested parties be made as follows:

(A) By first class mail to the identity and address reasonably ascertainable by an inspection of public records;

(B) In the case of occupied real property, by first class mail, addressed to “occupant”;

(C) By posting a copy of the notice on the real property.

(D) By publication; and

(E) As ordered by the court.

(3) As part of the complaint to quiet title, the land reuse agency must file an affidavit identifying:
27 (A) Persons discovered under subdivision (1) of this subsection; and

29 (B) The form of service under subdivision (2) of this subsection.

(c) Hearing. — (1) The court shall schedule a hearing on the complaint within ninety days following filing of the complaint and as to all matters upon which an answer was not filed by an interested party.

(2) The court shall issue its final judgment within one hundred twenty days of the filing of the complaint.

§31-18E-17. Construction, intent and scope.

This article shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authorization for the implementation of this article, and all powers granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers.


(a) The land reuse agency shall annually, within one hundred twenty days after the end of the fiscal year, submit an audit of income and expenditures, together with a report of its activities for the preceding year, to the West Virginia Housing Development Fund.

(b) A duplicate of the audit and the report shall be filed with the governing body of:

(1) The land reuse jurisdiction which created the land reuse agency; and

(2) Each political subdivision which opted to participate in the land reuse agency pursuant to an intergovernmental agreement.
AN ACT to amend and reenact §6-9-2c of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-3-10b of said code, all relating to fraudulent or unauthorized use of purchasing cards; ensuring that the courts of West Virginia have jurisdiction over fraudulent or unauthorized use of purchasing cards; establishing jurisdiction; and defining the conduct as a continuing offense.

Be it enacted by the Legislature of West Virginia:

That §6-9-2c of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §12-3-10b of said code be amended and reenacted, all to read as follows:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.

§6-9-2c. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

1 (a) It is unlawful for any person to use a local government purchasing card, issued in accordance with the provisions of section two-a of this article, to make any purchase of goods or services in a manner which is contrary to the provisions of
section two-a of this article or the rules promulgated pursuant to that section.

(b) It is unlawful for any person to knowingly or intentionally possess with the intent to use a purchasing card without authorization pursuant to section two-a of this article or the rules promulgated pursuant to that section.

(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility not less than one year nor more than five years, or fined no more than $5,000, or both fined and imprisoned.

(d) A violation of this section may be prosecuted in the county in which the card was issued, unlawfully obtained, fraudulently used, used without authorization, or where any substantial or material element of the offense occurred.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-10b. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

(a) It is unlawful for any person to use a state purchasing card, issued in accordance with the provisions of section ten-a of this article, to make any purchase of goods or services in a manner which is contrary to the provisions of section ten-a of this article or the rules promulgated pursuant to that section.

(b) It is unlawful for any person to knowingly or intentionally possess with the intent to use a purchasing card without authorization pursuant to section ten-a of this article or the rules promulgated pursuant to that section.
(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one year nor more than five years, or fined no more than $5,000, or both fined and imprisoned.

(d) A violation of this section may be prosecuted in the county in which the card was issued, unlawfully obtained, fraudulently used, used without authorization, or where any substantial or material element of the offense occurred.

CHAPTER 90

(H. B. 4301 - By Delegates Eldridge, Wells, Craig, A. Evans, Hamilton, Paxton, White, Marcum, R. Phillips, Perry and Young)

[Passed March 4, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 20, 2014.]

AN ACT to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to hunting, trapping and fishing licenses; and permitting limited reciprocal use of hunting and fishing licenses with states which share river borders with this state.

Be it enacted by the Legislature of West Virginia:

That §20-2-28 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-28. When licenses or permits not required.
Persons in the following categories are not required to obtain licenses or permits as indicated:

(a) Bona fide resident landowners or their resident children, or resident parents, or bona fide resident tenants of the land may hunt, trap or fish on their own land during open season in accordance with the laws and rules applying to the hunting, trapping and fishing without obtaining a license, unless the lands have been designated as a wildlife refuge or preserve.

(b) Any bona fide resident of this state who is totally blind may fish in this state without obtaining a fishing license. A written statement or certificate from a duly licensed physician of this state showing the resident to be totally blind shall serve in lieu of a fishing license and shall be carried on the person of the resident at all times while he or she is fishing in this state.

(c) All residents of West Virginia on active duty in the armed forces of the United States of America, while on leave or furlough, may hunt, trap or fish in season in West Virginia without obtaining a license. Leave or furlough papers shall serve in lieu of any license and shall be carried on the person at all times while trapping, hunting or fishing.

(d) In accordance with the provisions of section twenty-seven of this article, any resident sixty-five years of age or older before January 1, 2012, is not required to have a license to hunt, trap or fish during the legal seasons in West Virginia, but in lieu of the license the person shall at all times while hunting, trapping or fishing carry on his or her person a valid West Virginia driver’s license or nondriver identification card issued by the Division of Motor Vehicles.

(e) Except as otherwise provided for in this section, residents of states that share river borders with the State of West Virginia who carry hunting or fishing licenses valid in that state may hunt or fish without obtaining licenses, but the hunting or fishing shall
be confined to the fish and waterfowl of the river proper and not on its tributaries: Provided, That the state shall first enter into a reciprocal agreement with the director extending a like privilege of hunting and fishing to licensed residents of West Virginia without requiring the residents to obtain that state’s hunting and fishing licenses.

(f) Residents of the State of Ohio who carry hunting or fishing licenses valid in that state may hunt or fish on the Ohio River or from the West Virginia banks of the river without obtaining licenses, but the hunting or fishing shall be confined to fish and waterfowl of the river proper and to points on West Virginia tributaries and embayments identified by the director: Provided, That the State of Ohio shall first enter into a reciprocal agreement with the director extending a like privilege of hunting and fishing from the Ohio banks of the river to licensed residents of West Virginia without requiring the residents to obtain Ohio hunting and fishing licenses.

(g) Any resident of West Virginia who was honorably discharged from the Armed Forces of the United States of America and who receives a veteran’s pension based on total permanent service-connected disability as certified to by the Veterans Administration may hunt, trap or fish in this state without obtaining a license. The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code setting forth the procedure for the certification of the veteran, manner of applying for and receiving the certification and requirements as to identification while the veteran is hunting, trapping or fishing.

(h) Any disabled veteran who is a resident of West Virginia and who, as certified to by the Commissioner of Motor Vehicles, is eligible to be exempt from the payment of any fee on account of registration of any motor vehicle owned by the disabled veteran as provided in section eight, article ten, chapter
seventeen-a of this code shall be permitted to hunt, trap or fish in this state without obtaining a license. The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code setting forth the procedure for the certification of the disabled veteran, manner of applying for and receiving the certification and requirements as to identification while the disabled veteran is hunting, trapping or fishing.

(i) Any resident or inpatient in any state mental health, health or benevolent institution or facility may fish in this state, under proper supervision of the institution involved, without obtaining a fishing license. A written statement or certificate signed by the superintendent of the mental health, health or benevolent institution or facility in which the resident or inpatient, as the case may be, is institutionalized shall serve in lieu of a fishing license and shall be carried on the person of the resident or inpatient at all times while he or she is fishing in this state.

(j) Any resident who is developmentally disabled, as certified by a physician and the Director of the Division of Health, may fish in this state without obtaining a fishing license. As used in this section, "developmentally disabled" means a person with a severe, chronic disability which:

(1) Is attributable to a mental or physical impairment or a combination of mental and physical impairments;

(2) Is manifested before the person attains age twenty-two;

(3) Results in substantial functional limitations in three or more of the following areas of major life activity:

(A) Self-care;

(B) Receptive and expressive language;
(G) Economic self-sufficiency; and

(4) Reflects the person's need for a combination and sequence of care, treatment or supportive services which are of lifelong or extended duration and are individually planned and coordinated.

(k) A student eighteen years of age or younger receiving instruction in fly fishing in a public, private, parochial or Christian school in this state may fly fish in the state for catch and release only without obtaining a fishing license while under the supervision of an instructor authorized by the school.

CHAPTER 91

(H. B. 4431 - By Delegates Swartzmiller, Diserio, D. Poling, Jones, Boggs, Lynch, Young, R. Phillips, Marcum, Manypenny and Ferro)

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]
considered before it can be concluded that a person has been hunting, fishing, trapping or taking wildlife.

Be it enacted by the Legislature of West Virginia:

That §20-2-37 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-37. Display of license, etc., by persons in possession of hunting, fishing, etc., paraphernalia.

(a) Any person having in his or her possession in or near the fields or woods, or about the streams of this state, any wildlife, hunting dog or other hunting, fishing or trapping paraphernalia, implements or devices suitable for taking wildlife under circumstances indicating he or she has been hunting, trapping, fishing or otherwise taking wildlife, shall, upon demand of any officer authorized to enforce this chapter:

(1) State his or her correct name and address;

(2) Exhibit for inspection all license and documents or other lawful authorization for hunting, fishing, trapping or otherwise taking wildlife required to be carried pursuant to this chapter; and

(3) Exhibit for inspection all such wildlife, paraphernalia, implements or devices which he or she has in his or her possession.

(b) Mere possession of a firearm does not, in and of itself, indicate that a person has been hunting, fishing, trapping or taking wildlife, but may be considered along with other evidence in a determination as to whether a person has been hunting, fishing, trapping or otherwise taking wildlife.
(c) Nothing in this section may be construed as authorizing searches that violate article three, section six of the West Virginia Constitution or the Fourth Amendment to the Constitution of the United States, nor may anything in this section be construed as effecting a waiver of these Constitutional provisions.

CHAPTER 92

(Com. Sub. for H. B. 4432 - By Delegates Guthrie, Hartman, Perry and Ashley)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on April 1, 2014.]

AN ACT to amend and reenact §33-7-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-13-30 of said code, all relating to adopting Principle Based Reserving as the method by which reserves for life insurance policies, accident and health insurance policies and deposit-type contracts are calculated; removing unnecessary language; and providing a phase-in of the new method upon adoption of Principle Based Reserving by forty-two states representing seventy-five percent of applicable premiums.

Be it enacted by the Legislature of West Virginia:

That §33-7-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §33-13-30 of said code be amended and reenacted, all to read as follows:

ARTICLE 7. ASSETS AND LIABILITIES.

(a) This section shall be known as the standard valuation law. For the purposes of this section, the following definitions apply on or after the operative date of the valuation manual:

(1) The term "accident and health insurance" means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

(2) The term "appointed actuary" means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required in subdivision (2), subsection (c) of this section.

(3) The term "company" means an entity that has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this state and has at least one such policy in force or on claim, or has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in this state.

(4) The term "deposit-type contract" means contracts that do not incorporate mortality or morbidity risks, and as may be specified in the valuation manual.

(5) The term "life insurance" means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

(6) The term "NAIC" means the National Association of Insurance Commissioners.
(7) The term “policyholder behavior” means any action a policyholder, contract holder or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this section including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

(8) The term “principle-based valuation” means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with subsection (o) of this section as specified in the valuation manual.

(9) The term “qualified actuary” means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirements specified in the valuation manual.

(10) The term “tail risk” means a risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.

(11) The term “valuation manual” means the manual of valuation instructions adopted by the commissioner in accordance with subsection (n) of this section.

(b) Reserve valuation. — (1) Policies and Contracts Issued Prior to the Operative Date of the Valuation Manual.

(A) The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure
endowment contracts of every life insurance company doing business in this state issued on or after January 1, 1958 and prior to the operative date of the valuation manual. In calculating reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves herein required of any foreign or alien company, the commissioner may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this section.

(B) Subsections (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this section apply to all policies and contracts, as appropriate, subject to this section issued on or after January 1, 1958 and prior to the operative date of the valuation manual, and subsections (n) and (o) of this section do not apply to any such policies and contracts.

(C) The minimum standard for the valuation of policies and contracts issued prior to January 1, 1958 shall be that provided by the laws in effect immediately prior to that date.

(2) Policies and Contracts Issued On or After the Operative Date of the Valuation Manual.

(A) The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company issued on or after the operative date of the valuation manual. In lieu of the valuation of the reserves required of a foreign or alien company, the commissioner may accept a valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this section.
(B) Subsection (n) and (o) of this section apply to all policies and contracts issued on or after the operative date of the valuation manual.

(c) Actuarial opinion of reserves. — (1) Actuarial Opinion Prior to the Operative Date of the Valuation Manual.

(A) General. — Every life insurance company doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by rule are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this state. The commissioner shall define the specifics of this opinion and add any other items deemed to be necessary to its scope.

(B) Actuarial analysis of reserves and assets supporting the reserves. —

(i) Every life insurance company, except as exempted by or pursuant to rule, shall also annually include in the opinion required by paragraph (A) of this subdivision an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by rule, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company’s obligations under the policies and contracts, including, but not limited to, the benefits under and expenses associated with the policies and contracts.
(ii) The commissioner may provide, by rule, for a transition period for establishing any higher reserves that the qualified actuary may deem necessary in order to render the opinion required by this subdivision.

(C) Requirement for opinion under paragraph (B). — Each opinion required by paragraph (B) of this subdivision shall be governed by the following provisions:

(i) A memorandum in form and substance acceptable to the commissioner as specified by rule shall be prepared to support each actuarial opinion.

(ii) If the insurance company fails to provide a supporting memorandum at the request of the commissioner within a period specified by rule or the commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the rules or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the commissioner.

(D) Requirement for all opinions subject to this subdivision. — Every opinion subject to this subdivision is governed by the following:

(i) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after December 31, 1995.

(ii) The opinion shall apply to all business in force, including individual and group health insurance plans, in form and substance acceptable to the commissioner as specified by rule.

(iii) The opinion shall be based on standards adopted, from time to time, by the actuarial standards board and on such additional standards as the commissioner may by rule prescribe.
(iv) In the case of an opinion required to be submitted by a foreign or alien company, the commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

(v) For the purposes of this section, “qualified actuary” means a member in good standing of the American academy of actuaries who meets the requirements set forth in such regulations.

(vi) Except in cases of fraud or willful misconduct, the qualified actuary is not liable for damages to any person (other than the insurance company and the commissioner) for any act, error, omission, decision or conduct with respect to the actuary’s opinion.

(vii) Disciplinary action by the commissioner against the company or the qualified actuary shall be defined in rules by the commissioner.

(viii) Except as provided in subparagraphs (xii), (xiii), and (xiv) of this paragraph, documents, materials or other information in the possession or control of the commissioner that are a memorandum in support of the opinion and any other material provided by the company to the commissioner in connection therewith are confidential by law and privileged, exempt from disclosure under article one, chapter twenty-nine-a of this code and are not be subject to subpoena and, additionally, are not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner’s official duties.

(ix) Neither the commissioner nor any person who received documents, materials or other information while acting under the
authority of the commissioner is permitted or required to testify
in any private civil action concerning any confidential
documents, materials or information subject to subparagraph
(viii) of this paragraph.

(x) In order to assist in the performance of the
commissioner's duties, the commissioner:

(I) May share documents, materials or other information,
including the confidential and privileged documents, materials
or information subject to subparagraph viii with other state,
federal and international regulatory agencies, with the NAIC and
its affiliates and subsidiaries, and with state, federal and
international law-enforcement authorities, provided that the
recipient agrees to maintain the confidentiality and privileged
status of the document, material or other information;

(II) May receive documents, materials or information,
including otherwise confidential and privileged documents,
materials or information, from the NAIC and its affiliates and
subsidiaries, and from regulatory and law-enforcement officials
of other foreign or domestic jurisdictions, and shall maintain as
confidential or privileged any document, material or information
received with notice or the understanding that it is confidential
or privileged under the laws of the jurisdiction that is the source
of the document, material or information; and

(III) May enter into agreements governing sharing and use
of information consistent with subparagraphs (viii) and (ix) and
this subparagraph.

(xi) No waiver of any applicable privilege or claim of
confidentiality in the documents, materials or information occurs
as a result of disclosure to the commissioner under this section
or as a result of sharing as authorized in subparagraph (ix).

(xii) A memorandum in support of the opinion, and any
other material provided by the company to the commissioner in
connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this subsection or by rules.

(xiii) The memorandum or other material may otherwise be released by the commissioner with the written consent of the company or to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the commissioner for preserving the confidentiality of the memorandum or other material.

(xiv) Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum shall be no longer confidential.

(2) Actuarial Opinion of Reserves after the Operative Date of the Valuation Manual.

(A) General. — Every company with outstanding life insurance contracts, accident and health insurance contracts or deposit-type contracts in this state and subject to rule of the commissioner shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this state. The valuation manual will prescribe the specifics of this opinion including any items deemed to be necessary to its scope.

(B) Actuarial Analysis of Reserves and Assets Supporting Reserves. — Every company with outstanding life insurance contracts, accident and health insurance contracts or deposit-type
contracts in this state and subject to rule of the commissioner, except as exempted in the valuation manual, shall also annually include in the opinion required by paragraph (A) of this subdivision, an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including, but not limited to, the benefits under and expenses associated with the policies and contracts.

(C) Requirements for Opinions Subject to paragraph (B), subdivision (2), subsection (c). — Each opinion required by subdivision (2), subsection (c) of this section shall be governed by the following:

(i) A memorandum, in form and substance as specified in the valuation manual, and acceptable to the commissioner, shall be prepared to support each actuarial opinion.

(ii) If the insurance company fails to provide a supporting memorandum at the request of the commissioner within a period specified in the valuation manual or the commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the commissioner.

(D) Requirement for All Opinions Subject to subdivision (2), subsection (c) of this section. — Every opinion is governed by the following:
(i) The opinion shall be in form and substance as specified in the valuation manual and acceptable to the commissioner.

(ii) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after the operative date of the valuation manual.

(iii) The opinion shall apply to all policies and contracts subject to paragraph (B), subdivision (2), subsection (c) of this section, plus other actuarial liabilities as may be specified in the valuation manual.

(iv) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board or its successor, and on such additional standards as may be prescribed in the valuation manual.

(v) In the case of an opinion required to be submitted by a foreign or alien company, the commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

(vi) Except in cases of fraud or willful misconduct, the appointed actuary is not liable for damages to any person, other than the insurance company and the commissioner, for any act, error, omission, decision or conduct with respect to the appointed actuary’s opinion.

(vii) Disciplinary action by the commissioner against the company or the appointed actuary shall be defined in rules.

(d) Computation of minimum standards. — Except as otherwise provided in subsections (e), (f) and (m) of this section, the minimum standard for the valuation of all policies and contracts issued prior to January 1, 1958 shall be that provided
by the laws in effect immediately prior to that date. Except as
otherwise provided in subsections (e), (f) and (m) of this section,
the minimum standard for the valuation of all policies and
contracts issued on or after January 1, 1958 of this section shall
be the commissioners reserve valuation methods defined in
subsections (g), (h), (k) and (m) of this section, three and
one-half percent interest or in the case of life insurance policies
and contracts, other than annuity and pure endowment contracts,
issued on or after June 1, 1974, four percent interest for policies
issued prior to April 6, 1977, five and one-half percent interest
for single premium life insurance policies and four and one-half
percent interest for all other policies issued on and after April 6,
1977, and the following tables:

(1) For all ordinary policies of life insurance issued on the
standard basis, excluding any disability and accidental death
benefits in the policies:

(A) The commissioner’s 1941 standard ordinary mortality
table for policies issued prior to the operative date of subsection
(e), section thirty, article thirteen of this chapter;

(B) The commissioner’s 1958 standard ordinary mortality
table for policies issued on or after the operative date of
subsection (e), section thirty, article thirteen of this chapter and
prior to the operative date of subsection (g) of that section:
Provided, That for any category of policies issued on female
risks, all modified net premiums and present values referred to
in this section may be calculated according to an age not more
than six years younger than the actual age of the insured; and

(C) For policies issued on or after the operative date of
subsection (g), section thirty, article thirteen of this chapter:

(i) The commissioner’s 1980 standard ordinary mortality
table; or
(ii) At the election of the company for any one or more specified plans of life insurance, the commissioner's 1980 standard ordinary mortality table with ten-year select mortality factors; or

(iii) Any ordinary mortality table adopted after the year 1980 by the national association of Insurance Commissioners that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the policies.

(2) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in the policies: The 1941 standard industrial mortality table for policies issued prior to the operative date of subsection (f), section thirty, article thirteen of this chapter and for policies issued on or after the operative date, the commissioner's 1961 standard industrial mortality table or any industrial mortality table adopted after the year 1980 by the national association of Insurance Commissioners that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the policies.

(3) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in policies: The 1937 standard annuity mortality table or, at the option of the company, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.

(4) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in the policies: The group annuity mortality table for 1951, any modification of the table approved by the commissioner or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.
(5) For total and permanent disability benefits in or supplementary to ordinary policies or contracts: For policies or contracts issued on or after January 1, 1966, the tables of period two disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates adopted after the year 1980 by the national association of Insurance Commissioners that are approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the policies; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either those tables or, at the option of the company, the Class (3) disability table (1926); and for policies issued prior to January 1, 1961, the Class (3) disability table (1926).

Any table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(6) For accidental death benefits in or supplementary to policies issued on or after January 1, 1966, the 1959 accidental death benefits table or any accidental death benefits table adopted after the year 1980 by the national association of Insurance Commissioners, that is approved by rules promulgated by the commissioner for use in determining the minimum standard of valuation for such policies, for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the intercompany double indemnity mortality table; and for policies issued prior to January 1, 1961, the intercompany double indemnity mortality table. Either table shall be combined with a mortality table for calculating the reserves for life insurance policies.

(7) For group life insurance, life insurance issued on the substandard basis and other special benefits: Tables as may be approved by the commissioner.
(c) Computation of minimum standard for annuities. — Except as provided in subsection (f) of this section, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection, and for all annuities and pure endowments purchased on or after the operative date under group annuity and pure endowment contracts shall be the commissioner's reserve valuation methods defined in subsections (g) and (h) of this section and the following tables and interest rates:

(1) For individual annuity and pure endowment contracts issued prior to April 6, 1977, excluding any disability and accidental death benefits in the contracts: The 1971 individual annuity mortality table or any modification of this table approved by the commissioner and six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity and pure endowment contracts;

(2) For individual single premium immediate annuity contracts issued on or after April 6, 1977, excluding any disability and accidental death benefits in such contracts: The 1971 individual annuity mortality table or any individual annuity mortality table adopted after the year 1980 by the national association of Insurance Commissioners that is approved by rule promulgated by the commissioner for use in determining the minimum standard of valuation for the contracts or any modification of these tables approved by the commissioner and seven and one-half percent interest;

(3) For individual annuity and pure endowment contracts issued on or after April 6, 1977, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in those contracts: The 1971 individual annuity mortality table or any individual annuity mortality table adopted after the year 1980 by the national association of Insurance Commissioners that is approved by rule promulgated
by the commissioner for use in determining the minimum
standard of valuation for the contracts or any modification of
these tables approved by the commissioner and five and one-half
percent interest for single premium deferred annuity and pure
derowment contracts and four and one-half percent interest for
all other individual annuity and pure endowment contracts;

(4) For all annuities and pure endowments purchased prior
to April 6, 1977, under group annuity and pure endowment
contracts, excluding any disability and accidental death benefits
purchased under those contracts: The 1971 group annuity
mortality table or any modification of this table approved by the
commissioner and six percent interest;

(5) For all annuities and pure endowments purchased on or
after April 6, 1977, under group annuity and pure endowment
contracts, excluding any disability and accidental death benefits
purchased under the contracts: The 1971 group annuity mortality
table or any group annuity mortality table adopted after the year
1980 by the national association of Insurance Commissioners
that is approved by rule promulgated by the commissioner for
use in determining the minimum standard of valuation for
annuities and pure endowments or any modification of these
tables approved by the commissioner and seven and one-half
percent interest.

After June 3, 1974, any company may file with the
commissioner a written notice of its election to comply with the
provisions of this subsection after a specified date before January
1, 1979, which shall be the operative date of this subsection for
the company provided, if a company makes no election, the
operative date of this section for the company shall be January
1, 1979.

(f) Computation of minimum standard by calendar year of
issue.
The interest rates used in determining the minimum standard for the valuation of the following shall be the calendar year statutory valuation interest rates as defined in this section:

(A) All life insurance policies issued in a particular calendar year, on or after the operative date of subsection (g), section thirty, article thirteen of this chapter, as amended;

(B) All individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1982;

(C) All annuities and pure endowments purchased in a particular calendar year on or after January 1, 1982, under group annuity and pure endowment contracts; and

(D) The net increase, if any, in a particular calendar year after January 1, 1982, in amounts held under guaranteed interest contracts.

(2) Calendar year statutory valuation interest rates. —

(A) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one quarter of one percent:

(i) For life insurance, \( I = 0.03 + W(R_1 - 0.03) + \frac{W}{2}(R_2 - 0.09) \);

(ii) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options, \( I = 0.03 + W(R_1) - 0.03 \) where \( R_1 \) is the lesser of \( R \) and \( 0.09 \), \( R_2 \) is the greater of \( R \) and \( 0.09 \), \( R \) is the reference interest rate defined in this subsection and \( W \) is the weighting factor defined in this section;

(iii) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options,
valued on an issue-year basis, except as stated in subparagraph (ii) of this paragraph, the formula for life insurance stated in subparagraph (i) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in subparagraph (ii) of this paragraph shall apply to annuities and guaranteed interest contracts with guarantee duration of ten years or less;

(iv) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in subparagraph (ii) of this paragraph shall apply;

(v) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in subparagraph (ii) of this paragraph shall apply.

(B) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one half of one percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for the year 1980 (using the reference interest rate defined for the year 1979) and shall be determined for each subsequent calendar year regardless of when subsection (g), section thirty, article thirteen of this chapter, as amended, becomes operative.
(3) **Weighting factors.** —

(A) The weighting factors referred to in the formulas stated above are given in the following tables:

(i) **Weighting Factors for Life Insurance:**

<table>
<thead>
<tr>
<th>Guarantee Duration</th>
<th>Weighting Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 or less</td>
<td>.50</td>
</tr>
<tr>
<td>More than 10, but not more than 20</td>
<td>.45</td>
</tr>
<tr>
<td>More than 20</td>
<td>.35</td>
</tr>
</tbody>
</table>

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

(ii) **Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options:** .80;

(iii) **Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subparagraph (ii) of this paragraph, shall be as specified in clauses (I), (II) and (III) of this subparagraph, according to the rules and definitions in clauses (IV), (V) and (VI) of this subparagraph:**

(I) For annuities and guaranteed interest contracts valued on an issue year basis:
Guarantee Weighting Factor for Plan Type

<table>
<thead>
<tr>
<th>Years</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or less:</td>
<td>.80</td>
<td>.60</td>
<td>.50</td>
</tr>
<tr>
<td>More than 5, but not more than 10:</td>
<td>.75</td>
<td>.60</td>
<td>.50</td>
</tr>
<tr>
<td>More than 10, but not more than 20:</td>
<td>.65</td>
<td>.50</td>
<td>.45</td>
</tr>
<tr>
<td>More than 20:</td>
<td>.45</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

(II) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in clause (I) of this subparagraph increased by:

<table>
<thead>
<tr>
<th>Weighting Factor for Plan Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
</tr>
<tr>
<td>B</td>
</tr>
<tr>
<td>C1</td>
</tr>
<tr>
<td>.15</td>
</tr>
<tr>
<td>.25</td>
</tr>
<tr>
<td>.05</td>
</tr>
</tbody>
</table>

(III) For annuities and guaranteed interest contracts valued on an issue-year basis (other than those with no cash settlement options) which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in clause (I) of this subparagraph or derived in clause (II) of this subparagraph increased by:

<table>
<thead>
<tr>
<th>Weighting Factor for Plan Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
</tr>
<tr>
<td>B</td>
</tr>
<tr>
<td>C1</td>
</tr>
<tr>
<td>.05</td>
</tr>
<tr>
<td>.05</td>
</tr>
<tr>
<td>.05</td>
</tr>
</tbody>
</table>
(IV) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guaranteed duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(V) Plan type as used in the above tables is defined as follows:

Plan Type A:

At any time policyholder may withdraw funds only: (1) With an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) without such adjustment but in installments over five years or more; or (3) as an immediate life annuity; or (4) no withdrawal permitted;

Plan Type B:

Before expiration of the interest rate guarantee, policyholder may withdraw funds only: (1) With an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) without such adjustment but in installments over five years or more; or (3) no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years;

Plan Type C:
Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either: (1) Without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(VI) A company may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue-year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue-year basis. As used in this section, an issue-year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(4) *The reference interest rate.* —

(A) Reference interest rate referred to in subdivision (2) of this subsection is defined as follows:

(i) For all life insurance, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year next preceding the year of issue, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody’s Investors Service, Inc.
(ii) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of twelve months, ending on June 30 of the calendar year of issue or year of purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody’s Investors Service, Inc.

(iii) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in subparagraph (ii) of this paragraph, with guarantee duration in excess of ten years, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody’s Investors Service, Inc.

(iv) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in subparagraph (ii) of this paragraph, with guarantee duration of ten years or less, the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody’s Investors Service, Inc.

(v) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody’s Investors Service, Inc.

(vi) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options,
valued on a change in fund basis, except as stated in subparagraph (ii) of this paragraph, the average over a period of twelve months, ending on June 30 of the calendar year of the change in the fund, of the monthly average of the composite yield on seasoned corporate bonds as published by Moody’s Investors Service, Inc.

(5) Alternative method for determining reference interest rates. —

In the event that the monthly average of the composite yield on seasoned corporate bonds is no longer published by Moody’s Investors Service, Inc., or in the event that the national association of Insurance Commissioners determines that the monthly average of the composite yield on seasoned corporate bonds as published by Moody’s Investors Service, Inc., is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the national association of Insurance Commissioners and approved by rule promulgated by the commissioner, may be substituted.

(g) Reserve valuation method. — Life insurance and endowment benefits.

Except as otherwise provided in subsections (h), (k) and (m) of this section, reserves according to the commissioner’s reserve valuation method for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of the future guaranteed benefits provided by the policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be the uniform percentage of the respective contract premiums for the benefits that the present value, at the date of issue of the policy, of all the
modified net premiums shall be equal to the sum of the then
present value of the benefits provided by the policy and the
excess of subdivision (1) of this subsection over subdivision (2)
of this subsection, as follows:

(1) A net level annual premium equal to the present value,
at the date of issue, of such benefits provided for after the first
policy year, divided by the present value, at the date of issue, of
an annuity of one per annum payable on the first and each
subsequent anniversary of such policy on which a premium falls
due: Provided, That such net level annual premium shall not
exceed the net level annual premium on the nineteen-year
premium whole life plan for insurance of the same amount at an
age one year higher than the age at issue of such policy.

(2) A net one-year term premium for such benefits provided
for in the first policy year: Provided, That for any life insurance
policy issued on or after January 1, 1985, for which the contract
premium in the first policy year exceeds that of the second year
and for which no comparable additional benefit is provided in
the first year for such excess and which provides an endowment
benefit or a cash surrender value or a combination thereof in an
amount greater than such excess premium, the reserve according
to the commissioners’ reserve valuation method as of any policy
anniversary occurring on or before the assumed ending date
defined herein as the first policy anniversary on which the sum
of any endowment benefit and any cash surrender value then
available is greater than such excess premium shall, except as
otherwise provided in subsection (k) of this section, be the
greater of the reserve as of such policy anniversary calculated as
described in the preceding paragraph and the reserve as of the
policy anniversary calculated as described in that paragraph, but
with: (i) The value defined in subdivision (1) of that paragraph
being reduced by fifteen percent of the amount of such excess
first-year premium; (ii) all present values of benefits and
premiums being determined without reference to premiums or
benefits provided by the policy after the assumed ending date; (iii) the policy being assumed to mature on the date as an endowment; and (iv) the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison, the mortality and interest bases stated in subsections (d) and (f) of this section shall be used.

Reserves according to the commissioners' reserve valuation method shall be calculated by a method consistent with the principles of the preceding paragraphs of this section for: (i) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums; (ii) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code (26 U.S.C. §408) as now or hereafter amended; (iii) disability and accidental death benefits in all policies and contracts; and (iv) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of the preceding paragraphs of this section.

(h) Reserve valuation method. — Annuity and pure endowment benefits.

(1) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement
annuities under section 408 of the Internal Revenue Code (26 U.S.C. §408) as now or hereafter amended.

(2) Reserves according to the commissioners' annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided by such contracts at the end of each respective contract year over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of the respective contract year.

The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in the contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

(i) Minimum reserves. —

(1) In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after January 1, 1958 be less than the aggregate reserves calculated in accordance with the methods set forth in subsections (g), (h), (k) and (l) of this section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for the policies.

(2) In no event shall the aggregate reserves for all policies, contracts and benefits be less than the aggregate reserves determined by the qualified actuary to be necessary to render the opinion required by subsection (c) of this section.
(j) Optional reserve calculation. —

(1) Reserves for all policies and contracts issued prior to the effective date of this section may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

(2) Reserves for any category of policies, contracts or benefits as established by the commissioner issued on or after January 1, 1958 may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided therein.

(3) Any such company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided: Provided, That for the purposes of this section, the holding of additional reserves previously determined by the appointed actuary to be necessary to render the opinion required by subsection (c) of this section shall not be considered to be the adoption of a higher standard of valuation.

(k) Reserve calculation. — Valuation net premium exceeding the gross premium charged.

(1) If in any contract year the gross premium charged by any life insurance company on any policy or contract is less than the
valuation net premium for the policy or contract calculated by
the method used in calculating the reserve thereon but using the
minimum valuation standards of mortality and rate of interest,
the minimum reserve required for such policy or contract shall
be the greater of either the reserve calculated according to the
mortality table, rate of interest and method actually used for such policy or contract or the reserve calculated by the method actually used for such policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this section are those standards stated in subsections (d) and (f) of this section: Provided, That for any life insurance policy issued on or after January 1, 1985, for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this subsection shall be applied as if the method actually used in calculating the reserve for such policy were the method described in subsection (g) of this section, ignoring the second paragraph of said subsection.

(2) The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with subsection (g) of this section, including the second paragraph of said section, and the minimum reserve calculated in accordance with this subsection.

(1) Reserve calculation. — Indeterminate premium plans.

In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be
determined by the insurance company based on the estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in subsections (g), (h) and (k) of this section, the reserves which are held under any such plan must:

(1) Be appropriate in relation to the benefits and the pattern of premiums for that plan; and

(2) Be computed by a method which is consistent with the principles of this standard valuation law as determined by rules promulgated by the commissioner.

(m) The commissioner may, by rule, establish alternative methods of calculating reserve liabilities, which methods shall be used to calculate reserve liabilities for the types of policies, annuities or other contracts identified in the rule: Provided, That the method specified in the rule shall be one which, in the opinion of the commissioner and in light of the methods applied to the contracts by the insurance regulators of other states, is appropriate to the contracts. This power shall be in addition to, and in no way diminish, rule-making power granted to the commissioner elsewhere in this code.

(n) Valuation Manual for Policies Issued On or After the Operative Date of the Valuation Manual. —

(1) The commissioner shall promulgate emergency rules adopting a valuation manual that is substantially similar to the valuation manual approved by the National Association of Insurance Commissioners and any amendments to such manual as may be subsequently approved by the National Association of Insurance Commissioners, and such rules shall be effective in accordance with subdivisions (2) and (3) of this subsection.
(2) The operative date of the valuation manual is January 1 of the first calendar year following the first July 1 as of which all of the following have occurred:

(A) The valuation manual has been adopted by the National Association of Insurance Commissioners by an affirmative vote of at least forty-two members, or three fourths of the members voting, whichever is greater;

(B) The Standard Valuation Law, as amended by the National Association of Insurance Commissioners in 2009, or legislation including substantially similar terms and provisions, has been enacted by states representing greater than seventy-five percent of the direct premiums written as reported in the following annual statements submitted for 2008: Life, accident and health annual statements; health annual statements; and fraternal annual statements; and

(C) The Standard Valuation Law, as amended by the National Association of Insurance Commissioners in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least forty-two of the following fifty-five jurisdictions: The fifty states of the United States, American Samoa, the American Virgin Islands, the District of Columbia, Guam, and Puerto Rico.

(3) Unless a change in the valuation manual specifies a later effective date, changes to the valuation manual shall be effective on January 1 following the date when such changes have been adopted by the National Association of Insurance Commissioners by an affirmative vote representing:

(A) At least three fourths of the members of the National Association of Insurance Commissioners voting, but not less than a majority of the total membership; and
(B) Members of the National Association of Insurance Commissioners representing jurisdictions totaling greater than seventy-five percent of the direct premiums written, as reported in the following annual statements most recently available prior to the vote in paragraph (A), of this subdivision: Life, accident and health annual statements, health annual statements, or fraternal annual statements.

(4) The valuation manual must specify all of the following:

(A) Minimum valuation standards for and definitions of the policies or contracts subject to subdivision (2), subsection (b) of this section. Such minimum valuation standards shall be:

(i) The commissioner's reserve valuation method for life insurance contracts, other than annuity contracts, subject to subdivision (2), subsection (b) of this section;

(ii) The commissioner's annuity reserve valuation method for annuity contracts subject to subdivision (2), subsection (b) of this section; and

(iii) Minimum reserves for all other policies or contracts subject to subdivision (2), subsection (b) of this section.

(B) Which policies or contracts or types of policies or contracts that are subject to the requirements of a principle-based valuation in subdivision (1), subsection (o) of this section and the minimum valuation standards consistent with those requirements.

(C) For policies and contracts subject to a principle-based valuation under subsection (o) of this section:

(i) Requirements for the format of reports to the commissioner under paragraph (C), subdivision (2), subsection (o) of this section and which shall include information necessary
to determine if the valuation is appropriate and in compliance with this section;

(ii) Assumptions shall be prescribed for risks over which the company does not have significant control or influence; and

(iii) Procedures for corporate governance and oversight of the actuarial function and a process for appropriate waiver or modification of such procedures.

(D) For policies not subject to a principle-based valuation under subsection (o), the minimum valuation standard shall either:

(i) Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

(ii) Develop reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring.

(E) Other requirements, including, but not limited to, those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memorandums, transition rules and internal controls; and

(F) The data and form of the data required under subsection (p) of this section, with whom the data must be submitted, and may specify other requirements including data analyses and reporting of analyses.

(5) For policies issued on or after the operative date of the valuation manual, the standard prescribed in the valuation
998 manual is the minimum standard of valuation required under subdivision (2), subsection (b) of this section, except as provided under subdivision (6) or (8) of this subsection.

1000 (6) In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual is not, in the opinion of the commissioner, in compliance with this section, then the company shall, with respect to such requirements, comply with minimum valuation standards prescribed by rule.

1006 (7) The commissioner may engage a qualified actuary, at the expense of the company, to perform an actuarial examination of the company and opine on the appropriateness of any reserve assumption or method used by the company, or to review and opine on a company’s compliance with any requirement set forth in this section. The commissioner may rely upon the opinion, regarding provisions contained within this section, of a qualified actuary engaged by the commissioner of another state, district or territory of the United States. As used in this subdivision, term “engage” includes employment and contracting.

1016 (8) The commissioner may require a company to change any assumption or method that in the opinion of the commissioner is necessary in order to comply with the requirements of the valuation manual or this section, and the company shall adjust the reserves as required by the commissioner.

1021 (o) Requirements of a Principle-Based Valuation. —

1022 (1) A company must establish reserves using a principle-based valuation that meets the following conditions for policies or contracts as specified in the valuation manual:

1025 (A) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the
(B) Incorporate assumptions, risk analysis methods and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company’s overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods.

(C) Incorporate assumptions that are derived in one of the following manners:

(i) The assumption is prescribed in the valuation manual; or

(ii) For assumptions that are not prescribed, the assumptions shall either:

(I) Be established utilizing the company’s available experience, to the extent it is relevant and statistically credible; or

(II) To the extent that company data is not available, relevant or statistically credible, be established utilizing other relevant, statistically credible experience.

(D) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty, the larger the margin and resulting reserve.

(2) A company using a principle-based valuation for one or more policies or contracts subject to this section as specified in the valuation manual shall:

(A) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual.
(B) Provide to the commissioner and the board of directors an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. Such controls shall be designed to assure that all material risks inherent in the liabilities and associated assets subject to such valuation are included in the valuation, and that valuations are made in accordance with the valuation manual. The certification shall be based on the controls in place as of the end of the preceding calendar year.

(C) Develop, and file with the commissioner upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

(3) A principle-based valuation may include a prescribed formulaic reserve component.

(p) Experience Reporting for Policies In Force On or After the Operative Date of the Valuation Manual. — A company shall submit mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed in the valuation manual.

(q) Confidentiality. —

(1) For purposes of this subsection, “confidential information” means:

(A) A memorandum in support of an opinion submitted under subsection (c) of this section and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such memorandum;

(B) All documents, materials and other information, including, but not limited to, all working papers, and copies
thereof, created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination made under subdivision (7), subsection (n) of this section, but only to the same extent as such documents, materials and other information would be held confidential were they created, produced or obtained in connection with an examination made under the general examination law set forth in section nine, article two of this chapter;

(C) Any reports, documents, materials and other information developed by a company in support of, or in connection with, an annual certification by the company under paragraph (B), subdivision (2), subsection (o) of this section evaluating the effectiveness of the company’s internal controls with respect to a principle-based valuation and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such reports, documents, materials and other information;

(D) Any principle-based valuation report developed under paragraph (C), subdivision (2), subsection (o) of this section and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such report; and

(E) Any documents, materials, data and other information submitted by a company under subsection (p) of this section (collectively, “experience data”) and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with such experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the
commissioner (together with any "experience data", the "experience materials") and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such experience materials.

(2) Privilege for, and Confidentiality of, Confidential Information.

(A) Except as otherwise provided in this subsection, a company's confidential information is confidential by law and privileged, is exempt from disclosure under article one, chapter twenty-nine-a of this code, is not subject to subpoena, and is not subject to discovery or admissible in evidence in any private civil action: Provided, That the commissioner is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against the company as a part of the commissioner's official duties.

(B) Neither the commissioner nor any person who received confidential information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential information.

(C) In order to assist in the performance of the commissioner's duties, the commissioner may share confidential information:

(i) With other state, federal and international regulatory agencies and with the National Association of Insurance Commissioners and its affiliates and subsidiaries;

(ii) In the case of confidential information specified in paragraphs (A) and (D), subdivision (1) of this subsection only, with the Actuarial Board for Counseling and Discipline or its successor upon request stating that the confidential information
is required for the purpose of professional disciplinary proceedings and with state, federal and international law-enforcement officials; and

(iii) In the case of subparagraphs (i) and (ii) of this paragraph, provided that such recipient agrees and has the legal authority to agree, to maintain the confidentiality and privileged status of such documents, materials, data and other information in the same manner and to the same extent as required for the commissioner.

(D) The commissioner may receive documents, materials, data and other information, including otherwise confidential and privileged documents, materials, data or information, from the National Association of Insurance Commissioners and its affiliates and subsidiaries, from regulatory or law-enforcement officials of other foreign or domestic jurisdictions, and from the Actuarial Board for Counseling and Discipline or its successor, and he or she shall maintain as confidential or privileged any document, material, data or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information.

(E) The commissioner may enter into agreements governing sharing and use of information consistent with this subdivision.

(F) No waiver of any applicable privilege or claim of confidentiality in the confidential information occurs as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in paragraph (C) of this subdivision.

(G) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subdivision is available and may be enforced in any proceeding in, and in any court of, this state.
(H) In this subsection "regulatory agency," "law-enforcement agency" and the "NAIC" include, but are not limited to, their employees, agents, consultants and contractors.

(3) Notwithstanding subdivision (2) of this subsection, any confidential information specified in paragraphs (A) and (D), subdivision (1) of this subsection:

(A) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under subsection (c) of this section or principle-based valuation report developed under paragraph (C), subdivision (2), subsection (o) of this section by reason of an action required by this section or by rules promulgated hereunder;

(B) May otherwise be released by the commissioner with the written consent of the company; and

(C) Once any portion of a memorandum in support of an opinion submitted under subsection (c) of this section or a principle-based valuation report developed under paragraph (C), subdivision (2), subsection (o) of this section is cited by the company in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of such memorandum or report are no longer be confidential.

ARTICLE 13. LIFE INSURANCE.


(a) In the case of policies issued on or after the original operative date of this subsection as set forth in subsection (l) of this section, no policy of life insurance, except as stated in subsection (k) of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the
following provisions, or corresponding provisions which in the
opinion of the commissioner are at least as favorable to the
defaulting or surrendering policyholder as are the minimum
requirements hereinafter specified and are essentially in
compliance with subsection subsection (j) of this section:

(1) That, in the event of default in any premium payment, the
insurer will grant, upon proper request not later than sixty days
after the due date of the premium in default, a paid-up
nonforfeiture benefit on a plan stipulated in the policy, effective
as of such due date, of such amount as may be hereinafter
specified. In lieu of such stipulated paid-up nonforfeiture benefit,
the insurer may substitute, upon proper request not later than
sixty days after the due date of the premium in default, an
actuarially equivalent alternative paid-up nonforfeiture benefit
which provides a greater amount or longer period of death
benefits or, if applicable, a greater amount or earlier payment of
endowment benefits;

(2) That, upon surrender of the policy within sixty days after
the due date of any premium payment in default after premiums
have been paid for at least three full years in the case of ordinary
insurance or five full years in the case of industrial insurance, the
insurer will pay, in lieu of any paid-up nonforfeiture benefit, a
cash surrender value of such amount as may be hereinafter
specified;

(3) That a specified paid-up nonforfeiture benefit shall
become effective as specified in the policy unless the person
titled to make such election elects another available option not
later than sixty days after the due date of the premium in default;

(4) That, if the policy shall have become paid up by
completion of all premium payments or if it is continued under
any paid-up nonforfeiture benefit which became effective on or
after the third policy anniversary in the case of ordinary
insurance or the fifth policy anniversary in the case of industrial insurance the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified;

(5) In the case of policies which cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, a statement of the mortality table, interest rate and method used in calculating cash surrender values and the paid-up nonforfeiture benefits available under the policy. In the case of all other policies, a statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefits, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy; and

(6) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the state in which the policy is delivered; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the company on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in
calculating the cash surrender value and paid-up nonforfeiture
benefits available under the policy on any policy anniversary
beyond the last anniversary for which such values and benefits
are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof, not
applicable by reason of the plan of insurance may, to the extent
inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of
any cash surrender value for a period of six months after demand
therefor with surrender of the policy.

(b) Computation of Cash Surrender Value. —

(1) Any cash surrender value available under the policy in
the event of default in a premium payment due on any policy
anniversary, whether or not required by subsection (a) of this
section, shall be an amount not less than the excess, if any, of the
present value, on such anniversary, of the future guaranteed
benefits which would have been provided by the policy,
including any existing paid-up additions, if there had been no
default, over the sum of:

(A) The then present value of the adjusted premiums as
defined in subsections (d), (e), (f) and (g) of this section,
corresponding to premiums which would have fallen due on and
after such anniversary; and

(B) The amount of any indebtedness to the insurer on the
policy: Provided, That for any policy issued on or after the
operative date of subsection (g) of this section as defined therein,
which provides supplemental life insurance or annuity benefits
at the option of the insured and for an identifiable additional
premium by rider or supplemental policy provision, the cash
surrender value referred to in subdivision (1) of this subsection
shall be an amount not less than the sum of the cash surrender
value for an otherwise similar policy issued at the same age
without such rider or supplemental policy provision and the cash
surrender value as defined in subdivision (1) of this subsection
for a policy which provides only the benefits otherwise provided
by such rider or supplemental policy provision: Provided,
however, That for any family policy issued on or after the
operative date of subsection (g) of this section, which defines a
primary insured and provides term insurance on the life of the
spouse of the primary insured expiring before the spouse’s age
seventy-one, the cash surrender value referred to in the first
paragraph of this subsection shall be an amount not less than the
sum of the cash surrender value as defined in such paragraph for
an otherwise similar policy issued at the same age without such
term insurance on the life of the spouse and the cash surrender
value as defined in such paragraph for a policy which provides
only the benefits otherwise provided by such term insurance on
the life of the spouse.

(2) Any cash surrender value available within thirty days
after any policy anniversary under any policy paid up by
completion of all premium payments or any policy continued
under any paid-up nonforfeiture benefit, whether or not required
by subsection one, shall be an amount not less than the present
value, on such anniversary, of the future guaranteed benefits
provided by the policy, including any existing paid-up additions
decreased by any indebtedness to the insurer on the policy.

(c) Any paid-up nonforfeiture benefit available under the
policy in the event of default in a premium payment due on any
policy anniversary shall be such that its present value as of such
anniversary shall be at least equal to the cash surrender value
then provided for by the policy or, if none is provided for, that
cash surrender value which would have been required by this
section in the absence of the condition that premiums shall have
been paid for at least a specific period.
(d) Calculation of Adjusted Premiums. —

(1) This subsection does not apply to policies issued on or after the operative date of subsection (g) of this section. Except as provided in subdivision (4) of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts stated in the policy as extra premiums to cover impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

(A) The then present value of the future guaranteed benefits provided by the policy;

(B) Two percent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy;

(C) Forty percent of the adjusted premium for the first policy year;

(D) Twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less.

(2) In applying the percentages specified in no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.
(3) In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy.

(4) The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to:

A) The adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by;

B) The adjusted premiums for such term insurance; and

C) Paragraphs (A) and (B) of this subdivision being calculated separately and as specified in subdivisions (1), (2) and (3) of this subsection except that, for the purposes of paragraphs (B), (C) and (D), subdivision (1) of this subsection, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in paragraph (B), subdivision (1) of this subsection shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in paragraph (A), subdivision (4) of this subsection.

(5) Except as otherwise provided in subsections (e) and (f) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard
Ordinary Mortality Table: Provided, That for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: Provided, however, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty percent of the rates of mortality according to such applicable table: Provided further, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

(e) This subsection does not apply to ordinary policies issued on or after the operative date of subsection (g) of this section. In the case of ordinary policies issued on or after the operative date of this subsection, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits provided that such rate of interest shall not exceed three and one-half percent per annum except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after June 3, 1974 and prior to April 6, 1977, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after April 6, 1977, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half percent per annum...
may be used: Provided, That for any category of ordinary
insurance issued on female risks, adjusted premiums and present
values may be calculated according to an age not more than six
years younger than the actual age of the insured: Provided,
however, That in calculating the present value of any paid-up
term insurance with accompanying pure endowment, if any,
offered as a nonforfeiture benefit, the rates of mortality assumed
may be not more than those shown in the Commissioners 1958
Extended Term Insurance Table: Provided further, That for
insurance issued on a substandard basis, the calculation of any
such adjusted premiums and present values may be based on
such other table of mortality as may be specified by the company
and approved by the commissioner.

After June 3, 1959, any company may file with the
commissioner a written notice of its election to comply with the
provisions of this subsection after a specified date before January
1, 1966. After the filing of such notice, then upon such specified
date (which shall be the operative date of this subsection for such
company), this subsection shall become operative with respect
to the ordinary policies thereafter issued by such company. If a
company makes no such election, the operative date of this
subsection for such company shall be January 1, 1966.

(f) This subsection does not apply to industrial policies
issued on or after the operative date of subsection (g) of this
section. In the case of industrial policies issued on or after the
operative date of this subsection, all adjusted premiums and
present values referred to in this section shall be calculated on
the basis of the Commissioners 1961 Standard Industrial
Mortality Table and the rate of interest specified in the policy for
calculating cash surrender values and paid-up nonforfeiture
benefits provided that such rate of interest shall not exceed three
and one-half percent per annum except that a rate of interest not
exceeding four percent per annum may be used for policies
issued on or after June 3, 1974 and prior to April 6, 1977, and a
rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after April 6, 1977, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half percent per annum may be used: Provided, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table: Provided, however, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

After May 31, 1965, any company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such company), this subsection shall become operative with respect to the industrial policies thereafter issued by such company. If a company makes no such election, the operative date of this subsection for such company shall be January 1, 1968.

(g)(1) This subsection applies to all policies issued on or after the operative date of this subsection. Except as provided in subdivision (7) of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture
benefits, that the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of:

(A) The then present value of the future guaranteed benefits provided for by the policy;

(B) One percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

(C) One hundred twenty-five percent of the nonforfeiture net level premium as hereinafter defined: Provided, That in applying this percentage no nonforfeiture net level premium shall be deemed to exceed four percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined;

(2) The nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due;

(3) In the case of policies which cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums the future adjusted
329 premiums, nonforfeiture net level premiums and present values
330 shall be recalculated on the assumption that future benefits and
331 premiums do not change from those stipulated by the policy
332 immediately after the change;

333 (4) Except as otherwise provided in subdivision (7) of this
334 subsection, the recalculated future adjusted premiums for any
335 such policy shall be such uniform percentage of the respective
336 future premiums specified in the policy for each policy year, exclud
337 ing amounts payable as extra premiums to cover impairments and special hazards, and also excluding any
338 uniform annual contract charge or policy fee specified in the
339 policy in a statement of the method to be used in calculating the
340 cash surrender values and paid-up nonforfeiture benefits, that the
341 present value, at the time of change to the newly defined benefits
342 or premiums, of all such future adjusted premiums shall be equal
343 to the excess of:

344 (A) The sum of:

346 (i) The then present value of the then future guaranteed
347 benefits provided by the policy; and

348 (ii) The additional expense allowance, if any, over

349 (B) The then cash surrender value, if any, or present value of
350 any paid-up nonforfeiture benefit under the policy;

351 (5) The additional expense allowance, at the time of the
352 change to the newly defined benefits or premiums, shall be the
353 sum of:

354 (A) One percent of the excess, if positive, of the average
355 amount of insurance at the beginning of each of the first ten
356 policy years subsequent to the change over the average amount
357 of insurance prior to the change at the beginning of each of the
358 first ten policy years subsequent to the time of the most recent
previous change, or, if there has been no previous change, the
date of issue of the policy; and

(B) One hundred twenty-five percent of the increase, if
positive, in the nonforfeiture net level premium;

(6) The recalculated nonforfeiture net level premium shall be
equal to the result obtained by dividing paragraph (A) of this
subdivision by paragraph (B) of this subdivision where:

(A) Equals the sum of:

(i) The nonforfeiture net level premium applicable prior to
the change times the present value of an annuity of one per
annum payable on each anniversary of the policy on or
subsequent to the date of the change on which a premium would
have fallen due had the change not occurred; and

(ii) The present value of the increase in future guaranteed
benefits provided for by the policy;

(B) Equals the present value of an annuity of one per annum
payable on each anniversary of the policy on or subsequent to
the date of change on which a premium falls due.

(7) Notwithstanding any other provisions of this subsection
to the contrary, in the case of a policy issued on a substandard
basis which provides reduced graded amounts of insurance so
that, in each policy year, such policy has the same tabular
mortality cost as an otherwise similar policy issued on the
standard basis which provides higher uniform amounts of
insurance, adjusted premiums and present values for such
substandard policy may be calculated as if it were issued to
provide such higher uniform amounts of insurance on the
standard basis;

(8) All adjusted premiums and present values referred to in
this section shall for all policies of ordinary insurance be
calculated on the basis of (i) the Commissioners 1980 Standard
Ordinary Mortality Table or (ii) at the election of the company
for any one or more specified plans of life insurance, the
Commissioners 1980 Standard Ordinary Mortality Table with
ten-year select mortality factors; shall for all policies of
industrial insurance be calculated on the basis of the
Commissioners 1961 Standard Industrial Mortality Table; and
shall for all policies issued in a particular calendar year be
calculated on the basis of a rate of interest not exceeding the
nonforfeiture interest rate as defined in this subsection for
policies issued in that calendar year: Provided, That:

(A) At the option of the company, calculations for all
policies issued in a particular calendar year may be made on the
basis of a rate of interest not exceeding the nonforfeiture interest
rate, as defined in this subsection, for policies issued in the
immediately preceding calendar year;

(B) Under any paid-up nonforfeiture benefit, including any
paid-up dividend additions, any cash surrender value available,
whether or not required by subsection (a) of this section, shall be
calculated on the basis of the mortality table and rate of interest
used in determining the amount of such paid-up nonforfeiture
benefit and paid-up dividend additions, if any;

(C) A company may calculate the amount of any guaranteed
paid-up nonforfeiture benefit including any paid-up additions
under the policy on the basis of an interest rate no lower than
that specified in the policy for calculating cash surrender values;

(D) In calculating the present value of any paid-up term
insurance with accompanying pure endowment, if any, offered
as a nonforfeiture benefit, the rates of mortality assumed may be
not more than those shown in the Commissioners 1980 Extended
Term Insurance Table for policies of ordinary insurance and not
more than the Commissioners 1961 Industrial Extended Term
Insurance Table for policies of industrial insurance;
(E) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables;

(F) For policies issued prior to the operative date of the valuation manual, any Commissioners Standard ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by rule promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without ten-year select mortality factors or for the Commissioners 1980 Extended Term Insurance Table. For policies issued on or after the operative date of the valuation manual the valuation manual shall provide the Commissioner’s Standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioner’s 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the commissioner approves by rule any Commissioners Standard ordinary mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual. For purposes of this paragraph, paragraph (G) of this subdivision and subdivision (9) of this subsection, the operative date of the valuation manual is that date determined in accordance with subsection (n), section nine, article seven of this chapter;

(G) For policies issued prior to the operative date of the valuation manual, any industrial mortality tables, adopted after 1980 by the National Association of Insurance Commissioners,
that are approved by rule promulgated by the commissioner for
use in determining the minimum nonforfeiture standard may be
substituted for the Commissioners 1961 Standard Industrial
Mortality Table or the Commissioners 1961 Industrial Extended
Term Insurance Table. For policies issued on or after the
operative date of the valuation manual, the valuation manual
shall provide the Commissioners Standard Mortality Table for
use in determining the minimum nonforfeiture standard that may
be substituted for the Commissioners 1961 Standard Industrial
Mortality Table or the Commissioners 1961 Industrial Extended
Term Insurance Table: Provided, That if the Legislature
approves a rule providing that a Commissioners Standard
Industrial Mortality Table adopted by the National Association
of Insurance Commissioners shall be used in determining the
minimum nonforfeiture standard for policies issued on or after
the operative date of the valuation manual, then that minimum
nonforfeiture standard supersedes the minimum nonforfeiture
standard provided by the valuation manual;

(9) The nonforfeiture interest rate per annum for any policy
issued in a particular calendar year shall be equal to one hundred
and twenty-five percent of the calendar year statutory valuation
interest rate for such policy as defined in the Standard Valuation
Law, rounded to the nearer one quarter of one percent: Provided,
That, that the nonforfeiture interest rate may not be less than four
percent. For policies issued on and after the operative date of the
valuation manual the nonforfeiture interest rate per annum for
any policy issued in a particular calendar year shall be provided
by the valuation manual;

(10) Notwithstanding any other provision in this code to the
contrary, any refiling of nonforfeiture values or their methods of
computation for any previously approved policy form which
involves only a change in the interest rate or mortality table used
to compute nonforfeiture values shall not require refiling of any
other provisions of that policy form; and
(11) After May 30, 1983, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1989, which shall be the operative date of this subsection for such company. If a company makes no such election, the operative date of this section for such company shall be January 1, 1989.

(h) In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance which is of such a nature that minimum values cannot be determined by the methods described in subsection (a), (b), (c), (d), (e), (f) or (g) of this section, then:

(1) The commissioner must be satisfied that the benefits provided under the plan are substantially as favorable to policyholders and insureds as the minimum benefits otherwise required by subsection (a), (b), (c), (d), (e), (f) or (g) of this section;

(2) The commissioner must be satisfied that the benefits and the pattern of premiums of that plan are not such as to mislead prospective policyholders or insureds; and

(3) The cash surrender values and paid-up nonforfeiture benefits provided by such plan must not be less than the minimum values and benefits required for the plan computed by a method consistent with the principles of this Standard Nonforfeiture Law for Life Insurance, as determined by rules promulgated by the commissioner.

(i) Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of
time and the payment of fractional premiums beyond the last
preceding policy anniversary. All values referred to in
subsections (b), (c), (d), (e), (f) and (g) of this section may be
calculated upon the assumption that any death benefit is payable
at the end of the policy year of death. The net value of any
paid-up additions, other than paid-up term additions, shall be not
less than the amounts used to provide such additions.
Notwithstanding the provisions of subsection (2), additional
benefits payable:

(1) In the event of death or dismemberment by accident or
accidental means;

(2) In the event of total and permanent disability;

(3) As reversionary annuity or deferred reversionary annuity
benefits;

(4) As term insurance benefits provided by a rider or
supplemental policy provision to which, if issued as a separate
policy, this subsection would not apply;

(5) As term insurance on the life of a child or on the lives of
children provided in a policy on the life of a parent of the child,
if such term insurance expires before the child’s age is
twenty-six, is uniform in amount after the child’s age is one, and
has not become paid up by reason of the death of a parent of the
child; and

(6) As other policy benefits additional to life insurance and
endowment benefits, and premiums for all such additional
benefits, shall be disregarded in ascertaining cash surrender
values and nonforfeiture benefits required by this section, and no
such additional benefits shall be required to be included in any
paid-up nonforfeiture benefits.
(j)(1) This subsection, in addition to all other applicable subsections of this law, shall apply to all policies issued on or after January 1, 1985. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall be in an amount which does not differ by more than two tenths of one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years, from the sum of:

(A) The greater of zero and the basic cash value hereinafter specified; and

(B) The present value of any existing paid-up additions less the amount of any indebtedness to the company under the policy.

(2) The basic cash value shall be equal to the present value, on such anniversary, of the future guaranteed benefits which would have been provided by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the company, if there had been no default, less the then present value of the nonforfeiture factors, as hereinafter defined, corresponding to premiums which would have fallen due on and after such anniversary: Provided, That the effects on the basic cash value of supplemental life insurance or annuity benefits or of family coverage, as described in subsection (b) or (d) of this section, whichever is applicable, shall be the same as are the effect specified in subsection (b) or (d) of this section, whichever is applicable, on the cash surrender values defined in that subsection.

(3) The nonforfeiture factor for each policy year shall be an amount equal to a percentage of the adjusted premium for the policy year, as defined in subsection (d) or (g), whichever is applicable. Except as is required by the next succeeding sentence of this paragraph, such percentage:
(A) Must be the same percentage for each policy year between the second policy anniversary and the later of:

(i) The fifth policy anniversary; and

(ii) The first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least two tenths of one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

(B) Must be such that no percentage after the later of the two policy anniversaries specified in subparagraph (i), paragraph (A) of this subdivision may apply to fewer than five consecutive policy years: Provided, That no basic cash value may be less than the value which would be obtained if the adjusted premiums for the policy, as defined in subsection (g) of this section, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

(4) All adjusted premiums and present values referred to in this subsection shall for a particular policy be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other sections of this law. The cash surrender values referred to in this subsection shall include any endowment benefits provided by the policy.

(5) Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment shall be determined in manners consistent with the manners specified for determining the analogous minimum amounts in subsections (a), (b), (c), (g) and (i) of this section. The amounts of any cash surrender values and of any paid-up
nonforfeiture benefits granted in connection with additional benefits such as those listed as subdivisions (1) through (6), subsection (i) of this section shall conform with the principles of this subsection.

(k) This section does not apply to any of the following:

(1) Reinsurance;

(2) Group insurance;

(3) Pure endowment;

(4) Annuity or reversionary annuity contract;

(5) Term policy of uniform amount, which provides no guaranteed nonforfeiture or endowment benefits, or renewal thereof, of twenty years or less expiring before age seventy-one, for which uniform premiums are payable during the entire term of the policy;

(6) Term policy of decreasing amount, which provides no guaranteed nonforfeiture or endowment benefits, on which each adjusted premium, calculated as specified in subsections (d), (e), (f) and (g) of this section, is less than the adjusted premium so calculated on a policy of uniform amount, or renewal thereof, which provides no guaranteed nonforfeiture or endowment benefits, issued at the same age and for the same initial amount of insurance and for a term of twenty years or less expiring before age seventy-one, for which uniform premiums are payable during the entire term of the policy;

(7) Policy, which provides no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year, calculated as specified in subsections (b), (c), (d), (e), (f) and (g) of this section, exceeds
two and one-half percent of the amount of insurance at the
beginning of the same policy year; and

(8) Policy which shall be delivered outside this state through
an agent or other representative of the insurer issuing the policy.
For purposes of determining the applicability of this section, the
age at expiry for a joint term life insurance policy shall be the
age at expiry of the oldest life.

(1) After the effective date of the amendments made to this
section during the 2014 regular session of the Legislature, any
company may file with the commissioner a written notice of its
election to comply with the provisions of this section after a
specified date before January 1, 1948. After the filing of such
notice, then upon the specified date (which shall be the operative
date for the company), this section shall become operative with
respect to the policies thereafter issued by such company. If a
company makes no such election, the operative date of this
section for the company shall be January 1, 1948.

CHAPTER 93

(Com. Sub. for H. B. 4204 - By Delegates Hunt, Manchin,
Manypenny, Skinner, Moore, Sponaugle and Ireland)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 24, 2014.]

AN ACT to amend and reenact §33-17A-4 of the Code of West
Virginia, 1931, as amended, relating to the nonrenewal or
cancellation of property insurance coverage policies in force for at
least four years; prohibiting nonrenewal or cancellation of such
policies as a result of certain claims arising from natural causes;
prohibiting nonrenewal or cancellation of such policies as a result of certain claims arising from declared states of emergency.

Be it enacted by the Legislature of West Virginia:

That §33-17A-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 17A. PROPERTY INSURANCE DECLINATION, TERMINATION AND DISCLOSURE.

§33-17A-4. Notification and reasons for a transfer, declination or termination.

(a) Upon declining to insure any real or personal property, subject to this article, the insurer making a declination shall provide the insurance applicant with a written explanation of the specific reason or reasons for the declination at the time of the declination. The provision of such insurance application form by an insurer shall create no right to coverage on the behalf of the insured to which the insured is not otherwise entitled.

(b) A notice of cancellation of property insurance coverage by an insurer shall be in writing, shall be delivered to the named insured or sent by first class mail to the named insured at the last known address of the named insured, shall state the effective date of the cancellation and shall be accompanied by a written explanation of the specific reason or reasons for the cancellation.

(c) At least thirty days before the end of a policy period, as described in subsection (c), section three of this article, an insurer shall deliver or send by first class mail to the named insured at the last known address of the named insured, notice of its intention regarding the renewal of the property insurance policy. Notice of an intention not to renew a property insurance policy shall be accompanied by an explanation of the specific
21 reasons for the nonrenewal: *Provided,* That no insurer shall fail
22 to renew an outstanding property insurance policy which has
23 been in existence for four years or longer except for the reasons
24 as set forth in section five of this article; or for other valid
25 underwriting reasons which involve a substantial increase in the
26 risk: *Provided, however,* That notwithsanding any other
27 provision of this article, no property insurance coverage policy
28 in force for at least four years, may be denied renewal or
29 canceled solely as a result of:

30 (1) A single first party property damage claim within the
31 previous thirty-six months and that arose from wind, hail,
32 lightning, wildfire, snow or ice, unless the insurer has evidence
33 that the insured unreasonably failed to maintain the property and
34 that failure to maintain the property contributed to the loss, or

35 (2) Two first party property damage claims within the
36 previous twelve months, both of which arose from claims solely
37 due to an event for which a state of emergency is declared for the
38 county in which the insured property is located, unless the
39 insurer has evidence that the insured unreasonably failed to
40 maintain the property and that failure to maintain the property
41 contributed to the loss. “State of emergency” means the situation
42 existing after the occurrence of a disaster in which a state of
43 emergency has been declared by the Governor or by the
44 Legislature pursuant to the provisions of section six, article five,
45 chapter fifteen of this code or in which a major disaster
46 declaration or emergency declaration has been issued by the
47 President of the United States pursuant to the provisions of 42 U.
48 S. C. §5122.
AN ACT to amend and reenact §33-22-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-10E-1 of said code, all relating to farmers' mutual fire insurance companies; removing outdated language; clarifying obligations and liability of farmers' mutual fire insurance companies; imposing limited lien on proceeds under policies issued by farmers' mutual fire insurance companies; providing for notice of a total loss determination; and providing for perfection of statutory lien and release under certain conditions.

Be it enacted by the Legislature of West Virginia:

That §33-22-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §38-10E-1 of said code be amended and reenacted, all to read as follows:

CHAPTER 33. INSURANCE.

ARTICLE 22. FARMERS' MUTUAL FIRE INSURANCE COMPANIES.


1 Each company to the same extent that provisions are applicable to domestic mutual insurers shall be governed by and be subject to the following provisions of this chapter, but only to the extent these provisions are not inconsistent with this article:
2 Article one (definitions); article two (Insurance Commissioner):
article four (general provisions), except that section sixteen, article four, may not be applicable; article seven (assets and liabilities); article eight-a (use of clearing corporations and federal reserve book-entry system); article ten (rehabilitation and liquidation), except that under section thirty-two, article ten, assessments may not be levied against any former member of a farmers' mutual fire insurance company who is no longer a member of the company at the time the order to show cause was issued; article eleven (unfair trade practices); article twelve (insurance producers and solicitors), except that the agent's license fee shall be $5; section six-a, article seventeen (notice of noncoverage of flood damages and the availability of flood insurance); section nine-b, article seventeen (claims for total loss; debris removal proceeds); article twenty-six (West Virginia Insurance Guaranty Association Act); article twenty-seven (insurance holding company systems); article thirty (mine subsidence insurance), except that under section six, article thirty, a farmers' mutual insurance company shall have the option of offering mine subsidence coverage to all of its policyholders, but may not be required to do so; article thirty-three (annual audited financial report); article thirty-four (administrative supervision); article thirty-five (criminal sanctions for failure to report impairment); article thirty-six (business transacted with Producer-Controlled Property-Casualty Insurer Act); article thirty-seven (managing general agents); article thirty-nine (disclosure of material transactions); article forty (risk-based capital for insurers); and article forty-one (Insurance Fraud Prevention Act).

CHAPTER 38. LIENS.

ARTICLE 10E. LIEN ON INSURANCE PROCEEDS FOR DEBRIS REMOVAL.

§38-10E-1. Debris removal; notice of insurance proceeds; lien of municipality and county.
(a)(1) Notwithstanding any provision of this code to the contrary, the receipt by an insurance company of a claim under a fire insurance policy for a total loss to real property creates a statutory lien on the insurance proceeds payable for such claim in favor of the municipality in which the property is situate or, if the property is located outside a municipality, the county in which the property is situate, in an amount equal to the greater of: (A) $5,000; or (B) ten percent of the policy limits for loss to the real property, including any coverage for debris removal: Provided, That the amount of the lien may not exceed the policy limits of coverage for the real property plus debris removal, if any: Provided, however, That the lien created by this subsection does not apply to proceeds payable under the policy for any losses other than those to the real property insured, including loss of personal property and payments for temporary housing and related living expenses: Provided, further, That the lien amount imposed against proceeds payable under policies issued by farmers’ mutual fire insurance companies pursuant to article twenty-two, chapter thirty-three of this code shall in no event exceed ten percent of the policy limits for loss to the real property, including any coverage for debris removal.

(2) The terms “municipality” and “treasurer” have the same meanings ascribed to them in section two, article one, chapter eight of this code.

(b) Within ten days of a determination by the insurer that a covered claim constitutes a total loss, the insurance company shall send certified letters to the insured and, as applicable, to the treasurer of the municipality in which the property is situate or, if the property is situate outside a municipality, to the sheriff of the county in which the property is situate, stating any amount claimed; the limits and conditions of coverage; the location of the property; the terms and limits of coverage designated by the insurance policy for securing, cleanup and removal, if any; any
time limitations imposed on the insured for securing, cleanup and removal; and the policyholder’s name and mailing address.

(c)(1) The lien created pursuant to subsection (a) of this section shall be discharged unless the municipality or county, whichever is applicable, within thirty days of the receipt of the letter sent in accordance with subsection (b) of this section, perfects and preserves such lien by filing a notice thereof with the clerk of the county commission of the county in which such property is situate: Provided, That upon filing of a notice of lien in accordance with this subdivision, the amount of the lien created in subsection (a) of this section shall thereafter be for the estimated cost of cleanup contained in such notice of lien, subject to the limitation stated in subsection (a) of this section with respect to policies issued by farmers’ mutual insurance companies: Provided, however, That the discharge of a lien based on the municipality’s or county’s failure to file a notice pursuant to this subdivision does not affect any other remedies the municipality or county may have with respect to such property or the liability of the property owner.

(2) A notice of lien filed in accordance with this subsection shall include a statement of the estimated cost to the municipality or county for the cleanup of the damaged property, removal of any refuse, debris, remnants or remains of the building and appurtenances, and securing the structure: Provided, That such estimated cost may not exceed the amount of the lien created pursuant to subsection (a) of this section.

(3) A notice of lien filed in accordance with this section shall be notarized and shall be sufficient if in form and effect as follows:

Notice of Lien for Debris Removal

To (name of insurance company):
You will please take notice that the undersigned, on behalf of the (municipality or county) (of County, if a municipality), West Virginia, has estimated that the cost of removing debris and otherwise cleaning up (a certain building, other structure or improvement) on real estate known as (an adequate and ascertainable description of the real estate) would be (estimated cleanup cost).

You are further notified that, in order to secure the payment of the amount allowed by the provisions of subsection (a), section one, article ten-e, chapter thirty-eight of the West Virginia Code, the undersigned, on behalf of the (municipality or county) and pursuant to the provisions of section one, article ten-e, chapter thirty-eight of the West Virginia Code, claims a lien in such amount upon the interest of (policyholder’s name) in a fire insurance policy (the policy number or other identifying information) issued by (the insurance company’s name and address).

(Signature of treasurer or municipal officer exercising the power and authority commonly exercised by a treasurer, or sheriff).

(d) The clerk of the county commission shall, upon the filing of such notice, index the same in a book in his or her office called “Debris Removal Liens” as a lien against the insurance proceeds in favor of the municipality or county and shall send a copy of the notice to the insurer.
AN ACT to amend and reenact §33-37-2 of the Code of West Virginia, 1931, as amended, relating to licensure of managing general agents of insurers; removing unnecessary language; providing for retroactive renewal of lapsed licenses; establishing license application and renewal fees; extending period of some initial licenses; and clarifying that the appointment of the Secretary of State to receive process applies to administrative actions and actions involving license applications.

Be it enacted by the Legislature of West Virginia:

That §33-37-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 37. MANAGING GENERAL AGENTS.

§33-37-2. Licensure.

1. (a) No domestic, foreign or alien insurer may permit a person to act, and no person may act, in the capacity of a managing general agent for an insurer in this state unless the person is licensed in this state to act as a managing general agent.

(b) No person may act in the capacity of a managing general agent with respect to risks located in this state for an insurer
licensed in this state unless the person is a licensed insurance producer in this state.

(c) The commissioner may license as a managing general agent any individual or business entity that has complied with the requirements of this article and any related rules. The commissioner may refuse to issue a license if he or she believes the applicant, any person named on the application, or any member, principal, officer or director of the applicant is not trustworthy or competent to act as a managing general agent, or that any of the foregoing persons has given cause for revocation or suspension of the license or has failed to comply with any prerequisite for issuance of the license.

(d) Any person seeking a license pursuant to this section shall apply for the license in a form prescribed by the commissioner and pay a nonrefundable application fee of $500. Each license issued pursuant to this section expires on June 30 following issuance, except that a license initially issued in May or June expires on June 30 of the following year. In order to renew a license, a licensed managing general agent shall submit to the commissioner at least one month prior to expiration a renewal application in a form prescribed by the commissioner and a renewal fee of $200: Provided, That a managing general agent that fails to timely renew a license may reinstate the license, retroactive to its expiration date, upon submission of the renewal application form prior to June 1 following the expiration date and payment of a renewal fee of $400. All fees shall be paid into the State Treasury to the credit of the special revenue account created in subsection (b), section thirteen, article three of this chapter.

(e) The commissioner may require a bond in an amount acceptable to him or her for the protection of the insurer.

(f) The commissioner may require a managing general agent to maintain an errors and omissions policy that is acceptable to the commissioner.
(g) The submission of an application for license pursuant to this section constitutes an appointment by the applicant of the Secretary of State as the agent for service of process on the applicant in any action or proceeding, including administrative actions instituted by the commissioner, arising in this state out of or in connection with the application for or exercise of the license. The appointment of the Secretary of State as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in this state. Service of process on the Secretary of State shall conform to the provisions of section twelve, article four of this chapter.

(h) A person seeking licensure shall provide evidence, in a form acceptable to the commissioner, of its appointments or contracts as a managing general agent. The commissioner may refuse to renew the license of a person that has not been appointed by, or otherwise authorized to act for, an insurer as a managing general agent.

CHAPTER 96

(Com. Sub. for S. B. 621 - By Senators Fitzsimmons, Kessler (Mr. President), Edgell, Yost and Cookman)

[Passed March 7, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 20, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-49-1, §33-49-2, §33-49-3, §33-49-4, §33-49-5, §33-49-6, §33-49-7, §33-49-8, §33-49-9 and §33-49-10, all relating to authorizing insurers to offer flood insurance in this state; providing legislative findings; defining terms; establishing minimum coverage requirements for these
Insurance policies; providing coverage limitations that an insurer may include in these policies; requiring that certain limitations be noted on the policy declarations or face page; providing the Insurance Commissioner with authority for rate-making and legislative and emergency rule-making authority; requiring the insurer to provide notice that flood insurance is available from the National Flood Insurance Program; allowing an insurer to export a contract or endorsement of a certain amount to a surplus lines insurer without meeting certain requirements; providing prior notice requirements for cancellation or nonrenewal of a policy; requiring the insurer to notify the commissioner before writing flood insurance and to file a plan of operation with the commissioner; providing that any conflict with other provisions of the West Virginia insurance code are superseded by this article; and requiring the Insurance Commissioner to provide certification that a condition qualifies for flood insurance or disaster assistance.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §33-49-1, §33-49-2, §33-49-3, §33-49-4, §33-49-5, §33-49-6, §33-49-7, §33-49-8, §33-49-9 and §33-49-10, all to read as follows:

ARTICLE 49. FLOOD INSURANCE.

§33-49-1. Legislative findings.

1 (a) The Legislature finds that:

2 (1) The National Flood Insurance Program is a federal program that enables property owners in participating communities to purchase flood insurance. A community participates in the federal program by adopting and enforcing flood plain management regulations that meet or exceed federal flood plain management criteria designed to reduce future flood risk to new construction in flood plains. The program was
created by Congress in 1968 because insurance covering the peril of flood was often unavailable in the private insurance market and was intended to reduce the amount of financial aid paid by the federal government in the aftermath of flood-related disasters. After the creation of the National Flood Insurance Program (NFIP), flood insurance coverage continued to be generally unavailable for purchase from private market insurance companies.

(2) The Biggert-Waters Flood Insurance Reform Act of 2012 reauthorized and revised the National Flood Insurance Program. The act increases flood insurance premiums purchased through the program for second homes, business properties, severe repetitive loss properties and substantially improved damaged properties by requiring premium increases of twenty-five percent per year until premiums meet the full actuarial cost. Most residences lose their subsidized rates if the property is sold, the policy lapses, repeated and severe flood losses occur or a new policy is purchased. Policyholders whose communities adopt a new, updated Flood Insurance Rate Map (FIRM) that results in higher rates will experience a five-year phase in of rate increases to achieve required rate levels.

(3) The Biggert-Waters Flood Insurance Reform Act of 2012 also encourages the use and acceptance of private market flood insurance. The Legislature finds that there is no adequate private flood insurance market available in West Virginia. Such historic and current inadequacy suggests that the private market in this state is unlikely to expand unless the Legislature provides multiple options for the regulation of flood insurance. The Legislature also finds that the consumers of this state would benefit from the availability of competitively priced private market flood insurance due to the continued availability of NFIP flood insurance, the likely availability of alternative private market flood insurance coverage options and the oversight of the Insurance Commissioner of West Virginia.
(4) The National Flood Insurance Program, as amended by the Biggert-Waters Flood Insurance Reform Act of 2012, will prevent many property owners from obtaining affordable flood insurance coverage in this state. The absence of affordable flood insurance threatens the public health, safety and welfare and the economic health of West Virginia. Therefore, the state has a compelling public purpose and interest in providing alternatives to coverage from the National Flood Insurance Program by promoting the availability of flood insurance from private market insurers at potentially lower premium rates so as to facilitate the remediation, reconstruction and replacement of damaged or destroyed property in order to reduce or avoid harm to the public health, safety and welfare, to the economy of this state and to the revenues of state and local governments which are needed to provide for the public welfare.


(a) As used in this article, the term “flood” means a general and temporary condition of partial or complete inundation of two acres or more of normally dry land area or of two or more properties, at least one of which is the policyholder’s property, from:

(1) Overflow of waters;

(2) Unusual and rapid accumulation or runoff of surface waters from any source;

(3) Mudflow; or

(4) Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels which result in a flood.

(b) As used in this article, the term “insurer” means an insurer that is subject to the provisions of this chapter and is
offering flood insurance pursuant to this article: Provided, That
a surplus lines insurer offering flood insurance pursuant to this
article is exempt from the requirements of this chapter but
subject to laws and rules applicable to surplus lines insurers.

§33-49-3. Issuance of flood insurance.

(a) Subject to the requirements of this article, an insurer may
issue an insurance policy, contract or endorsement providing
coverage for the peril of flood on any structure or on the contents
of personal property on a form that has been filed with and
approved by the commissioner pursuant to section eight, article
six of this chapter and that may be substantially similar to the
form used by the National Flood Insurance Program (NFIP).

(b) A surplus lines agent may export a contract or
endorsement providing flood coverage of $1 million or more to
an eligible surplus lines insurer without making a diligent effort
to seek such coverage from three or more authorized insurers as
provided in article twelve-c of this chapter. This subsection
expires on July 1, 2019.

§33-49-4. Content of flood insurance.

(a) At a minimum, coverage for the peril of flood must cover
a flood as defined in this article. Coverage for the peril of flood
may also include water intrusion, as defined by the policy, which
originates from outside the structure and is not otherwise
covered under the definition of flood.

(b) An insurer may offer a flood coverage policy, contract or
endorsement:

(1) That has a flood deductible based on a stated dollar
amount or a percentage of the coverage amount. At a minimum,
an insurer must offer deductible amounts applicable to flood
losses that equal the standard deductibles offered under the
National Flood Insurance Program;
(2) That provides that any flood loss will be adjusted on the basis of:

(A) The actual cash value of the property; or

(B) Replacement costs up to the policy limits in the same manner as provided under section nine, article seventeen of this chapter;

(3) That restricts flood coverage to the principal building, as defined in the applicable policy;

(4) In an agreed-upon amount, including coverage limited to the amount of all outstanding mortgages applicable to the covered property. However, if a policy, contract or endorsement does not limit flood coverage to the replacement cost of the covered property, the contract or endorsement may not include a provision penalizing the policyholder for not insuring the covered property up to replacement cost; or

(5) That, as to the peril of flood, does not cover:

(A) Additional living expenses;

(B) Personal property or contents; or

(C) Law and ordinance coverage. However, an insurer must offer law and ordinance coverage that is comparable to the law and ordinance coverage offered in the standard National Flood Insurance Program policy. A policy, endorsement, or contract that includes the law and ordinance coverage that must be offered under this paragraph must include the following disclosure in uppercase bold lettering of at least 12-point type: “LAW AND ORDINANCE COVERAGE UNDER THIS POLICY MIGHT HAVE LIMITATIONS ON WHAT IS COVERED IN THE EVENT OF A LOSS. YOU SHOULD CONSULT WITH YOUR AGENT IF YOU HAVE
42 QUESTIONS ABOUT THE COVERAGE OFFERED UNDER
43 THIS POLICY.”

§33-49-5. Notice of availability and limits of flood insurance.

(a) A policy, endorsement or contract providing coverage for
the peril of flood must provide notice that flood insurance
coverage is available from the National Flood Insurance
Program.

(b) Any limitations on flood coverage or policy limits
as to the peril of flood, including, but not limited to, flood
deductibles or flood coverage limited to the amount of all
outstanding mortgages, must be prominently disclosed on the
declarations page or face page of the policy in uppercase bold
lettering of at least 12-point type and be sufficiently clear so as
to be readily understandable by both the agent and the property
owner.

(c) A policy that limits flood coverage to an amount less
than the full replacement cost of the property must include the
statement: “THIS POLICY LIMITS FLOOD COVERAGE TO
LESS THAN THE FULL COST OF REPLACEMENT FOR
THE PROPERTY, WHICH MAY RESULT IN HIGH OUT-OF-
POCKET EXPENSES TO YOU AND MAY PUT YOUR
EQUITY IN THIS PROPERTY AT RISK.”

(d) A policy that insures a dwelling on the basis of actual
cash value must include the statement: “THIS POLICY PAYS
YOU THE DEPRECIATED VALUE OF YOUR PROPERTY
THAT IS DAMAGED BY FLOOD, WHICH MAY RESULT IN
HIGH OUT-OF-POCKET EXPENSES TO YOU IF YOUR
PROPERTY NEEDS TO BE REPAIRED OR REPLACED.”

§33-49-6. Notice of cancellation or nonrenewal.

A policy, endorsement or contract providing coverage for the
peril of flood must require the insurer to give 45-days’ prior
written notice of cancellation or nonrenewal to the insured and any regulated lending institution or federal agency that is a mortgagee. An insurer or insured may cancel during the term of the policy or upon renewal if the cancellation is for a valid reason under the National Flood Insurance Program.

§33-49-7. Additional requirements.

(a) In addition to any other applicable requirements, an insurer providing flood coverage in this state must:

(1) Notify the office at least thirty days before writing flood insurance in this state; and

(2) File a plan of operation and financial projections or revisions to such plan, as applicable, with the commissioner.

§33-49-8. Conflicts between insurance law and flood insurance.

With respect to the regulation of flood insurance coverage written in this state by private insurers, this article supersedes any other provision in this chapter in the event of a conflict.


If federal law or rule requires a certification by a state insurance regulatory official as a condition of qualifying for private flood insurance or disaster assistance, the commissioner shall provide the certification, and the certification is not subject to review under section fourteen, article two of this chapter.

§33-49-10. Rule-making authority.

(a) The commissioner may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article, including but not limited to:

(1) Establishing and refining definitions;
6 (2) Requirements for ratemaking, forms and other requirements under this chapter;

8 (3) Clarifying minimum coverage requirements for flood insurance policies;

10 (4) Determining whether a policy meets the definition of “private flood insurance” or other certain standards and requirements; and

13 (5) Solvency and market conduct operations.

14 (b) The commissioner may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code for any purposes set forth for legislative rules in subsection (a) of this section.

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CHAPTER 97

(Com. Sub. Ffor S. B. 405 - By Senators Cookman, Miller and Plymale)

[Passed March 5, 2014; in effect from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend and reenact §52-1-5a and §52-1-9 of the Code of West Virginia, 1931, as amended, all relating to availability of jury qualification forms; limiting availability after conclusion of trial; and removing a conflict with another section of the code.

Be it enacted by the Legislature of West Virginia:

That §52-1-5a and §52-1-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted. all to read as follows:
ARTICLE 1. PETIT JURIES.

§52-1-5a. Jury qualification form; contents; procedure for use; penalties.

(a) Not less than twenty days before the date for which persons are to report for jury duty, the clerk may, if directed by the court, serve by first-class mail, upon each person listed on the master list, a juror qualification form accompanied by instructions necessary for its completion: Provided, That the clerk may, if directed by the court, mail the juror qualification form to only those prospective jurors drawn for jury service under the provisions of section seven of this article. Each prospective juror shall be directed to complete the form and return it by mail to the clerk within ten days after its receipt. The juror qualification form is subject to approval by the circuit court as to matters of form and shall elicit the following information concerning the prospective juror:

(1) The juror's name, sex, race, age and marital status;

(2) The juror's level of educational attainment, occupation and place of employment;

(3) If married, the name of the juror's spouse and the occupation and place of employment of the spouse;

(4) The juror's residence address and the juror's mailing address if different from the residence address;

(5) The number of children which the juror has and their ages;

(6) Whether the juror is a citizen of the United States and a resident of the county;

(7) Whether the juror is able to read, speak and understand the English language;
(8) Whether the juror has any physical or mental disability substantially impairing the capacity to render satisfactory jury service: Provided, That a juror with a physical disability, who can with reasonable accommodation render competent service, is eligible for service;

(9) Whether the juror has, within the preceding two years, been summoned to serve as a petit juror, grand juror or magistrate court juror, and has actually attended sessions of the magistrate or circuit court and been reimbursed for his or her expenses as a juror;

(10) Whether the juror has lost the right to vote because of a criminal conviction; and

(11) Whether the juror has been convicted of perjury, false swearing or any crime punishable by imprisonment in excess of one year under the applicable law of this state, another state or the United States.

The juror qualification form may also request information concerning the prospective juror’s religious preferences and organizational affiliations, except that the form and the accompanying instructions shall clearly inform the juror that this information need not be provided if the juror declines to answer such inquiries.

(b) The juror qualification form shall contain the prospective juror’s declaration that the responses are true to the best of the prospective juror’s knowledge and an acknowledgment that a willful misrepresentation of a material fact may be punished by a fine of not more than $500 or imprisonment for not more than thirty days, or both fine and imprisonment. Notarization of the juror qualification form shall not be required. If the prospective juror is unable to fill out the form, another person may assist the prospective juror in the preparation of the form and indicate that such person has done so and the reason therefor. If an omission,
ambiguity or error appear in a returned form, the clerk shall
again send the form with instructions to the prospective juror to
make the necessary addition, clarification or correction and to
return the form to the clerk within ten days after its second
receipt.

(c) Any prospective juror who fails to return a completed
juror qualification form as instructed shall be directed by the
clerk to appear forthwith before the clerk to fill out the juror
qualification form. At the time of the prospective juror’s
appearance for jury service, or at the time of any interview
before the court or clerk, any prospective juror may be required
to fill out another juror qualification form in the presence of the
court or clerk. At that time the prospective juror may be
questioned with regard to the responses to questions contained
on the form and the grounds for the prospective juror’s excuse
or disqualification. Any information thus acquired by the court
or clerk shall be noted on the juror qualification form.

(d) Any person who willfully misrepresents a material fact
on a juror qualification form or during any interview described
in subsection (c) of this section, for the purpose of avoiding or
securing service as a juror, is guilty of a misdemeanor and, upon
conviction thereof, shall be fined not more than $500 or
imprisoned not more than thirty days, or both fined and
imprisoned.

(e) Upon the clerk’s receipt of the juror qualification
questionnaires of persons selected as prospective petit jurors, he
or she shall make the questionnaires of the persons so selected
available, upon request, to counsel of record in the trial or trials
for which the persons have been selected as prospective jurors:
Provided, That upon the conclusion of the trial the juror
qualification forms for persons serving on a particular trial jury
may only be released with the written permission of the judge
who presided over the trial or his or her successor: Provided,
However, that if the judge denies the request, the reasons for the denial must be in writing and be shared with all parties in the case and the person making the request within thirty days after filing the motion.

§52-1-9. Assignment of jurors to jury panels; drawing of additional jurors upon shortage of qualified jurors.

(a) The jurors drawn for jury service shall be assigned at random by the clerk to each jury panel in a manner prescribed by the court.

(b) If there is an unanticipated shortage of available petit jurors drawn from the jury wheel or jury box the court may require the sheriff to summon a sufficient number of petit jurors selected at random by the clerk from the jury wheel or jury box in a manner prescribed by the circuit court.

CHAPTER 98

(S. B. 470 - By Senators Cookman, Miller, Snyder, Fitzsimmons, Williams, D. Hall and Stollings)

[Passed March 4, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 14, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-16, relating to grand jury juror questionnaire forms; protecting information contained in the forms; and requiring written permission of the circuit court to release the questionnaires.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §52-2-16, to read as follows:
ARTICLE 2. GRAND JURIES.

§52-2-16. Juror questionnaires; judicial approval required for release of forms.

1 Completed juror questionnaire forms for persons called for or serving as grand jurors are confidential and may only be released from the custody of the clerk with the written permission of the circuit court.

CHAPTER 99

(S. B. 586 - By Senator Palumbo)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to repeal §55-7B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-6-11 of said code, relating to removing unconstitutional language regarding the number of jurors and types of verdicts in certain civil litigation.

Be it enacted by the Legislature of West Virginia:

That §55-7B-6d of the Code of West Virginia, 1931, as amended, be repealed; and that §56-6-11 of said code be amended and reenacted to read as follows:

ARTICLE 6. TRIAL.

§56-6-11. Execution of order of inquiry and trial of case by court; six-member jury in civil trials; twelve-member jury in eminent domain and criminal trials.

1 (a) The court, in an action at law, if neither party requires a jury, or if the defendant has failed to appear and the plaintiff
does not require a jury, shall ascertain the amount the plaintiff is entitled to recover in the action, if any, and render judgment accordingly. In any case, in which a trial by jury would be otherwise proper, the parties or their counsel, by consent entered of record, may waive the right to have a jury, and thereupon the whole matter of law and fact shall be heard and determined, and judgment given by the court. Absent such waiver, in any civil trial a jury shall consist of six members and in any criminal trial a jury shall consist of twelve members.

(b) The provisions of this section do not apply to any proceeding had pursuant to article two, chapter fifty-four of this code, the provisions of which apply to all cases involving the taking of property for a public use.

CHAPTER 100

(Com. Sub. for S. B. 252 - By Senators Palumbo and Nohe)

[Passed March 8, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 26, 2014.]

AN ACT to amend and reenact §18A-5-1a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-5-1d, all relating to allowing a school expulsion period to be reduced for certain student participants in Juvenile Drug Court; specifying individuals who may refer an expelled student to Juvenile Drug Court; designating responsibilities of Juvenile Drug Court, judge and treatment team of Juvenile Drug Court, county superintendent and student assistance team; granting Juvenile Drug Court jurisdiction over certain students; providing that successful completion or satisfactory progress toward successful completion of Juvenile
Drug Court warrants consideration for reduced expulsion period; recommendations and determinations regarding expulsion period reduction; and providing for reinstatement of students in school, subject to approval of the superintendent.

Be it enacted by the Legislature of West Virginia:

That §18A-5-1a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18A-5-1d, all to read as follows:

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1a. Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by students upon teachers or other school personnel; temporary suspension, hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.

(a) A principal shall suspend a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Violated the provisions of subsection (b), section fifteen, article two, chapter sixty-one of this code; (ii) violated the provisions of subsection (b), section eleven-a, article seven of said chapter; or (iii) sold a narcotic drug, as defined in section one hundred one, article one, chapter sixty-a of this code, on the premises of an educational facility, at a school-sponsored function or on a school bus. If a student has been suspended pursuant to this subsection, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled. Upon such a request by a principal, the county superintendent shall recommend to the county board
that the student be expelled. Upon such recommendation, the county board shall conduct a hearing in accordance with subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student.

(b) A principal shall suspend a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section, has: (i) Committed an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (ii) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act as described in chapter sixty-a of this code. If a student has been suspended pursuant to this subsection, the principal may request that the superintendent recommend to the county board that the student be expelled. Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student.

(c) A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing pursuant to subsection (d) of this section: (i) Threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel; (ii) willfully disobeyed a teacher; (iii) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (iv) used profane language directed at a school employee or student; (v) intentionally defaced any school
property; (vi) participated in any physical altercation with
another person while under the authority of school personnel; or
(vii) habitually violated school rules or policies. If a student has
been suspended pursuant to this subsection, the principal may
request that the superintendent recommend to the county board
that the student be expelled. Upon such recommendation by the
county superintendent, the county board may hold a hearing in
accordance with the provisions of subsections (e), (f) and (g) of
this section to determine if the student committed the alleged
violation. If the county board finds that the student did commit
the alleged violation, the county board may expel the student.

(d) The actions of any student which may be grounds for his
or her suspension or expulsion under the provisions of this
section shall be reported immediately to the principal of the
school in which the student is enrolled. If the principal
determines that the alleged actions of the student would be
grounds for suspension, he or she shall conduct an informal
hearing for the student immediately after the alleged actions
have occurred. The hearing shall be held before the student is
suspended unless the principal believes that the continued
presence of the student in the school poses a continuing danger
to persons or property or an ongoing threat of disrupting the
academic process, in which case the student shall be suspended
immediately and a hearing held as soon as practicable after the
suspension.

The student and his or her parent(s), guardian(s) or
custodian(s), as the case may be, shall be given telephonic
notice, if possible, of this informal hearing, which notice shall
briefly state the grounds for suspension.

At the commencement of the informal hearing, the principal
shall inquire of the student as to whether he or she admits or
denies the charges. If the student does not admit the charges, he
or she shall be given an explanation of the evidence possessed by
the principal and an opportunity to present his or her version of
the occurrence. At the conclusion of the hearing or upon the
failure of the noticed student to appear, the principal may
suspend the student for a maximum of ten school days, including
the time prior to the hearing, if any, for which the student has
been excluded from school.

The principal shall report any suspension the same day it has
been decided upon, in writing, to the parent(s), guardian(s) or
custodian(s) of the student by regular United States mail. The
suspension also shall be reported to the county superintendent
and to the faculty senate of the school at the next meeting after
the suspension.

(e) Prior to a hearing before the county board, the county
board shall cause a written notice which states the charges and
the recommended disposition to be served upon the student and
his or her parent(s), guardian(s) or custodian(s), as the case may
be. The notice shall state clearly whether the board will attempt
at hearing to establish the student as a dangerous student, as
defined by section one, article one of this chapter. The notice
also shall include any evidence upon which the board will rely
in asserting its claim that the student is a dangerous student. The
notice shall set forth a date and time at which the hearing shall
be held, which date shall be within the ten-day period of
suspension imposed by the principal.

(f) The county board shall hold the scheduled hearing to
determine if the student should be reinstated or should or, under
the provisions of this section, must be expelled from school. If
the county board determines that the student should or must be
expelled from school, it also may determine whether the student
is a dangerous student pursuant to subsection (g) of this section.
At this, or any hearing before a county board conducted pursuant
to this section, the student may be represented by counsel, may
call his or her own witnesses to verify his or her version of the
incident and may confront and cross examine witnesses
supporting the charge against him or her. The hearing shall be
recorded by mechanical means unless recorded by a certified
court reporter. The hearing may be postponed for good cause
shown by the student but he or she shall remain under
suspension until after the hearing. The state board may adopt
other supplementary rules of procedure to be followed in these
hearings. At the conclusion of the hearing the county board shall
either: (1) Order the student reinstated immediately at the end of
his or her initial suspension; (2) suspend the student for a further
designated number of days; or (3) expel the student from the
public schools of the county.

(g) A county board that did not intend prior to a hearing to
assert a dangerous student claim, that did not notify the student
prior to the hearing that a dangerous student determination
would be considered and that determines through the course of
the hearing that the student may be a dangerous student shall
schedule a second hearing within ten days to decide the issue.
The hearing may be postponed for good cause shown by the
student, but he or she remains under suspension until after the
hearing.

A county board that expels a student, and finds that the
student is a dangerous student, may refuse to provide alternative
education. However, after a hearing conducted pursuant to this
section for determining whether a student is a dangerous student,
when the student is found to be a dangerous student, is expelled
and is denied alternative education, a hearing shall be conducted
within three months after the refusal by the board to provide
alternative education to reexamine whether or not the student
remains a dangerous student and whether the student shall be
provided alternative education. Thereafter, a hearing for the
purpose of reexamining whether or not the student remains a
dangerous student and whether the student shall be provided
alternative education shall be conducted every three months for
so long as the student remains a dangerous student and is denied alternative education. During the initial hearing, or in any subsequent hearing, the board may consider the history of the student’s conduct as well as any improvements made subsequent to the expulsion. If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.

(h) The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents, upon his or her own initiative, in a proceeding related to a recommended student expulsion or dangerous student determination, before a county board conducted pursuant to the provisions of this section. Upon the written request of any other party, the superintendent shall apply to a circuit judge or magistrate for the authority to subpoena witnesses, documents or both on behalf of the other party in a proceeding related to a recommended student expulsion or dangerous student determination before a county board. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both requested by the other party. Furthermore, if the authority to subpoena is granted, it shall be exercised in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code.

Any hearing conducted pursuant to this subsection may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party’s ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs.

The county boards are directed to report the number of students determined to be dangerous students to the state board.
The state board will compile the county boards’ statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability.

(i) Students may be expelled pursuant to this section for a period not to exceed one school year, except that if a student is determined to have violated the provisions of subsection (a) of this section the student shall be expelled for a period of not less than twelve consecutive months, subject to the following:

(1) The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student’s case demonstrably warrant;

(2) Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the student’s case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council for the school from which the student was expelled. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:

(A) The extent of the student’s malicious intent;

(B) The outcome of the student’s misconduct;

(C) The student’s past behavior history;

(D) The likelihood of the student’s repeated misconduct; and

(E) If applicable, successful completion or making satisfactory progress toward successful completion of Juvenile Drug Court pursuant to section one-d of this section.
(j) In all hearings under this section, facts shall be found by a preponderance of the evidence.

(k) For purposes of this section, nothing herein may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act, 20 U. S. C.§1400 et seq.

(l) Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in subsection (f), section twenty-six, article two, chapter eighteen of this code.

(1) The principal of the school at which the student is enrolled shall create an electronic record within twenty-four hours of the imposition of the suspension or expulsion.

(2) Each record of a suspension or expulsion shall include the student's name and identification number, the reason for the suspension or expulsion and the beginning and ending dates of the suspension or expulsion.

(3) The state board shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under subsection (b), section fifteen-f, article five, chapter eighteen of this code to determine whether a student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about students' disciplinary histories.
CHAPTER 101

(H. B. 4437 - By Delegates Perry, Morgan, Eldridge, Campbell and M. Poling)
[By Request of the Juvenile Services]

[Passed March 4, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 28, 2014.]

AN ACT to amend of the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all relating to the Division of Juvenile Services; authorizing the Director of Juvenile Services to establish juvenile trustee accounts and funds for earnings and personal property of juveniles; creating a juvenile benefit fund; creating special revenue accounts in the office of the Treasurer for juvenile benefit funds; and including residents of the Division of Juvenile Services as a division designated to receive and disburse such funds.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all to read as follows:

ARTICLE 5E. DIVISION OF JUVENILE SERVICES.

§49-5E-6a. Juvenile trustee accounts and funds, earnings and personal property of juveniles.

1 (a) The Director of Juvenile Services may establish at each facility under his or her jurisdiction a “Juvenile Trustee Fund”.
2 The administrator or designee of each facility may receive and take charge of the money and personal property, as defined by
policy, of all juveniles in his or her facility and all money or personal property, as defined by policy, sent to the juveniles or earned by the juveniles as compensation for work performed while they are domiciled there. The administrator or designee shall credit the money and earnings to the juveniles entitled to it and shall keep an accurate account of all the money and personal property so received, which account is subject to examination by the Director of Juvenile Services and the Assistant Director of Budget and Finance of the Division of Juvenile Services. The administrator or designee shall deposit the moneys in one or more responsible banks in accounts to be designated a “Juvenile Trustee Fund”.

(b) The administrator or designee shall keep in an account for all juveniles at least ten percent of all money earned during the juveniles commitment and pay the money to the juvenile at the time of the juvenile’s release. The administrator or designee may authorize the juvenile to withdraw money from his or her mandatory savings for the purpose of preparing the juvenile for reentry into society.

(c) The administrator or designee shall deliver to the juvenile at the time he or she leaves the facility, or as soon as practicable after departure, all personal property, moneys and earnings then credited to the juvenile, or in case of the death of the juvenile before authorized release from the facility, the administrator or designee shall deliver the property to the juvenile’s personal representative. If a conservator is appointed for the juvenile while he or she is domiciled at the facility, the administrator or designee shall deliver to the conservator, upon proper demand, all moneys and personal property belonging to the juvenile that are in the custody of the administrator.

(d) If any money is credited to a former juvenile resident after remittance of the sum of money as provided in subsection (c), the administrator or designee shall mail the funds to the
former juvenile resident’s last known address. If the funds are returned to the facility, the administrator or designee will forward those funds to the Division of Juvenile Service’s Assistant Director of Budget and Finance to submit the funds to the State Treasurer’s Office-Unclaimed Property Division.

(e) The facility shall compile a monthly report that specifically documents juvenile trustee fund receipts and expenditures and submit the reconciled monthly bank statements to the Division of Juvenile Service’s Assistant Director of Budget and Finance.

§49-5E-6b. Juvenile benefit funds.

(a) There is hereby established a special revenue account in the State Treasury for each juvenile benefit fund established by the director. Moneys received by an institution for deposit in an juvenile benefit fund shall be deposited with the State Treasurer to be credited to the special revenue account created for the institution’s juvenile benefit fund. Moneys in a special revenue account established for a juvenile benefit fund may be expended by the institution for the purposes set forth in this section.

(b) Moneys in an account established for a juvenile benefit fund may be expended by the facility for the purposes set forth in this section. Moneys to be deposited into a juvenile benefit fund consist of:

(1) All profit from the exchange or commissary operation and, if the commissary is operated by a vendor, whether a public or private entity, the profit is the negotiated commission paid to the Division of Juvenile Services by the vendor;

(2) All net proceeds from vending machines used for juvenile resident visitation;
(3) All proceeds from contracted juvenile resident telephone commissions;

(4) Any funds that may be assigned by juveniles or donated to the facility by the general public or a service organization on behalf of all the juveniles; and

(5) Any funds confiscated considered contraband.

(c) The juvenile benefit fund may only be used for the following purposes at juvenile facilities:

(1) Open-house visitation functions or other nonroutine campus-wide activities which will enhance programming goals of the facility;

(2) Holiday functions which may include decorations, food and gifts for residents or family of residents;

(3) Rental of videos;

(4) Payment of video license;

(5) Supplemental supplies and equipment which will enrich the facilities' program activities;

(6) Hardship needs for juvenile residents if approved by the Division of Juvenile Services Director; and

(7) Any special activities or rewards for residents.

(d) The facility shall compile a monthly report that specifically documents juvenile benefit fund receipts and expenditures and submit the reconciled monthly bank statements to the Division of Juvenile Services Assistant Director of Budget and Finance.
CHAPTER 102

(H. B. 4504 - By Delegates Perry, Morgan, Campbell and Ellem)

[Passed February 27, 2014; in effect ninety days from passage.]
[Approved by the Governor on March 7, 2014.]

AN ACT to amend and reenact §49-7-1 of the Code of West Virginia, 1931, as amended, relating to allowing the Division of Juvenile Services to share juvenile records under certain circumstances with another state if that state has a reciprocal agreement with this state; specifying the circumstances when information may be shared; authorizing the Division of Juvenile Services to enter into agreements with other states; and authorizing rule-making authority.

Be it enacted by the Legislature of West Virginia:

That §49-7-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. GENERAL PROVISIONS.

§49-7-1. Confidentiality of records.

(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 Juvenile Services, the Department of Health and Human Resources, a child agency or facility, court or law-enforcement agency shall be kept confidential and shall 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 shall 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; or

(C) The attorney of the child or parent;

(3) With the written consent of the child or of someone authorized to act on the child’s behalf; or

(4) Pursuant to an order of a court of record: Provided, That the court shall review such 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 such entities, including law-enforcement agencies and prosecuting attorneys, having a need for such 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.

(d) In the event of a child fatality or near fatality due to child abuse and neglect, information relating to such fatality or near fatality shall be made public by the Department of Health and Human Resources and 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 shall 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 the provisions of sections seventeen and eighteen, article five of this chapter.

(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 the county or regional jail for not more than six months, or be both fined and confined. A person convicted of violating the provisions of this section shall also be 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 Juvenile Services 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 Juvenile Services 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 Juvenile Services is authorized to enter into reciprocal agreements with other states and to propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this subsection.

(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.
CHAPTER 103

(Com. Sub. for S. B. 376 - By Senators Yost, Fitzsimmons, Kessler (Mr. President) and Wells)

[Passed March 8, 2014; to take effect July 1, 2014.]
[Approved by the Governor on March 26, 2014.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating to safety and welfare of employees at certain public improvement sites by public authorities; defining terms; requiring onsite employees at certain public improvement sites to complete an Occupational Safety and Health Administration-approved ten-hour construction safety program; requiring the retention of training records; providing for incremental implementation period for mandate; providing the Commissioner of Labor to issue cease and desist notices in certain situations; providing civil penalties for violations; creating a misdemeanor offense and providing criminal fines for exhibiting false documents; exempting certain construction activities and persons from application of this section; and requiring a report from the Commissioner of Labor on effectiveness of the safety training.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §21-3-22, to read as follows:

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.

§21-3-22. OSHA construction safety program.

(a) For the purposes of this section:

(1) "Business entity" means any firm, partnership, association, company, corporation, limited partnership, limited liability company or other entity.
(2) "Commissioner" means the Commissioner of Labor or his or her designee.

(3) "Public authority" has the same meaning as in section two, article one-d of this chapter.

(4) "Public improvement" has the same meaning as in section two, article one-d of this chapter.

(b) No person or business entity providing services as a contractor or subcontractor under a contract, entered on or after July 1, 2014, for the construction, reconstruction, alteration, remodeling or repairs of any public improvement, by or on behalf of a public authority, where the total contract cost of all work to be performed by all contractors and subcontractors is in excess of $50,000, may use, employ or assign any person to a public improvement work site who has not successfully completed a ten-hour construction safety program designed by OSHA, no later than twenty-one calendar days after being employed at or assigned to the public improvement work site.

(c) The training requirement contained in subsection (b) of this section does not apply to a person used, employed or assigned to a public improvement work site for less than twenty-one consecutive calendar days following the person's first day of employment or assignment at the public improvement work site.

(d) During the three hundred sixty-five days following the effective date of this section, a person employed or assigned to a public improvement work site shall have ninety days to complete the training requirement of subsection (b) of this section.

(e) A contractor or subcontractor subject to this section shall make and maintain a record of the persons he or she uses, employs or assigns pursuant to the contract, including the date of the completion of the safety training program required by subsection (b) of this section and the identity of the provider of
LABOR

(f) Upon a finding by the commissioner that a person has been used, employed at or assigned to a public improvement work site in violation of subsection (b) of this section, the commissioner may issue a cease-and-desist order to the person who has not completed the requisite training until the person presents the commissioner with evidence that he or she has successfully completed the training program required by subsection (b) of this section.

(g) The commissioner may assess a civil penalty of not less than $100 nor more than $1,000 to any person or business entity for each violation of this section.

(h) Any person with knowledge that a document or other record falsely represents that a person has completed the training program required by subsection (b) of this section and who provides or exhibits the document or record to the commissioner or to an employer shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $250 nor more than $2,500.

(i) The following persons are exempt from the training requirements of subsection (b) of this section:

(1) Law-enforcement officers involved with traffic control or job-site security;

(2) Federal, state and municipal government employees and inspectors; and

(3) Suppliers of materials and persons whose sole responsibility is to deliver materials to the work site.

(j) The Commissioner shall report to the Joint Committee on Government and Finance by January 1, 2017, on accident and injury rates at public improvement work sites during the two years prior and following enactment of this section.