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(b) If the offense to which the plea of guilty is entered is a felony, the circuit court may defer adjudication for a period not to exceed three years. If the offense to which the plea of guilty is entered is a misdemeanor, the court may defer adjudication for a period not to exceed two years.

(c) Unless otherwise specified by this section, a person is ineligible for a deferred adjudication program if he or she is charged with;

(1) A felony crime of violence against the person where the alleged victim is a family or household member as defined in ~~§48-27-203~~ §48-27-204 of this code;

(2) A violation of §61-8-12 of this code or a felony violation of the provisions of §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-8D-1 *et seq.* of this code;

(3) A violation of §61-2-9a(a) of this code;

(4) A violation of §61-2-9d of this code;

(5) A violation of §61-2-28 prosecuted under the provisions of subsections (c) or (d) of that section; or

(6) A violation of §61-2-9(a) of this code, or a violation of §61-2-9(b) or §61-2-9(c) of this code prosecuted under the provisions of subsection (d) of that section, where the alleged victim is a family or household member as defined in ~~§48-27-203~~ §48-27-204 of this code.

(7) A violation of §61-2-9(b) or §61-2-9(c) of this code or §61-2-28(a) or §61-2-28(b) of this code where a weapon was used in the commission of the crime, the defendant has a prior conviction of any of the offenses listed in subsection (c) of this section, the defendant has a prior felony conviction, or the defendant has previously entered into a prior pretrial diversion or deferred adjudication of crimes where the alleged victim is a family or household member as defined in §48-27-203 of this code.

(d) A person charged under §61-2-9a, §61-2-9d, or §61-2-9(a) of this code who has not previously been convicted of any of the offenses set forth in subsection (c) of this section, who has no prior felony conviction, and who has not previously entered into a prior pretrial diversion or deferred adjudication of crimes where the alleged victim is a family or household member as defined in ~~§48-27-203~~ §48-27-204 of this code, is eligible to participate in a deferred adjudication program: *Provided*, That the person is not eligible for dismissal upon successful completion of the deferred period.

(e)(1) A person charged with a first offense violation of §61-2-28(a) or §61-2-28(b) of this code or a violation of §61-2-9(b) or §61-2-9(c) of this code where the alleged victim is a family or household member as defined in ~~§48-27-203~~ §48-27-204 is eligible for deferred adjudication if agreed to by the state and the defendant: *Provided*, That, for purposes of this section, "first offense violation" means the person would not, due to any prior charges or convictions, be subject to the enhancement provisions set forth in §61-2-9(d) or §61-2-28(c) or §61-2-28(d);

(2) In addition to terms and conditions authorized in subsection (a) of this section, a person participating in a deferred adjudication program pursuant to this subsection may be required to participate in compliance hearings and batterer intervention programs licensed under §48-26-402 of this code;

(3) Notwithstanding the provisions of subsection (b) of this section, a deferral under this subsection shall be for a period of not less than 18 months nor more than three years; and

(4) A person may not participate in more than one deferred adjudication pursuant to this subsection.

(f) If the defendant complies with the court-imposed terms and conditions he or she shall be permitted to withdraw his or her plea of guilty and the matter dismissed or, as may be agreed upon by the court and the parties, enter a plea of guilty or no contest to a lesser offense.

(g) In the event the defendant is alleged to have violated the terms and conditions imposed upon him or her by the court during the period of deferral the prosecuting attorney may file a motion to accept the defendant's plea of guilty and, following notice, a hearing shall be held on the matter.

(h) In the event the court determines that there is reasonable cause to believe that the defendant violated the terms and conditions imposed at the time the plea was entered, the court may accept the defendant's plea to the original offense and impose a sentence in the court's discretion in accordance with the statutory penalty of the offense to which the plea of guilty was entered or impose such other terms and conditions as the court deems appropriate.

(i) The procedures set forth in this section are separate and distinct from that set forth in Rule 11(a)(2) of the West Virginia Rules of Criminal Procedure.

§61-11-25. Expungement of criminal records for those found not guilty of crimes or against whom charges have been dismissed; expungement of criminal records for those that have successfully completed all requirements of a deferred adjudication or pretrial diversion; exceptions.

(a) Any person who has been charged with a criminal offense under the laws of this state and who has been found not guilty of the offense, or against whom charges have been dismissed, and not in exchange for a guilty plea to another offense resulting in a conviction, may file a civil petition in the circuit court in which the charges were filed to expunge all records relating to the arrest, charge, or other matters arising out of the arrest or charge. Any person whose charges have been dismissed following a full and successful completion of a pre-trial diversion pursuant to §61-11-22 of this code, or whose charges have been dismissed following the full and successful completion of a deferred adjudication pursuant to §61-11-22a of this code, may file a civil petition in the circuit court in which the dismissed charges were filed to expunge all records relating to the arrest, charges, or other matters arising out of the arrest or charges; *Provided*, That no record in the

Division of Motor Vehicles may be expunged by virtue of any order of expungement entered pursuant to §17C-5-2b of this code nor may any charges ultimately dismissed by way of full and successful completion of any deferred adjudication be expunged for violations of §61-2-28(a), §61-2-28(b), §61-2-9(a), §61-2-9a, §61-2-9(b), or §61-2-9(c) of this code where the alleged victim is a family or household member as defined in §48-27-204 of this code; Provided, further, That any person who has previously been convicted of a felony may not file a petition for expungement pursuant to this section. The term records as used in this section includes, but is not limited to, arrest records, fingerprints, photographs, index references, or other data whether in documentary or electronic form, relating to the arrest, charge, or other matters arising out of the arrest or charge. Criminal investigation reports and all records relating to offenses subject to the provisions of §15-12-1 *et seq.* of this code because the person was found not guilty by reason of mental illness, ~~mental retardation~~ intellectual disability, or addiction are exempt from the provisions of this section.

(b) The expungement petition shall be filed not sooner than 60 days following the order of acquittal or dismissal by the court. Any court entering an order of acquittal or dismissal shall inform the person who has been found not guilty or against whom charges have been dismissed of his or her rights to file a petition for expungement pursuant to this section.

(c) Following the filing of the petition, the court may set a date for a hearing. If the court does so, it shall notify the prosecuting attorney and the arresting agency of the petition and provide an opportunity for a response to the expungement petition.

(d) If the court finds that there are no current charges or proceedings pending relating to the matter for which the expungement is sought, the court may grant the petition and order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official including law enforcement records. Every agency with records relating to the arrest, charge, or other matters arising out of

the arrest or charge, that is ordered to expunge records, shall certify to the court within 60 days of the entry of the expungement order, that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed.

(e) Upon expungement, the proceedings in the matter shall be ~~deemed~~ considered never to have occurred. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit, or other type of application.

(f) Inspection of the sealed records in the court's possession may thereafter be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney that inspection and possible use of the records in question ~~are~~ is necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that the interests of justice will be served by granting the petition, it may be granted.

(g) There shall be no filing fees charged or costs assessed for filing an action pursuant to this section.

The bill (Eng. Com. Sub. for H. B. 4399), as amended, was then ordered to third reading.

Eng. House Bill 4700, Banning certain persons from sport wagering activities.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS
WAGERING ACT.****§29-22D-4. Commission duties and powers.**

(a) In addition to the duties set forth elsewhere in this article, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code, the commission ~~shall have the authority to~~ may regulate sports pools and the conduct of sports wagering under this article.

(b) The commission shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework through promulgation of rules ~~and regulations~~.

(c) The commission ~~has the authority~~ may, pursuant to §29A-1-1, *et seq.* and §29A-3-1, *et seq.* of this code, ~~to~~ promulgate or otherwise enact any legislative, interpretive, and procedural rules the commission considers necessary for the successful implementation, administration, and enforcement of this article. ~~Rules proposed by the commission before December 1, 2018, may be promulgated as emergency rules pursuant to §29A-3-15 of this code.~~

(1) ~~Regulations~~ Rules promulgated by the commission may include, but are not limited to, those governing the acceptance of wagers on a sports event or a series of sports events; maximum wagers which may be accepted by an operator from any one patron on any one sports event; type of wagering tickets which may be used; method of issuing tickets; method of accounting to be used by operators; types of records which shall be kept; use of credit and checks by patrons; type of system for wagering; protections for patrons placing wagers; and promotion of social responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," in every designated area approved for sports wagering and on any mobile application or other digital platform used to place wagers.

(2) The commission shall establish minimum internal control standards (MICS) and approve minimum internal control standards proposed by licensed operators for administration of sports wagering operations, wagering equipment and systems, or other items used to conduct sports wagering, as well as maintenance of financial records and other required records.

(d) The commission shall propose a rule for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code that enumerates the reasons for which patrons of sports gaming may be banned from engaging in sports betting. The list of reasons for which patrons may be banned shall include, but not be limited to:

(1) A prior conviction under §61-2-15a of this code;

(2) A prior violation of an order of the commission; or

(3) If the commission determines that the person poses a threat to the safety of patrons or participants in a sporting event or determines that the person has engaged in a pattern of conduct of harassing a sports official, coach, or any participants.

(e) The rule shall also set forth the procedure by which complaints against patrons are lodged with and investigated by the commission. The commission shall notify a patron of the commission's intent to ban the patron from sports betting, and the patron is entitled to a hearing before the commission pursuant to §29A-5-1 *et seq.* of this code.

~~(d) (f) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses, and shall maintain a record of all licenses issued under this article. The commission may accept applications, evaluate qualifications of applicants, and undertake initial review of licenses prior to promulgation of emergency rules upon the effective date of this article.~~

~~(e) (g)~~ (g) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross sports wagering receipts imposed by this article, and deposit all moneys

into the sports wagering fund, except as otherwise provided under this article.

~~(f)~~ (h) The commission may sue to enforce any provision of this article or any rule of the commission by civil action or petition for injunctive relief.

~~(g)~~ (i) The commission may hold hearings, administer oaths, and issue subpoenas or subpoenas duces tecum: *Provided*, That all hearings shall be conducted pursuant to the provisions of the State Administrative Procedures Act, §29A-2-1, *et seq.* of this code and the Lottery Administrative Appeal Procedures, W.Va. CSR §179-2-1, *et seq.*

~~(h)~~ (j) The commission may exercise any other powers necessary to effectuate the provisions of this article and the rules of the commission.

§29-22D-15. Authorization of sports wagering in this state; requirements.

(a) An operator shall accept wagers on sports events and other events authorized under this article from persons physically present in a licensed gaming facility where authorized sports wagering occurs, or from persons not physically present who wager by means of electronic devices. A person placing a wager shall be at least 21 years of age.

(b) An operator may accept wagers from an individual physically located within this state using a mobile or other digital platform or a sports wagering device, approved by the commission, through the patron's sports wagering account.

(c) An operator may accept wagers from an individual physically located in a state or jurisdiction with which the commission has entered into a sports wagering agreement using a mobile or other digital platform or a sports wagering device through the patron's sports wagering account, so long as the device or platform is approved by the commission and all other requirements of the agreement are satisfied.

(d) ~~The~~ Until such time as a rule proposed by the commission is approved for promulgation by the Legislature, the commission or operator may ban any person from entering a gaming area of a gaming facility conducting sports wagering or the grounds of a gaming facility licensed under this article or from participating in the play or operation of any West Virginia Lottery sports wagering. A log of all excluded players shall be kept by the commission and each licensee, and no player on the commission's exclusion list or the licensed operator's exclusion list shall wager on any West Virginia Lottery sports wagering under this article.

(e) The commission shall promulgate ~~regulations~~ rules implementing the provisions of §29-22D-15(a) of this code by interpretive rule and minimum internal control standards.

(f) The commission shall, when a federal law is enacted or repealed or when a federal court decision is issued that permits a state to regulate sports wagering, publish a notice in the State Register notifying the public of the enactment or repeal of federal law or of the issuance of ~~such the~~ the court decision. The commission ~~shall not be authorized to~~ may not conduct sports wagering in this state until the notice prescribed in this subsection is published in the State Register.

(g) ~~No~~ A licensed gaming facility employee may not place a wager on any sports wagering at the employer's facility or through any other mobile application or digital platform of ~~their~~ his or her employer.

(h) ~~No~~ A commission employee may not knowingly wager or be paid any prize from any wager placed at any licensed gaming facility with West Virginia Lottery sports wagering within this state or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a sports wagering licensee.

The bill (Eng. H. B. 4700), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4753, Relating to providing health insurance coverage concerning biomarker testing.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendments pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 4786, Delivery Network Company (DNC) Insurance Model Act.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Azinger, as chair of the Committee on Banking and Insurance, and by unanimous consent, the unreported Banking and Insurance committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 63. DELIVERY NETWORK COMPANY INSURANCE ACT.

§33-63-1. Short title and definitions.

(a) This article may be cited as the "Delivery Network Company Insurance Act."

(b) As used in this article:

(1) "Delivery network company" or "DNC" means a corporation, partnership, sole proprietorship, or other entity that operates in West Virginia and uses a digital network to connect a delivery network company customer to a delivery network driver to provide delivery services. A DNC shall not be deemed to control, direct, or manage the personal vehicles or delivery network

drivers that connect to its digital network, except where agreed to by written contract.

(2) "Delivery network company customer" or "customer" means a person who uses a digital network and orders the delivery of goods and prompts a delivery network driver to deliver such goods at the direction of the customer.

(3) "Delivery network driver" or "driver" means a person who provides delivery services through a DNC's digital network using a personal vehicle. For purposes of this Act, a driver shall be deemed to be an independent contractor and not an employee of the DNC, unless otherwise agreed in writing.

(4) "Delivery available period" means the period when a delivery network driver:

(A) Is operating a personal vehicle;

(B) Has logged on to a digital network and is eligible to receive requests to provide delivery services from a delivery network company, and

(C) Is not providing delivery services or operating in the delivery service period.

(5) "Delivery services" means the fulfillment of delivery requests made by a customer through a digital network, including the pickup of any goods and the delivery of the goods by a delivery network driver. Delivery services may include a series of deliveries to different customers, or to different locations at the direction of a customer.

(6) "Delivery service period" means the period beginning when a driver starts operating a personal vehicle to pick up goods for a delivery or series of deliveries as documented via a digital network controlled by a delivery network company, continuing while the driver transports the requested deliveries, and ending upon delivery of the requested goods to:

(A) The customer or the last customer in a series of deliveries;

(B) A location designated by the customer, or the last location so designated in a series of deliveries; or

(C) The location designated by the delivery network company, including for purposes of returning the goods.

(7) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a delivery network company that enables deliveries with delivery network drivers.

(8) "Personal vehicle" means a vehicle as defined in §17C-1-2 of this code that is:

(A) Used by a delivery network driver to provide delivery services via a digital network; and

(B) Owned, leased, or otherwise authorized for use by the delivery network driver.

§33-63-2. Interaction with other law.

Nothing in this article limits the scope of federal or state law regarding delivery or transport of goods. Deliveries made under this article that are subject to such other law must also comply with the requirements of that law. In the event of a conflict between this article and another law dealing with the delivery or transport of goods, the other law prevails.

§33-63-3. Insurance requirements.

(a) A delivery network company shall ensure that during the delivery available period, if it applies, and during the delivery service period, primary motor vehicle liability insurance is in place that recognizes that the driver is a delivery network company driver or that does not exclude coverage for use of a personal vehicle to provide deliveries.

(b) During the delivery service period and delivery available period, the delivery network driver, delivery network company, or any combination of the two shall maintain insurance that insures

the driver for liability to third parties of not less than \$50,000 for damages arising out of bodily injury sustained by any one person in an accident, of not less than \$100,000 for damages arising out of bodily injury sustained by all persons injured in an accident, and of not less than \$25,000 for all damages arising out of damage to or destruction of property in an accident: *Provided*, That no provision in this article relieves the DNC and driver from the requirements of §17A-1-1 *et seq.* and §17D-1-1 *et seq.* of this code and from the uninsured motorists' coverage requirements of §33-6-31 of this code.

(c) If the insurance coverage maintained by a delivery network driver pursuant to subsections (a) and (b) of this section has lapsed or does not provide the required coverage, insurance maintained by the delivery network company shall provide the coverage required by this section beginning with the first dollar of a claim and the insurance maintained by the delivery network company shall have the duty to defend the claim.

(d) Coverage under a motor vehicle insurance policy maintained by the delivery network company shall not be dependent upon another motor vehicle liability insurer first denying a claim, nor shall another motor vehicle liability insurance policy be required to first deny a claim.

(e) Insurance coverage required by this section may be obtained from an insurance company duly licensed to transact business under the insurance laws of this state or by an eligible surplus lines broker under §33-12C-1 *et seq.* of this code.

(f) The coverage required pursuant to this section shall be deemed to meet the financial responsibility law of this state.

(g) A delivery network driver shall carry proof of insurance required pursuant to this section at all times while using a personal vehicle in connection with a digital network. In the event of an accident, a delivery network driver shall, upon request, provide insurance coverage information to the directly interested parties, motor vehicle insurers, and investigating law enforcement officers. The insurance coverage information may be displayed or provided

in either paper or electronic form as provided in §17D-2A-4 of this code. A delivery network driver shall, upon request, disclose to the directly interested parties, motor vehicle insurers, and investigating law enforcement officers whether the driver was operating during the delivery available period or the delivery service period at the time of the accident.

(h) In a claims coverage investigation, a delivery network company or its insurer shall cooperate with all insurers that are involved in the claims coverage investigation to facilitate the exchange of information and shall immediately provide upon request by directly involved parties or any insurer the precise times that a delivery network driver began and ended the delivery available period, the delivery service period, or both periods on the delivery network company's digital network in the 12-hour period immediately preceding the accident and in the 12-hour period immediately following the accident. Insurers potentially providing the coverage required in this section shall disclose, upon request by any other such insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any motor vehicle insurance maintained in order to satisfy the requirements of this section.

(i) The insurer or insurers of a delivery network company providing coverage under subsections (a) and (b) of this section shall assume primary liability for a claim when a dispute exists as to when the delivery available period, the delivery service period, or both periods began or ended and the delivery network company does not have available, did not retain, or fails to provide the information required by subsection (h) of this section.

§33-63-4. Disclosures to delivery network drivers.

A delivery network company shall not permit a delivery network driver to accept a request for a delivery or engage in delivery services on a DNC's digital network until the DNC discloses in writing to the driver:

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the delivery network

company provides while the driver uses a personal vehicle in connection with a delivery network company's digital network; and

(2) That the delivery network driver's own motor vehicle insurance policy might not provide any coverage during the delivery available period, if it applies, or the delivery service period.

§33-63-5. Exclusions in motor vehicle liability insurance policies.

(a) An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage and the duty to defend or indemnify for any injury or loss that occurs during the delivery available period and the delivery service period, including, but not limited to:

(1) Liability coverage for bodily injury and property damage;

(2) Uninsured and underinsured motorist coverage pursuant to §33-6-31 of this code;

(3) Medical payments coverage;

(4) Comprehensive physical damage coverage; and

(5) Collision physical damage coverage.

(b) Nothing in this article invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles used for delivery or for any business use.

(c) Nothing in this article invalidates, limits, or restricts an insurer's ability under existing law to underwrite any insurance policy. Nothing in this article invalidates, limits, or restricts an insurer's ability under existing law to cancel and non-renew policies.

(d) A motor vehicle liability insurer that defends or indemnifies a claim against a delivery network driver that is excluded under the

terms of its policy shall have the right to seek recovery against the insurer providing coverage under §33-63-3(a) and §33-63-3(b) of this code if the claim:

(1) Occurs during the delivery available period or the delivery service period; and

(2) Is excluded under the terms of its policy.

§33-63-6. Effective date.

This article shall take effect on July 1, 2025.

The bill (Eng. Com. Sub. for H. B. 4786), as amended, was then ordered to third reading.

Eng. House Bill 4793, Relating to distilled liquor.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-10. Unlawful operation of plant manufacturing distilled spirits; exception for personal consumption.

(a) A person who unlawfully owns, operates, or maintains a plant for the manufacture of distilled spirits, or aids or abets in the operation or maintenance of such a plant shall be guilty of a felony and, upon conviction shall be fined not less than \$100 nor more than \$1,000 or confined in the penitentiary not less than one nor more than five years.

(b) Notwithstanding the restriction of subsection (a) of this section, a person at least 21 years of age may manufacture alcoholic liquor for personal or family use. The aggregate amount of

alcoholic liquor manufactured per household may not exceed 10 gallons per calendar year, if there are two or more persons over the age of 21 years, or 5 gallons per calendar year, if there is only one person over the age of 21 years in the household. Any alcoholic liquor manufactured under this section may not be sold or offered for sale.

The bill (Eng. H. B. 4793), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4837, Clarifying the duty of banks to retain and procure records.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Azinger, as chair of the Committee on Banking and Insurance, and by unanimous consent, the unreported Banking and Insurance committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 31A. BANKS AND BANKING.

ARTICLE 4. BANKING INSTITUTIONS AND SERVICES GENERALLY.

§31A-4-35. Reproduction of checks and other records; admissibility of copies in evidence; disposition of originals; record production generally.

(a) Any bank may cause to be copied or reproduced, by any photographic, photostatic, microphotographic or by similar miniature photographic process or by nonerasable optical image disks (commonly referred to as compact disks) or by other records retention technology approved by rule of the Commissioner of

Banking, all or any number of its checks and all or any part of its documents, books, records, correspondence and all other instruments, papers and writings in any manner relating to the operation of its business, other than its notes, bonds, mortgages and other securities and investments, and may substitute such copies or reproductions either in positive or negative form for the originals thereof. Thereafter, such copy or reproduction in the form of a positive print thereof shall be deemed for all purposes to be an original counterpart of and shall have the same force and effect as the original thereof and shall be admissible in evidence in all courts and administrative agencies in this state, to the same extent and for the same purposes as the original thereof, and the banking institution may destroy or otherwise dispose of the original, but every banking institution shall retain either the originals or such copies or reproductions of its records of final entry, including, without limiting the generality of the foregoing, cards used under the card system and deposit tickets for deposits made, for a period of at least five years from the date of the last entry on such books or the date of making of such deposit tickets and card records or, in the case of a banking institution exercising trust or fiduciary powers, accounting and legal records shall be retained until the expiration of five years from the date of termination of any trust or fiduciary relationship relating to such accounting and legal records by a final accounting, release, court decree or other proper means of termination and supporting documentation for fiduciary account transactions shall be retained for five years from the dates of entry of such transactions.

All circumstances surrounding the making or issuance of such checks, documents, books, records, correspondence and other instruments, papers or writings, or the photographic, photostatic or microphotographic copies or optical disks or other permissible reproductions thereof, when the same are offered in evidence, may be shown to affect the weight but not the admissibility thereof.

Any device used to copy or reproduce such documents and records shall be one which correctly and accurately reproduces the original thereof in all details and any disk or film used therein shall be of durable material.

(b) When a subpoena duces tecum is served upon a custodian of records of any bank in an action or proceeding in which the bank is neither a party nor the place where any cause of action is alleged to have arisen and the subpoena requires the production of all or any part of the records of the bank relating to the conduct of its business with its customers, the bank shall be entitled to a search fee not to exceed \$10, together with reimbursement for costs incurred in the copying or other reproduction of any such record or records which have already been reduced to written form, in an amount not to exceed 75 cents per page. Any and all such costs shall be borne by the party requesting the production of the record or records.

(c) Notwithstanding any other provision of this code establishing a statute of limitations for any period greater than five years, any action by or against a bank for any balance, amount, or proceeds from any time, savings or demand deposit account based on the contents of records for which a period of retention or preservation is set forth in ~~section (a)~~ subsection (a) of this section shall be brought within the time for which the record must be retained or preserved. ~~If records are retained beyond the period set forth in section (a) of this section or the bank otherwise has information regarding the status of funds held or previously held in any time, savings or demand deposit account, the bank shall provide such information, to the extent permitted by all applicable state and federal privacy laws, upon written request, to anyone with a legal interest in such balance, amount, or proceeds. This section does not apply to savings accounts or certificates of deposit established as a result of any legal action for the benefit of a minor.~~

(d) If records are retained beyond the period set forth in subsection (a) of this section or the bank otherwise has information regarding the status of funds held or previously held in any time, savings or demand deposit account, the bank shall provide such information, to the extent permitted by all applicable state and federal privacy laws, upon written request, to anyone with a legal interest in such balance, amount, or proceeds. This section does not apply to savings accounts or certificates of deposit established as a result of any legal action for the benefit of a minor: *Provided, That*

an action to enforce a demand, savings, or time deposit, including a deposit that is automatically renewable, is barred where the property meets the criteria for abandonment pursuant to §36-8-2(a)(5) of this code.

(e) No liability shall accrue against any bank because of the destruction of any of its records or copies thereof as permitted by subsection (a), and in any judicial or other action or proceeding in which any such records or copies thereof may be called in question or be demanded of the institution or any officer or employee thereof, a showing that such records or copies thereof have been destroyed in accordance with the provisions of subsection (a) is a sufficient defense for the failure to produce them.

CHAPTER 46. UNIFORM COMMERCIAL CODE.

PART 1. GENERAL PROVISIONS AND DEFINITIONS

ARTICLE 3. NEGOTIABLE INSTRUMENTS.

§46-3-118. Statute of limitations.

(a) Except as provided in subsection (e), an action to enforce the obligation of a party to pay a note payable at a definite time must be commenced within ~~six~~ five years after the due date or dates stated in the note or, if a due date is accelerated, within ~~six~~ five years after the accelerated due date. An action to enforce the obligation of a demand, savings, or time deposit, including a deposit that is automatically renewable, brought more than 10 years after the initial date of the maturity shall be presumed to have been paid and redeemed absent evidence of:

(1) Owner consent in a record on file with the holder to renewal at or about the time of renewal pursuant to §36-8-2 of this code; or

(2) Escheatment to the state pursuant to §38-8-1 et seq. of this code.

(b) Except as provided in subsection (d) or (e), if demand for payment is made to the maker of a note payable on demand, an action to enforce the obligation of a party to pay the note must be

commenced within ~~six~~ five years after the demand. If no demand for payment is made to the maker, an action to enforce the note is barred if ~~neither principal nor interest on the note has been paid for a continuous period of 10 years.:~~

(1) Neither principal nor interest on the note has been paid for a continuous period of 10 years;

(2) The bank, pursuant to §31A-4-35 of this code, is no longer required to retain records relating to the note and actually no longer has such records; or

(3) The note has, in accordance with §36-8-1 et seq. of this code, been presumed abandoned; reported to the State Treasurer; and paid, delivered, or caused to be paid or delivered to the State Treasurer.

(c) Except as provided in subsection (d), an action to enforce the obligation of a party to an unaccepted draft to pay the draft must be commenced within three years after dishonor of the draft or 10 years after the date of the draft, whichever period expires first.

(d) An action to enforce the obligation of the acceptor of a certified check or the issuer of a teller's check, cashier's check, or traveler's check must be commenced within three years after demand for payment is made to the acceptor or issuer, as the case may be.

(e) An action to enforce the obligation of a party to a certificate of deposit to pay the instrument must be commenced within ~~six~~ five years after demand for payment is made to the maker, but if the instrument states a due date and the maker is not required to pay before that date, the ~~six-year~~ five-year period begins when a demand for payment is in effect and the due date has passed: Provided, That no action to enforce the obligation may be maintained against the bank if the bank has destroyed or otherwise disposed of all records relating to the certificate of deposit in compliance with §31A-4-35 of this code.

(f) An action to enforce the obligation of a party to pay an accepted draft, other than a certified check, must be commenced (i)

within ~~six~~ five years after the due date or dates stated in the draft or acceptance if the obligation of the acceptor is payable at a definite time or (ii) within ~~six~~ five years after the date of the acceptance if the obligation of the acceptor is payable on demand.

(g) Unless governed by other law regarding claims for indemnity or contribution, an action (i) for conversion of an instrument, for money had and received, or like action based on conversion, (ii) for breach of warranty, or (iii) to enforce an obligation, duty, or right arising under this article and not governed by this section must be commenced within three years after the cause of action accrues.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 4837) was reported by the Clerk:

On page 4, section 118, line 9, after the words "pursuant to" by striking out "§38-8-1" and inserting in lieu thereof "§36-8-1".

Senators Trump, Nelson, Stuart, and Smith requested rulings from the Chair as to whether they should be excused from voting on any matter pertaining to the bill under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump, Nelson, Stuart, and Smith would be as members of a class of persons and that they would be required to vote on any matter pertaining to the bill.

Following a point of inquiry to the President, with resultant response thereto,

The question being on the adoption of Senator Trump's amendment to the Judiciary committee amendment to the bill, the same was put and prevailed.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 4837), as amended, was then ordered to third reading.

Eng. House Bill 4863, Patriotic Access to Students in Schools Act.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Education committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 4883, Relating to increasing annual salaries of certain employees of the state.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 4911, Relating to the sale of raw milk.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Hamilton, as chair of the Committee on Agriculture and Natural Resources, and by unanimous consent, the unreported Agriculture and Natural Resources committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. DEPARTMENT OF AGRICULTURE.**§19-1-7. Shared animal ownership agreement to consume Sale of raw milk.**

~~(a) Notwithstanding any other provision of the law to the contrary, a responsible party may enter into a written shared animal ownership agreement to consume raw milk in which he or she:~~

~~(1) Acquires a percentage ownership interest in a milk-producing animal;~~

~~(2) Agrees to pay another for the percentage ownership interest for the care and boarding of the milk-producing animal at the dairy farm;~~

~~(3) Is entitled to receive a fair share of the animal's raw milk production as a condition of the contractual agreement;~~

~~(4) Agrees to sign a written document acknowledging the inherent dangers of consuming raw milk that may contain bacteria, such as Brucella, Campylobacter, Listeria, Salmonella, and E. Coli, that has not been pasteurized to remove bacteria and that is particularly dangerous to children, pregnant women, and those with compromised immunity. The responsible party then agrees to release the herd seller of liability for the inherent dangers of consuming raw milk but not for those dangers that are caused by negligent acts or omissions of the herd seller; and~~

~~(5) Agrees not to distribute raw milk. The sale or resale of raw milk obtained from a herd share is strictly prohibited.~~

~~(b) The signed and executed shared animal ownership agreement shall be filed by the herd seller with the Commissioner of Agriculture and shall contain the names, addresses, and phone numbers of the herd seller and the responsible party so that either party may be contacted in the event of an illness.~~

~~(c) The herd seller shall meet the animal health requirements for milk-producing animals established by the state veterinarian in~~

~~accordance with state and national standards including the following:~~

~~(1) Raw milk from milk producing animals intended for consumption shall be from a herd that tested negative within the previous 12 months for brucellosis, tuberculosis, and other diseases as required by the state veterinarian. Additions to the herd shall test negative for the diseases within the previous 30 days before introduction into the herd; and~~

~~(2) Milk producing animals producing bloody, stringy, or abnormal milk, but with only slight inflammation of the udder, shall be excluded from the milking herd until reexamination shows that the milk has become normal. Milk producing animals showing chronic mastitis, whether producing abnormal milk or not, shall be permanently excluded from the milking herd.~~

~~(d) Parties to a shared animal ownership agreement and physicians who become aware of an illness directly related to consuming raw milk shall report the illness to the local health department and the Commissioner of Agriculture. Upon receipt of such a report, the Commissioner of Agriculture or his or her designee shall contact and warn other parties consuming raw milk from the same herd seller.~~

~~(e) The Commissioner of Agriculture may impose an administrative penalty not to exceed \$100 for a person who violates the provisions of this section. Any penalty imposed under this subsection may be contested by the person against whom it is imposed pursuant to §29A 5-1 *et seq.* of this code.~~

~~(f) The Commissioner of Agriculture, in consultation with the Department of Health, may propose rules for promulgation in accordance with the provisions of §29A 3-1 *et seq.* of this code in compliance with raw milk dairy industry standards.~~

~~(g) Notwithstanding any provision of code to the contrary, raw milk may be sold without the parties entering into a written shared animal ownership agreement if the raw milk is to be used:~~

~~(1) As an ingredient in the preparation or making of a nonedible product, such as a soap or lotion; or~~

~~(2) As feed for another animal: *Provided*, That the sale of raw milk to be used as animal feed is subject to the provisions of §19-14-1 *et seq.* of this code.~~

(a) For purposes of this section, "raw milk" means milk that has not been pasteurized as specified in 21 C.F.R. §1240.61.

(b) Notwithstanding any other provision of this code to the contrary, raw milk may be sold by a seller in West Virginia to a consumer in West Virginia: *Provided*, That any container of raw milk sold pursuant to this article shall be clearly labeled as "unpasteurized raw milk", and shall include the name and physical address of the seller, the date of production, and the following warning: "Consuming unpasteurized raw milk may increase your risk of foodborne illness, especially for children, elderly, immunocompromised individuals, and persons with certain medical conditions".

(c) The Commissioner of Agriculture, in consultation with the Department of Health, may propose rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code in compliance with raw milk dairy industry standards.

Senator Smith requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Smith would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 4911), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4956, Creating the Oral Health and Cancer Rights Act.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendments pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 4975, Relating to establishing a foster parent information system.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 4999, Creating exception to spousal privilege.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 5084, Require retailers to verify identification and age upon purchase of vape products.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.**§16-9A-1. Legislative findings and intent.**

Intent. - The Legislature hereby declares it to be the policy and intent of this state to discourage and ban the use of tobacco products by minors. As basis for this policy, the Legislature hereby finds and accepts the medical evidence that ~~smoking~~ tobacco products may cause lung cancer, lung or heart disease, emphysema, and other serious health problems while the use of smokeless tobacco may cause gum disease and oral cancer. It is the further intent of the Legislature to reduce tobacco use by keeping tobacco products out of the hands of youth and young adults ~~in by banning the use of tobacco products by minors~~ the sale of tobacco products to persons younger than 21 years of age to ease the personal tragedy and eradicate the severe economic loss associated with the use of tobacco and to provide the state with a citizenry free from the use of tobacco.

§16-9A-2. Definitions; ~~sale or gift of cigarette, cigarette paper, pipe, cigar, snuff, chewing tobacco, pipe tobacco, roll-your-own tobacco, tobacco products, tobacco derived and alternative nicotine product or vapor products to persons under eighteen; penalties for first and subsequent offense; consideration of prohibited act as grounds for dismissal; impact on eligibility for unemployment benefits.~~

(a) For purposes of this article, the term:

"Electronic smoking device" means any device that can be used to deliver any heated, aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, any e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component part, or accessory of the device, whether or not sold separately, and includes any substance intended to be heated, aerosolized, or vaporized during the use of the device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products approved by the United States Food, Drug, and Cosmetic Act.

(1) "Tobacco product" and ~~"tobacco-derived product"~~ means any product containing, made, or derived from tobacco, or ~~containing nicotine derived from tobacco~~, that is intended for human consumption, whether ~~smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed,~~ or ingested by any other means, including but not limited, to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco, or other common tobacco-containing products. A ~~tobacco-derived product~~ also includes electronic cigarettes or similar devices, alternative nicotine products and vapor products electronic smoking devices and any accessory of a tobacco product or electronic smoking device, whether or not any of these contain tobacco or nicotine, including but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product ~~or "tobacco-derived product"~~ does not include any product drugs, devices, or combination products that is are regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

~~(2) "Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.~~

~~(3) "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug~~

~~Administration under Chapter V of the Food, Drug and Cosmetic Act.~~

~~(b) No person, firm, corporation, or business entity may sell, give or furnish, or cause to be sold, given or furnished, to any person under the age of 18 years:~~

~~(1) Any pipe, cigarette paper or any other paper prepared, manufactured, or made for the purpose of smoking any tobacco or tobacco product;~~

~~(2) Any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form; or~~

~~(3) Any tobacco derived product, alternative nicotine product or vapor product.~~

~~(c) Any firm or corporation that violates any of the provisions of subsection (b) of this section and any individual who violates any of the provisions of subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$50 for the first offense. Upon any subsequent violation at the same location or operating unit, the firm, corporation or individual shall be fined as follows: At least \$250 but not more than \$500 for the second offense, if it occurs within two years of the first conviction; at least \$500 but not more than \$750 for the third offense, if it occurs within two years of the first conviction; and at least \$1,000 but not more than \$5,000 for any subsequent offenses, if the subsequent offense occurs within five years of the first conviction.~~

~~(d) Any individual who knowingly and intentionally sells, gives or furnishes or causes to be sold, given or furnished to any person under the age of eighteen years any cigar, cigarette, snuff, chewing tobacco, tobacco product or tobacco derived product, in any form, is guilty of a misdemeanor and, upon conviction thereof, for the first offense shall be fined not more than \$100; upon conviction thereof for a second or subsequent offense, is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500~~

~~(e) Any employer who discovers that his or her employee has sold or furnished tobacco products or tobacco-derived products to minors may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits in accordance with the provisions of §21A-6-3 of this code, if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in their termination from employment.~~

~~§16-9A-3. Use or possession of tobacco or tobacco products, alternative nicotine products or vapor products by persons under the age of 18 years; penalties.~~

~~A person under the age of 18 years shall not have on or about his or her person or premises or use any cigarette, or cigarette paper, or any other paper prepared, manufactured or made for the purpose of smoking any tobacco products, in any form; any pipe, snuff, chewing tobacco, tobacco product, or tobacco derived product. *Provided*, That minors participating in the inspection of locations where tobacco products or tobacco-derived products are sold or distributed pursuant to §16-9A-7 of this code is not considered to violate the provisions of this section. Any person violating the provisions of this section shall for the first violation be fined \$50 and be required to serve eight hours of community service; for a second violation, the person shall be fined \$100 and be required to serve 16 hours of community service; and for a third and each subsequent violation, the person shall be fined \$200 and be required to serve 24 hours of community service. Notwithstanding the provisions of §49-4-701 of this code, the magistrate court has concurrent jurisdiction.~~

§16-9A-3. Sale or gift of tobacco products to persons younger than 21 years of age; penalties for first and subsequent offenses; provision of non-criminal, non-monetary penalties; consideration of prohibited act as grounds for dismissal.

(a) A person, firm, corporation, or business entity may not sell, give, or furnish, or cause to be sold, given, or furnished, any

tobacco product, in any form, to any person younger than 21 years of age, which shall be verified by a valid driver's license, state identification card, or any valid and unexpired federally issued identification card such as a passport or military identification card:

(b) Any firm, corporation, or business entity that violates the provisions of subsection (a) of this section and any individual who violates the provisions of subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$250 for the first offense. Upon any subsequent violation at the same location or operating unit, the firm, corporation, or business entity or the individual shall be fined as follows: At least \$500, but not more than \$750 for the second offense, if it occurs within two years of the first conviction; at least \$750, but not more than \$1,000 for the third offense, if it occurs within two years of the first conviction; and at least \$2,000, but not more than \$5,000 for any subsequent offenses, if the subsequent offense occurs within five years of the first conviction.

(c) Any person who violates subsection (a) of this section while acting as a non-management agent or employee of a retail outlet where tobacco products are sold is subject to non-criminal, non-monetary penalties, including, but not limited to, education classes, diversion programs, and community service. The alcohol beverage control commissioner shall promulgate rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code, to establish standards for education classes, diversion programs, and community service.

(d) Any employer who discovers that his or her employee has sold or furnished tobacco products to any person younger than 21 years of age may dismiss the employee for cause, if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in his or her termination from employment.

§16-9A-4. Use of ~~tobacco~~, tobacco products, alternative nicotine products or vapor products in certain areas of certain public schools prohibited; penalty.

~~Every~~ Any person who shall ~~smoke a cigarette or cigarettes, pipe, cigar or other implement, of any type or nature, designed, used or employed for smoking any tobacco or tobacco product; or who shall use~~ uses any tobacco product ~~or tobacco-derived product~~ in any building or part thereof used for instructional purposes, in any public school of this state, as defined in ~~section one, article one, chapter eighteen~~ of this code, or on any lot or grounds actually used for instructional purposes of any ~~such~~ public school of this state while ~~such~~ the public school is used or occupied for school purposes, ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than one nor more than \$5: *Provided*, That this prohibition shall not be construed to prevent the use of any ~~tobacco or tobacco product or tobacco-derived product~~, in any faculty lounge, ~~or~~ staff lounge, ~~or~~ faculty office or other area of ~~said~~ the public school not used for instructional purposes: *Provided, however*, That students do not have access ~~thereto~~ to the area: *Provided further*, That nothing ~~herein~~ contained in this section shall be construed to prevent any county board of education from promulgating rules and regulations that further restrict the use of tobacco products ~~or tobacco-derived products~~, in any form, from any other part or section of any public school building under its jurisdiction.

§16-9A-7. Enforcement of youth smoking laws and youth nicotine restrictions; inspection of retail outlets where tobacco, ~~tobacco products, vapor products or alternative nicotine products~~ are sold; use of minors in inspections; annual reports; penalties; defenses.

(a) ~~The Commissioner of the West Virginia Alcohol Beverage Control Administration~~ Bureau for Behavioral Health of the Department of Human Services, the Superintendent of the West Virginia State Police, the sheriffs of the counties of this state, and the chiefs of police of municipalities of this state, may periodically conduct unannounced inspections at locations where tobacco products ~~or tobacco-derived products~~, are sold or distributed to ensure compliance with the provisions of ~~§16-9A-2 and §16-9A-3~~ of this code and in such manner as to conform with applicable federal and state laws, rules, and regulations. Persons ~~under the age~~

~~of eighteen younger than 21~~ years of age may be enlisted by ~~such the~~ commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof, to test compliance with these sections: *Provided, That* ~~minors a person younger than 18 years of age~~ may be used to test compliance only if the testing is conducted under the direct supervision of the commissioner, superintendent, sheriffs, or chiefs of police or employees or agents thereof, and written consent of ~~the his or her~~ parent or guardian ~~of such person~~ is first obtained and ~~such minors shall not be in violation of §16-9A-3 of this code article and chapter when acting under the direct supervision of the commissioner, superintendent, sheriffs or chiefs of police or employees or agents thereof and with the written consent of the parent or guardian.~~ It is unlawful for any person to use persons ~~under the age of eighteen years~~ younger than the age of 21 to test compliance in any manner not set forth ~~herein in this subsection~~ and the person ~~so~~ using a minor is guilty of a misdemeanor and, upon conviction thereof, shall be fined the same amounts as set forth in ~~§16-9A-2~~ §16-9A-3 of this code.

(b) A person charged with a violation of ~~§16-9A-2 and §16-9A-3~~ of this code, as the result of an inspection under subsection (a) of this section has a complete defense if, at the time the ~~cigarette, other tobacco product or tobacco-derived product, or cigarette wrapper~~ was sold, delivered, bartered, furnished, or given,

(1) ~~The buyer or recipient falsely evidenced that he or she was eighteen 21 years of age or older;~~

(2) ~~The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be eighteen 21 years of age or older; and~~

(3) ~~Such the~~ person carefully checked a driver's license or an identification card issued by this state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was ~~eighteen~~ 21 years of age or older.

(c) Any fine collected after a conviction of violating ~~§16-9A-2~~ §16-9A-3 of this code, shall be paid to the clerk of the court in which the conviction was obtained: *Provided*, That the clerk of the court, upon receiving the fine, shall promptly notify the Commissioner of the West Virginia Alcohol Beverage Control Administration of the conviction and the collection of the fine: *Provided, however*, That any ~~community service~~ non-criminal, non-monetary penalty imposed ~~after a conviction of violating on~~ an employee of a retail outlet where tobacco products are sold who violated §16-9A-3 of this code shall be recorded by the clerk of the court in which the ~~conviction was obtained~~ violation occurred: *Provided further*, That the clerk of the court, upon being advised that ~~community service~~ non-criminal, non-monetary obligations have been fulfilled, shall promptly notify the Commissioner of the West Virginia Alcohol Beverage Control Administration of the ~~conviction~~ violation and the satisfaction of imposed ~~community service~~ non-criminal, non-monetary penalty.

(d) ~~The Commissioner of the West Virginia Alcohol Beverage Control Administration~~ Commissioner of the Bureau for Behavioral Health or his or her designee shall prepare and submit to the Governor on the last day of September of each year, a report of the enforcement and compliance activities undertaken pursuant to this section and the results of the ~~same, with a copy to the Secretary of the West Virginia Department of Health and Human Resources~~ activities. The report shall be in the form and substance that the Governor shall submit to the applicable state and federal programs.

§16-9A-8. Selling of tobacco products, ~~tobacco-derived products, alternative nicotine products or, vapor products~~ in vending machines prohibited except in certain places.

~~No~~ A person or business entity may not offer for sale any ~~cigarette tobacco product or tobacco-derived product~~, in a vending machine. Any person or business entity which violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$250: *Provided*, That an establishment is exempt from this prohibition if individuals ~~under the age of eighteen~~ younger than 21 years of age are not permitted

to be in the establishment or if the establishment is licensed by the alcohol beverage control commissioner as a Class A licensee. The alcohol beverage control commissioner shall promulgate rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code, to establish standards for the location and control of the vending machines in Class A licensed establishments for the purpose of restricting access by ~~minors~~ persons younger than 21 years of age.

The bill (Eng. Com. Sub. for H. B. 5084), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5105, To eliminate the vaccine requirements for public virtual schools.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 3. PREVENTION AND CONTROL OF
COMMUNICABLE AND OTHER INFECTIOUS
DISEASES.**

**§16-3-4. Compulsory immunization of school children;
information disseminated; offenses; penalties.**

(a) Whenever a resident birth occurs, the commissioner shall promptly provide parents of the newborn child with information on immunizations mandated by this state or required for admission to a public, private, and parochial school in this state or a state-regulated childcare center.

(b) Except as hereinafter provided, a child entering school or a state-regulated childcare center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough.

(c) No child or person may be admitted or received in any of the schools of the state or a state-regulated childcare center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough or produces a certificate from the commissioner granting the child or person an exemption from the compulsory immunization requirements of this section, except as provided in subsections (j) and (l).

(d) Any school or state-regulated childcare center personnel having information concerning any person who attempts to be enrolled in a school or state-regulated childcare center without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough shall report the names of all such persons to the commissioner.

(e) Persons may be provisionally enrolled under minimum criteria established by the commissioner so that the person's immunization may be completed while missing a minimum amount of school. No person shall be allowed to enter school without at least one dose of each required vaccine.

(f) County health departments shall furnish the biologicals for this immunization for children of parents or guardians who attest that they cannot afford or otherwise access vaccines elsewhere.

(g) Health officers and physicians who provide vaccinations must present the person vaccinated with a certificate free of charge showing that they have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough, or he or she may give the certificate to any person or child whom he or she knows to have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough.

(h) The commissioner is authorized to grant, renew, condition, deny, suspend, or revoke exemptions to the compulsory immunization requirements of this section, on a statewide basis, upon sufficient medical evidence that immunization is

contraindicated or there exists a specific precaution to a particular vaccine.

(1) A request for an exemption to the compulsory immunization requirements of this section must be accompanied by the certification of a licensed physician stating that the physical condition of the child is such that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(2) The commissioner is authorized to appoint and employ an Immunization Officer to make determinations on request for an exemption to the compulsory immunization requirements of this section, on a statewide basis, and delegate to the Immunization Officer the authority granted to the commissioner by this subsection.

(3) A person appointed and employed as the Immunization Officer must be a physician licensed under the laws of this state to practice medicine.

(4) The Immunization Officer's decision on a request for an exemption to the compulsory immunization requirements of this section may be appealed to the State Health Officer.

(5) The final determination of the State Health Officer is subject to a right of appeal pursuant to the provisions of §29A-5-1 *et seq.* of this code.

(i) A physician who provides any person with a false certificate of immunization against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25 nor more than \$100.

(j) A private or parochial school may elect by informing the West Virginia Department of Health, in writing, to develop a policy that exempts the private or parochial school from the mandatory vaccination requirements of this section. In the event that a private or parochial school makes such an election the following conditions shall apply:

(1) For private and parochial schools who choose to maintain compliance with the mandatory vaccination requirements of this section, there is no cause of action against any school, administrator, employee, board, owner, or operator of the private or parochial school; and

(2) For private and parochial schools who choose to adopt a policy of exemption pursuant to subsection (j) of this section, there shall be no cause of action against any school, administrator, employee, board, owner, or operator of the private or parochial school: Provided, however in order for the protections established by this subdivision to apply, a private or parochial school, shall upon enrollment and on an annual basis, thereafter inform, in writing, all parents and guardians with children attending the private or parochial school, regarding the private or parochial schools' election pursuant to subsection (j) and shall require signed acknowledgement form indicating that the parents or guardians are aware of the school's election to be exempt from the mandatory vaccination requirements of this section. A copy of the acknowledgement shall be maintained by the school.

(k) All students participating in any West Virginia Secondary School Activities Commission sponsored activities or any school sponsored club activities which result in competition with other schools shall meet the requirements of this section or have obtained an exemption under subsection (h).

(l) A full time virtual public school student and who does not physically attend public school shall be exempt from the requirements of subsection (c): *Provided*, That students enrolled in virtual public school classes that also attend a private or parochial school shall be subject to the requirements of subsection (j).

On motion of Senator Roberts, the following amendment to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. 5105) was reported by the Clerk and adopted:

By striking out everything after the article heading and inserting in lieu thereof the following:

§16-3-4. Compulsory immunization of school children; information disseminated; offenses; penalties.

(a) Whenever a resident birth occurs, the commissioner shall promptly provide parents of the newborn child with information on immunizations mandated by this state or required for admission to a public, private, and parochial school in this state or a state-regulated childcare center.

(b) Except as hereinafter provided, a child entering school or a state-regulated childcare center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough.

(c) No child or person may be admitted or received in any of the schools of the state or a state-regulated childcare center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough or produces a certificate from the commissioner granting the child or person an exemption from the compulsory immunization requirements of this section, except as provided in subsections (j) and (l).

(d) Any school or state-regulated childcare center personnel having information concerning any person who attempts to be enrolled in a school or state-regulated childcare center without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough shall report the names of all such persons to the commissioner.

(e) Persons may be provisionally enrolled under minimum criteria established by the commissioner so that the person's immunization may be completed while missing a minimum amount of school. No person shall be allowed to enter school without at least one dose of each required vaccine.

(f) County health departments shall furnish the biologicals for this immunization for children of parents or guardians who attest that they cannot afford or otherwise access vaccines elsewhere.

(g) Health officers and physicians who provide vaccinations must present the person vaccinated with a certificate free of charge showing that they have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough, or he or she may give the certificate to any person or child whom he or she knows to have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough.

(h) The commissioner is authorized to grant, renew, condition, deny, suspend, or revoke exemptions to the compulsory immunization requirements of this section, on a statewide basis, upon sufficient medical evidence that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(1) A request for an exemption to the compulsory immunization requirements of this section must be accompanied by the certification of a licensed physician stating that the physical condition of the child is such that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(2) The commissioner is authorized to appoint and employ an Immunization Officer to make determinations on request for an exemption to the compulsory immunization requirements of this section, on a statewide basis, and delegate to the Immunization Officer the authority granted to the commissioner by this subsection.

(3) A person appointed and employed as the Immunization Officer must be a physician licensed under the laws of this state to practice medicine.

(4) The Immunization Officer's decision on a request for an exemption to the compulsory immunization requirements of this section may be appealed to the State Health Officer.

(5) The final determination of the State Health Officer is subject to a right of appeal pursuant to the provisions of §29A-5-1 *et seq.* of this code.

(i) A physician who provides any person with a false certificate of immunization against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25 nor more than \$100.

(j) A private or parochial school may elect by informing the West Virginia Department of Health, in writing, to develop a policy that exempts the private or parochial school from the mandatory vaccination requirements of this section.

(1) For private or parochial schools who choose to maintain compliance with the mandatory vaccination requirements of this section, there shall be no cause of action against any school, administrator, employee, board, owner, or operator of the private or parochial school; and

(2) For private or parochial schools who choose to adopt a policy of exemption pursuant to subsection (j) of this section, there shall be no cause of action against any school, administrator, employee, board, owner, or operator of the private or parochial school: Provided, however, in order for the protections established by this subdivision to apply, a private or parochial school, shall upon enrollment and on an annual basis thereafter inform, in writing, all parents and guardians of children attending the private or parochial school, regarding the private or parochial schools' election pursuant to subsection (j) and shall require signed acknowledgement form indicating that the parents or guardians are aware of the school's election to be exempt from the mandatory vaccination requirements of this section. A copy of the acknowledgement shall be maintained by the school.

(k) All students participating in any activity sponsored by the West Virginia Secondary School Activities Commission or any school sponsored club activities which result in competition with other schools shall meet the requirements of this section or have obtained an exemption under subsection (h).

(l) A full time virtual public school student who does not physically attend public school shall be exempt from the

requirements of subsection (c): *Provided*, That students enrolled in virtual public school classes that also attend a private or parochial school shall be subject to the requirements of subsection (j).

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 5105), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5158, Relating to making technical corrections to the special education code.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On pages 10 and 11, by striking out all of section 1c and inserting in lieu thereof a new section, designated section 1c, to read as follows:

§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~~ integrated classroom teachers.

(a) The ~~regular~~ general education classroom teacher is entitled to the following when ~~placing a student~~ a student with exceptional needs is placed into an integrated classroom ~~when and~~ the student's individualized education program (IEP) requires ~~an adjustment in either the curriculum~~ modifications, including delivery of, ~~instruction or service~~ instruction or services and accommodations 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~~ integrated classroom. Unavoidable delays in the provision of training may not result in the exclusion of a ~~special-needs~~ student with exceptional needs 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~~ When possible, 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 with exceptional needs prior to or at the time of the placement of the student into the regular classroom. Any teacher or other member of the IEP team disagreeing with the individualized education program ~~committee's~~ team'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~~ a student with exceptional needs in an integrated classroom;

(4) Opportunity to reconvene the committee responsible for the individualized education program of the student with ~~special~~ exceptional needs assigned to the regular classroom teacher. Any teacher may request an IEP meeting if the data after 45 days shows that a student is not in the least restrictive environment for academic growth. 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. If changes are made to a student's IEP, affecting services and/or placement,

the services shall be available immediately upon the change in placement; and

(5) A teacher may not be penalized in any way for advocating for his or her student and the teacher may work with the family or guardian of the student to recommend local advocates, share documentation and information, inform the guardians of his or her due process rights, and may call for an IEP meeting to review the information gathered from documentation to best address the student's special education needs; and

~~(5)~~ (6) Assistance from persons trained or certified to ~~deal with~~ address 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 appropriate accommodations and modifications for the student, if needed or identified, to help the student succeed in the class or program, and document, at minimum, the provision of these accommodations and modifications: *Provided*, That the general education teacher shall not be responsible for daily accommodation logs. The general education teacher shall only be responsible for acknowledging, at the end of each grading period, that each accommodation as required by the IEP has been met. All accommodations of the students shall be discussed before placement and it is the responsibility of the special education

instructor to monitor progress: *Provided further*, That parents and guardians may request daily accommodation logs.

(3) Data to support the decision to place a student into an integrated classroom shall be included in the Individualized Education Plan.

(4) Nothing in this section may be construed as interfering with or limiting access to the Federal Individuals with Disabilities Education Act, and regulatory Due Process and complaint procedures available to students, families, and personnel.

(c) This requirement includes, but is not limited to, ~~teachers of music~~, musical education, art, driver education, health, foreign language, and other instruction offered.

(d) If the teacher provides a series of documentation within a 45-day grading period that shows that the student is not in their least restrictive environment, to the point that his or her placement does not ensure the student with exceptionalities makes appropriate progress toward meeting the student's annual goals, the teacher may begin all available Federal and State process and complaint procedures. The teacher may not be penalized in any way for advocating for his or her student and the teacher may work with the family or guardian of the student to recommend local advocates, share documentation and information, inform the guardians of his or her due process rights, and may call for an IEP meeting to review the information gathered from documentation and address the concerns to best adjust the IEP, as necessary, to best address the student's special education needs.;

On page 34, section 11, lines 121 and 122 by striking out the words "Department of Health and Human Resources" and inserting in lieu thereof the words "Department of Human Services";

And,

On page 36, after line 170, by striking out the remainder of the bill.

The bill (Eng. Com. Sub. for H. B. 5158), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5162, Establish a program to promote creation and expansion of registered apprenticeship programs.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Education committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 5238, Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page 7, section 3a, line 152, by striking out the word "had";

And,

On page 7, section 3a, line 153, by striking out the word "involves" and inserting in lieu thereof the word "involve".

The bill (Eng. Com. Sub. for H. B. 5238), as amended, was then ordered to third reading.

Eng. House Bill 5252, Requiring certain minimum experience for the director or coordinator of services class title involving school transportation.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 7, section 8, lines 164 through 169, by striking out all of paragraph (A) and inserting in lieu thereof a new paragraph (A), to read as follows:

(A) Nothing in this subdivision prohibits a professional person or a professional educator from holding this class title: *Provided*, That after July 1, 2024, all persons employed for the first time in a position with this classification title as a director, assistant director, or coordinator of transportation shall possess a commercial driver's license within one year of employment except that this requirement shall not apply to persons who are multiclassified, hold multiple job titles, or provide documentation from a physician that they have a medical diagnosis that renders them physically unqualified to obtain a commercial driver's license;

The bill (Eng. H. B. 5252), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5262, Relating generally to teacher's bill of rights.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18b. School counselors in public schools.

(a) A school counselor means a professional ~~educator~~ school counselor who holds a valid school counselor's certificate in accordance with §18A-1-1(c)(2) of this code.

(b) Each county board shall provide counseling services for each pupil enrolled in the public schools of the county.

(c) The school counselor shall work with individual pupils and groups of pupils in providing developmental, preventive and remedial guidance and counseling programs to meet academic, social, emotional, and physical needs; including programs to identify and address the problem of potential school dropouts. The school counselor also may provide consultant services for parents, teachers, and administrators and may use outside referral services, when appropriate, if no additional cost is incurred by the county board.

(d) The state board may adopt rules consistent with the provisions of this section that define the role of a school counselor based on the "National Standards for School Counseling Programs" of the American School Counselor Association. A school counselor is authorized to perform such services as are not inconsistent with the provisions of the rule as adopted by the state board. To the extent that any funds are made available for this purpose, county boards shall provide training for counselors and administrators to implement the rule as adopted by the state board.

(e) Each county board shall develop a comprehensive drop-out prevention program utilizing the expertise of school counselors and any other appropriate resources available.

(f) School counselors shall be full-time professional personnel, shall spend at least 80 percent of work time in a direct counseling relationship with pupils, and shall devote no more than 20 percent of the ~~work-day~~ workday to administrative activities: *Provided*, That such activities are ~~counselor-related~~ directly related to their counseling duties: *Provide further*, That school counselors may not perform the following duties without a written agreement:

(1) Building the master schedule;

(2) Administering cognitive, aptitude, and achievement testing programs: *Provided*, That school counselors may administer make

up tests and any tests that are required for virtual students, should no other person be available to administer the test;

(3) Routinely signing excuses for students who are tardy or absent;

(4) Performing disciplinary actions or assigning discipline consequences;

(5) Providing more than eight sessions of counseling in schools to address psychological disorders: *Provided*, That students who have experienced an emergency situation such as, but not limited to, CPS investigation, death, abuse, or home removal may be addressed regardless of how many sessions have previously been utilized.

(6) Covering classes when teachers are absent or to create teacher planning time;

(7) Maintaining student records: *Provided*, That school counselors may have access to student records;

(8) Computing grade-point averages: *Provided*, That school counselors may compute grade-point averages for the purpose of determining a student's eligibility for scholarships or post-secondary goals;

(9) Supervising classrooms or common areas;

(10) Keeping clerical records: *Provided*, That school counselors may access clerical records;

(11) Coordinating Individual Education Plans;

(12) Coordinating 504 Plans;

(13) Coordinating Student Study Teams;

(14) Coordinating Response to Intervention Plans;

(15) Coordinating the Multi-Tiered System of Support: *Provided*, That school counselors may perform duties related to a

Multi-Tiered System of Support when the supports address truancy or behavioral interventions; and

(16) Overseeing School Attendance Review Boards: *Provided*, That school counselors may access attendance records.

(g) Beginning with the 2024—25 school year, school counselors shall participate in the training set forth below.

(1) At least once every two years, school counselors serving students in grades Pre-K through 12 shall participate in the School Counselors Conference, which shall address the following components:

(A) Career Counseling and Life Planning;

(B) Career awareness;

(C) Career and life planning;

(D) Career and life success;

(E) Opportunities with Career Technical Education available in West Virginia;

(F) Post secondary options;

(G) Academic Counseling and Personalized Planning;

(H) Academic motivation;

(I) Goal setting;

(J) Academic scheduling;

(K) Personalized Education Plans;

(L) Dual credit;

(M) Learning skills;

(N) Personal and Social Counseling;

(O) Decision making;

(P) Personal responsibility;

(Q) Conflict resolution; and

(R) Prevention.

(2) Upon completion of the School Counselor Conference training, an advanced credential in Career Counseling and non-degree graduate credits shall be available. Further, Licensed Professional Counselor continuing education credits shall be available, when applicable, as approved by the West Virginia Board of Examiners in counseling.

(3) Every two years, school counselors serving students in grades seven through 12 shall receive training regarding building and trades and apprenticeship programs available to students in West Virginia. This training shall be administered by the department of education and provided at no cost to the counselors.

~~(g)~~ (h) Nothing in this section prohibits a county board from exceeding the provisions of this section, or requires any specific level of funding by the Legislature.

(i) School counselors shall be afforded the protections set forth in §18A-2A-1 et seq. of this code.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-12. Special education student instructor ratio; waiver; compensation to teacher when ratio exceeded.

(a) Self-contained and resource classrooms, as well as any special education environment, shall not have a student/instructor ratio over the current limit provided for in the Individuals with Disabilities Education Act 2004 and State Board Policy 2419. A two-week waiver may be signed with the understanding that the local county board is responsible to remediate the situation while compensating the teacher with overage pay provided by the county per county funds. This waiver shall be good for two weeks to allow

the district time to find an additional classroom teacher. Should the district be unable to find an additional classroom teacher, the district, upon the agreement of the teacher, may submit a waiver to the state board of education. This waiver shall have the teachers signature acknowledging that although they are over the limit, they recognize that this is a dire situation, and that they are entitled per compensation per student per county funds.

(b) The county may not submit a waiver to exceed the current limit of students set forth in Individuals with Disabilities Education Act 2004 and Policy 2419 without the written consent of the special education instructor. If the instructor chooses to sign the waiver to exceed the limit, that instructor shall be entitled to the full amount of compensation as provided per county.

(c) The county may not allow more than three students over the limit, even with the additional pay for the teacher.

§18-20-13. Special education teacher rights.

Special education teachers shall be afforded the protections set forth in §18A-2A-1 *et seq.* of this code.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 1. GENERAL PROVISIONS.

§18A-1-1. Definitions.

The definitions contained in §18-1-1 of this code apply to this chapter. In addition, the following words used in this chapter and in any proceedings pursuant to this chapter have the meanings ascribed to them unless the context clearly indicates a different meaning:

(a) "School personnel" means all personnel employed by a county board whether employed on a regular full-time basis, an hourly basis or otherwise. "School personnel" is comprised of two categories: Professional personnel and service personnel;

(b) "Professional person" or "professional personnel" means those persons or employees who meet the certification requirements of the state, licensing requirements of the state, or both, and includes a professional educator and other professional employee;

(c) "Professional educator" has the same meaning as "teacher" as defined in section one, article one, chapter eighteen of this code. Professional educators are classified as follows:

(1) "Classroom teacher" means a professional educator who has a direct instructional ~~or counseling~~ relationship with students and who spends the majority of his or her time in this capacity;

(2) "School counselor" means a certified school counselor who holds a master's degree in school counseling from an accredited university and certification through the state board of education and who is entitled to receive the same salary and benefits as a professional educator.

~~(2)~~ (3) "Principal" means a professional educator who functions as an agent of the county board and has responsibility for the supervision, management and control of a school or schools within the guidelines established by the county board. The principal's major area of responsibility is the general supervision of all the schools and all school activities involving students, teachers and other school personnel;

~~(3)~~ (4) "Supervisor" means a professional educator who is responsible for working primarily in the field with professional and other personnel in instructional and other school improvement. This category includes other appropriate titles or positions with duties that fit within this definition; and

~~(4)~~ (5) "Central office administrator" means a superintendent, associate superintendent, assistant superintendent and other professional educators who are charged with administering and supervising the whole or some assigned part of the total program of the countywide school system. This category includes other

appropriate titles or positions with duties that fit within this definition;

(d) "Other professional employee" means a person from another profession who is properly licensed and who is employed to serve the public schools. This definition includes a registered professional nurse, licensed by the West Virginia Board of Examiners for Registered Professional Nurses, who is employed by a county board and has completed either a two-year (sixty-four semester hours) or a three-year (ninety-six semester hours) nursing program;

(e) "Service person" or "service personnel", whether singular or plural, means a nonteaching school employee who is not included in the meaning of "teacher" as defined in §18-1-1 of this code and who serves the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch and aides. Any reference to "service employee" or "service employees" in this chapter or chapter 18 of this code means service person or service personnel as defined in this section;

(f) "Principals Academy" or "academy" means the academy created pursuant to §18A-3a-2b of this code;

~~(g) "Center for Professional Development" means the center created pursuant to §18A-3a-1 of this code;~~

~~(h)~~ (g) "Job-sharing arrangement" means a formal, written agreement voluntarily entered into by a county board with two or more of its employees who wish to divide between them the duties and responsibilities of one authorized full-time position;

~~(i)~~ (h) "Prospective employable professional person", whether singular or plural, means a certified professional educator who:

(1) Has been recruited on a reserve list of a county board;

(2) Has been recruited at a job fair or as a result of contact made at a job fair;

(3) Has not obtained regular employee status through the job posting process provided in §18A-4-7a of this code; and

(4) Has obtained a baccalaureate degree from an accredited institution of higher education within the past year;

~~(j)~~ (i) "Dangerous student" means a student who is substantially likely to cause serious bodily injury to himself, herself or another individual within that student's educational environment, which may include any alternative education environment, as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense;

~~(k)~~ (j) "Alternative education" means an authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions; and

~~(l)~~ (k) "Long-term substitute" means a substitute employee who fills a vacant position:

That the county superintendent expects to extend for at least thirty consecutive days, and is either:

(A) Listed in the job posting as a long-term substitute position of over thirty days; or

(B) Listed in a job posting as a regular, full-time position and:

(i) Is not filled by a regular, full-time employee; and

(ii) Is filled by a substitute employee.

For the purposes of §5-16-2 of this code, long-term substitute does not include a retired employee hired to fill the vacant position.

ARTICLE 2. SCHOOL PERSONNEL.**§18A-2-2. Employment of teachers; contracts; continuing contract status; how terminated; dismissal for lack of need; released time; failure of teacher to perform contract or violation thereof; written notice bonus for teachers and professional personnel.**

(a) Before entering upon their duties, all teachers shall execute a contract with their county boards, which shall state the salary to be paid and shall be in the form prescribed by the state superintendent. Each contract shall be signed by the teacher and by the president and secretary of the county board and shall be filed, together with the certificate of the teacher, by the secretary of the office of the county board. When necessary to facilitate the employment of employable professional personnel and prospective and recent graduates of teacher education programs who have not yet attained certification, the contract may be signed upon the condition that the certificate is issued to the employee prior to the beginning of the employment term in which the employee enters upon his or her duties.

(b) Each teacher's contract, under this section, shall be designated as a probationary or continuing contract. A probationary teachers contract shall be for a term of not less than one nor more than three years, one of which shall be for completion of a beginning teacher internship pursuant to the provisions of section two-b, article three of this chapter, if applicable. If, after three years of such employment, the teacher who holds a professional certificate, based on at least a bachelor's degree, has met the qualifications for a bachelors degree and the county board enter into a new contract of employment, it shall be a continuing contract, subject to the following:

(1) Any teacher with less than a bachelor's degree who holds a valid certificate and is employed in a county beyond the three-year probationary period shall be granted continuing contract status upon qualifying for the professional certificate based upon a bachelor's degree, if the teacher becomes reemployed; and

(2) A teacher holding continuing contract status with one county shall be granted continuing contract status with any other county upon completion of one year of acceptable employment if the employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one year.

(c) The continuing contract of any teacher shall remain in full force and effect except as modified by mutual consent of the school board and the teacher, unless and until terminated, subject to the following:

(1) A continuing contract may not be terminated except:

(A) By a majority vote of the full membership of the county board on or before May 1 of the then current year, after written notice, served upon the teacher, return receipt requested, stating cause or causes and an opportunity to be heard at a meeting of the board prior to the board's action on the termination issue; or

(B) By written resignation of the teacher on or before May 1 to initiate termination of a continuing contract;

(2) The termination shall take effect at the close of the school year in which the contract is terminated;

(3) The contract may be terminated at any time by mutual consent of the school board and the teacher;

(4) This section does not affect the powers of the school board to suspend or dismiss a principal or teacher pursuant to section eight of this article;

(5) A continuing contract for any teacher holding a certificate valid for more than one year and in full force and effect during the school year 1984-1985 shall remain in full force and effect;

(6) A continuing contract does not operate to prevent a teacher's dismissal based upon the lack of need for the teacher's services pursuant to the provisions of law relating to the allocation to teachers and pupil-teacher ratios. The written notification of

teachers being considered for dismissal for lack of need shall be limited to only those teachers whose consideration for dismissal is based upon known or expected circumstances which will require dismissal for lack of need. An employee who was not provided notice and an opportunity for a hearing pursuant to this subsection may not be included on the list. In case of dismissal for lack of need, a dismissed teacher shall be placed upon a preferred list in the order of their length of service with that board. A teacher may not be employed by the board until each qualified teacher on the preferred list, in order, has been offered the opportunity for reemployment in a position for which he or she is qualified, not including a teacher who has accepted a teaching position elsewhere. The reemployment shall be upon a teacher's preexisting continuing contract and has the same effect as though the contract had been suspended during the time the teacher was not employed.

(d) In the assignment of position or duties of a teacher under a continuing contract, the board may provide for released time of a teacher for any special professional or governmental assignment without jeopardizing the contractual rights of the teacher or any other rights, privileges or benefits under the provisions of this chapter. Released time shall be provided for any professional educator while serving as a member of the Legislature during any duly constituted session of that body and its interim and statutory committees and commissions without jeopardizing his or her contractual rights or any other rights, privileges, benefits or accrual of experience for placement on the state minimum salary schedule in the following school year under the provisions of this chapter, board policy and law.

(e) A teacher is disqualified to teach in any public school in the state for the duration of the next ensuing school year, if that teacher:

~~(1) Fails to fulfill his or her contract with the board, unless prevented from doing so by personal illness or other just cause or unless released from his or her contract by the board, or~~

~~(2) Violates~~ violates any lawful provision of his or her contract: *Provided*, That the marriage of a teacher is not considered a failure to fulfill, or violation of, the contract.

The State Department of Education or board may hold all papers and credentials of the teacher on file for a period of one year for the violation and shall report such disqualification status in the National Association of State Directors of Teacher Education and Certification (NASDTEC) database system.

(f) Any classroom teacher, as defined in section one, article one of this chapter, who desires to resign employment with a county board or request a leave of absence, the resignation or leave of absence to become effective on or before July 15 of the same year and after completion of the employment term, may do so at any time during the school year by written notification of the resignation or leave of absence and any notification received by a county board shall automatically extend the teacher's public employee insurance coverage until August 31 of the same year.

(g) (1) A classroom teacher who gives written notice to the county board on or before March 1 of the school year of his or her retirement from employment with the board at the conclusion of the school year shall be paid \$500 from the early notification of retirement line item established for the Department of Education for this purpose, subject to appropriation by the Legislature. If the appropriations to the Department of Education for this purpose are insufficient to compensate all applicable teachers, the Department of Education shall request a supplemental appropriation in an amount sufficient to compensate all such teachers. Additionally, if funds are still insufficient to compensate all applicable teachers, the priority of payment is for teachers who give written notice the earliest. This payment may not be counted as part of the final average salary for the purpose of calculating retirement.

(2) The position of a classroom teacher providing written notice of retirement pursuant to this subsection may be considered vacant and the county board may immediately post the position as an opening to be filled at the conclusion of the school year. If a teacher has been hired to fill the position of a retiring classroom teacher prior to the start of the next school year, the retiring classroom teacher is disqualified from continuing his or her employment in that position. However, the retiring classroom teacher may be permitted to continue his or her employment in that

position and forfeit the early retirement notification payment if, after giving notice of retirement in accordance with this subsection, he or she becomes subject to a significant unforeseen financial hardship, including a hardship caused by the death or illness of an immediate family member or loss of employment of a spouse. Other significant unforeseen financial hardships shall be determined by the county superintendent on a case-by-case basis. This subsection does not prohibit a county school board from eliminating the position of a retiring classroom teacher.

ARTICLE 2A. TEACHERS BILL OF RIGHTS.

§18A-2A-1. Supplemental duty calendar provisions.

(a) In this section, "supplemental duty" means a duty other than a duty assigned under an employee's contract that is generally expected to be performed during an educational day and which may be governed by an agreement, other than the employee's contract, between the district and the employee.

(b) Not later than the 15th day before the first day of the employment term of each school year, the County Board professional staff of a school district shall adopt and provide to each classroom teacher, full-time counselor, and full-time librarian employed by the district a calendar that specifies the days each employee is expected to work for that school year: *Provided*, That any duty exceeding the eight hour contracted day shall be by agreement with the employee, unless the duty is the result of an unanticipated emergency, and shall be paid a minimum of that employee's hourly rate in excess of eight hours: *Provided further*, That overtime shall be by agreement and approved by the county superintendent or by his or her designee.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1c. Bill of Rights and Responsibilities for Students and School Personnel.

(a) The Legislature finds that:

(1) The mission of public schools is to prepare students for equal and responsible citizenship and productive adulthood;

(2) Democratic citizenship and productive adulthood begin with standards of conduct in schools;

(3) Schools should be safe havens for learning with high standards of conduct for students; and

(4) Rights necessarily carry responsibilities.

(b) In recognition of the findings in this section, the following Bill of Rights and Responsibilities for Students and School Personnel is established:

(1) The right to attend a school and ride a bus that is safe, orderly and drug free;

(2) The right to learn and work in a school that has clear discipline codes, as defined in state, county, or school policy, with fair and consistently enforced consequences for misbehavior;

(3) The right to learn and work in a school that has alternative educational placements for violent or chronically disruptive students;

(4) The right to be treated with courtesy and respect;

(5) The right to attend a school and ride on a bus that is free from bullying;

(6) The right to support from school administrators when enforcing discipline policies;

(7) The right to support from parents, the community, public officials and businesses in their efforts to uphold high standards of conduct; and

(8) The responsibility to adhere to the principles in this Bill of Rights and Responsibilities for Students and School Personnel, and to behave in a manner that guarantees that other students and school personnel enjoy the same rights.

(c) The rights of teachers as otherwise set forth in §18A-2A-1 et seq. of this code are applicable for purposes of this section.

The following amendments to the Education committee amendment to the bill (Eng. Com. Sub. for H. B. 5262), from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page 8, by striking out the article heading;

And,

On pages 8 through 12, by striking out all of section 2.

The question now being on the adoption of the Education committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 5262), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5287, Relating generally to traffic safety.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Transportation and Infrastructure committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 5430, Relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary

committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 5435, Establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 5510, Clarify law regarding the crime of witness tampering.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page 3, section 27, line 61, by striking out the word "aggravated" and inserting in lieu thereof the word "aggrieved".

The bill (Eng. Com. Sub. for H. B. 5510), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5553, To provide and change graduation requirements and change duties relating to academic content standards.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Education committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 5561, Relating to permitting the electronic execution of trusts.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 44D. UNIFORM TRUST CODE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§44D-1-103. Definitions

In this chapter:

~~(a)~~(1) "Action", with respect to an act of a trustee, includes a failure to act.

~~(b)~~(2) "Ascertainable standard" means a standard relating to an individual's health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code.

~~(c)~~(3) "Beneficiary" means a person that:

~~(1)~~(A) Has a present or future beneficial interest in a trust, vested or contingent;

~~(2)~~(B) In a capacity other than that of trustee, holds a power of appointment over trust property; or

~~(3)~~(C) A charitable organization that is expressly designated in the terms of the trust instrument to receive distributions.

~~(d)~~(4) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in §44D-4-405 of this code.

~~(e)~~(5) "Conservator" means a person appointed by the court to administer the estate and financial affairs of a protected person.

~~(f)~~(6) "Court" means a court of this state having proper jurisdiction under §44D-2-203 of this code, and venue under §44D-2-204 of this code.

~~(g)~~(7) "Current beneficiary" means a beneficiary that, on the date the beneficiary's qualification is determined, is a distributee or permissible distributee of trust income or principal.

~~(h)~~(8) "Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.

~~(i)~~(9) "Grantor" means a person, including a testator, who creates or contributes property to a trust. If more than one person creates or contributes property to a trust, each person is a grantor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

~~(j)~~(10) "Guardian" means a person appointed by the court who is responsible for the personal affairs of a protected person or a parent to make decisions regarding the support, care, education, health, and welfare of a minor. The term does not include a guardian ad litem.

~~(k)~~(11) "Interested person" means heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust or the property in a trust. It also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and ~~must~~ shall be determined according to the particular purposes of, and matter involved, in any proceeding.

~~(l)~~(12) "Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.

~~(m)~~(13) "Internal Revenue Code" or "Internal Revenue Code of 1986" has the same meaning as when used in a comparable context in the laws of the United States then in effect relating to income, estate, generation-skipping transfer, and other taxes,

including all amendments made to the laws of the United States and amendments which have been adopted and incorporated into West Virginia law by the West Virginia Legislature in §11-21-9 of this code.

~~(n)~~(14) "Jurisdiction" with respect to a geographic area, includes a state or country.

~~(o)~~(15) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, unincorporated nonprofit association, charitable organization, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

~~(p)~~(16) "Power of withdrawal" means a presently exercisable general power of appointment other than a power:

~~(1)~~(A) Exercisable by a trustee and limited by an ascertainable standard; or

~~(2)~~(B) Exercisable by another person only upon consent of the trustee or a person holding an adverse interest.

~~(q)~~(17) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

~~(r)~~(18) "Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined:

~~(1)~~(A) Is a distributee or permissible distributee of trust income or principal;

~~(2)~~(B) Would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in paragraph ~~(4)~~(B) of this subdivision terminated on that date without causing the trust to terminate; or

~~(3)~~(C) Would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

(19) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. "Record" does not include a will of the grantor, unless the will is duly admitted to probate.

~~(s)~~(20) "Revocable", as applied to a trust, means revocable by the grantor without the consent of the trustee or a person holding an adverse interest.

(21) "Sign" means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound, or process.

~~(t)~~(22) "Spendthrift provision" means a term of a trust which restrains both voluntary and involuntary transfer of a beneficiary's interest.

~~(u)~~(23) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

~~(v)~~(24) "Terms of a trust" means:

~~(1)~~(A) Except as otherwise provided in ~~subparagraph (2)~~ paragraph (B); and the manifestation of the grantor's intent regarding a trust's provisions as:

~~(A)~~(i) Expressed in the trust instrument; or

~~(B)~~(ii) Established by other evidence that would be admissible in a judicial proceeding; or

~~(2)~~(B) The trust's provisions as established, determined, or amended by:

(i) A trustee or trust director in accordance with applicable law;

(ii) A court order; or

(iii) A nonjudicial settlement agreement under §44D-1-111 of this code.

~~(w)~~(25) "Trust instrument" means ~~a writing, including a will, executed by~~ of the grantor which is duly admitted to probate, or a record, signed by the grantor, that contains terms of the trust, including any amendments thereto.

~~(x)~~(26) "Trustee" includes an original, additional, successor trustee and a cotrustee.

~~(y) "Writing" or "written instrument" does not include an electronic record or electronic signature as provided in §39A-1-1 et seq. of this code.~~

ARTICLE 4. CREATION, VALIDITY, MODIFICATION, AND TERMINATION OF TRUST.

§44D-4-402. Requirement for creation.

(a) Except as created by an order of the court, a trust is created only if:

(1) The grantor has capacity to create a trust;

(2) The grantor indicates an intention, in ~~writing~~ a trust instrument, to create the trust;

(3) The trust has a definite beneficiary or is:

(A) A charitable trust;

(B) A trust for the care of an animal, as provided in §44D-4-408 of this code; or

(C) A trust for a noncharitable purpose, as provided in §44D-4-409 of this code;

(4) The trustee has duties to perform; and

(5) The same person is not the sole trustee and sole beneficiary.

(b) A beneficiary is definite if the beneficiary can be ascertained now or in the future, subject to any applicable rule against perpetuities.

(c) A power in a trustee to select a beneficiary from an indefinite class is valid. If the power is not exercised within a reasonable time, the power fails, and the property subject to the power passes to the persons who would have taken the property had the power not been conferred.

(d) Notwithstanding the foregoing:

(1) In accordance with ~~the provisions~~ §41-3-8 of this code, a trust is valid regardless of the existence, value, or character of the corpus of the trust.

(2) The grantor need not have capacity to create a trust if the trust is created in ~~writing~~ a record during the grantor's lifetime by the grantor's agent acting in accordance with authority granted under a durable power of attorney which expressly authorizes the agent to create a trust on the grantor's behalf.

(e) A trust is not invalid or terminated, and title to trust assets is not merged, because the trustee or trustees are the same person or persons as the beneficiaries of the trust.

ARTICLE 5. CREDITOR'S CLAIMS; SPENDTHRIFT AND DISCRETIONARY TRUSTS.

§44D-5-503c. Vacancies; revocability of trust; right to withdraw.

(a) A vacancy in the position of qualified trustee that occurs for any reason, whether or not there is then serving another trustee, shall be filled in the following order of priority:

(1) By a person eligible to be a qualified trustee and who is designated pursuant to the terms of the trust instrument to act as successor trustee;

(2) By a person eligible to be a qualified trustee and who is designated by unanimous agreement of the qualified beneficiaries; or

(3) By a person eligible to be a qualified trustee and who is appointed by the court pursuant to any of the provisions of §44D-7-1 *et seq.* of this code.

(b) A vacancy in the position of independent qualified trustee that occurs for any reason, whether or not there is then serving another trustee, shall be filled in the following order of priority:

(1) By a person eligible to be an independent qualified trustee and who is designated pursuant to the terms of the trust instrument to act as successor trustee; or

(2) By a person eligible to be an independent qualified trustee and who is designated by unanimous agreement of the qualified beneficiaries; or

(3) By a person eligible to be an independent qualified trustee and who is appointed by the court pursuant to any of the provisions of §44D-7-1 *et seq.* of this code.

(c) A trust instrument shall not be deemed revocable on account of the inclusion of any one or more of the following rights, powers, and interests:

(1) A power of appointment, exercisable by the grantor by will or other ~~written instrument~~ record effective only upon the grantor's death, other than a power to appoint to the grantor's estate or the creditors of the grantor's estate;

(2) The grantor's qualified interest in the trust;

(3) The grantor's right to receive income or principal pursuant to an ascertainable standard;

(4) The grantor's potential or actual receipt of income or principal from a charitable remainder unitrust or charitable remainder annuity trust (each within the meaning of Section 664(d))

of the Internal Revenue Code) and the grantor's right, at any time, and from time to time, to release, in ~~writing~~ a record delivered to the qualified trustee, all or any part of the grantor's retained interest in such trust;

(5) The grantor's receipt each year of a percentage, not to exceed five percent, specified in the trust instrument of the initial value of the trust assets or their value determined from time to time pursuant to the trust instrument;

(6) The grantor's right to remove a qualified trustee or independent qualified trustee and to appoint a new trustee who meets the same criteria;

(7) The grantor's potential or actual use of real property held under a personal residence trust (within the meaning of Section 2702(c) of the Internal Revenue Code);

(8) The grantor's potential or actual receipt or use of a qualified annuity interest (within the meaning of Section 2702 of the Internal Revenue Code);

(9) The ability of a qualified trustee, whether pursuant to discretion or direction, to pay, after the grantor's death, all or any part of the grantor's debts outstanding at the time of the grantor's death, the expenses of administering the grantor's estate, or any federal or state estate, inheritance, or death tax imposed on or with respect to the grantor's estate; and

(10) A grantor's potential or actual receipt of income or principal to pay, in whole or in part, income taxes due on trust income, or the direct payment of such taxes to the applicable tax authorities, pursuant to a provision in the trust instrument that expressly provides for the direct payment of such taxes or the reimbursement of the grantor for such tax payments.

(d) A beneficiary who has the right to withdraw his or her entire beneficial interest in a trust shall be treated as its grantor to the extent of such withdrawal right, when such right to withdraw has lapsed, been released, or otherwise expired, without regard to the limitations otherwise imposed by 44D-505(b) of this code.

ARTICLE 7. OFFICE OF THE TRUSTEE.**§44D-7-701. Accepting or declining trusteeship.**

(a) Except as otherwise provided in subsection (c) of this section, a person designated as trustee accepts the trusteeship:

(1) By substantially complying with a method of acceptance provided in the terms of the trust instrument; or

(2) If the terms of the trust instrument do not provide a method or the method provided in the terms is not expressly made exclusive, by accepting delivery of the trust property, exercising powers or performing duties as trustee, or otherwise indicating acceptance of the trusteeship including by signing a ~~written instrument~~ record so stating.

(b) A person designated as trustee who has not yet accepted the trusteeship may reject the trusteeship. A person designated as trustee who does not accept the trusteeship within a reasonable time after knowing of the designation is deemed to have rejected the trusteeship.

(c) A person designated as trustee, without accepting the trusteeship, may:

(1) Act to preserve the trust property if, within a reasonable time after acting, the person sends a rejection of the trusteeship to the grantor or, if the grantor is dead or lacks capacity, to a qualified beneficiary; and

(2) Inspect or investigate trust property to determine potential liability under environmental or other law or for any other proper purpose.

§44D-7-704. Vacancy in trusteeship; appointment of successor.

(a) A vacancy in a trusteeship occurs if:

(1) A person designated as trustee rejects the trusteeship;

(2) A person designated as trustee cannot be identified or does not exist;

(3) A trustee resigns;

(4) A trustee is disqualified or removed;

(5) A trustee dies; or

(6) A guardian or conservator is appointed for an individual serving as trustee.

(b) If one or more cotrustees remain in office, a vacancy in a trusteeship need not be filled unless otherwise provided in the terms of the trust instrument. A vacancy in a trusteeship ~~must~~ shall be filled if the trust has no remaining trustee.

(c) Unless otherwise provided in the terms of the trust instrument, a vacancy in a trusteeship of a noncharitable trust that is required to be filled ~~must~~ shall be filled in the following order of priority:

(1) By a person designated in the terms of the trust instrument to act as successor trustee;

(2) By a person appointed by a unanimous ~~written agreement~~ record of the qualified beneficiaries; or

(3) By a person appointed by the court having jurisdiction of the trust.

(d) Unless otherwise provided, a vacancy in a trusteeship of a charitable trust that is required to be filled shall be filled in the following order of priority:

(1) By a person designated in the terms of the trust to act as successor trustee;

(2) By a person selected by the charitable organizations expressly designated to receive distributions under the terms of the trust instrument if the Attorney General of West Virginia either concurs in ~~writing~~ a record to the selection or fails to make a written

objection to the selection within 90 days after receiving by certified or registered mail a notice of the selection by the charitable organizations; or

(3) By a person appointed by the court having jurisdiction over the trust.

(e) Whether or not a vacancy in a trusteeship exists or is required to be filled, the court may upon petition of the grantor, a qualified beneficiary, or a cotrustee, appoint an additional trustee or special fiduciary whenever the court considers the appointment necessary for the administration of the trust.

§44D-7-705. Resignation of trustee.

(a) Unless otherwise provided in the terms of the trust instrument, a trustee may resign without court approval by giving at least 30 days' notice in ~~writing~~ a record to the grantor, if living, all of the qualified beneficiaries and all cotrustees, if any.

(b) A trustee may resign with the approval of the court having jurisdiction of the trust upon the filing of a petition for such purpose which joins as respondents the grantor, if living, all of the qualified beneficiaries, and all cotrustees, if any. In approving a resignation, the court may issue orders and impose conditions reasonably necessary for the protection of the trust property.

(c) Unless otherwise provided by order of the court, any liability of a resigning trustee or of any sureties on the trustee's bond for acts or omissions of the trustee is not discharged or affected by the trustee's resignation.

ARTICLE 8B. WEST VIRGINIA UNIFORM TRUST DECANTING ACT.

§44D-8B-2. Definitions.

~~(a)~~ In addition to the definitions contained in §44D-1-103 of this code which apply to this article:

(1) "Appointive property" means the property or property interest subject to a power of appointment.

(2) "Authorized fiduciary" means:

(A) A trustee or other fiduciary, other than a grantor, that has discretion to distribute or direct a trustee to distribute part or all of the principal of the first trust to one or more current beneficiaries;

(B) A special fiduciary appointed under §44D-8B-9 of this code; or

(C) A special-needs fiduciary under §44D-8B-13 of this code.

(3) "Charitable interest" means an interest in a trust which:

(A) Is held by an identified charitable organization and makes the organization a qualified beneficiary;

(B) Benefits only charitable organizations and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary; or

(C) Is held solely for charitable purposes and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary.

(4) "Charitable organization" means:

(A) A person, other than an individual, organized and operated exclusively for charitable purposes; or

(B) A government or governmental subdivision, agency, or instrumentality, to the extent it holds funds exclusively for a charitable purpose.

(5) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, a municipal or other governmental purpose, or another purpose the achievement of which is beneficial to the community.

(6) "Decanting power" or "the decanting power" means the power of an authorized fiduciary under this article to distribute property of a first trust to one or more second trusts or to modify the terms of the first trust.

(7) "Expanded distributive discretion" means a discretionary power of distribution that is not limited to an ascertainable standard or a reasonably definite standard.

(8) "First trust" means a trust over which an authorized fiduciary may exercise the decanting power.

(9) "First-trust instrument" means the trust instrument for a first trust.

(10) "General power of appointment" means a power of appointment exercisable in favor of a powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate.

(11) "Power of appointment" means a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. The term does not include a power of attorney.

(12) "Powerholder" means a person in which a donor creates a power of appointment.

(13) "Presently exercisable power of appointment" means a power of appointment exercisable by the powerholder at the relevant time. The term:

(A) Includes a power of appointment exercisable only after:

(i) The occurrence of the specified event;

(ii) The satisfaction of the ascertainable standard; or

(iii) The passage of the specified time; and

(B) Does not include a power exercisable only at the powerholder's death.

(14) "Reasonably definite standard" means a clearly measurable standard under which a holder of a power of distribution is legally accountable within the meaning of 26 U.S.C. §674(b)(5)(A) and any applicable regulations.

~~(15) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.~~

~~(16)~~(15) "Second trust" means:

(A) A first trust after modification under this article; or

(B) A trust to which a distribution of property from a first trust is or may be made under this article.

~~(17)~~(16) "Second-trust instrument" means the trust instrument for a second trust.

~~(18) "Sign" means with present intent to authenticate or adopt a record:~~

~~(A) To execute or adopt a tangible symbol; or~~

~~(B) To attach to or logically associate with the record an electronic symbol, sound, or process.~~

ARTICLE 10. LIABILITY OF TRUSTEES AND RIGHTS OF PERSONS DEALING WITH TRUSTEE

§44D-10-1011. Interest as general partner.

(a) Except as otherwise provided in subsection (c) of this section or unless personal liability is imposed in the contract, a trustee who holds an interest as a general partner in a general or limited partnership is not personally liable on a contract entered into by the partnership after the trust's acquisition of the interest if the fiduciary capacity was disclosed in the contract. The requirement of disclosure in the contract is satisfied if the trustee

signs the contract, or signs another ~~writing~~ record which is contemporaneously delivered to the other parties to the contract, in a manner that clearly evidences that the trustee executed the contract in a fiduciary capacity.

(b) Except as otherwise provided in subsection (c) of this section, a trustee who holds an interest as a general partner is not personally liable for torts committed by the partnership or for obligations arising from ownership or control of the interest unless the trustee is personally at fault.

(c) The immunity provided by this section does not apply if an interest in the partnership is held by the trustee in a capacity other than that of trustee or is held by the trustee's spouse or one or more of the trustee's descendants, siblings, or parents, or the spouse of any of them.

(d) If the trustee of a revocable trust holds an interest as a general partner, the grantor is personally liable for contracts and other obligations of the partnership as if the grantor were a general partner.

The bill (Eng. Com. Sub. for H. B. 5561), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5583, Permitting the Commissioner of the Division of Highways to issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page 6, section 11, line 99, by changing the period to a colon and inserting the following proviso: *Provided, however*, That the Commissioner of the Division of Highways shall promptly

issue a requested permit if the application is properly completed and the requested route, dates, and times meet state and federal laws, regulations, and safety requirements and do not violate any bond covenants.

The bill (Eng. Com. Sub. for H. B. 5583), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5609, Relating to confidentiality of child care records and the Foster Care Ombudsman.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. Com. Sub. for House Joint Resolution 28, Protection from medically-assisted suicide or euthanasia in West Virginia Amendment.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the resolution was advanced to third reading with the unreported committee amendments pending and the right for further amendments to be considered on that reading.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 4812, Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities.

On third reading, coming up in deferred order, was read a third time.

At the request of Senator Smith, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Smith, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3uu. Health and safety fee.

(a) Each county commission may impose and collect a health and safety fee of up to \$1 for any or all of the following tourism and recreation activities within the county, on the basis stated in this section:

(1) The fee for the following activities shall be collected for each day or night of rental of the accommodation or vehicle:

(A) Hotel/motel/cabin/condominium/Airbnb/VRBO rentals;

(B) RV or tent camping rentals or fees;

(C) Automobile rentals;

(D) Boat rentals; and

(E) ATV/motorcycle/bicycle rentals.

(2) The fee for the following activities shall be collected for each ticket purchased or admission paid:

(A) Boat rides;

(B) Ski lift usage;

(C) Whitewater rafting;

(D) Golfing;

(E) Carnival, fair, or amusement park visits;

(F) Train rides;

(G) Museum or historical home tours;

(H) Zip lining, rock climbing, paddle boarding, and similar outdoor adventure activities; and

(I) Concerts or music festivals.

(3) The fee for the following activities shall be collected per person, per day:

(A) Bus excursions/charter; and

(B) Guided fishing or hunting excursions.

(b) The fee shall be collected only once on any seasonal or annual pass purchased for any of the activities to which the fee is applicable: *Provided*, That the fee shall equal one percent of the purchase price on any seasonal or annual pass for any of the activities to which the fee is applicable if the purchase price is greater than \$100.99.

(c) Any fee imposed by a county commission pursuant to this section may not be imposed on, or collected for, activities within the boundaries of a municipal corporation that has levied an amusement tax pursuant to §8-13-6 of this code.

(d) The person to whom the rental is made, or the service or activity is provided, shall pay to the operator or vendor of the activity the amount of the health and safety fee imposed by the county hereunder, which fee shall be added to and shall constitute a part of the consideration paid for the rental, service, or activity, and which fee shall be collectible as such by the operator or vendor who shall account for, and remit to the county, all fees paid by such persons. Operators who are subject to the collection and remittance of hotel occupancy tax pursuant to §7-18-1 *et seq.* of this code shall remit the fee with the remittance of the hotel occupancy tax but shall separately state the amount of the fee and the tax when remittance is made.

(e) The county commission shall notify the State Fire Marshal and the Office of Emergency Medical Services of its initial decision to impose and collect a health and safety fee. The county shall promulgate, by ordinance, order, rule, or regulation,

administrative procedures for the assessment, collection, and refund of the fee authorized by this section. The sheriff of each county shall be the county's agent for administration and collection of the fee and shall have the power to initiate civil suits for the collection of the fee. The county commission may promulgate regulations and return forms as it determines are necessary or desirable for the administration and collection of the fee. In all circumstances, the moneys collected for the fee shall be kept in a discrete account solely for that purpose until they are expended in accordance with the provisions of subsection (g) of this section.

(f) Every county commission imposing a health and safety fee shall report annually on or before 90 days before the end of the fiscal year all collections and expenditures, including an income statement and balance sheet, to the State Auditor, the Joint Committee on Government and Finance, the State Fire Marshal, and the West Virginia Office of Emergency Medical Services.

(g) Sixty percent of the moneys collected for the fee shall be expended only for use in emergency services readiness and shall be appropriated at the discretion of the county commission among emergency medical services providers and volunteer and part-volunteer fire departments located in the county. Forty percent of the moneys collected for the fee shall be expended only for use in emergency services readiness or critical infrastructure projects and shall be appropriated at the discretion of the county commission among emergency medical services providers, volunteer and part-volunteer fire departments, and other critical infrastructure projects, as determined necessary by the county commission, located within the county: *Provided, however,* That a county may seek a waiver from the State Fire Marshal and the West Virginia Office of Emergency Medical Services allowing it to appropriate up to 100 percent of the moneys collected for use in critical infrastructure projects, if it is determined by the State Fire Marshal and the West Virginia Office of Emergency Medical Services that the county's emergency services readiness needs will be met during such time as the waiver is in effect. Such waiver may be in effect no longer than three years from the date of its issuance, at which point the county may reapply at the discretion of the county

commission. The State Fire Marshal and the West Virginia Office of Emergency Medical Services may promulgate legislative rules in accordance with §29A-3-1 *et seq.* of this code relating to criteria which must be satisfied to qualify for such waiver.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13. TAXATION AND FINANCE.

§8-13-5. Business and occupation or privilege tax; limitation on rates; effective date of tax; exemptions; activity in two or more municipalities; administrative provisions.

(a) *Authorization to impose tax.* — (1) Whenever any business activity or occupation, for which the state imposed its annual business and occupation or privilege tax under §11-13-1 *et seq.* of this code, prior to July 1, 1987, is engaged in or carried on within the corporate limits of any municipality, the governing body thereof shall have plenary power and authority, unless prohibited by general law, to impose a similar business and occupation tax thereon for the use of the municipality.

(2) Municipalities may impose a business and occupation or privilege tax upon every person engaging or continuing within the municipality in the business of aircraft repair, remodeling, maintenance, modification, and refurbishing services to any aircraft, or to an engine or other component part of any aircraft as a separate business activity.

(b) *Maximum tax rates.* — In no case shall the rate of the municipal business and occupation or privilege tax on a particular activity exceed the maximum rate imposed by the state, exclusive of surtaxes, upon any business activities or privileges taxed under §11-13-2a, §11-13-2b, §11-13-2c, §11-13-2d, §11-13-2e, §11-13-2g, §11-13-2h, §11-13-2i, and §11-13-2j of this code, as those rates were in effect under §11-13-1 *et seq.* of this code, on January 1, 1959, or in excess of one percent of gross income under §11-13-2k of this code, or in excess of three-tenths of one percent of gross value or gross proceeds of sale under §11-13-2m of this code. The rate of municipal business and occupation or privilege tax on the

activity described in subdivision (2), subsection (a) of this section shall be ten one-hundredths of one percent. The rate of municipal business and occupation or privilege tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of §33-25A-1 *et seq.* of this code, shall not exceed one-half of one percent to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the state employee programs administered by the Public Employees Insurance Agency pursuant to §5-16-1 *et seq.* of this code, and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization, that is expended for administrative expenses; and shall not exceed one half of one percent to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, state employee programs administered by the Public Employees Insurance Agency, and other federal programs for health care items or services provided directly or indirectly by the health maintenance organization: *Provided*, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any company maintains its office or offices in this state, whether the income is in the form of rentals or royalties. This provision concerning the maximum municipal business and occupation tax rate on the activities of health maintenance organizations is effective beginning after December 31, 1996. Any payments of business and occupation tax made by a health maintenance organization to a municipality for calendar year 1997 is not subject to recovery by the health maintenance organization. Administrative expenses shall include all expenditures made by a health maintenance organization other than expenses paid for claims incurred or payments made to providers for the benefits received by enrollees.

(c) *Effective date of local tax.* — Any taxes levied pursuant to the authority of this section may be made operative as of the first day of the then current fiscal year or any date thereafter: *Provided*, That any new imposition of tax or any increase in the rate of tax upon any business, occupation or privilege taxed under ~~§11-2E-1~~

~~et seq.~~ §11-13-2e of this code, applies only to gross income derived from contracts entered into after the effective date of the imposition of tax or rate increase, and which effective date shall not be retroactive in any respect: *Provided, however,* That no tax imposed or revised under this section upon public utility services may be effective unless and until the municipality provides written notice of the same by certified mail to said public utility at least 60 days prior to the effective date of said tax or revision thereof.

(d) *Exemptions.* —

(1) A municipality shall not impose its business and occupation or privilege tax on any activity that was exempt from the state's business and occupation tax under the provisions of §11-13-3 of this code, prior to July 1, 1987, and determined without regard to any annual or monthly monetary exemption also specified therein: *Provided,* That on and after July 1, 2007, a municipality may impose its business and occupation or privilege tax on any activity of a corporation, association, or society organized and operated exclusively for religious or charitable purposes that was exempt from the state's business and occupation tax under the provisions of §11-13-3 of this code, prior to July 1, 1987, but only to the extent that the income generated by the activity is subject to taxation under the provisions of §511 of the Internal Revenue Code of 1986, as amended.

(2) Effective July 1, 2023, the municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be reduced by 50 percent of the total amount of the tax: *Provided,* That, effective July 1, 2024, the remaining municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be reduced by an additional 50 percent of the total amount of the tax: *Provided, however,* That July 1, 2025, the municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be completely eliminated. For the purposes of this section, an automobile is a self-propelled vehicle used on the roads and highways by the use of motor vehicle fuel or propelled by one or

more electric motors using energy stored in batteries or a combination thereof. An automobile shall include a light-duty truck with an enclosed cabin and an open loading area at the rear and a sport utility vehicle. An automobile does not include a motorcycle.

(e) *Activity in two or more municipalities.* — Whenever the business activity or occupation of the taxpayer is engaged in or carried on in two or more municipalities of this state, the amount of gross income, or gross proceeds of sales, taxable by each municipality shall be determined in accordance with legislative rules as prescribed by the Tax Commissioner. It is the intent of the Legislature that multiple taxation of the same gross income, or gross proceeds of sale, under the same classification by two or more municipalities shall not be allowed, and that gross income, or gross proceeds of sales, derived from activity engaged in or carried on within this state, that is presently subject to state tax under §11-13-2c or §11-13-2h of this code, which is not taxed or taxable by any other municipality of this state, may be included in the measure of tax for any municipality in this state, from which the activity was directed, or in the absence thereof, the municipality in this state in which the principal office of the taxpayer is located. Nothing in this subsection shall be construed as permitting any municipality to tax gross income or gross proceeds of sales in violation of the Constitution and laws of this state or the United States, or as permitting a municipality to tax any activity that has a definite situs outside its taxing jurisdiction.

(f) Where the governing body of a municipality imposes a tax authorized by this section, the governing body may offer tax credits from the tax as incentives for new and expanding businesses located within the corporate limits of the municipality.

(g) *Administrative provisions.* — The ordinance of a municipality imposing a business and occupation or privilege tax shall provide procedures for the assessment and collection of the tax, which shall be similar to those procedures in §11-13-1 *et seq.* of this code, as in existence on June 30, 1978, or to those procedures in §11-10-1 *et seq.* of this code, and shall conform with

such provisions as they relate to waiver of penalties and additions to tax.

(h) *Timely payment.* — Payments for taxes due under this section that are postmarked after the due date by which they are owed shall be considered late and may be subject to late fees or penalties: *Provided*, That payments that are received by the municipality after the due date, but that were postmarked on or before the due date shall be considered to be on time and shall not be assessed any late fees or penalties.

(i) Any third-party vendors who contract with a city or municipality to collect business and occupation taxes authorized by this section on behalf of a municipality may not charge for their services more than 20% of the amount of taxes collected.

Engrossed Committee Substitute for House Bill 4812, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Karnes, Martin, Maynard, and Rucker—5.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4812) passed.

On motion of Senator Smith, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4812— A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu; and to amend and reenact §8-13-5 of said code; all relating to taxes and fees imposed by political

subdivisions; authorizing county commissions to impose a health and safety fee for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee, collection, and remittance to county; requiring counties who impose fee to notify the State Fire Marshal and the Office of Emergency Medical Services; authorizing counties to promulgate administrative procedures for collection of fee; providing that the sheriff is the county's agent for collection of fee; requiring moneys collected for fee be kept in a separate account; establishing requirements for use of proceeds from fee; establishing waiver process for alternative use of proceeds; providing rulemaking authority; and setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a municipality.

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

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 3:16 p.m., the Senate recessed until 4:15 p.m. today.

The Senate reconvened at 5:44 p.m. and, at the request of Senator Takubo, and by unanimous consent, returned to the third order of business.

Executive Communications

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 7, 2024

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. One Hundred Seventy-Two (172), which was presented to me on March 1, 2024.

Committee Substitute for Senate Bill No. Five Hundred Forty-Four (544), which was presented to me on March 1, 2024.

Senate Bill No. Six Hundred (600), which was presented to me on March 1, 2024.

You will note that I have approved these bills on March 7, 2024.

Sincerely,

A handwritten signature in blue ink, reading "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 37 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on Government and Finance study the viability of reinstating capital punishment.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 37) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4320, Relating to access for minor children's medical records.

With amendments from the Committee on Health and Human Resources pending;

And has also amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 6, 2024;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4320) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, as vice chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendments to the bill were withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 30. WEST VIRGINIA HEALTH CARE DECISIONS ACT.

§16-30-2. Legislative findings and purpose.

(a) *Purpose.* — The purpose of this article is to ensure that a patient's right to self-determination in health care decisions be communicated and protected; and to set forth a process for private health care decision making for incapacitated adults, including the use of advance directives, which reduces the need for judicial involvement and defines the circumstances under which immunity shall be available for health care providers and surrogate decision makers who make health care decisions.

The intent of the Legislature is to establish an effective method for private health care decision making for incapacitated adults,

and to provide that the courts should not be the usual venue for making decisions. It is not the intent of the Legislature to legalize, condone, authorize, or approve ~~mercy killing or assisted~~ medically-assisted suicide, euthanasia, or mercy killing, as defined in §16-30D-1 of this code.

(b) *Findings*. — The Legislature hereby finds that:

(1) Common law tradition and the medical profession in general have traditionally recognized the right of a capable adult to accept or reject medical or surgical intervention affecting one's own medical condition;

(2) The application of recent advances in medical science and technology increasingly involves patients who are unconscious or otherwise unable to accept or reject medical or surgical treatment affecting their medical conditions;

(3) Such advances have also made it possible to prolong the dying process artificially through the use of intervening treatments or procedures which, in some cases, offer no hope of medical benefit;

(4) Capable adults should be encouraged to issue advance directives designating their health care representatives so that in the event any such adult becomes unconscious or otherwise incapable of making health care decisions, decisions may be made by others who are aware of such person's own wishes and values; and

(5) The right to make medical treatment decisions extends to a person who is incapacitated at the moment of decision. An incapacitated person who has not made his or her wishes known in advance through an applicable living will, medical power of attorney, or through some other means has the right to have health care decisions made on his or her behalf by a person who will act in accordance with the incapacitated person's expressed values and wishes, or, if those values and wishes are unknown, in the incapacitated person's best interests.

§16-30-14. Insurance.

(a) No policy of life insurance or annuity or other type of contract that is conditioned on the life or death of the person, shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-prolonging intervention from a person in accordance with the provisions of this article, notwithstanding any terms of the policy to the contrary.

(b) The withholding or withdrawal of life-prolonging intervention from a principal in accordance with the provisions of this article does not, for any purpose, constitute a suicide ~~and does not constitute the crime of assisting suicide or murder, nor does it constitute medically-assisted suicide, euthanasia, or mercy killing, as defined in §16-30D-1 of this code.~~

(c) The making of a living will or medical power of attorney pursuant to this article does not affect in any manner the sale, procurement, or issuance of any insurance policy nor does it modify the terms of an existing policy.

(d) No health care provider or health care service plan, health maintenance organization, insurer issuing disability insurance, self-insured employee welfare benefit plan, nonprofit medical service corporation, or mutual nonprofit hospital service corporation shall require any person to execute a living will or medical power of attorney as a condition for being insured for or receiving health care services.

§16-30-15. Withholding of life support not assisted suicide or murder.

The withholding or withdrawal of life-prolonging intervention from a person in accordance with the decision of a medical power of attorney representative or surrogate decision maker made pursuant to the provisions of this article does not, for any purpose, constitute assisted suicide or murder, nor does it constitute medically-assisted suicide, euthanasia, or mercy killing, as defined in §16-30D-1 of this code. The withholding or withdrawal of life-prolonging intervention from a person in accordance with the

decisions of a medical power of attorney representative or surrogate decision maker made pursuant to the provisions of this article, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the person's condition. Nothing in this article shall be construed to legalize, condone, authorize, or approve ~~mercy killing or assisted~~ medically-assisted suicide, euthanasia, or mercy killing, as defined in §16-30D-1 of this code.

ARTICLE 30C. DO NOT RESUSCITATE ACT.

§16-30C-14. Not suicide or murder.

The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this article does not, for any purpose, constitute suicide or murder, nor does it constitute medically-assisted suicide, euthanasia, or mercy killing, as defined in §16-30D-1 of this code. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this article, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the person's condition. Nothing in this article shall be construed to legalize, condone, authorize, or approve ~~mercy killing or assisted~~ medically-assisted suicide, euthanasia, or mercy killing, as defined in §16-30D-1 of this code.

ARTICLE 30D. MEDICALLY-ASSISTED SUICIDE.

§16-30D-1. Medically-assisted suicide prohibited.

(a) No licensed medical professional in the State of West Virginia shall perform or assist in the practice of medically-assisted suicide, euthanasia, or mercy killing of a human.

(b) Nothing in this section prohibits the administration or prescription of medication for the purpose of alleviating pain or discomfort, or other palliative care, while the patient's condition follows its natural course; nor does anything in this section prohibit the withholding or withdrawing of life-sustaining treatment, as requested by the patient or the patient's decision-maker, in

accordance with state law, so long as the intention is not to kill or cause the death of the patient in a manner that does not follow its natural course.

(c) For purposes of this article:

(1) "Licensed medical professional" means a person licensed under §30-3-1 *et seq.*, §30-3E-1 *et seq.*, §30-7-1 *et seq.*, §30-7A-1 *et seq.*, §30-14-1 *et seq.*, and §30-14A-1 *et seq.* of this code.

(2) "Perform or assist in the practice of medically-assisted suicide, euthanasia, or mercy killing" means:

(A) An act performed with the intent of ending the life of a patient or enabling the patient to end his or her life in order to limit the patient's suffering, including, but not limited to, participating in a medical procedure, prescribing any drug, compound, or substance, or otherwise providing the physical means of performing medically-assisted suicide, euthanasia, or mercy killing to the patient, with the intent of ending the life of a patient or enabling the patient to end his or her life in order to limit the patient's suffering; or

(B) Intentionally advising or counseling a patient to end his or her life or otherwise providing knowledge or information about the physical means of performing medically-assisted suicide, euthanasia, or mercy killing to the patient with the intent of ending the life of a patient or enabling the patient to end his or her life in order to limit the patient's suffering.

§16-30D-2. Licensure action.

(a) A licensed medical professional who knowingly and willfully performs or assists in the practice of medically-assisted suicide, euthanasia, or mercy killing is subject to disciplinary action by his or her applicable licensing board. If the licensing board finds that the licensed medical professional has knowingly and willfully performed or assisted in the practice of medically-

assisted suicide, euthanasia, or mercy killing, the licensing board shall revoke the licensed medical professional's license.

§16-30D-3. Criminal penalties

(a) A licensed medical professional who knowingly and willfully performs or assists in the practice of medically-assisted suicide, euthanasia, or mercy killing is guilty of a felony and, upon conviction thereof, shall be subject to the criminal penalties set forth in §61-2-3 of this code.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-14. Professional discipline of physicians and podiatrists; reporting of information to board pertaining to medical professional liability and professional incompetence required; penalties; grounds for license denial and discipline of physicians and podiatrists; investigations; physical and mental examinations; hearings; sanctions; summary sanctions; reporting by the board; reapplication; civil and criminal immunity; voluntary limitation of license; probable cause determination; referral to law-enforcement authorities; rulemaking.

(a) (1) The board may independently initiate disciplinary proceedings as well as initiate disciplinary proceedings based on information received from medical peer review committees, physicians, podiatrists, hospital administrators, professional societies, the Board of Pharmacy, and others.

(2) The board may initiate investigations as to professional incompetence or other reasons for which a licensed physician or podiatrist may be adjudged unqualified based upon criminal convictions; complaints by citizens, pharmacists, physicians, podiatrists, peer review committees, hospital administrators, professional societies, or others; or unfavorable outcomes arising out of medical professional liability. The board shall initiate an investigation if it receives notice that three or more judgments, or

any combination of judgments and settlements resulting in five or more unfavorable outcomes arising from medical professional liability, have been rendered or made against the physician or podiatrist within a five-year period. The board may not consider any judgments or settlements as conclusive evidence of professional incompetence or conclusive lack of qualification to practice.

(b) (1) Upon request of the board, any medical peer review committee in this state shall report any information that may relate to the practice or performance of any physician or podiatrist known to that medical peer review committee. Copies of the requests for information from a medical peer review committee may be provided to the subject physician or podiatrist if, in the discretion of the board, the provision of such copies will not jeopardize the board's investigation. If copies are provided, the subject physician or podiatrist is allowed 15 days to comment on the requested information and the comments shall be considered by the board.

(2) The chief executive officer of every hospital shall, within 60 days after the completion of the hospital's formal disciplinary procedure and also within 60 days after the commencement of and again after the conclusion of any resulting legal action, report in writing to the board the name of any member of the medical staff or any other physician or podiatrist practicing in the hospital whose hospital privileges have been revoked, restricted, reduced, or terminated for any cause, including resignation, together with all pertinent information relating to such action. The chief executive officer shall also report any other formal disciplinary action taken against any physician or podiatrist by the hospital upon the recommendation of its medical staff relating to professional ethics, medical incompetence, medical professional liability, moral turpitude or drug or alcohol abuse. Temporary suspension for failure to maintain records on a timely basis or failure to attend staff or section meetings need not be reported. Voluntary cessation of hospital privileges for reasons unrelated to professional competence or ethics need not be reported.

(3) Any managed care organization operating in this state which provides a formal peer review process shall report in writing

to the board, within 60 days after the completion of any formal peer review process and also within 60 days after the commencement of and again after the conclusion of any resulting legal action, the name of any physician or podiatrist whose credentialing has been revoked or not renewed by the managed care organization. The managed care organization shall also report in writing to the board any other disciplinary action taken against a physician or podiatrist relating to professional ethics, professional liability, moral turpitude, or drug or alcohol abuse within 60 days after completion of a formal peer review process which results in the action taken by the managed care organization. For purposes of this subsection, "managed care organization" means a plan that establishes, operates, or maintains a network of health care providers who have entered into agreements with and been credentialed by the plan to provide health care services to enrollees or insureds to whom the plan has the ultimate obligation to arrange for the provision of or payment for health care services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolutions.

(4) Any professional society in this state comprised primarily of physicians or podiatrists which takes formal disciplinary action against a member relating to professional ethics, professional incompetence, medical professional liability, moral turpitude, or drug or alcohol abuse shall report in writing to the board within 60 days of a final decision the name of the member, together with all pertinent information relating to the action.

(5) Any person licensed or authorized by the board to provide health care services to patients in this state shall submit a written report to the board of any of the following incidents the person reasonably believes to have occurred involving a person licensed or authorized by the board to provide health care services to patients in this state:

(A) Exercising influence within a provider-physician relationship for the purpose of engaging a patient in sexual activity;

(B) Engaging in sexual misconduct with a patient;

(C) Violating established medical or professional protocols regarding transferring controlled substances or prescribing controlled substances;

(D) Engaging in conduct which jeopardizes patient safety; or

(E) Other gross misconduct.

All reports required by this subdivision shall be submitted to the board within 30 days of the reportable incident, or if the licensee or other authorized person with a duty to report gained knowledge of the incident after it occurred, within 30 days of the licensee or other authorized person's knowledge of the incident. Failure of a licensee or other authorized person to report any such incidents to the board constitutes unprofessional conduct and is grounds for disciplinary action by the board. A physician who is licensed by the board and who obtains responsive information exclusively while functioning as the executive director or employee of a board-approved professional health program shall only be required to report in conformity with §30-3-9(h) of this code.

(6) Every person, partnership, corporation, association, insurance company, professional society, or other organization providing professional liability insurance to a physician or podiatrist in this state, including the state Board of Risk and Insurance Management, shall submit to the board the following information within 30 days from any judgment or settlement of a civil or medical professional liability action excepting product liability actions: the name of the insured; the date of any judgment or settlement; whether any appeal has been taken on the judgment and, if so, by which party; the amount of any settlement or judgment against the insured; and other information required by the board.

(7) Within 30 days from the entry of an order by a court in a medical professional liability action or other civil action in which a physician or podiatrist licensed by the board is determined to have rendered health care services below the applicable standard

of care, the clerk of the court in which the order was entered shall forward a certified copy of the order to the board.

(8) Within 30 days after a person known to be a physician or podiatrist licensed or otherwise lawfully practicing medicine and surgery or podiatry in this state or applying to be licensed is convicted of a felony under the laws of this state or of any crime under the laws of this state involving alcohol or drugs in any way, including any controlled substance under state or federal law, the clerk of the court of record in which the conviction was entered shall forward to the board a certified true and correct abstract of record of the convicting court. The abstract shall include the name and address of the physician or podiatrist or applicant, the nature of the offense committed, and the final judgment and sentence of the court.

(9) Upon a determination of the board that there is probable cause to believe that any person, partnership, corporation, association, insurance company, professional society, or other organization has failed or refused to make a report required by this subsection, the board shall provide written notice to the alleged violator stating the nature of the alleged violation and the time and place at which the alleged violator shall appear to show good cause why a civil penalty should not be imposed. The hearing shall be conducted in accordance with §29A-5-1 *et seq.* of this code. After reviewing the record of the hearing, if the board determines that a violation of this subsection has occurred, the board shall assess a civil penalty of not less than \$1,000 nor more than \$10,000 against the violator. The board shall notify any person so assessed of the assessment in writing and the notice shall specify the reasons for the assessment. If the violator fails to pay the amount of the assessment to the board within 30 days, the Attorney General may institute a civil action in the Circuit Court of Kanawha County to recover the amount of the assessment. In any civil action, the court's review of the board's action shall be conducted in accordance with §29A-5-4 of this code. Notwithstanding any other provision of this article to the contrary, when there are conflicting views by recognized experts as to whether any alleged conduct breaches an applicable standard of care, the evidence shall be clear

and convincing before the board may find that the physician or podiatrist has demonstrated a lack of professional competence to practice with a reasonable degree of skill and safety for patients.

(10) Any person may report to the board relevant facts about the conduct of any physician or podiatrist in this state which in the opinion of that person amounts to medical professional liability or professional incompetence.

(11) The board shall provide forms for filing reports pursuant to this section. Reports submitted in other forms shall be accepted by the board.

(12) The filing of a report with the board pursuant to any provision of this article, any investigation by the board, or any disposition of a case by the board does not preclude any action by a hospital, other health care facility, or professional society comprised primarily of physicians or podiatrists to suspend, restrict, or revoke the privileges or membership of the physician or podiatrist.

(13) Any person who reports pursuant to this subsection, in good-faith and without fraud or malice, is immune from civil liability. Reports made in bad-faith, fraudulently, or maliciously constitute unprofessional conduct and, if made by persons licensed or authorized to practice by the board, are grounds for disciplinary action pursuant to § 30-3-14(c) of this code.

(c) The board may deny an application for a license or other authorization to practice medicine and surgery or podiatry in this state and may discipline a physician or podiatrist licensed or otherwise lawfully practicing in this state who, after a hearing, has been adjudged by the board as unqualified due to any of the following reasons:

(1) Attempting to obtain, obtaining, renewing, or attempting to renew a license or other authorization to practice medicine and surgery or podiatry by bribery, fraudulent misrepresentation, or through known error of the board;

(2) Being found guilty of a crime in any jurisdiction, which offense is a felony, involves moral turpitude, or directly relates to the practice of medicine. Any plea of nolo contendere is a conviction for the purposes of this subdivision;

(3) False or deceptive advertising;

(4) Aiding, assisting, procuring, or advising any unauthorized person to practice medicine and surgery or podiatry contrary to law;

(5) Making or filing a report that the person knows to be false; intentionally or negligently failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record required by state or federal law; or inducing another person to do any of the foregoing. The reports and records covered in this subdivision mean only those that are signed in the capacity as a licensed physician or podiatrist;

(6) Requesting, receiving, or paying directly or indirectly a payment, rebate, refund, commission, credit, or other form of profit or valuable consideration for the referral of patients to any person or entity in connection with providing medical or other health care services or clinical laboratory services, supplies of any kind, drugs, medication, or any other medical goods, services, or devices used in connection with medical or other health care services;

(7) Unprofessional conduct by any physician or podiatrist in referring a patient to any clinical laboratory or pharmacy in which the physician or podiatrist has a proprietary interest unless the physician or podiatrist discloses in writing such interest to the patient. The written disclosure shall indicate that the patient may choose any clinical laboratory for purposes of having any laboratory work or assignment performed or any pharmacy for purposes of purchasing any prescribed drug or any other medical goods or devices used in connection with medical or other health care services;

As used in this subdivision, "proprietary interest" does not include an ownership interest in a building in which space is leased

to a clinical laboratory or pharmacy at the prevailing rate under a lease arrangement that is not conditional upon the income or gross receipts of the clinical laboratory or pharmacy;

(8) Exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity or engaging in other sexual misconduct;

(9) Making a deceptive, untrue, or fraudulent representation in the practice of medicine and surgery or podiatry;

(10) Soliciting patients, either personally or by an agent, through the use of fraud, intimidation, or undue influence;

(11) Failing to keep written records justifying the course of treatment of a patient, including, but not limited to, patient histories, examination and test results, and treatment rendered, if any;

(12) Exercising influence on a patient in such a way as to exploit the patient for financial gain of the physician or podiatrist or of a third party. Any influence includes, but is not limited to, the promotion or sale of services, goods, appliances, or drugs;

(13) Prescribing, dispensing, administering, mixing, or otherwise preparing a prescription drug, including any controlled substance under state or federal law, other than in good-faith and in a therapeutic manner in accordance with accepted medical standards and in the course of the physician's or podiatrist's professional practice. A physician who discharges his or her professional obligation to relieve the pain and suffering and promote the dignity and autonomy of dying patients in his or her care and, in so doing, exceeds the average dosage of a pain relieving controlled substance, as defined in Schedules II and III of the Uniform Controlled Substance Act, does not violate this article or §16-30D-1 et seq. of this code;

(14) Performing any procedure or prescribing any therapy that, by the accepted standards of medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent;

(15) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the person knows or has reason to know he or she is not competent to perform;

(16) Delegating professional responsibilities to a person when the physician or podiatrist delegating the responsibilities knows or has reason to know that the person is not qualified by training, experience, or licensure to perform them;

(17) Violating any provision of this article or a rule or order of the board or failing to comply with a subpoena or subpoena duces tecum issued by the board;

(18) Conspiring with any other person to commit an act or committing an act that would tend to coerce, intimidate, or preclude another physician or podiatrist from lawfully advertising his or her services;

(19) Gross negligence in the use and control of prescription forms;

(20) Professional incompetence;

(21) The inability to practice medicine and surgery or podiatry with reasonable skill and safety due to physical or mental impairment, including deterioration through the aging process, loss of motor skill, or abuse of drugs or alcohol. A physician or podiatrist adversely affected under this subdivision shall be afforded an opportunity at reasonable intervals to demonstrate that he or she may resume the competent practice of medicine and surgery or podiatry with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor any orders entered by the board shall be used against the physician or podiatrist in any other proceeding; or

(22) Knowingly failing to report to the board any act of gross misconduct committed by another licensee of the board or failing to comply with any reporting requirement set forth in §30-3-14(b) of this code.

(d) The board shall deny any application for a license or other authorization to practice medicine and surgery or podiatry in this state to any applicant, and shall revoke the license of any physician or podiatrist licensed or otherwise lawfully practicing within this state who, is found guilty by any court of competent jurisdiction of any felony involving prescribing, selling, administering, dispensing, mixing, or otherwise preparing any prescription drug, including any controlled substance under state or federal law, for other than generally accepted therapeutic purposes. Presentation to the board of a certified copy of the guilty verdict or plea rendered in the court is sufficient proof thereof for the purposes of this article. A plea of nolo contendere has the same effect as a verdict or plea of guilt. Upon application of a physician that has had his or her license revoked because of a drug-related felony conviction, upon completion of any sentence of confinement, parole, probation, or other court-ordered supervision, and full satisfaction of any fines, judgments, or other fees imposed by the sentencing court, the board may issue the applicant a new license upon a finding that the physician is, except for the underlying conviction, otherwise qualified to practice medicine: *Provided*, That the board may place whatever terms, conditions, or limitations it deems appropriate upon a physician licensed pursuant to this subsection.

(e) The board may refer any cases coming to its attention to an appropriate committee of an appropriate professional organization for investigation and report. Except for complaints related to obtaining initial licensure to practice medicine and surgery or podiatry in this state by bribery or fraudulent misrepresentation, any complaint filed more than two years after the complainant knew, or in the exercise of reasonable diligence should have known, of the existence of grounds for the complaint shall be dismissed: *Provided*, That in cases of conduct alleged to be part of a pattern of similar misconduct or professional incapacity that, if continued, would pose risks of a serious or substantial nature to the physician's or podiatrist's current patients, the investigating body may conduct a limited investigation related to the physician's or podiatrist's current capacity and qualification to practice and may recommend conditions, restrictions, or limitations on the physician's or podiatrist's license to practice that it considers

necessary for the protection of the public. Any report shall contain recommendations for any necessary disciplinary measures and shall be filed with the board within 90 days of any referral. The recommendations shall be considered by the board and the case may be further investigated by the board. The board after full investigation shall take whatever action it considers appropriate, as provided in this section.

(f) The investigating body, as provided in §30-3-14(e) of this code, may request and the board under any circumstances may require a physician or podiatrist or person applying for licensure or other authorization to practice medicine and surgery or podiatry in this state to submit to a physical or mental examination by a physician or physicians approved by the board. A physician or podiatrist submitting to an examination has the right, at his or her expense, to designate another physician to be present at the examination and make an independent report to the investigating body or the board. The expense of the examination shall be paid by the board. Any individual who applies for or accepts the privilege of practicing medicine and surgery or podiatry in this state is considered to have given his or her consent to submit to all examinations when requested to do so in writing by the board and to have waived all objections to the admissibility of the testimony or examination report of any examining physician on the ground that the testimony or report is privileged communication. If a person fails or refuses to submit to an examination under circumstances which the board finds are not beyond his or her control, failure or refusal is prima facie evidence of his or her inability to practice medicine and surgery or podiatry competently and in compliance with the standards of acceptable and prevailing medical practice.

(g) In addition to any other investigators it employs, the board may appoint one or more licensed physicians to act for it in investigating the conduct or competence of a physician.

(h) In every disciplinary or licensure denial action, the board shall furnish the physician or podiatrist or applicant with written notice setting out with particularity the reasons for its action. Disciplinary and licensure denial hearings shall be conducted in

accordance with §29A-5-1 *et seq.* of this code. However, hearings shall be heard upon sworn testimony and the rules of evidence for trial courts of record in this state shall apply to all hearings. A transcript of all hearings under this section shall be made, and the respondent may obtain a copy of the transcript at his or her expense. The physician or podiatrist has the right to defend against any charge by the introduction of evidence, the right to be represented by counsel, the right to present and cross examine witnesses and the right to have subpoenas and subpoenas duces tecum issued on his or her behalf for the attendance of witnesses and the production of documents. The board shall make all its final actions public. The order shall contain the terms of all action taken by the board.

(i) In disciplinary actions in which probable cause has been found by the board, the board shall, within 20 days of the date of service of the written notice of charges or 60 days prior to the date of the scheduled hearing, whichever is sooner, provide the respondent with the complete identity, address, and telephone number of any person known to the board with knowledge about the facts of any of the charges; provide a copy of any statements in the possession of or under the control of the board; provide a list of proposed witnesses with addresses and telephone numbers, with a brief summary of his or her anticipated testimony; provide disclosure of any trial expert pursuant to the requirements of Rule 26(b)(4) of the West Virginia Rules of Civil Procedure; provide inspection and copying of the results of any reports of physical and mental examinations or scientific tests or experiments; and provide a list and copy of any proposed exhibit to be used at the hearing: *Provided*, That the board may not be required to furnish or produce any materials which contain opinion work product information or would be a violation of the attorney-client privilege. Within 20 days of the date of service of the written notice of charges, the board shall disclose any exculpatory evidence with a continuing duty to do so throughout the disciplinary process. Within 30 days of receipt of the board's mandatory discovery, the respondent shall provide the board with the complete identity, address, and telephone number of any person known to the respondent with knowledge about the facts of any of the charges; provide a list of proposed witnesses, with addresses and telephone numbers, to be

called at hearing, with a brief summary of his or her anticipated testimony; provide disclosure of any trial expert pursuant to the requirements of Rule 26(b)(4) of the West Virginia Rules of Civil Procedure; provide inspection and copying of the results of any reports of physical and mental examinations or scientific tests or experiments; and provide a list and copy of any proposed exhibit to be used at the hearing.

(j) Whenever it finds any person unqualified because of any of the grounds set forth in §30-3-14(c) of this code, the board may enter an order imposing one or more of the following:

(1) Deny his or her application for a license or other authorization to practice medicine and surgery or podiatry;

(2) Administer a public reprimand;

(3) Suspend, limit, or restrict his or her license or other authorization to practice medicine and surgery or podiatry for not more than five years, including limiting the practice of that person to, or by the exclusion of, one or more areas of practice, including limitations on practice privileges;

(4) Revoke his or her license or other authorization to practice medicine and surgery or podiatry or to prescribe or dispense controlled substances for any period of time, including for the life of the licensee, that the board may find to be reasonable and necessary according to evidence presented in a hearing before the board or its designee;

(5) Require him or her to submit to care, counseling, or treatment designated by the board as a condition for initial or continued licensure or renewal of licensure or other authorization to practice medicine and surgery or podiatry;

(6) Require him or her to participate in a program of education prescribed by the board;

(7) Require him or her to practice under the direction of a physician or podiatrist designated by the board for a specified period of time; and

(8) Assess a civil fine of not less than \$1,000 nor more than \$10,000.

(k) Notwithstanding the provisions of §30-1-8 of this code, if the board determines the evidence in its possession indicates that a physician's or podiatrist's continuation in practice or unrestricted practice constitutes an immediate danger to the public, the board may take any of the actions provided in §30-3-4(j) of this code on a temporary basis and without a hearing if institution of proceedings for a hearing before the board are initiated simultaneously with the temporary action and begin within 15 days of the action. The board shall render its decision within five days of the conclusion of a hearing under this subsection.

(l) Any person against whom disciplinary action is taken pursuant to this article has the right to judicial review as provided in §29A-5-1 *et seq.* and §29A-6-1 *et seq.* of this code: *Provided*, That a circuit judge may also remand the matter to the board if it appears from competent evidence presented to it in support of a motion for remand that there is newly discovered evidence of such a character as ought to produce an opposite result at a second hearing on the merits before the board and:

(1) The evidence appears to have been discovered since the board hearing; and

(2) The physician or podiatrist exercised due diligence in asserting his or her evidence and that due diligence would not have secured the newly discovered evidence prior to the appeal.

A person may not practice medicine and surgery or podiatry or deliver health care services in violation of any disciplinary order revoking, suspending, or limiting his or her license while any appeal is pending. Within 60 days, the board shall report its final action regarding restriction, limitation, suspension, or revocation of the license of a physician or podiatrist, limitation on practice privileges, or other disciplinary action against any physician or podiatrist to all appropriate state agencies, appropriate licensed health facilities and hospitals, insurance companies or associations writing medical malpractice insurance in this state, the American

Medical Association, the American Podiatry Association, professional societies of physicians or podiatrists in the state, and any entity responsible for the fiscal administration of Medicare and Medicaid.

(m) Any person against whom disciplinary action has been taken under this article shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the practice of medicine and surgery or podiatry on a general or limited basis. At the conclusion of a suspension, limitation, or restriction period the physician or podiatrist may resume practice if the board has so ordered.

(n) Any entity, organization, or person, including the board, any member of the board, its agents or employees, and any entity or organization or its members referred to in this article, any insurer, its agents or employees, a medical peer review committee and a hospital governing board, its members or any committee appointed by it acting without malice and without gross negligence in making any report or other information available to the board or a medical peer review committee pursuant to law and any person acting without malice and without gross negligence who assists in the organization, investigation, or preparation of any such report or information or assists the board or a hospital governing body or any committee in carrying out any of its duties or functions provided by law is immune from civil or criminal liability, except that the unlawful disclosure of confidential information possessed by the board is a misdemeanor as provided in this article.

(o) A physician or podiatrist may request in writing to the board a limitation on or the surrendering of his or her license to practice medicine and surgery or podiatry or other appropriate sanction as provided in this section. The board may grant the request and, if it considers it appropriate, may waive the commencement or continuation of other proceedings under this section. A physician or podiatrist whose license is limited or surrendered or against whom other action is taken under this subsection may, at reasonable intervals, petition for removal of any restriction or limitation on or for reinstatement of his or her license to practice medicine and surgery or podiatry.

(p) In every case considered by the board under this article regarding discipline or licensure, whether initiated by the board or upon complaint or information from any person or organization, the board shall make a preliminary determination as to whether probable cause exists to substantiate charges of disqualification due to any reason set forth in §30-3-14(c) of this code. If probable cause is found to exist, all proceedings on the charges shall be open to the public who are entitled to all reports, records, and nondeliberative materials introduced at the hearing, including the record of the final action taken: *Provided*, That any medical records, which were introduced at the hearing and which pertain to a person who has not expressly waived his or her right to the confidentiality of the records, may not be open to the public nor is the public entitled to the records.

(q) If the board receives notice that a physician or podiatrist has been subjected to disciplinary action or has had his or her credentials suspended or revoked by the board, a hospital, or a professional society, as defined in §30-3-14(b) of this code, for three or more incidents during a five-year period, the board shall require the physician or podiatrist to practice under the direction of a physician or podiatrist designated by the board for a specified period of time to be established by the board.

(r) Notwithstanding any other provisions of this article, the board may, at any time, on its own motion, or upon motion by the complainant, or upon motion by the physician or podiatrist, or by stipulation of the parties, refer the matter to mediation. The board shall obtain a list from the West Virginia State Bar's mediator referral service of certified mediators with expertise in professional disciplinary matters. The board and the physician or podiatrist may choose a mediator from that list. If the board and the physician or podiatrist are unable to agree on a mediator, the board shall designate a mediator from the list by neutral rotation. The mediation may not be considered a proceeding open to the public, and any reports and records introduced at the mediation shall not become part of the public record. The mediator and all participants in the mediation shall maintain and preserve the confidentiality of all mediation proceedings and records. The mediator may not be

subpoenaed or called to testify or otherwise be subject to process requiring disclosure of confidential information in any proceeding relating to or arising out of the disciplinary or licensure matter mediated: *Provided*, That any confidentiality agreement and any written agreement made and signed by the parties as a result of mediation may be used in any proceedings subsequently instituted to enforce the written agreement. The agreements may be used in other proceedings if the parties agree in writing.

(s) A physician licensed under this article may not be disciplined for providing expedited partner therapy in accordance with §16-4F-1 *et seq.* of this code.

(t) Whenever the board receives credible information that a licensee of the board is engaging or has engaged in criminal activity or the commitment of a crime under state or federal law, the board shall report the information, to the extent that sensitive or confidential information may be publicly disclosed under law, to the appropriate state or federal law-enforcement authority and/or prosecuting authority. This duty exists in addition to and is distinct from the reporting required under federal law for reporting actions relating to health care providers to the United States Department of Health and Human Services.

(u) The board shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code which define sexual misconduct and identify prohibited professional misconduct, including sexual misconduct, for which an application may be denied and/or a license or other authorization to practice may be subject to disciplinary action by the board pursuant to this section.

ARTICLE 3A. MANAGEMENT OF INTRACTABLE PAIN.

§30-3A-2. Limitation on disciplinary sanctions or criminal punishment related to management of pain.

(a) A prescriber is not subject to disciplinary sanctions by a licensing board or criminal punishment by the state, including disciplinary sanctions or criminal punishment pursuant to §16-

30D-1 et seq. of this code, for prescribing, administering, or dispensing pain-relieving controlled substances for the purpose of alleviating or controlling pain if:

(1) In the case of a dying patient experiencing pain, the prescriber practices in accordance with an accepted guideline as defined in §30-3A-1 of this code and discharges his or her professional obligation to relieve the dying patient's pain and promote the dignity and autonomy of the dying patient; or

(2) In the case of a patient who is not dying and is experiencing pain, the prescriber discharges his or her professional obligation to relieve the patient's pain, if the prescriber can demonstrate by reference to an accepted guideline that his or her practice substantially complied with that accepted guideline. Evidence of substantial compliance with an accepted guideline may be rebutted only by the testimony of a clinical expert. Evidence of noncompliance with an accepted guideline is not sufficient alone to support disciplinary or criminal action.

(b) A health care provider, as defined in §55-7B-2 of this code, with prescriptive authority is not subject to disciplinary sanctions by a licensing board or criminal punishment by the state for declining to prescribe, or declining to continue to prescribe, any controlled substance to a patient which the health care provider with prescriptive authority is treating if the health care provider with prescriptive authority in the exercise of reasonable prudent judgment believes the patient is misusing the controlled substance in an abusive manner or unlawfully diverting a controlled substance legally prescribed for their use.

(c) A licensed registered professional nurse is not subject to disciplinary sanctions by a licensing board or criminal punishment by the state for administering pain-relieving controlled substances to alleviate or control pain, if administered in accordance with the orders of a licensed physician.

(d) A licensed pharmacist is not subject to disciplinary sanctions by a licensing board or criminal punishment by the state for dispensing a prescription for a pain-relieving controlled

substance to alleviate or control pain, if dispensed in accordance with the orders of a licensed physician.

(e) For purposes of this section, the term "disciplinary sanctions" includes both remedial and punitive sanctions imposed on a licensee by a licensing board, arising from either formal or informal proceedings.

(f) The provisions of this section apply to the treatment of all patients for pain, regardless of the patient's prior or current chemical dependency or addiction. The board may develop and issue policies or guidelines establishing standards and procedures for the application of this article to the care and treatment of persons who are chemically dependent or addicted.

The bill (Eng. Com. Sub. for H. B. 4320), as amended, was then ordered to third reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4951, To facilitate the interstate practice of School Psychology in educational or school settings.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 6, 2024;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4951) contained in the

preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 10R. INTERSTATE COMPACT FOR SCHOOL PSYCHOLOGISTS.

§18-10R-1. Interstate Compact for School psychologists; purpose.

(a) The purpose of this compact is to facilitate the interstate practice of school psychology in educational or school settings, and in so doing to improve the availability of school psychological services to the public. This compact is intended to establish a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state. In this way, this compact shall enable the member states to ensure that safe and effective school psychological services are available and delivered by appropriately qualified professionals in their educational settings.

(b) To facilitate the objectives described in subsection (a) of this section, this compact:

(1) Enables school psychologists who qualify for receipt of an equivalent license to practice in other member states without first satisfying burdensome and duplicative requirements;

(2) Promotes the mobility of school psychologists between and among the member states in order to address workforce shortages and to ensure that safe and reliable school psychological services are available in each member state;

(3) Enhances the public accessibility of school psychological services by increasing the availability of qualified, licensed school psychologists through the establishment of an efficient and

streamlined pathway for licensees to practice in other member states;

(4) Preserves and respects the authority of each member state to protect the health and safety of its residents by ensuring that only qualified, licensed professionals are authorized to provide school psychological services within that state;

(5) Requires school psychologists practicing within a member state to comply with the scope of practice laws present in the state where the school psychological services are being provided;

(6) Promotes cooperation between the member states in regulating the practice of school psychology within those states; and

(7) Facilitates the relocation of military members and their spouses who are licensed to provide school psychological services.

§18-10R-2. Definitions.

"Active Military Member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

"Adverse Action" means disciplinary action or encumbrance imposed on a license by a state licensing authority.

"Alternative Program" means a non-disciplinary, prosecutorial diversion, monitoring, or practice remediation process entered into in lieu of an adverse action which is applicable to a school psychologist and approved by the state licensing authority of a member state in which the participating school psychologist is licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues may be referred in lieu of an adverse action.

"Commissioner" means the individual appointed by a member state to serve as the representative to the commission for that member state.

"Compact" means this School Psychologist Interstate Licensure Compact.

"Continuing Professional Education" means a requirement, imposed by a member state as a condition of license renewal to provide evidence of successful participation in professional educational activities relevant to the provision of school psychological services.

"Criminal Background Check" means the submission of fingerprints or other biometric- information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), and the state's criminal history record repository as 81 defined in 28 C.F.R. § 20.3(f).

"Doctoral Level Degree" means a graduate degree program that consists of at least 90 graduate semester hours in the field of school psychology including a supervised internship.

"Encumbered License" means a license that a state licensing authority has limited in any way other than through an alternative program, including temporary or provisional licenses.

"Executive committee" means the commission's chair, vice chair, secretary and treasurer and any other commissioners as may be determined by commission rule or bylaw.

"Equivalent License" means a license to practice school psychology which a member state has identified as a license which may be provided to school psychologists from other member states pursuant to this compact.

"Home state" means the member state that issued the home state license to the licensee and is the licensee's primary state of practice.

"Home state License" means the license that is not an encumbered license issued by the home state to provide school psychological services.

"School Psychological Services" means academic, mental and behavioral health services including assessment, prevention, consultation and collaboration, intervention, and evaluation provided by a school psychologist in a school, as outlined in applicable professional standards as determined by commission rule.

"License" means a current license, certification, or other authorization granted by a member state's licensing authority that permits an individual to provide school psychological services.

"Licensee" means an individual who holds a license from a member state to provide school psychological services.

"Licensing Authority" means a member state's regulatory body responsible for issuing licenses or otherwise overseeing the practice of school psychology.

"Member State" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions of this article and commission rules.

"Model Compact" means the model language for the School Psychologist Interstate Licensure Compact on file with the Council of State Governments or other entity as designated by the commission.

"Practice of School Psychology" means the delivery school psychological services.

"School Psychologist Interstate Licensure Compact Commission" or "Commission" means the joint government agency established by this compact whose membership consists of representatives from each member state that has enacted the compact, and as further described in section seven of this article.

"Specialist-Level Degree" means a degree program that requires at least 60 graduate semester hours or their equivalent in the field of school psychology including a supervised internship.

"Qualifying National Exam" means a national licensing examination endorsed by the National Association of School Psychologists and any other exam as approved by the rules of the commission.

"Qualifying School Psychologist Education Program" means an education program which awards a Specialist-Level or Doctoral-Level degree or equivalent upon completion and is approved by the rules of the commission as meeting the necessary minimum educational standards to ensure that its graduates are ready, qualified, and able to engage in the practice of school psychology.

"Remote State" means a member state other than the home state where a licensee holds a license through the compact.

"Rule" means a regulation promulgated by an entity, including but not limited to the commission and the state licensing authority of each member state, that has the force of law.

"School Psychologist" means an individual who has met the requirements to obtain a home state license that legally conveys the professional title of school psychologist, or its equivalent as determined by the rules of the commission.

"Scope of Practice" means the procedures, actions, and processes a school psychologist licensed in a state is permitted to undertake in that state and the circumstances under which that licensee is permitted to undertake those procedures, actions, and processes. The procedures, actions, and processes, and the circumstances under which they may be undertaken, may be established through means including, but not limited to, statute, rules, case law, and other processes available to the state licensing authority or other government agency.

"State" means any state, commonwealth, district, or territory of the United States of America.

"State Licensing Authority" means an agency, whether the Department of Education or otherwise, or other entity operating as

an arm of a state that is responsible for the licensing and regulation of school psychologists.

"State Specific Requirement" means a requirement for licensure covered in coursework or examination that includes content of unique interest to the state.

"Unencumbered License" means a license that authorizes a licensee to engage in the full and unrestricted practice of school psychology.

§18-10R-3. State participation in the compact.

(a) To be eligible to join this compact, and to maintain eligibility as a member state, a state shall:

(1) Enact a compact statute that is not materially different from the model compact as defined in the commission's rules;

(2) Participate in the sharing of information with other member states as reasonably necessary to accomplish the objectives of this compact, and as further defined in section eight of this article;

(3) Identify and maintain with the commission a list of equivalent licenses available to licensees who hold a home state license under this compact;

(4) Have a mechanism in place for receiving and investigating complaints about licensees;

(5) Notify the commission, in compliance with the terms of the compact and the commission's rules, of any adverse action taken against a licensee, or of the availability of investigative information which relates to a licensee or applicant for licensure;

(6) Require that applicants for a home state license have;

(A) Taken and passed a qualifying national exam as defined by the rules of the commission;

(B) Completed a minimum of 1200 hours of supervised internship, of which at least 600 have been completed in a school, prior to being approved for licensure;

(C) Graduated from a qualifying school psychologist education program; and

(7) Comply with the terms of this compact and the rules of the commission.

(b) Each member state shall grant an equivalent license to practice school psychology in that state upon application by a licensee who satisfies the criteria of §18-10R-4(a) of this code. Each member state shall grant renewal of the equivalent license to a licensee who satisfies the criteria of §18-10R-4(b) of this code.

(c) Member states may set and collect a fee for granting an equivalent license.

§18-10R-4. School psychologist participant in the compact.

(a) To obtain and maintain an equivalent license from a receiving state under this compact, a licensee must:

(1) Hold and maintain an active home state license;

(2). Satisfy any applicable state ppecific requirements established by the member state after an equivalent license is granted;

(3) Complete any administrative or application requirements which the commission may establish by rule, and pay any associated fees;

(4) Complete any requirements for renewal in the home state, including applicable continuing professional education requirements. and

(5) Upon their application to receive a license under this compact, undergo a criminal background check in the member state in which the equivalent license is sought in accordance with the laws and regulations of such member state.

(b) To renew an equivalent license in a member state other than the home state, a licensee must only apply for renewal, complete a background check, and pay renewal fees as determined by the licensing authority.

§18-10R-5. Active military members or their spouses.

A licensee who is an active military member or is the spouse of an active military member shall be considered to hold a home state license in any of the following locations:

(a) The licensee's permanent residence;

(b). A member state that is the licensee's primary state of practice; or

(c). A member state where the licensee has relocated pursuant to a permanent change of station (PCS).

§18-10R- 6. Discipline; adverse actions.

(a) Nothing in this compact shall be considered or construed to limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state's practice laws.

(b) Member states may receive, and shall provide, files and information regarding the investigation and discipline, if any, of licensees in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state which originally provided that information.

§18R-10-7. Establishment of the School Psychologist Interstate Licensure Compact Commission.

(a) The member states hereby create and establish a joint government agency whose membership consists of all member

states that have enacted the compact, and this agency shall be known as the School Psychologist Interstate Licensure Compact Commission. The commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in §18-10R-11 of this code.

(b) Membership, Voting, and Meetings.

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

(2) The delegate shall be the primary administrative officer of the member state licensing authority or his or her designee who is an employee of the member state licensing authority.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

(5) A member state's licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

(6) Each delegate has one vote on all matters before the commission requiring a vote by commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

(8) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The powers, duties, and responsibilities of the commission include:

- (1) Establishing the fiscal year of the commission;
- (2) Establishing code of conduct and conflict of interest policies;
- (3) Establishing and amending rules and bylaws;
- (4) Establishing the procedure through which a licensee may change his or her home state;
- (5) Maintaining its financial records in accordance with the bylaws;
- (6) Meeting and taking such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;
- (7) Initiating and concluding legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected;
- (8) Maintaining and certifying records and information provided to a member state as the authenticated business records of the commission, and designating an agent to do so on the commission's behalf;
- (9) Purchasing and maintaining insurance and bonds;
- (10) Borrowing, accepting, or contracting for services of personnel, including, but not limited to, employees of a member state;
- (11) Conducting an annual financial review;
- (12) Hiring employees, electing or appointing officers, fixing compensation, defining duties, granting such individuals appropriate authority to carry out the purposes of the compact, and establishing the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
- (13) Assessing and collecting fees;

(14) Accepting any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receiving, using, and disposing of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(15) Leasing, purchasing, retaining, owning, holding, improving, or using any property, real, personal, or mixed, or any undivided interest therein;

(16) Selling, conveying, mortgaging, pledging, leasing, exchanging, abandoning, or otherwise disposing of any property real, personal, or mixed;

(17) Establishing a budget and making expenditures;

(18) Borrowing money;

(19) Appointing committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(20) Providing and receiving information from, and cooperating with, law enforcement agencies;

(21) Establishing and electing an executive committee, including a chair and a vice chair;

(22) Determining whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(23) Performing any other functions necessary or appropriate to achieve the purposes of this compact.

(d) The Executive committee may act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee include:

(1) Overseeing of the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as considered necessary;

(2) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to member states, fees charged to licensees, and other fees;

(3) Ensuring compact administration services are appropriately provided, including by contract;

(4) Preparing and recommending the budget;

(5) Maintaining financial records on behalf of the commission;

(6) Monitoring compact compliance of member states and provide compliance reports to the commission;

(7) Establishing additional committees as necessary;

(8) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(9) Performing other duties as provided in the rules or bylaws of the commission.

(e) The executive committee shall be composed of up to seven members:

(1) The chair and vice chair of the commission shall be voting members of the executive committee; and

(2) The commission shall elect five voting members from the current membership of the commission.

(f) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(g) The executive committee shall meet at least annually.

(1) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, non-public meeting as provided in subdivision four, subsection (h) of this section.

(2) The executive committee shall give 30 days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission.

(3) The executive committee may hold a special meeting in accordance with subsection subdivision three, subsection (h) of this section.

(4) The commission shall adopt and provide to the member states an annual report.

(h) Meetings of the commission.

(1) All meetings shall be open to the public, except that the commission may meet in a closed, non-public meeting as provided subdivision four, subsection (h) of this section.

(2) Public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in §18-10R-9 of this code, except that the commission may hold a special meeting as provided subsection subdivision three, subsection (h) of this section.

(3) The commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

(4) The commission or the executive committee or other committees of the commission may convene in a closed, non-public meeting for the commission or executive committee or other committees of the commission to receive legal advice or to discuss:

(i) Non-compliance of a member state with its obligations under the compact;

(1) The employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(2) Current or threatened discipline of a Licensee by the commission or by a member state's licensing authority;

(3) Current, threatened, or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Trade secrets or commercial or financial information that is privileged or confidential;

(7) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Investigative records compiled for law enforcement purposes;

(9) Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(10) Matters specifically exempted from disclosure by federal or Member state law; or

(11) Other matters as promulgated by the commission by rule.

(j) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(k) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(l) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources as provided in subsection subdivision 14, subsection (c) of this section.

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees practicing in the member states under an equivalent license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall promulgate by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public

accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(j) Qualified Immunity, Defense, and Indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a

reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this section shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the Member states or by the commission.

§18-10R-8. Facilitating information exchange.

(a) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.

(b). Notwithstanding any other provision of state law to the contrary, a member state shall agree to provide for the facilitation of the following Licensee information as required by the Rules of the commission, including:

(1) Identifying information;

(2) Licensure data;

(3). Adverse actions against a license and information related thereto;

(c) Non-confidential information related to alternative program participation, the beginning and ending dates of such participation,

and other information related to such participation not made confidential under member state law;

(1) Any denial of application for licensure, and the reasons for such denial;

(2) The presence of investigative information; and

(3) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(d) Nothing in this compact shall be considered or construed to alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing Licensee information in the member state.

§18-10R-9. Rulemaking.

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) The commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate compact. In the event the commission exercises its rulemaking authority in a manner that is beyond purpose and intent of this interstate compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law in the member states.

(c) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(d) Rules or amendments to the Rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with commission rules and Bylaws.

(e) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform; and

(2) On the website of each member state licensing authority or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(f) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative Rule that is established by federal law or rule; or

(4) Protect public health and safety.

§18-10R-10. Oversight, dispute resolution, and enforcement.

(a) Oversight;

(1) The executive and judicial branches of the State government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this subdivision shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(b) Default, Technical Assistance, and Termination;

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a supermajority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have

been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.

(e) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all Licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six (6) months after the date of said notice of termination.

(g) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(h) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(i) Dispute Resolution;

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non- member states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) Enforcement;

(1) By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies in this subdivision shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(2) A member state may initiate legal action against the commission in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) No person other than a member state shall enforce this compact against the Commission.

§18-10R- 11. Effective date, withdrawal, and amendment.

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact specified in subsection (a) of this section, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(A) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in §18-10R-10 of this code.

(B) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than seven.

(2) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in §18-10R-7(C)(21) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(A) Any state that joins the compact subsequent to the commission's initial adoption of the Rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(B) Any member state may withdraw from this compact by enacting a statute repealing the same.

(C) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(D) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(E) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to

this compact for a minimum of six (6) months after the date of such notice of withdrawal.

(i) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(ii) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

§18-10R-12. Construction and severability.

(a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member state, a State seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding subsection B of this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of §18-10R-10.B of this code, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a Member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining

member states and in full force and effect as to the Member state affected as to all severable matters.

§18-10R-13. Consistent effect and conflict with other state laws.

(a) Nothing in this article shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the commission and the member states are binding in accordance with their terms.

The bill (Eng. Com. Sub. for H. B. 4951), as amended, was then ordered to third reading.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Eng. House Bill 5002, To require at least 1 baby changing station to existing and future rest areas in this state for both male and female restrooms.

With an amendment from the Committee on Finance pending;

Having been read a third time and referred to the Committee on Rules on March 5, 2024;

And reports the same back with the recommendation that it do pass as amended by the Committee on Finance to which the bill was first referred.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 5002) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

Having been read a third time on March 5, 2024,

The question being "Shall Engrossed House Bill 5002 pass?"

On the passage of the bill, the yeas were: Barrett, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger—1.

Absent: Boley, Grady, and Maroney—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5002) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. House Bill 5002—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, relating to requiring that public rest areas provide diaper changing stations in both male and female restrooms; and providing for an effective date.

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

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 5232, The Business Liability Protection Act.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 6, 2024;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 5232) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-14. Right of certain persons to limit possession of firearms on premises.

This section may be referred to as "The Business Liability Protection Act".

(a) As used in this section:

(1) "Parking lot" means any property that is used for parking motor vehicles and is available to customers, employees, or invitees for temporary or long-term parking or storage of motor

vehicles: *Provided*, That for purposes of this section, parking lot does not include the private parking area at a business located at the primary residence of the property owner.

(2) "Motor vehicle" means any privately-owned automobile, truck, minivan, sports utility vehicle, motor home, recreational vehicle, motorcycle, motor scooter, or any other vehicle operated on the roads of this state and, which is required to be registered under state law: *Provided*, That for purposes of this section, motor vehicle does not mean vehicles owned, rented, or leased by an employer and used by the employee in the course of employment.

(3) "Employee" means any person, who is over 18 years of age, not prohibited from possessing firearms by the provisions of this code or federal law, and who:

(A) Works for salary, wages, or other remuneration;

(B) Is an independent contractor; or

(C) Is a volunteer, intern, or other similar individual for an employer.

(4) "Employer" means any business that is a sole proprietorship, partnership, corporation, limited liability company, professional association, cooperative, joint venture, trust, firm, institution, association, or public-sector entity, that has employees.

(5) "Invitee" means any business invitee, including a customer or visitor, who is lawfully on the premises of a public or private employer.

(6) "Locked inside or locked to" means:

(A) The vehicle is locked; or

(B) The firearm is in a locked trunk, glove box, or other interior compartment, or

(C) The firearm is in a locked container securely fixed to the vehicle; or

(D) The firearm is secured and locked to the vehicle itself by the use of some form of attachment and lock.

(b) Notwithstanding the provisions of this article, any owner, lessee, or other person charged with the care, custody, and control of real property may prohibit the carrying openly or concealing of any firearm or deadly weapon on property under his or her domain: *Provided*, That for purposes of this section "person" means an individual or any entity which may acquire title to real property: *Provided, however*, That for purposes of this section "natural person" means an individual human being.

(c) Any natural person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of the firearm or other deadly weapon, upon being requested to do so, or to leave the premises, while in possession of the firearm or other deadly weapon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail not more than six months, or both: *Provided*, That the provisions of this section do not apply to a natural person as set forth in §61-7-6(a)(5) through §61-7-6(a)(7) and §61-7-6(a)(9) through §61-7-6(a)(10) of this code while acting in his or her official capacity or to a natural person as set forth in §61-7-6(b)(1) through §61-7-6(b)(8) of this code, while acting in his or her official capacity: *Provided, however*, That under no circumstances, except as provided for by the provisions of §61-7-11a(b)(2)(A) through ~~(H)~~(K) of this code, may any natural person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless the natural person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.

(d) *Prohibited acts.* – Notwithstanding the provisions of subsections (b) and (c) of this section:

(1) No owner, lessee, or other person charged with the care, custody, and control of real property may prohibit any customer, employee, or invitee from possessing any legally owned firearm, when the firearm is:

(A) Lawfully possessed;

(B) Out of view;

(C) Locked inside or locked to a motor vehicle in a parking lot; and

(D) When the customer, employee, or invitee is lawfully allowed to be present in that area.

(2) No owner, lessee, or other person charged with the care, custody, and control of real property may violate the privacy rights of a customer, employee, or invitee ~~either~~

~~(A) By verbal or written inquiry, regarding the presence or absence of a firearm locked inside or locked to a motor vehicle in a parking lot; or~~

~~(B) By~~ by conducting an actual search of a motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle: *Provided*, That a search of a motor vehicle in a parking lot to ascertain the presence of a firearm within that motor vehicle may only be conducted by on-duty, law enforcement personnel, in accordance with statutory and constitutional protections.

~~(C)(3)~~ (3) No owner, lessee, or other person charged with the care, custody, and control of real property may ~~take any action against~~ remove a customer, employee, or invitee ~~based upon verbal or written statements of any party concerning possession of~~ for storing a firearm ~~stored~~ inside a motor vehicle in a parking lot ~~for lawful purposes as defined in this section, nor may they terminate an employee or take other adverse employment action against an employee for such storage, except in cases upon statements made pertaining to unlawful purposes or of threats of unlawful actions involving a firearm made in violation of §61-6-24 of this code action.~~

~~(3)(4)~~ (4) No employer may condition employment upon either:

(A) The fact that an employee or prospective employee holds or does not hold a license issued pursuant to §61-7-4 or §61-7-4a of this code; or

(B) An agreement with an employee or a prospective employee prohibiting that natural person from keeping a legal firearm locked inside or locked to a motor vehicle in a parking lot when the firearm is kept for lawful purposes.

~~(4)~~(5) No owner, lessee, or other person charged with the care, custody, and control of real property may prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the person's place of business because the customer's, employee's, or invitee's motor vehicle contains a legal firearm being carried for lawful purposes that is out of view within the customer's, employee's, or invitee's motor vehicle.

(e) Limitations on duty of care; immunity from civil liability.

(1) When subject to the provisions of subsection (d) of this section, an employer, owner, lessee, or other person charged with the care, custody, and control of real property has no duty of care related to the acts prohibited under said subsection.

(2) An employer, owner, lessee, or other person charged with the care, custody, and control of real property is not liable in a civil action for money damages based upon any actions or inactions taken in compliance with subsection (d) of this section. The immunity provided in this subdivision does not extend to civil actions based on actions or inactions of employers, owners, lessees, or other persons charged with the care, custody, and control of real property unrelated to subsection (d) of this section.

(3) Nothing contained in this section may be interpreted to expand any existing duty or create any additional duty on the part of an employer, owner, lessee, or other person charged with the care, custody, and control of real property.

(f) *Enforcement.* – The Attorney General is authorized to enforce the provisions of subsection (d) of this section and may bring an action seeking either:

(1) Injunctive or other appropriate equitable relief to protect the exercise or enjoyment of the rights secured in subsection (d) of any customer, employee, or invitee;

(2) Civil penalties of no more than \$5,000 for each violation of subsection (d) and all costs and attorney's fees associated with bringing the action; or

(3) Both the equitable relief and civil penalties described in subdivisions (1) and (2) of this ~~section~~ subsection, including costs and attorney's fees. This action must be brought in the name of the state and instituted in the Circuit Court of Kanawha County. The Attorney General may negotiate a settlement with any alleged violator in the course of his or her enforcement of subsection (d) of this section.

(4) Notwithstanding any other provision in this section to the contrary, the authority granted to the Attorney General in this subsection does not affect the right of a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section to bring an action for violation of the rights protected under this section in his or her own name and instituted in the circuit court for the county where the alleged violator resides, has a principal place of business, or where the alleged violation occurred. In any successful action brought by a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section, the court may award injunctive or other appropriate equitable relief and civil penalties as set forth in subdivisions one, two and three of this subsection. In any action brought by a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section, the court shall award all court costs and attorney's fees to the prevailing party.

The bill (Eng. Com. Sub. for H. B. 5232), as amended, was then ordered to third reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 5349, West Virginia Truth in Food Labeling Act.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 6, 2024;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 5349) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 39. TRUTH IN FOOD PRODUCT LABELING
ACT.

§19-39-1. Definitions.

For purposes of this article:

(1) "Analogue product" means a food product derived by combining processed plant products, insects, or fungus with food additives to approximate the texture, flavor, appearance, or other aesthetic qualities or the chemical characteristics of any specific

type of egg, egg product, fish, meat, meat food product, poultry, or poultry product.

(2) "Cell-cultured product" means a food product derived by harvesting animal cells and artificially or chemically replicating those cells in a growth medium in a laboratory to produce tissue to approximate the texture, flavor, appearance, or other aesthetic qualities or the chemical characteristics of any specific type of egg, egg product, fish, meat, meat food product, poultry, or poultry product.

(3) "Egg" has the meaning assigned by 21 U.S.C. §1033(g) and by §19-10A-2(i) of this code. The term does not include an analogue product or a cell-cultured product.

(4) "Egg product" has the meaning assigned by 21 U.S.C. §1033(f). The term does not include an analogue product or a cell-cultured product.

(5) "Fish" has the meaning assigned by 21 C.F.R. §123.3 and by §19-29-2(a) of this code. The term does not include an analogue product or a cell-cultured product.

(6) "Fishery product" has the meaning assigned by 21 C.F.R. §123.3. The term does not include an analogue product or a cell-cultured product.

(7) "Food" means any egg, egg product, fish, fishery product, meat, meat food product, poultry, or poultry product, but does not include any analogue product or cell-cultured product.

(8) "Food product" means any analogue product or cell-cultured product, but does not include any egg, egg product, fish, fishery product, meat, meat product, poultry, or poultry product.

(8) "Meat" has the meaning assigned by 9 C.F.R. §301.2 and by §19-29-2(d) of this code. The term does not include an analogue product or a cell-cultured product.

(9) "Meat food product" has the meaning assigned by 21 U.S.C. §601(j). The term does not include an analogue product or a cell-cultured product.

(10) "Poultry" has the meaning assigned by 21 U.S.C. §453(e). The term does not include an analogue product or a cell-cultured product.

(11) "Poultry product" has the meaning assigned by 21 U.S.C. §453(f). The term does not include an analogue product or a cell-cultured product.

§19-39-2. Misbranded food.

(a) A food product is misbranded:

(1) If its labeling is false or misleading in any manner, or fails to otherwise conform with the requirements of this article;

(2) If, in the case of a food product to which 21 U.S.C. §343 applies, its advertising is false or misleading in a material respect or its labeling is in violation of 21 U.S.C. §343;

(2) If it is offered for sale under the name of a food;

(3) If it is an imitation of a food, unless its label bears, in prominent type, the word "imitation" and immediately before or after the name of the food imitated;

(4) If it is an analogue product, unless its label bears in prominent type immediately before or after the name of the product one of the following:

(A) "Analogue";

(B) "Meatless";

(C) "Plant-based";

(D) "Made from plants"; or

(E) A similar, accurate qualifying term or disclaimer intended to clearly communicate to a consumer the contents of the product;

(5) If it is a cell-cultured product, unless its label bears in prominent type immediately before or after the name of the product using one of the following:

(A) "Cell-cultured";

(B) "Lab-grown"; or

(C) A similar, accurate qualifying term or disclaimer intended to clearly communicate to a consumer the contents of the product;

(6) If its container is made, formed, or filled in a manner that is misleading;

(7) If in package form, unless it bears a label containing:

(A) The name and place of business of the manufacturer, packer, or distributor; and

(B) An accurate statement, located on the principal display panel of the label, of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, that under this subsection, reasonable variations may be permitted and exemptions as to small packages may be established by rule;

(8) If any word, statement, or other information required by or under the authority of this chapter to appear on the label or labeling is not prominently placed on the label or labeling with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(9) If it purports to be or is represented as a food or food product for which a definition and standard of identity has been prescribed by federal law or as otherwise provided by this chapter, unless:

(A) It conforms to such definition and standard; and

(B) Its label bears the name of the food or food product specified in the definition and standard, and, in so far as may be required by those regulations or rules, the common names of ingredients, other than spices, flavoring, and coloring, present in such food or food product;

(10) If it purports to be or is represented as:

(A) A food or food product for which a standard of quality has been prescribed by federal regulations or department rules as provided under this chapter, and its quality falls below such standard unless its label bears, in such manner and form as those regulations or rules specify, a statement that it falls below such standard; or

(B) A food or food product for which a standard or standards of fill of container have been prescribed by federal regulations or department rules, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as those regulations or rules specify, a statement that it falls below such standard;

(11) Unless its label bears:

(A) The common or usual name of the food product, if any, and

(B) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, and if the food product purports to be a beverage containing vegetable or fruit juice, a statement with appropriate prominence on the information panel of the total percentage of the fruit or vegetable juice contained in the food; except that spices, flavorings, and colors not required to be certified under 21 U.S.C. §379e, other than those sold as such, may be designated as spices, flavorings, and colors, without naming each: *Provided*, That to the extent that compliance with the requirements of this paragraph is impractical or results in deception or unfair competition, exemptions shall be established by department rules;

(12) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin,

mineral, and other dietary properties as the commissioner determines to be, and by rule prescribed, as necessary in order to fully inform purchasers as to its value for such uses;

(13) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided, That,* to the extent that compliance with the requirements of this subdivision is impracticable, exemptions shall be established by department rules. The provisions of this subdivision, §29-39-2(9) of this code, and §29-39-2(11) of this code with respect to artificial coloring do not apply in the case of butter, cheese, and ice cream;

(14) If it is a raw agricultural commodity that is the produce of the soil and bears or contains a pesticide chemical applied after harvest, unless the shipping container of the commodity bears labeling that declares the presence of the chemical in or on the commodity and the common or usual name and the function of the chemical, except that the declaration is not required while the commodity, after removal from the shipping container, is being held or displayed for sale at retail out of the container in accordance with the custom of the trade;

(15) If it is a product intended as an ingredient of another food or food product and if used according to the directions of the purveyor will result in the final food or food product being adulterated or misbranded;

(16) If it is a color additive, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to the color additive as may be contained in regulations issued under 21 U.S.C. §379e;

(17) If its packaging or labeling is in violation of an applicable regulation issued under 15 U.S.C. §1472 and 15 U.S.C. §1473, the Poison Prevention Packaging Act of 1970;

(18) If it is a food product intended for human consumption and is offered for sale, unless its label or labeling bears nutrition information that provides;

(A) The serving size that is an amount customarily consumed and that is expressed in a common household measure that is appropriate to the food product; or

(B) If the use of the food product is not typically expressed in a serving size, the common household unit of measure that expresses the serving size of the food product;

(C) The number of servings or other units of measure per container;

(D) The total number of calories in each serving size or other unit of measure that are:

(i) Derived from any source; and

(ii) Derived from fat;

(E) The amount of total fat, saturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugar, dietary fiber, and total protein contained in each serving size or other unit of measure; and

(F) Any vitamin, mineral, or other nutrient required to be placed on the label and labeling of food or food product under 21 U.S.C. §343; or

(G) If it is a food product distributed at retail in bulk display cases, or a food product received in bulk containers, unless it has nutrition labeling prescribed by the commissioner; and

(H) If the commissioner determines it is necessary, nutrition labeling will be mandatory for raw fruits, vegetables, and fish, including freshwater or marine finfish, crustaceans, mollusks including shellfish, amphibians, and other forms of aquatic animal life;

(22) If it is a food product intended for human consumption and is offered for sale, and a claim is made on the label, labeling, or retail display relating to the nutrient content or a nutritional quality

of the food product to a specific disease or condition of the human body, except as permitted by 21 U.S.C. §360ee; or

(23) If it is a food product intended for human consumption and its label, labeling, and retail display do not comply with the requirements of 21 U.S.C. §360ee pertaining to nutrient content and health claims.

(b) The provisions of §29-39-2(a)(18) of this code do not apply to a food product:

(1) That is served in restaurants or other establishments in which food or food product is served for immediate human consumption or that is sold for sale or use in those establishments;

(2) That is processed and prepared primarily in a retail establishment, that is ready for human consumption, that is of the type described in subdivision (1) of this subsection, that is offered for sale to consumers but not for immediate human consumption in the establishment, and that is not offered for sale outside the establishment;

(3) That is an infant formula subject to 21 U.S.C. §350a;

(4) That is a medical food as defined in 21 U.S.C. §360ee;

(5) If the commissioner determines by rule that compliance with §29-39-29(a)(18) of this code is impracticable because the package of the food product is too small to comply with the requirements of that subdivision and if the label of that food product does not contain any nutrition information;

(6) If the commissioner determines that a food product contains insignificant amounts of all the nutrients required by §19-39-2(18) of this code to be listed on the label or labeling of food products as long as the label, labeling, or advertising of the food product does not make any claim with respect to the nutritional value of the food product: *Provided*, That if the commissioner determines that a food product contains insignificant amounts of more than half the nutrients required by §19-39-2(18) of this code to be in the label or

labeling of the food product, the amounts of those nutrients shall be stated in a simplified form prescribed by the commissioner; or

(7) If a food product is sold by a food distributor, as long as the food distributor principally sells the food product to restaurants or other establishments in which the food product is served for immediate human consumption and the food distributor does not manufacture, process, or repack the food product it sells.

(c) If a food product is subject to 21 U.S.C. §343, the food product shall comply with §29-39-2(18) of this code in a manner prescribed by rule.

(d) If a person offers a food product for sale and has annual gross sales made or business done in sales to consumers that is not more than \$500,000, or has annual gross sales made or business done in sales of the food product to consumers that is not more than \$50,000, the requirements of this section do not apply.

§19-39-3. Rulemaking; duplication or conflict with federal law.

(a) The commissioner may propose emergency rules and rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article, which may include, but are not limited to:

(1) Inspection requirements;

(2) Any other labeling information necessary to ensure that a misbranded food product will not have false, misleading, or inaccurate labeling and that the public will be informed of the manner of handling required to maintain the food product in a wholesome condition;

(3) Violations of this article and administrative fines or forfeitures therefor;

(4) Procedures for administrative enforcement of violations of this article; and

(5) Procedures for appeals of proceedings under this article.

(b) In the event any provision of this article duplicates or conflicts with federal law or regulation, that provision under this article shall not apply and the federal law or regulation controls.

Senator Smith requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Smith would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 5349), as amended, was then ordered to third reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 5668, Creating the Responsible Gaming and Research Act.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 6, 2024;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 5668) contained in the

preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

22. STATE LOTTERY ACT.

§29-22-30. Responsible Gaming and Research and Industry Development Act; gaming data research and analysis for scholarly purposes; higher education curriculum development; preparation of report.

(a) *Short Title* – The provisions of this section may be cited as "The Responsible Gaming and Research and Industry Development Act."

(b)(1) For the purposes of research only, West Virginia University shall be permitted to analyze transactional data and metrics of the type collected and maintained by the West Virginia Lottery as of March 1, 2024, related to gaming operations conducted in the state. For purposes of this section, "transactional data and metrics" refers to items such as demographic data, usage data, utilization of responsible gaming features, account suspension, complaints and financial information, including deposits, withdrawals, bonus usage, balance statements and bet-level data, as determined in the sole discretion of the West Virginia Lottery.

(2) Data provided by the West Virginia Lottery to West Virginia University for research purposes pursuant to this section is:

(A) To be transmitted in an anonymized manner by the West Virginia Lottery to West Virginia University, through hashing or other means, and excluding all personally identifiable information;

(B) Not a public record; and

(C) Is exempt from public inspection and copying under the West Virginia Freedom of Information Act, §29B-1-1 et seq. of this code.

(3) The university, upon receiving data, shall not disclose the data provided to this section to any person, except:

(A) For the purpose of conducting the research described in this section;

(B) As part of a peer-reviewed research report; or

(C) To gaming operators pursuant to a written request delivered to the West Virginia Lottery

(c) West Virginia University shall develop a new program or alter or expand existing programs to include courses, training, certificates, initiatives or other methods designated to foster innovation in gaming technology development, and prepare students for careers in racing, gaming, gaming operations, hospitality management, guest relations, entertainment, and other amenities typically offered in conjunction with gaming operations.

(d) Commencing on January 1, 2026, and continuing annually thereafter, the State Lottery Commission, or a successor agency or agencies, shall annually cause a comprehensive report to be prepared and distributed to the Joint Committee on Government and Finance on the impact of casino, video lottery, iGaming, racing, iLottery, and sports wagering on players and on the state's economy, innovation in gaming technologies and gaming operations resulting from West Virginia University's research authorized under this section, curriculum developed to educate future leaders in the state's gaming and racing industries, and policy proposals developed by the West Virginia Lottery from the research authorized under this section. The report shall be prepared and distributed with the cooperation of West Virginia University.

The bill (Eng. Com. Sub. for H. B. 5668), as amended, was then ordered to third reading.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Eng. House Bill 5694, Relating to the Firearms Industry Nondiscrimination Act.

With amendments from the Committee on Government Organization pending;

And has also amended same.

Now on second reading, having been referred to the Committee on Rules on March 5, 2024;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Rules.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 5694) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported committee amendments pending and the right for further amendments to be considered on that reading.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 6:05 p.m. today:

Eng. Senate Bill 219, Relating to Uniform Controlled Substances Act.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 687, Clarifying Legislative Auditor's scope of authority.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1 by striking out the current article 2 heading and inserting in lieu thereof a new article 2 heading, to read as follows:

"ARTICLE 2. LEGISLATIVE AUDITOR; POWERS; FUNCTIONS; ~~DUTIES~~; COMPENSATION."

On page 2, section 4-2-4, line 1, by striking out the entire section and inserting in lieu thereof a new section 4-2-4, to read as follows:

"§4-2-4. ~~Duties~~ Powers of Auditor; ~~filing~~ reports.

(a) ~~It is the duty of the~~ The Legislative Auditor shall have the following powers, which he or she may exercise as directed by the President of the Senate or the Speaker of the House of Delegates:

(1) ~~to~~ To compile fiscal information for the Senate and the House of Delegates;

(2) ~~to~~ To make ~~a continuous~~ an audit and analysis of the state budget, revenues, and expenditures during and between sessions of the Legislature;

(3) ~~to~~ To make post audits of the revenues and expenditures of the spending units of the state government; ~~at least once every two years, if practicable~~

~~(4) to~~ To report any misapplication of state funds or erroneous, extravagant, or unlawful expenditures by any spending unit; and

~~(5) to~~ To ascertain facts and ~~to~~ make recommendations to the Legislature concerning post-audit findings, the revenues and expenditures of the state, and of the organization and functions of the state and its spending units.

(b) In the exercise of these powers, as directed by the President of the Senate or the Speaker of the House of Delegates, the Legislative Auditor shall have the authority, by such means as are necessary, to require any person holding office in the state government or employed by the state to allow the Legislative Auditor to inspect the properties, equipment, facilities, and records of the various spending units, either before or after estimates are submitted, and before, during, and after sessions of the Legislature. Refusal by any person or the state government entity to allow such inspection shall be reported by the Legislative Auditor to the committee, the President of the Senate, or the Speaker of the House of Delegates.

~~(b)~~ (c) The Legislative Auditor may collect, and the ~~department, agency or board~~ spending unit shall pay, any or all of the costs associated with conducting the post audits from the ~~department, agency or board~~ spending unit being audited, when necessary and desirable. The Legislative Auditor shall render to the ~~department, agency or board~~ spending unit liable for the costs a statement of the costs as soon after the costs were incurred as practicable, and it is the duty of the ~~department, agency or board~~ spending unit to pay promptly in the manner that other claims and accounts are paid. All money received by the Legislative Auditor from this source shall be expended only for the purpose of covering the costs associated with such services, unless otherwise directed by the Legislature.

~~(c) A copy of each report of audit when completed and certified shall be filed in the office of the Department of Finance and Administration as a public record and a copy shall be filed with the Attorney General for any action he or she may consider necessary.~~

(d) Upon completion of a post audit, the Legislative Auditor shall report his or her findings and recommendations to the Legislature's Post Audit Subcommittee and, after presentation, publish the report on the Post Audit Division website.

(e) The Legislative Auditor shall conduct all examinations and audits and may not use external auditing firms or entities to conduct them except as otherwise directed by the President of the Senate or the Speaker of the House of Delegates."

On page 5, section 4-10-3, line 7, after the word "Senate" by striking out the remainder of the sentence and inserting in lieu thereof the following words ", the Speaker of the House of Delegates, or by recommendation of the joint standing committee pursuant to the provisions of this article."

On page 8, section 4-10-7, line 4, after the word "Senate" by striking out the remainder of the sentence and inserting in lieu thereof the following words ", the Speaker of the House of Delegates, or by recommendation of the joint standing committee."

And,

On page 11, section 4-10-10, line 26, after the word "Senate" by striking out the remainder of the sentence and inserting in lieu thereof the following words ", the Speaker of the House of Delegates, or by recommendation of the joint standing committee."

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 687, as amended by the House of Delegates, was then put upon its passage.

On this question, the yeas were: Barrett, Clements, Deeds, Jeffries, Nelson, Oliverio, Phillips, Queen, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—15.

The nays were: Azinger, Caputo, Chapman, Hamilton, Hunt, Karnes, Martin, Maynard, Plymale, Roberts, Rucker, Smith, Stover, Stuart, Taylor, and Woelfel—16.

Absent: Boley, Grady, and Maroney—3.

So, a majority of all the members elected to the Senate not having voted in the affirmative, the President declared the bill (Eng. S. B. 687) rejected.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 155, Creating Violent Crime Prevention Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 61-7-18, line 8-9, by striking the words "a charge brought upon" and inserting "the conviction of" in lieu thereof;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 155—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to the creation of the Violent Crime Prevention Act; and requiring law enforcement to submit ballistics data to the National Integrated Ballistic Information Network for alleged use of firearm in connection with convictions for certain crimes.

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 155) and requested the House of Delegates to recede therefrom.

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

On motion of Senator Takubo, at 6:10 p.m., the Senate recessed for 15 minutes.

The Senate reconvened at 6:45 p.m.

On motion of Senator Azinger, the Senate reconsidered the vote by which in earlier proceedings today it rejected

Eng. Senate Bill 687, Clarifying Legislative Auditor's scope of authority.

The vote thereon having been reconsidered,

The question again being "Shall Engrossed Senate Bill 687 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Clements, Deeds, Hunt, Jeffries, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Caputo, Hamilton, Karnes, Martin, Plymale, Stover, and Woelfel—7.

Absent: Boley, Chapman, Grady, Maroney, Rucker, and Stuart—6.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 687) passed with its title.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolutions on March 6, 2024:

Senate Resolution 68: Senators Caputo and Hamilton;

And,

Senate Resolution 69: Senators Caputo and Hamilton.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 6:48 p.m., the Senate adjourned until tomorrow, Friday, March 8, 2024, at 10 a.m.

FRIDAY, MARCH 8, 2024

The Senate met at 10:49 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Glenn D. Jeffries, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Caputo, a senator from the thirteenth district.

Pending the reading of the Journal of Thursday, March 7, 2024,

At the request of Senator Oliverio, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 142, Clarifying deadline to file annual report for companies authorized to do business in WV.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 146, Creating adult education taskforce.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 19e, line 11, after the word "Schools" by striking out the words "or a" and inserting, in lieu thereof, the words "or his or her".

And,

On page 1, section 19e, line 12, after the word "designee", by striking out the words "of the State Superintendent of Schools";

And

On page 1, section 19e, lines 14 and 15 by striking out "State Superintendent of Schools" and inserting in lieu thereof "Chancellor for Community and Technical College Education,"

And,

On page 2, section 19e, line 21, after the words "to the" by striking out the word "Legislature" and inserting, in lieu thereof, the words "the Legislative Oversight Commission on Education Accountability";

And

On page 2, after subsection (f), by adding a new subsection (g) as follows:

"(g) The provisions of the section shall sunset on December 31, 2025."

On motion of Senator Weld, the following amendments to the House of Delegates amendments to the bill (Eng. S. B. 146) were reported by the Clerk, considered simultaneously, and adopted:

On page 1, subsection (c), by striking out the words "Chancellor for Community and Technical College Education" and inserting in lieu thereof the words "State Superintendent of Schools, in consultation with the Chancellor for Community and Technical College Education";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 146—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create a taskforce to consider options for direct funding of adult education learning centers; declaring legislative findings; providing for membership and meetings of the taskforce; establishing deadlines for the taskforce to be created, to begin its meetings, and for submitting a report of recommendations to the Legislative Oversight Commission on Education Accountability; and establishing sunset date.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Senate Bill 146, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 146) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 173, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 262, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 378, Prohibiting smoking in vehicle when minor 16 or under is present.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 530, Removing requirement for counties to draft and adopt zoning ordinances.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 610, Clarifying authority of Water Development Authority in certain circumstances.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 631, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, line 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-16. RATES FOR SERVICE; DEPOSIT REQUIRED FOR NEW CUSTOMERS; FORFEITURE OF DEPOSIT; RECONNECTING DEPOSIT; TENANT'S DEPOSIT; CHANGE OR READJUSTMENT; HEARING; LIEN AND RECOVERY; DISCONTINUANCE OF SERVICES APPEALS BOARD.

(a) A governing body has the power and duty, by ordinance, to establish and maintain just and equitable rates, fees, or charges for the use of and the service rendered by:

~~(a)~~(1) Sewerage works, to be paid by the owner of each lot, parcel of real estate or building that is connected with and uses the works by or through any part of the sewerage system of the municipality or that in any way uses or is served by the works; and

~~(b)~~(2) Stormwater works, to be paid by the owner of each lot, parcel of real estate or building that in any way uses or is served by the stormwater works or whose property is improved or protected by the stormwater works or any user of such stormwater works.

~~(e)~~ (b) The governing body may change and readjust the rates, fees, or charges from time to time. However, no rates, fees, or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned or operated by the West Virginia Division of Highways.

~~(d)~~ (c) All new applicants for service shall indicate to the governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a ~~tenant~~ new applicant for service a report of the stormwater fee charged for the entire property and, if ~~appropriate~~ the new applicant is a tenant, that portion of the fee to be assessed to the tenant. Any municipality that provides stormwater utilities shall form a municipal stormwater appeals board. The board shall consist of a member of the stormwater utility board, a municipal council member, and a rate payer. New applicants for service may appeal the estimated residential usage or equivalent dwelling usage to the board. Any such appeal must be brought within 60 days of receiving the report of the stormwater fee.

~~(e)~~(d) The governing body may collect from all new applicants for service a deposit of \$50 or two twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of service rates, fees, and charges in the event ~~they he or she become~~ becomes delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe:

Provided, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. ~~Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments:~~ *Provided, however*, That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(f) (e) The rates, fees, or charges shall be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements and maintenance of the works and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to this section shall be considered the revenues of the works.

(g) (f) No such rates, fees, or charges may be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

(h) (g) After introduction of the ordinance fixing the rates, fees or charges, and before the same is finally enacted, notice of the hearing, setting forth the proposed schedule of rates, fees or charges, shall be given by publication as a Class I legal advertisement in compliance with §59-3-1 *et seq.* of this code and the publication area for the publication shall be the municipality. The first publication shall be made at least five days before the date fixed in the notice for the hearing.

(i) (h) After the hearing, which may be adjourned, from time to time, the ordinance establishing rates, fees or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of the rates, fees, and charges shall be kept on file in the office of the board having charge of the operation of the works, and also in the office of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates, fees, or charges established for any class of users or property served shall be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of any hearing or notice.

(j) (i) Any change or readjustment of the rates, fees, or charges may be made in the same manner as the rates, fees, or charges were originally established as hereinbefore provided: *Provided*, That if a change or readjustment be made substantially pro rata, as to all classes of service, no hearing or notice shall be required. ~~The aggregate of the rates, fees, or charges shall always be sufficient for the expense of operation, repair and maintenance and for the sinking fund payments.~~

~~(k) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.~~

(l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall remain unpaid for a period of 20 days after they become due, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing

~~body may use the security deposit to satisfy the delinquent payment.~~

~~(m) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water sewer or stormwater facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water sewer, and stormwater facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.~~

§16-13-16a. Discontinuance of services; lien and recovery.

(a) Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit collected in accordance with §16-13-16 to satisfy the delinquent payment.

(b) The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water or sewer facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water and sewer facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(d) The governing body or the board collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of their right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least two times in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of their right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed

to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided*, That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(e) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 631—A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section designated §16-13-16a, all relating to prohibiting municipalities from shutting off a user's water for nonpayment of stormwater fees without notice; creating a board to hear appeals for assessment of estimated usage units; and allowing for municipalities to impose a lien to obtain payment without shutting off or disconnecting service.

On motion of Senator Takubo, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 631) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-16. Rates for service; deposit required for new customers; forfeiture of deposit; reconnecting deposit; tenant's deposit; change or readjustment; hearing; ~~lien and recovery; discontinuance of services~~ appeals board.

(a) A governing body has the power and duty, by ordinance, to establish and maintain just and equitable rates, fees, or charges for the use of and the service rendered by:

~~(a)~~(1) Sewerage works, to be paid by the owner of each lot, parcel of real estate or building that is connected with and uses the works by or through any part of the sewerage system of the municipality or that in any way uses or is served by the works; and

~~(b)~~(2) Stormwater works, to be paid by the owner of each lot, parcel of real estate or building that in any way uses or is served by the stormwater works or whose property is improved or protected by the stormwater works or any user of such stormwater works.

~~(c)~~ (b) The governing body may change and readjust the rates, fees, or charges from time to time. However, no rates, fees, or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

~~(d)~~ (c) All new applicants for service shall indicate to the governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a ~~tenant~~ new applicant for service a report of the stormwater fee charged for the entire property and, if ~~appropriate~~ the new applicant is a tenant, that portion of the fee to be assessed to the tenant. Any municipality that provides stormwater utilities shall form a municipal stormwater appeals board. The board shall consist of a member of the stormwater utility board, a municipal council member, and a rate payer. New applicants for service may appeal the estimated residential usage or equivalent dwelling usage

to the board. Any such appeal must be brought within 60 days of receiving the report of the stormwater fee.

~~(e)(d)~~ The governing body may collect from all new applicants for service a deposit of \$50 or two twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of service rates, fees, and charges in the event ~~they~~ he or she ~~become~~ becomes delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. ~~Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.~~

~~(f)~~ (e) The rates, fees, or charges shall be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements and maintenance of the works and for the payment of the sums herein required to be paid into the sinking

fund. Revenues collected pursuant to this section shall be considered the revenues of the works.

~~(g)~~ (f) No such rates, fees, or charges may be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

~~(h)~~ (g) After introduction of the ordinance fixing the rates, fees or charges, and before the same is finally enacted, notice of the hearing, setting forth the proposed schedule of rates, fees or charges, shall be given by publication as a Class I legal advertisement in compliance with §59-3-1 *et seq.* of this code and the publication area for the publication shall be the municipality. The first publication shall be made at least five days before the date fixed in the notice for the hearing.

~~(i)~~ (h) After the hearing, which may be adjourned, from time to time, the ordinance establishing rates, fees or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of the rates, fees, and charges shall be kept on file in the office of the board having charge of the operation of the works, and also in the office of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates, fees, or charges established for any class of users or property served shall be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of any hearing or notice.

~~(j)~~ (i) Any change or readjustment of the rates, fees, or charges may be made in the same manner as the rates, fees, or charges were originally established as hereinbefore provided: *Provided*, That if a change or readjustment be made substantially pro rata, as to all classes of service, no hearing or notice shall be required. ~~The aggregate of the rates, fees, or charges shall always be sufficient for the expense of operation, repair and maintenance and for the sinking fund payments.~~

~~(k) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.~~

~~(l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall remain unpaid for a period of 20 days after they become due, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit to satisfy the delinquent payment.~~

~~(m) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water sewer or stormwater facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water sewer, and stormwater facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.~~

§16-13-16a. Discontinuance of services; lien and recovery.

(a) Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they

become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit collected in accordance with §16-13-16 to satisfy the delinquent payment.

(b) The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however,* That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water or sewer facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water and sewer facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided, That nothing* contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(d) The governing body or the board collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are at least 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of their right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least two times in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of their right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided*, That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(e) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.

(a)(1) The board may make, enact, and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection, and the use of any public service properties owned or controlled by the district. The board shall establish, in accordance with this article, rates, fees, and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any other law or laws, to pay the cost of maintenance, operation, and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article, and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees, and charges may be based upon:

(A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial, and public use of water and gas;

(B) The number and kind of fixtures connected with the facilities located on the various premises;

(C) The number of persons served by the facilities;

(D) Any combination of paragraphs (A), (B), and (C) of this subdivision; or

(E) Any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees, or charges for stormwater services may be assessed against highways, road, and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

(2) The board of a public service district with at least 4,500 customers and annual combined gross revenue of \$3 million providing water or sewer service separately or in combination may make, enact, and enforce all needful rules in connection with the

enactment or amendment of rates, fees, and charges of the district. At a minimum, these rules shall provide for:

(A) Adequate prior public notice of the contemplated rates, fees, and charges by causing a notice of intent to effect such a change to be provided to the customers of the district for the month immediately preceding the month in which the contemplated change is to be considered at a hearing by the board. The notice shall include a statement that a change in rates, fees, and charges is being considered, the time, date, and location of the hearing of the board at which the change will be considered, and that the proposed rates, fees, and charges are on file at the office of the district for review during regular business hours. The notice shall be printed on, or mailed with, the monthly billing statement, or provided in a separate mailing.

(B) Adequate prior public notice of the contemplated rates, fees, and charges by causing to be published, after the first reading and approval of a resolution of the board considering the revised rates, fees, and charges but not less than one week prior to the public hearing of the board on the resolution, as a Class I legal advertisement, of the proposed action, in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the district. If the district provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the district provides service.

(C) The public notice of the proposed action shall summarize the current rates, fees, and charges and the proposed changes to said rates, fees, and charges; the date, time, and place of the public hearing on the resolution approving the revised rates, fees, and charges, and the place or places within the district where the proposed resolution approving the revised rates, fees, and charges may be inspected by the public. A reasonable number of copies of the proposed resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the board and be heard with respect to the proposed revised rates, fees, and charges.

(D) The resolution proposing the revised rates, fees, and charges shall be read at two meetings of the board with at least two weeks intervening between each meeting. The public hearing may be conducted by the board prior to, or at, the meeting at which the resolution is considered for adoption on the second reading.

(E) Rates, fees, and charges approved by resolution of the board shall be forwarded in writing to the county commission with the authority to appoint the members of the board. The county commission shall publish notice of the proposed revised rates, fees, and charges by a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. Within 45 days of receipt of the proposed rates, fees, and charges, the county commission shall take action to approve, modify, or reject the proposed rates, fees, and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify, or reject the proposed rates, fees, and charges, as presented to the county commission, the proposed rates, fees, and charges shall be effective with no further action by the board or county commission. In any event, this 45-day period shall be mandatory unless extended by the official action of both the board proposing the rates, fees, and charges, and the appointing county commission.

(F) Enactment of the proposed or modified rates, fees, and charges shall follow an affirmative vote by the county commission and shall be effective no sooner than 45 days following action. The 45-day waiting period may be waived by public vote of the county commission only if the commission finds and declares the district to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the district to deliver continued and compliant public services.

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 customers or 25 percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees, and charges under the provisions of this subdivision may file a complaint regarding the rates, fees, and charges resulting from the action of, or failure

to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying, or rejecting the rates, fees, and charges, or the expiration of the 45-day period from the receipt by the county commission, in writing, of the rates, fees, and charges approved by resolution of the board, without final action by the county commission to approve, modify, or reject the rates, fees, and charges, and the circuit court shall resolve the complaint: *Provided, however*, That the rates, fees, and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered, or amended by the circuit court in an order to be followed in the future.

(3) Where water, sewer, stormwater, or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the district. Notwithstanding the provisions of §24-3-8 of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or \$50 with the district to secure the payment of service rates, fees, and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the

average usage for the applicant's specific customer class or \$50 has been remitted to the district. After 12 months of prompt payment history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees, and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, 10 days after the water or gas services become delinquent: *Provided, however*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the board to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill: *Provided further*, That the water service for a user may not be shut off or discontinued for the nonpayment of a stormwater fee except as provided in subsections (i) and (j) of this section.

(b) If any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separate water facilities, sewer facilities, or stormwater facilities, and the district owns and operates another kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation, or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer ~~or stormwater~~ service fees and charges: *Provided*, That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district which provides water and sewer service, water and stormwater service or water, sewer, and stormwater service has the right to terminate water service for delinquency in payment of

water or sewer ~~or stormwater~~ bills. Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer or stormwater district is providing water service and the district providing sewer or stormwater service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer or stormwater district that is providing water service, upon the request of the district providing sewer or stormwater service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer ~~or stormwater~~ account: *Provided, however,* That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided further,* That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill: *And provided further,* That the water service for a user may not be shut off or discontinued for the nonpayment of a stormwater fee except as provided in subsections (i) and (j) of this section.

(c) Any district furnishing sewer facilities within the district may require or may, by petition to the circuit court of the county in which the property is located, compel or may require the Bureau for Public Health to compel all owners, tenants, or occupants of any houses, dwellings, and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code, from the houses, dwellings, or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment, and disposal of sewage and waste matters from the houses, dwellings, and buildings where there is gravity flow or transportation by any other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code and the houses, dwellings, and buildings can be adequately served by the sewer facilities of the

district and it is declared that the mandatory use of the sewer facilities provided for in this subsection is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the main sewer line, the public service district board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance, and purchase of a pump or any other method approved by the Bureau for Public Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than 30 days after service of petition to the appropriate owners, tenants, or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant, or occupant of any house, dwelling, or building located near the sewer facility and the engineer for the district has certified that the sewer facilities are available to and are adequate to serve the owner, tenant, or occupant and sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health from the house, dwelling, or building into the sewer facilities, the district may charge, and the owner, tenant, or occupant shall pay, the rates and charges for services established under this article only after 30 days' notice of the availability of the facilities has been received by the owner, tenant, or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's, or occupant's specific customer class.

(e) The owner, tenant, or occupant of any real property may be determined and declared to be served by a stormwater system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an

entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. § 122.26; (2) the district's authority has been properly expanded to operate and maintain a stormwater system; (3) the district has made available a stormwater system where stormwater from the real property affects or drains into the stormwater system; and (4) the real property is located in the Municipal Separate Storm Sewer System's designated service area. It is further hereby found, determined, and declared that the mandatory use of the stormwater system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant, or occupant shall pay the rates, fees, and charges for stormwater services established under this article only after 30 days' notice of the availability of the stormwater system has been received by the owner. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) All delinquent fees, rates, and charges of the district for either water facilities, sewer facilities, gas facilities, or stormwater systems or stormwater management programs are liens on the premises served of equal dignity, rank, and priority with the lien on the premises of state, county, school, and municipal taxes. Nothing contained within the rules of the Public Service Commission may require agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the other remedies provided in this section, public service districts are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, stormwater, or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided*, That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of

a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property unless the owner has contracted directly with the public service district to purchase the services or facilities.

(g) Anything in this section to the contrary notwithstanding, any establishment, as defined in §22-11-3 of this code, now or hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by §22-11-11 of this code, is exempt from the provisions of this section.

(h) Notwithstanding any code provision to the contrary, a public service district may accept payment for all fees and charges due, in the form of a payment by a credit or check card transaction or a direct withdrawal from a bank account. The public service district may set a fee to be added to each transaction equal to the charge paid by the public service district for use of the credit or check card or direct withdrawal by the payor. The amount of the fee shall be disclosed to the payor prior to the transaction and no other fees for the use of a credit or check card or direct withdrawal may be imposed upon the payor and the whole of the charge or convenience fee shall be borne by the payor: *Provided*, That to the extent a public service district desires to accept payments in the forms described in this subsection and does not have access to the equipment or receive the services necessary to do so, the public service district shall first obtain three bids for services and equipment necessary to affect the forms of transactions described in this subsection and use the lowest qualified bid received. Acceptance of a credit or check card or direct withdrawal as a form of payment shall comport with the rules and requirements set forth by the credit or check card provider or banking institution.

(i) The board collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are at least 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of the user's right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least twice in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of the user's right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided*, That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(j) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the public service district. The lien may be foreclosed against the lot, parcel of land, or building in accordance with the laws relating thereto. Where water, stormwater, and sewer services are furnished by any public service district to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-10. Termination of water service for delinquent sewer or stormwater bills.

(a) In the event that any publicly or privately owned utility, city, incorporated town, municipal corporation, or public service district owns and operates either water facilities or sewer facilities, and a privately owned public utility or a public utility that is owned and operated by a homeowners' association owns and operates the other kind of facilities, either water or sewer, then the privately owned public utility or the homeowners' association may contract with the publicly or privately owned utility, city, incorporated town, or public service district which provides the other services to shutoff and discontinue the supplying of water service for the nonpayment of sewer service fees and charges.

(b) Any contracts entered into by a privately owned public utility or by a public utility that is owned and operated by a homeowners' association pursuant to this section must be submitted to the Public Service Commission for approval.

(c) Any privately owned public utility or any public utility that is owned and operated by a homeowners' association which provides water and sewer service to its customers may terminate water service for delinquency in payment of either water or sewer bills.

(d) Where a privately owned public utility or a public utility that is owned and operated by a homeowners' association is providing sewer service and another utility is providing water service, and the privately owned public utility or the homeowners' association providing sewer service experiences a delinquency in payment, the utility providing water service, upon the request of the homeowners' association or the privately owned public utility providing sewer service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer account.

(e) Any termination of water service must comply with all rules and orders of the Public Service Commission. Nothing contained within the rules of the Public Service Commission shall be deemed

to require any agents or employees of the water or sewer utility to accept payment at the customer's premises in lieu of discontinuing water service for a delinquent water or sewer bill.

(f) A publicly or privately owned utility, city, incorporated town, municipal corporation, or public service district that owns or operates water facilities, or a public utility that is owned and operated by a homeowners' association that owns or operates water facilities may not discontinue or shut off water service to its customers for delinquency in payment of stormwater fees or charges, nor may it contract with any other utility, public or private, to which it provides water service to terminate water service to customers of the other utility for delinquency in the payment of stormwater services fees and charges except as provided in subsections (g) and (h) of this section.

(g) The governing body, board, or association collecting the rates, fees, or charges may shut off and discontinue water services to users with delinquent stormwater fees, provided that:

(1) The water service and stormwater fee are in the name of the same user;

(2) The rates, fees, or charges incurred by the user are 90 days past due;

(3) The provider has given the user written notice of termination of water service for nonpayment. Such notice must be given to the user at least 10 days before the termination of service and must notify the user of the user's right to enter into a deferred payment plan;

(4) The provider has attempted to make personal contact with the user at least two times in the 24 hours immediately before the termination of the service. If the provider makes personal contact with the user, the provider must inform the user of the user's right to enter into a deferred payment plan.

(5) The water service for a user who has entered into a deferred payment plan under this subsection may not be shut off or discontinued as long as the user is in conformance with the agreed

to payment plan. In the event the user falls out of compliance with the deferred payment plan, no sooner than five days after the missed payment, the provider may terminate service: *Provided*, That the provider must make one attempt to make personal contact with the user in the 24 hours immediately before the termination of the service.

(h) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the provider in a civil action in the name of the provider. The lien may be foreclosed against the lot, parcel of land, or building in accordance with the laws relating thereto. Where water, stormwater, and sewer services are furnished by any provider to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 631—A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-13-16a; to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-3-10 of said code, all relating to prohibiting utilities from shutting off a user's water service for nonpayment of stormwater fees without notice and compliance with certain conditions; creating board to hear appeals for assessment of estimated usage units; authorizing municipal utilities to discontinue water service to user delinquent in stormwater services fees and charges only after complying with certain requirements but imposing lien on premises served; allowing public service districts to discontinue water service to user delinquent in stormwater service fees and charges only after complying with certain requirements but imposing lien on premises served; and authorizing privately or publicly owned utilities from

discontinuing water service, or contracting with other utilities to discontinue water service, for delinquency in stormwater services fees and charges only after complying with certain requirements but imposing lien on premises served.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 631, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 631) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 643, Supplementing and amending appropriations to Department of Education, School Building Authority.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 649, Clarifying per diem compensation for certain judges recalled to service.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 652, Supplementing and amending appropriations to DHHR, Health Facilities.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 661, Expiring funds from Lottery Net Profits to General Revenue Surplus.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 663, Supplementing and amending appropriations to Division of Administrative Services, Criminal Justice Fund.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 675, Establishing accreditation deadline for convention and visitors bureaus.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

§7-18-13a. Annual reports by convention and visitors bureaus; eligibility for hotel occupancy tax proceeds.

(a) On or before 90 days after the end of its fiscal year, every convention and visitors bureau which receives any appropriation of hotel occupancy tax from one or more counties or municipalities shall file with each such county or municipality, the State Auditor, the Joint Committee on Government and Finance, and the West Virginia Association of Convention and Visitors Bureaus a report, including an income statement and balance sheet, showing all amounts of hotel occupancy tax appropriated to the convention and visitors bureau and all expenditures of hotel occupancy tax made by the convention and visitors bureau for the prior fiscal year, as well as any such information required by subsection (b) of this section. A convention and visitors bureau that has not filed a report in accordance with the provisions of this section shall be ineligible to receive additional appropriations of hotel occupancy tax proceeds until such report has been filed.

(b) In order to qualify for a distribution of net proceeds pursuant to §7-18-14 of this code, a convention and visitors bureau shall satisfy the following requirements:

(1) The convention and visitors bureau shall have a minimum annual budget;

(2) The convention and visitors bureau shall establish a marketing plan targeting markets outside of a 50-mile radius of the bureau's municipality or county of operation;

(3) The annual operating budget for the convention and visitors bureau allocates approximately 40 percent of annual revenues to advertising and marketing, approximately 40 percent to salaries and personnel, and approximately 20 percent to other operating expenses: *Provided*, That a convention and visitors bureau that allocates less than 40 percent of annual revenues to salaries and personnel shall be considered to have satisfied the budget allocation requirement;

(4) The convention and visitors bureau has a full-time executive director that maintains the minimum number of continuing education hours recommended annually by industry standards;

(5) The convention and visitors bureau has a physical office and/or visitor center that is accessible at least 40 hours per week and has a dedicated phone line;

(6) The convention and visitors bureau maintains a website and appropriate marketing materials;

(7) The convention and visitors bureau has received, and maintains, accreditation from an accrediting body at least once every three years: *Provided*, That convention and visitors bureaus in existence on the effective date of the amendments to this section enacted during the regular session of the Legislature, 2021, shall have until June 30, 2026, to receive and maintain accreditation from either a national or West Virginia accrediting body, and may, until that date, receive a distribution of net proceeds pursuant to §7-18-14 of this code if all other requirements for receiving a distribution are satisfied; and

(8) The convention and visitors bureau submits an annual report to all of its funding entities, which shall include, but not be limited to, the information provided for in this subsection.

Nothing in this section may be construed as to interfere with the ability of a county or municipality to enter into any agreements or partnerships with convention and visitors bureaus in neighboring counties or municipalities for the purposes of distributing net tax proceeds pursuant to §7-18-14 of this code, so long as all other requirements of this section are met.

(c) At least once every three years, any bureau that receives any appropriation of hotel occupancy tax from one or more counties or municipalities shall cause an audit or financial review, in a form as is appropriate to the particular bureau, to be made by an independent certified public accountant of all its books, accounts, and records relating to all receipts and expenditures of any hotel

occupancy tax appropriations for the three prior fiscal years of the bureau. A copy of the audit or financial review shall be filed with each county or municipality from which the bureau received an appropriation of hotel occupancy tax, the State Auditor, the Joint Committee on Government and Finance, and the West Virginia Association of Convention and Visitors Bureaus. After July 1, 2024, a bureau that has not caused such an audit or financial review to be made is ineligible to receive an appropriation of hotel occupancy tax proceeds pursuant to §7-18-14 of this code.

(d) In order to encourage counties and municipalities to work within the existing framework of convention and visitors bureaus, there shall be a moratorium on the authorization of new convention and visitors bureaus until June 30, ~~2026~~2029. A county or municipality may not appropriate any net proceeds of hotel occupancy taxes, pursuant to §7-18-14 of this code, to any convention ~~or~~ and visitors bureau created on or after the amendments to this section enacted during the regular session of the Legislature, 2021, and prior to the end of the moratorium imposed by this subsection.

(e) On or after June 30, ~~2026~~2029, any new convention and visitors bureau ~~which~~ that meets and maintains all of the requirements of subsection (b) of this section shall qualify for a distribution of net proceeds pursuant to §7-18-14 of this code, if all other requirements for receiving a distribution are satisfied.

~~(e)~~ (f) Nothing in this section may prohibit either the State Auditor or the Legislative Auditor from conducting regular reviews or audits of the operations or finances of a convention and visitors bureau to ensure compliance with this code.

On motion of Senator Takubo, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 675) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 675—A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to accreditation of convention and visitors bureaus; providing time extension for certain bureaus to become accredited and still be eligible for distribution of hotel occupancy tax proceeds; extending moratorium period for authorization of new bureaus; and requiring all new bureaus to obtain and maintain accreditation as requirement to receive distribution of net proceeds after certain date.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 675, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Roberts, Rucker, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Barrett, Chapman, Karnes, Martin, Maynard, Queen, and Smith—7.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 675) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 690, Establishing WV Agritourism Commission.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 695, Supplementing and amending appropriations to Energy Assistance, TANF, and Child Care and Development.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 697, Supplementing and amending appropriations to DHHR, Consolidated Medical Service Fund.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 698, Supplementing and amending appropriations to DHHR, Division of Human Services.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 699, Supplementing and amending appropriations to DHHR, Child Support Enforcement Fund.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 702, Supplementing and amending appropriations to DHHR, Laboratory Services Fund.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 704, Supplementing and amending appropriations to PSC, Motor Carrier Division.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 705, Supplementing and amending appropriations to PSC.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 786, Relating to massage therapy establishments.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2024, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 791, Modifying membership requirements of Medical Services Fund Advisory Council.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. ~~STATE ADVISORY BOARD; MEDICAL SERVICES FUND; ADVISORY COUNCIL; GENERAL RELIEF FUND.~~ MEDICAID ADVISORY COMMITTEE.

§9-4-3. Advisory ~~council~~ committee.

~~(a) The advisory council, created by chapter one hundred forty-three, Acts of the Legislature, regular session, 1953, as an advisory body to the state Medicaid Agency with respect to the medical services fund and disbursements therefrom and to advise about health and medical services, is continued so long as the medical~~

~~services fund remains in existence, and thereafter so long as the state Medicaid Agency considers the advisory council to be necessary or desirable, and it is organized as provided by this section and applicable federal law and has those advisory powers and duties as are granted and imposed by this section and elsewhere by law.~~

~~(b) The advisory council shall consist of not less than nine members, nor more than 15 members, all but four of whom shall be appointed by the state Medicaid Agency and serve until replaced or reappointed on a rotating basis.~~

~~(c)(1) The heads of the Bureau of Public Health and Bureau for Medical Services are members ex officio.~~

~~(2) The cochairs of the Legislative Oversight Commission on Health and Human Resources Accountability, or their designees, are nonvoting ex officio members.~~

~~(3) The remaining members comprising the council consist of:~~

~~(A) One member of recognized ability in the field of medicine and surgery with respect to whose appointment the state Medical Association shall be afforded the opportunity of making nomination of three qualified persons;~~

~~(B) One member of recognized ability in the field of dentistry with respect to whose appointment the state Dental Association shall be afforded the opportunity of nominating three qualified persons;~~

~~(C) One member chosen from a list of three persons nominated by the West Virginia Primary Care Association;~~

~~(D) One member chosen from a list of three persons nominated by the Behavioral Health Providers Association of West Virginia; and~~

~~(E) The remaining members chosen from persons of recognized ability in the fields of hospital administration, nursing and allied professions and from consumers groups, including~~

~~Medicaid recipients, members of the West Virginia Directors of Senior and Community Services, labor unions, cooperatives and consumer sponsored prepaid group practices plans.~~

~~(d) The council shall meet on call of the state Medicaid Agency.~~

~~(e) Each member of the advisory council shall receive reimbursement for reasonable and necessary travel expenses for each day actually served in attendance at meetings of the council in accordance with the state's travel regulations. Requisitions for the expenses shall be accompanied by an itemized statement, which shall be filed with the Auditor and preserved as a public record.~~

~~(f) The advisory council shall assist the state Medicaid Agency in the establishment of rules, standards and bylaws necessary to carry out the provisions of this section and shall serve as consultants to the state Medicaid Agency in carrying out the provisions of this section.~~

(a) The advisory committee created as an advisory body to the state Medicaid Agency with respect to the medical services fund and disbursements therefrom and to advise about health and medical services, and to bring fiscal stability to the Medicaid program through development of annual financial plans and long-range plans designed to meet the agency's estimated total financial requirements is continued.

(b) The advisory committee shall consist of not less than 9 members, nor more than 15 members, and all members shall be appointed by the state Medicaid Agency, and shall serve until replaced or reappointed on a rotating basis: *Provided, That* members appointed as non-voting, ex officio shall not be included in the total committee membership. These advisory committee members shall include:

(1) The Secretary for the Department of Human Services, who shall serve as Chair of the Committee;

(2) The Chairs of the House of Delegates and Senate Finance Committees, or their designees, are nonvoting, ex officio members;

(3) The co-chairs and a minority committee member from each the House of Delegates and Senate of the Legislative Oversight Commission on Health and Human Resources Accountability, or their designees, are nonvoting, ex officio members;

(4) The Commissioner of the Bureau of Medical Services as a nonvoting ex officio member;

(5) The state health officer as a nonvoting ex officio member;

(6) Three members of the Beneficiary Advisory Group Subcommittee;

(7) A member of the public with at least three years of experience with employee benefit programs;

(8) A member representing a Medicaid managed care organization;

(9) The provider representatives specified in the Advisory Committee bylaws as of March 1, 2024;

(10) Two members of the public from beneficiary advocacy organizations or associations; and

(11) One member of the public who is a health care actuary or certified public accountant with at least three years of experience with health care budgeting

(c) A committee member shall be a resident of West Virginia. A committee member shall have a fiduciary responsibility to protect the interests of Medicaid beneficiaries and the taxpayers of West Virginia. Beginning July 1, 2025, and every year thereafter, a committee member shall complete fiduciary training and timely complete any conflict-of-interest forms required to serve as a fiduciary.

(d) A member of the committee or any subcommittee may not be a registered lobbyist.

(e) The Secretary of the Department of Human Services shall establish and chair a Beneficiary Advisory Group Subcommittee

comprised of six public members who are past or present Medicaid enrollees, or the family or caregivers of a Medicaid enrollee.

(f) The advisory committee shall develop and publish a process to recruit and appoint committee and subcommittee members.

(g) The advisory committee shall assist the state Medicaid Agency in the establishment of rules, standards, and by-laws necessary to carry out the provisions of this section and shall serve as consultants to the state Medicaid Agency in carrying out the provisions of this section.

(h) The committee shall meet at least quarterly on the call of the state Medicaid Agency.

(i) At least two of the four quarterly meetings per year must be open to the public and offer a chance for the public to speak.

(j) Each member of the advisory committee shall receive reimbursement for reasonable and necessary travel expenses for each day served in attendance at meetings of the committee in accordance with the state's travel regulations. Requisitions for the expenses shall be accompanied by an itemized statement, which shall be filed with the Auditor and preserved as a public record.

(k) The advisory committee shall evaluate and administer programs to improve quality, improve health status of members, develop innovative payment methodologies, manage health care delivery costs, evaluate effective benefit designs, evaluate cost sharing and benefit-based programs, and evaluate effective industry programs that can manage the long-term effectiveness and costs for the Medicaid program.

(l) The advisory committee shall analyze the Medicaid Six-Year Plan concerning assumptions that formulate expenditure projections with the purpose of crafting strategies to mitigate long term financial liabilities in the program.

(m) The advisory committee shall publish on the Medicaid agency's website:

(1) The list of members;

(2) The meeting schedule; and

(3) Past meeting minutes and attendance.

(n) The advisory committee shall make recommendations on all elements of the Medicaid program and submit an annual report to the Legislative Oversight Commission on Health and Human Resources Accountability annually by September 1.;

And,

By striking out the title and substituting therefor a new title to read as follows:

Eng. Com. Sub. for Senate Bill 791—A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended; relating to Medicaid; modifying the membership requirements of the Medical Services Fund Advisory Council; augmenting its purpose; requiring certain actions from the Commissioner for the Bureau for Medical Services; and addressing the six-year plan to mitigate long-term financial liabilities.

On motion of Senator Weld, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 791) and requested the House of Delegates to recede therefrom.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 826, Creating exemption from bond or security requirement of banking institutions holding certain funds for county commissions.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 868, Supplementary appropriation to Department of Commerce, Geological and Economic Survey.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 871, Supplementary appropriation to Department of Veterans' Assistance, Veterans' Facilities.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 876, Supplementing and amending appropriations to Department of Health and Human Resources, Health Facilities.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 877, Supplementing and amending appropriations to Higher Education Policy Commission.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2025, of

Eng. Com. Sub. for House Bill 4971, Relating to Critical Materials Manufacturing Tax.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4998, Modifying penalties for third offense shoplifting.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 5013, Relating to Timber Management.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5017, Relating to mobile food establishment reciprocity.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5091, West Virginia Critical Infrastructure Protection Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect January 1, 2025, of

Eng. House Bill 5298, Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 5582, Modifying exceptions for real estate appraisal licensure.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 5650, Allow suspended school personnel to enter school property functions open to the public.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5662, Relating to adding "person in a position of trust" to certain crimes.

The Senate proceeded to the fourth order of business.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Com. Sub. for Senate Resolution 6 (originating in the Committee on Government Organization), Honoring life of Edith Levy, Holocaust survivor.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Resolution 6 (originating in the Committee on Rules)—Honoring the life Edith Rechter Levy, Ed. D., a Holocaust survivor, and a remarkable woman, who dedicated her life to educating others about the dangers of intolerance and prejudice while inspiring efforts to create a future in which none among us will be singled out to become a victim or a persecutor.

With the recommendation that the committee substitute for committee substitute be adopted.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Woodrum, unanimous consent being granted, the resolution (Com. Sub. for Com. Sub. for S. R. 6)

contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Trump demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (Com. Sub. for Com. Sub. for S. R. 6) adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senators Woodrum and Oliverio regarding the adoption of Committee Substitute for Committee Substitute for Senate Resolution 6 were ordered printed in the Appendix to the Journal.

Senator Weld announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate third reading calendar, **Engrossed House Bill 4292**.

Senator Weld announced that in the same meeting, the Committee on Rules, in accordance with Rule 17 of the Rules of the Senate, had ordered **Engrossed Committee Substitute for House Bill 4753, Engrossed House Bill 4793, Engrossed Committee Substitute for House Bill 4880, Engrossed Committee Substitute for House Bill 4883, Engrossed House Bill 5105, Engrossed Committee Substitute for House Bill 5262, Engrossed House Bill 4945, Engrossed Committee Substitute for House Bill 4956, Engrossed Committee Substitute for**

House Bill 5162, and **Engrossed House Bill 5548** to the foot of bills on today's third reading calendar.

The Senate proceeded to the seventh order of business.

Senate Resolution 70, Memorializing life of Heather Nicole Miller.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 71, Congratulating Kerri-Anne Cook on becoming first female golfer to win WVSSAC AA golf tournament.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Stover, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 4110, Authorizing certain miscellaneous agencies and boards to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4110) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4110—A Bill to amend and reenact §64-9-1 et seq. of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed, as modified and as disapproved by the Legislative Rule-Making Review Committee, and as amended by the Legislature; directing certain miscellaneous agencies and boards to amend current legislative rules; authorizing the West Virginia Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the West Virginia Board of Acupuncture to promulgate a legislative rule relating to applications for licensure to practice acupuncture; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to frozen desserts and imitation frozen desserts; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to certified pesticide applicators; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to licensing pesticide businesses; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to West Virginia molluscan shellfish; not authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to select plant-based derivative products; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to agritourism; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to procedures, criteria, and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians, and hair stylists; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the application for waiver of initial

licensing fees for certain individuals; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to cosmetology apprenticeships; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program database; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to continuing professional education requirements; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to telehealth practice, requirements, and definitions; relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to the operation of motorsports complexes and events; authorizing the State Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity; authorizing the State Election Commission to promulgate a legislative rule relating to regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the application and approval process for Secretary of State expenditures from the County Assistance Voting Equipment Fund; directing the Board of Funeral Home Service Examiners to amend a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to a schedule of fees; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to establishment licensure; authorizing the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to medical

imaging technologists; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, and physician assistants; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents and fellows; authorizing the West Virginia Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board to promulgate a legislative rule relating to the West Virginia Board of Optometry; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to injectable pharmaceutical agents certificates; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to eyelid procedures; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; to authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to continuing education for licensure for pharmacists; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists, pharmacy interns, and pharmacy technicians; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to pharmacy permits; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to substitution of biological pharmaceuticals; authorizing the Board of

Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to disciplinary and complaint procedures for psychologists; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to contested case hearing procedure; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage businesses; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to a schedule of fees; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers, and instructors; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to policies, standards and criteria for the evaluation, approval and national nursing accreditation of prelicensure nursing education programs; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to fees for services rendered by the board; authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to student temporary permits; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines for the use of nicknames and other designations on the ballot; authorizing the Secretary of State to promulgate a legislative rule relating to Combined Voter Registration and Driver Licensing Fund; authorizing the Secretary of State to promulgate a legislative rule relating to minimum standards for election administration, infrastructure, and security; authorizing the West Virginia State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; and authorizing the West Virginia State Treasurer to

promulgate a legislative rule relating to the Jumpstart Savings Program.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4110) takes effect from passage.

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

Eng. House Bill 4292, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. House Bill 4297, Law Enforcement Officers Safety Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4297) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 4297—A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; relating to recognizing that certain designated correctional officers are law enforcement officers for purposes of the Law Enforcement Officers Safety Act, 18 U.S.C. §926B; establishing requirements for eligibility; setting forth training requirements; stating the intent of the Legislature; and declaring that the Commissioner of Corrections has discretion as to eligibility and operation of the program.

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

Eng. Com. Sub. for House Bill 4320, Relating to access for minor children's medical records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Plymale—2.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4320) passed.

At the request of Senator Maroney, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4320—A Bill to amend and reenact §16-30-2, §16-30-14, and §16-30-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-30C-14 of said code; to amend and reenact said code by adding thereto a new article, designated §16-30D-1, §16-30D-2, and §16-30D-3; to amend and reenact §30-3-14 of this code; and to amend and reenact §30-3A-2 of said code, all relating to medically-assisted suicide, euthanasia, or mercy killing; clarifying legislative intent; clarifying that certain acts in accordance with West Virginia Health Care Decisions Act and Do Not Resuscitate Act do not constitute murder, medically-assisted suicide, euthanasia, or mercy killing; prohibiting licensed medical professionals in West Virginia from performing or assisting in practice of medically-assisted suicide, euthanasia, or mercy killing of a human; clarifying inapplicability to certain acts while patient's condition follows natural course; defining terms; providing for disciplinary action against licensed medical professional who knowingly and willfully performs or assists in practice of medically-assisted suicide, euthanasia, or mercy killing; providing criminal penalties; clarifying that a physician who exceeds average dosage of a pain relieving controlled substance under certain circumstances does not violate prohibition against medically-assisted suicide, euthanasia, or mercy killing of a human; and clarifying that prescriber who satisfies certain criteria for management of pain is not subject to disciplinary sanctions or criminal punishment relating to medically-assisted suicide, euthanasia, or mercy killing.

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

Eng. Com. Sub. for House Bill 4350, Relating to appointment of candidates after filing period.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4350) passed with its title.

Senator Weld moved that the bill take effect January 1, 2025.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4350) takes effect January 1, 2025.

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

Eng. Com. Sub. for House Bill 4399, Creating the equitable right to expungement.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Stuart—1.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4399) passed.

At the request of Senator Weld, as vice chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4399—A Bill to amend and reenact §61-11-22, §61-11-22a, and §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; expungement of criminal records; and when a civil action may be filed to expunge criminal records for cases where charges have been dismissed following a full and successful completion of a pretrial diversion or deferred adjudication; relating to exceptions to the allowance to file a civil action for expungement.

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

Eng. House Bill 4700, Banning certain persons from sport wagering activities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4700) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 4700—A Bill to amend and reenact §29-22D-4 and §29-22D-15 of the Code of West Virginia, 1931, as amended, all relating to banning certain persons from sport wagering activities; directing the Lottery Commission to propose a rule for legislative approval specifying reasons for which patrons of sports gaming may be banned from engaging in sports betting; setting forth a non-inclusive list of reasons for which a patron may be banned; requiring the rule contain a procedure for lodging complaints against patrons and for investigation of complaints; and allowing the Commission or an operator to continue banning persons from certain areas of a gaming facility until the Commission promulgates the rule.

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

At the request of Senator Tarr, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 4786, Delivery Network Company (DNC) Insurance Model Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Smith and Hamilton, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Smith and Hamilton would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4786) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4786—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, and §33-63-6, all relating to creating the Delivery Network Company Insurance Act; providing a short title; defining terms; defining interaction with other laws; providing insurance and disclosure requirements relating to delivery network companies and delivery network drivers; specifying minimum insurance coverage amounts required of delivery network companies and delivery network drivers; setting forth when delivery network companies must assume primary liability; authorizing exclusions in motor vehicle liability insurance policies and retaining other rights of insurers; and creating an effective date.

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

Eng. Com. Sub. for House Bill 4837, Clarifying the duty of banks to retain and procure records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4837) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4837—A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46-3-118 of said code, all relating to duties of banks to retain records and limiting liability; providing uniformity between statute of limitations, presumption of abandonment, and duty of banks to retain records; limiting liability of banks based on the destruction of records as permitted by law; providing a presumption of payment by the bank on demand, savings, or time deposits; and modifying statute of limitations on notes, certificates of deposit, and drafts.

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

Eng. House Bill 4863, Patriotic Access to Students in Schools Act.

On third reading, coming up in regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 1, section 44, by striking out lines 5 through 7, and inserting in thereof the following:

"school students to participate in their organization during school hours to inform the students of how the patriotic society may further the students' educational interests and civic involvement to better their schools, communities, and themselves. Participation of students is voluntary and must not interfere with instructional learning."

On motion of Senator Clements, the following amendment to the bill (Eng. H. B. 4863) was next reported by the Clerk:

On page 1, section 44, lines 8 through 10, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The patriotic society must notify the board of education of its intent to speak to the students. Upon approval from the board the patriotic society shall provide verbal or written notice to the principal. The principle shall provide verbal or written approval of the specific day and time for the society to address the students.

Following discussion,

The question being on the adoption of the amendment offered by Senator Clements to the bill, the same was put and prevailed.

Engrossed House Bill 4863, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 4863 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4863) passed with its title.

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

Eng. Com. Sub. for House Bill 4911, Relating to the sale of raw milk.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4911 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—28.

The nays were: Caputo, Maroney, Oliverio, Queen, and Woelfel—5.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4911) passed.

At the request of Senator Hamilton, as chair of the Committee on Agriculture and Natural Resources, and by unanimous consent, the unreported Agriculture and Natural Resources committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4911—A Bill to amend and reenact §19-1-7 of the Code of West Virginia, 1931, as amended, relating to raw milk; defining "raw milk"; authorizing intrastate sales of raw milk; imposing labeling requirements; and authorizing rulemaking.

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

Eng. Com. Sub. for House Bill 4951, To facilitate the interstate practice of School Psychology in educational or school settings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4951) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4951—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §18-10R-1, §18-10R-2, §18-10R-3, §18-10R-4, §18-10R-5, §18-10R-6, §18-10R-7, §18-10R-8, §18-10R-9, §18-10R-10, §18-10R-11, §18-10R-12, and §18-10R-13, relating to the Interstate Compact for School Psychologists; stating purpose; defining terms; providing for state and school psychologists' participation in compact; determining home state for active military members and their spouses; providing for discipline by the state; establishment of school psychologist interstate licensure compact commission and providing its powers and duties; facilitating information exchange; providing for oversight, dispute resolution and enforcement; providing an effective date, and process for withdrawal of a state and amendments; providing for construction and severability; and providing for consistent state

laws with the compact superseding any laws in conflict with the compact.

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

Eng. Com. Sub. for House Bill 4975, Relating to establishing a foster parent information system.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-111c. Priorities for use of funds.

(a) Subject to appropriations by the Legislature, the department ~~is authorized and directed to:~~ shall:

(1) Enhance and increase efforts to provide services to prevent the removal of children from their homes;

(2) Identify relatives and fictive kin of children in need of placement outside of the home;

(3) Train kinship parents to become certified foster parents;

(4) Expand a tiered foster care system that provides higher payments for foster parents providing care to, and child placing agencies providing services to, foster children who have severe emotional, behavioral, or intellectual problems or disabilities, with particular emphasis upon removing children in congregate care and

placing them with suitable foster parents; ~~This program shall be operational no later than December 1, 2020 and~~

~~(5) Develop a pilot program to increase payment to uncertified kinship parents for the purpose of further helping families who have accepted kinship placements.~~

~~(b) During fiscal year 2021, the department shall expend at least \$16,900,000 for the purposes of implementing the priorities and objectives listed in this section.~~

~~(c) On or before July 1, 2022 and on or before July 1 of every year thereafter, the secretary of the department shall present a report to the Joint Standing Committee on Government and Finance regarding the expenditures made pursuant to subsection (b) of this section and the department's progress in meeting the priorities and objectives listed in subsection (a) of this section: *Provided*, That the secretary shall provide the information described in this subsection and updates to previous reports at any time, upon request of the Joint Standing Committee on Government and Finance~~

(b) (1) The department shall develop and implement a web-based communication system which shall either be incorporated into the existing child welfare information technology system or be developed and implemented through the purchase of additional products that can be used in conjunction with the existing child welfare technology system. The web-based communication system shall communicate with and pull information from the existing child welfare information technology system. The components of the system may be implemented incrementally, except that §49-2-111c(b)(2)(B) of this code, shall be implemented on or before January 1, 2025, with the project completed on or before January 1, 2026.

(2) The system shall:

(A) Ensure that permission access to utilize the system about a foster child is granted to only those parties with legal responsibilities to care for and support the foster child;

(B) Facilitate communications between those individuals involved in the child welfare system, including, but not limited to, foster parent or kinship parent requests and responses to requests to staff of the Bureau for Social Services and their contractual designees;

(C) Provide information regarding visitation, appointments, travel, and other services available to the foster child;

(D) Provide information regarding court hearings, meetings with guardian ad litem, multidisciplinary team (MDT) meetings, and provide other communications that may improve care for the foster child amongst designated parties with legal responsibilities to care for the foster child;

(E) Provide health records for the foster child to the foster parent or kinship parent by connecting with existing health care systems;

(F) Have the capacity to archive communications for the purpose of running reports on responsiveness by parties in the child welfare system; and

(G) Be created to prevent the input of the redundant information.

(3) On or before July 1, 2026, and quarterly thereafter, the department shall analyze and evaluate the average time it takes a child protective service worker to update the web-based communication system with the information required in this section. The department shall also evaluate the child protective service worker's response time to requests made in the web-based communications system from foster parents and kinship parents. This analysis shall be shared with the Foster Care Ombudsman and presented to the Legislative Oversight Commission on Health and Human Resources Accountability on or before July 1, 2026, and annually thereafter.

On motion of Senator Maroney, the following amendments to the Health and Human Resources committee amendment to the bill

(Eng. Com. Sub. for H. B. 4975) were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 111c, line 29, after the word "before" by striking out the words "January 1, 2025" and inserting in lieu thereof the words "July 1, 2025";

On page 2, section 111c, line 30, after the word "before" by striking out the words "January 1, 2026" and inserting in lieu thereof the words "July 1, 2026";

And,

On page 3, section 111c, after line 54 by inserting a new subdivision (4) to read as follows:

(4) On or before December 31, 2024, the Department of Human Services shall submit a report to the Legislative Oversight Commission on Health and Human Resources setting forth an overview of the status of implementation of the web-based communication system set forth in this section. The report shall contain, at a minimum, timelines for completion of the web-based communication system and projected expenditures.

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 4975, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4975) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4975—A Bill to amend and reenact §49-2-111c of the Code of West Virginia, 1931, as amended, relating to establishing a web-based communication system; setting forth the requirements of the system; establishing deadlines for implementation; requiring the Department of Human Services to provide analysis, evaluation, and reports regarding the system; and deleting obsolete language.

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

Eng. Com. Sub. for House Bill 4999, Creating exception to spousal privilege.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4999) passed with its title.

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

Eng. Com. Sub. for House Bill 5084, Require retailers to verify identification and age upon purchase of vape products.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5084) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5084—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to tobacco products; amending legislative intent; defining terms; prohibiting sale or gift of tobacco products to persons younger than 21 years of age; requiring that a valid driver's license, state identification card, or any valid and unexpired federally issued identification card be presented to verify the minimum age of 21 for the purchase or acceptance of tobacco products; setting forth fines and criminal penalties; increasing fines for selling tobacco products to persons younger than 21 years of age; removing penalties for possession of a tobacco product by a person younger than the age of 18; providing that an employee who sells

a tobacco product to a person younger than 21 years of age is subject to noncriminal, nonmonetary penalties; allowing an employee who sells a tobacco product to a person younger than 21 years of age to be fired under certain circumstances; permitting persons younger than 21 years of age to be used in inspections of retail outlets where tobacco products are sold; providing a defense for a person charged with selling tobacco products to a person younger than 21 years of age; replacing the West Virginia Alcohol Beverage Control Administration with the Bureau for Behavioral Health as an agency with authority to conduct inspections; removing the requirement for the West Virginia Alcohol Beverage Control Administration to submit a report and instead requiring the Commissioner of the Bureau for Behavioral Health to submit the report; and amending language regarding vending machines to conform to the increased age requirement.

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

Eng. Com. Sub. for House Bill 5158, Relating to making technical corrections to the special education code.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5158) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5158—A Bill to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-10N-2 of said code; to amend and reenact §18-20-1 and §18-20-1a of said code; to repeal §18-20-1b of said code; and to amend and reenact §18-20-1c, §18-20-1d, §18-20-2, §18-20-3, §18-20-4, §18-20-5, §18-20-6, §18-20-7, §18-20-8, §18-20-9, §18-20-10, and §18-20-11, all relating to updating statutory provisions regarding the special education code; defining local educational agency; clarifying that districts and county boards subsumed under the local educational agency; updating definitions; updating terminology used in education of exceptional children; clarifying local educational agencies special educational programs include services outside the school environment; requiring state board's rules assuring exceptional students receive an education in accordance with state and federal laws include students in foster care and correctional facilities; clarifying services required by local educational agency that must be provided until age of majority; requiring preschool programs, special education and related services for students with disabilities or developmental delays begin services by student's 3rd birthday; clarifying preschool programs for students with disabilities or developmental delays are available to such students in mental health facilities, residential institutions, and private entities who have entered into an agreement with a local educational agency; repealing outdated code section; clarifying provisions regarding assistance, training and information to be provided to integrated classroom teachers; allowing any teacher to request an IEP meeting in certain instance; prohibiting a teacher from being penalized for advocating for his or her student; allowing the teacher to work with the family or guardian; providing that the general education teacher is not responsible for daily accommodation logs; requiring that data to support the decision to place a student into an integrated classroom be included in the Individualized Education Plan; updating terminology for individualized education programs; clarifying minimum training for autism mentor and allowing for partial or full reimbursement of tuition for training as autism mentor; updating

terminology regarding reports; requiring local educational agencies to maintain a continuum of services, including integrated classrooms and out of school environments; requiring training to integrated education and submission of annual reports; updating terminology regarding examination and reports by medical or other specialists; updating language regarding powers and duties of superintendent; updating language regarding advisory council for the education of exceptional children; updating requirements of exceptional children monitoring and accountability review teams; updating terminology regarding interagency plan for exceptional children and advisory council; updating terminology regarding gifted education caseload review; and updating language regarding video cameras in self-contained classrooms.

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

Eng. Com. Sub. for House Bill 5232, The Business Liability Protection Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5232) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5232—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to instances when an employer may not terminate or take adverse action against an employee in certain circumstances; updating the Business Liability Protection Act; clarifying when a property owner may inquire as to lawful firearm possession; clarifying when a property owner may not remove a person from the property based on lawful firearm possession; defining terms.

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

Eng. Com. Sub. for House Bill 5238, Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5238) passed with its title.

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

Eng. House Bill 5252, Requiring certain minimum experience for the director or coordinator of services class title involving school transportation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5252) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. House Bill 5252—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to generally to service personnel class titles and definitions; requiring persons employed in a director or coordinator of services classification title as a director, assistant director, or coordinator of transportation to possess a commercial driver's license within one year of employment; providing exceptions; and removing outdated class title and terms.

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

Eng. House Bill 5257, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Following a point of inquiry to the President, with resultant response thereto,

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Maynard, Nelson, Phillips, Plymale, Queen, Roberts, Smith, Swope, Taylor, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Caputo, Chapman, Jeffries, Karnes, Martin, Oliverio, Rucker, Stover, Stuart, Tarr, and Weld—11.

Absent: Takubo—1.

Excused from voting: Trump—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5257) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. House Bill 5257—A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-6 of said code; and to amend and reenact §62-1C-1a and §65-1C-2 of said code, relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff and relating generally to pretrial release generally; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; defining terms; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting cash only or property only bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that a magistrate may not release a defendant charged with a felony offense on his or her own recognizance on initial appearance; providing circumstances when a bail bond is not

appropriate; providing circumstances when a magistrate has discretion to set a cash only bond; and making technical corrections.

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

On motion of Senator Weld, at 12 Noon, the Senate recessed for 15 minutes.

The Senate reconvened at 12:15 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 5287, Relating generally to traffic safety.

On third reading, coming up in regular order, with the unreported Transportation and Infrastructure committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Clements, as chair of the Committee on Transportation and Infrastructure, and by unanimous consent, the unreported Transportation and Infrastructure committee amendment to the bill was withdrawn.

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.

§17C-2-10. Physicians exempt from specified traffic laws when responding to emergency.

(a) An allopathic or osteopathic physician traveling in response to an emergency call is exempt from the provisions of §17C-6-1, §17C-6-2, and §17C-6-3 of this code, if the vehicle used by the

physician displays an emblem approved by the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine indicating that the vehicle is owned by the licensed physician and responding to an emergency call.

(b) The provisions of this section do not relieve the physician from the duty to drive with due care for the safety of all persons using the highway, and they do not protect the physician from the consequences of acting in reckless disregard for the safety of others.

(c) The West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, that set forth criteria for a physician to request an emblem from the respective boards, grounds to use the emblem, and an administrative penalty if the emblem is used in inappropriate circumstances.

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-16. Approaching highway maintenance vehicles or disabled vehicles; penalties.

(a) The driver of any vehicle approaching a highway maintenance vehicle or disabled vehicle shall:

(1) Proceed with due care;

(2) Yield the right-of-way by making a lane change not adjacent to that of the highway maintenance vehicle or disabled vehicle, if possible with regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; and

(3) Reduce speed to a safe level for road conditions.

(b) For purposes of this section:

(1) "Disabled vehicle" means a motor vehicle that is stationary due to disability of the driver or because the motor vehicle is

physically or mechanically incapable of being operated safely, which also displays a warning signal, such as emergency flashers, hazard lights, flares, or retroreflective warning sign.

(2) "Highway maintenance vehicle" means a vehicle in use by the state, political subdivision, or contractor of the state or political subdivision, to maintain, repair, replace, construct, or otherwise improve public highways, bridges, facilities, or infrastructure located within a public right-of-way, which also displays a warning signal, such as flashing lights, hazard lights, flares, or retroreflective warning sign.

(c) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than \$500.

Engrossed Committee Substitute for House Bill 5287, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5287) passed.

At the request of Senator Clements, as chair of the Committee on Transportation and Infrastructure, and by unanimous consent, the unreported Transportation and Infrastructure committee amendment to the title of the bill was withdrawn.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5287—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, and to amend said code by adding thereto a new section designated §17C-14-16, all relating to traffic regulation; exempting certain physicians from specified traffic laws in emergency situations; imposing requirements on drivers when approaching a highway maintenance vehicle or disabled vehicle; defining terms; specifying penalties; and requiring rulemaking by the West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine.

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

On motion of Senator Grady, the Senate reconsidered the vote by which in earlier proceedings today it passed

Eng. House Bill 5257, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

The vote thereon having been reconsidered,

The question again being "Shall Engrossed House Bill 5257 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Hamilton, Hunt, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stuart, Swope, Taylor, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Caputo, Chapman, Grady, Jeffries, Martin, Smith, Stover, Tarr, and Weld—9.

Absent: Takubo—1.

Excused from voting: Trump—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5257) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. House Bill 5257—A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-6 of said code; and to amend and reenact §62-1C-1a and §65-1C-2 of said code, relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff and relating generally to pretrial release generally; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; defining terms; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting cash only or property only bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that a magistrate may not release a defendant charged with a felony offense on his or her own recognizance on initial appearance; providing circumstances when a bail bond is not appropriate; providing circumstances when a magistrate has discretion to set a cash only bond; and making technical corrections.

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

The Senate then resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 5349, West Virginia Truth in Food Labeling Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5349) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5349—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, and §19-39-3, all relating to the Truth in Food Product Labeling Act; defining terms; establishing what constitutes misbranding of a food product; providing exceptions; providing certain food products subject to federal law shall comply with rule; authorizing emergency and legislative rules; and providing for inapplicability of provision duplicating or conflicting with federal law.

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

Eng. House Bill 5430, Relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024,

for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

Eng. Com. Sub. for House Bill 5435, Establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5435) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5435—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-3D-7, establishing the registered apprenticeship to associate of applied science program to be known as the Skilled Trades Apprenticeship Nontraditional Degree (STAND) program; specifying purpose; defining terms; requiring the chancellor to establish the program under the supervision of the Council for Community and Technical College Education;

allowing the state's public community and technical colleges to offer general education courses to eligible students in a manner and on a timeline that will allow the eligible student to earn at least 15 credit hours of general education courses toward an associate of applied science degree; specifying eligibility requirements; specifying the time in which an apprentice or journeyworker can apply for enrollment in the program; specifying time limit for completing and passing all general education coursework; providing for funding; allowing the council to propose emergency and legislative rules to implement the section; requiring chancellor to report to the Legislative Oversight Commission on Education Accountability on any programs created; and specifying minimum information the report shall contain.

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

Eng. Com. Sub. for House Bill 5510, Clarify law regarding the crime of witness tampering.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5510) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5510—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to offenses against public officers, public employees, jurors and witnesses; amending and modifying the essential elements of the offenses of intimidation and retaliation; and removing the requirement that there be predicate behavior.

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

Eng. Com. Sub. for House Bill 5553, To provide and change graduation requirements and change duties relating to academic content standards.

On third reading, coming up in regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

On motion of Senator Grady, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. REQUIRED COURSES OF INSTRUCTION.

§18-2-7C. PROGRAM IN PERSONAL FINANCE.

(a) The Legislature finds and declares that persons with an understanding of personal finance are better prepared to manage their money and that providing a personal finance program in secondary schools in West Virginia will prepare students to handle their finances.

(b) To provide students a basic understanding of personal finance, the state board shall develop a program of instruction on personal finance which may be integrated into the curriculum of an appropriate existing course or courses for students in secondary schools.

~~(c) Beginning with the class of students entering 9th grade in the 2024-2025 school year and thereafter, each high school student shall complete one half credit course of study in personal finance during their 11th or 12th grade year as a requirement for high school graduation.~~ The ~~State Board of Education~~ state board shall develop and issue implementation guidance to local school boards and other education agencies as to curriculum, content matter standards, eligible teacher certification(s), and graduation requirements the course may fulfill before July 1, 2024.

~~(d) Every student shall complete a course in personal finance prior to high school graduation.~~

§18-2-9. Required courses of instruction.

(a) (1) In all public, private, parochial, and denominational schools located within this state there shall be given prior to the completion of the eighth grade at least one year of instruction in the history of the State of West Virginia. The schools shall require regular courses of instruction by the completion of the 12th grade in the history of the United States, in civics, in the Constitution of the United States, and in the government of the State of West Virginia for the purpose of teaching, fostering, and perpetuating the ideals, principles, and spirit of political and economic democracy in America, and increasing the knowledge of the organization and machinery of the government of the United States and of the State of West Virginia. The required courses shall include instruction on the institutions and structure of American government, such as the separation of powers, the Electoral College, and federalism. The required courses shall include instruction that provides students an understanding of American political philosophy and history, utilizing writings from prominent figures in Western civilization, such as Aristotle, Thomas Hobbes, John Locke, and Thomas Jefferson. The courses of instruction shall offer an objective and

critical analysis of ideologies throughout history including, but not limited to, capitalism, republicanism, democracy, socialism, communism, and fascism. The required courses shall emphasize the use of primary sources and interactive learning techniques, such as mock scenarios, debates, and open and impartial discussions.

(2) The state board shall, with the advice of the state superintendent, and after consultation with other entities, prescribe the courses of study, including the basic course requirements for middle school and high school, and the academic standards listed in subdivision (1) of this subsection for these courses of study covering these subjects for the public schools, and publish an approved list of instructional resources pursuant to §18-2A-1 *et seq.* of this code. The curriculum used in the delivery of instruction shall cover the standards adopted for such courses. The other entities for consultation may include such organizations as the Florida Joint Center for Citizenship, the College Board, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman Institute of American History, the Constitutional Sources Project, educators, school administrators, postsecondary education representatives, elected officials, business and industry leaders, parents, and the public. Officials or boards having authority over the respective private, parochial, and denominational schools shall prescribe courses of study for the schools under their control and supervision similar to those required for the public schools.

(3) The state board shall provide testing or assessment instruments for the history and civics courses of instruction required by this section. These testing instruments shall:

(A) Be aligned with the academic standards required by this section;

(B) Be mandatory for students enrolled in those courses of instruction;

(C) Be cumulative by including questions about knowledge learned in prior history and civics courses; and

(D) Measure students' factual and conceptual knowledge including how the facts interrelate and the reasons behind historical documents and events.

(4) To further this study, every high school student eligible by age for voter registration shall be afforded the opportunity to register to vote pursuant to §3-2-22 of this code.

(b) The state board shall cause to be taught in all public schools of this state the subject of health education, including instruction in any of the grades six through 12 as considered appropriate by the county board, on: (1) The prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases; (2) substance abuse, including the nature of alcoholic drinks and narcotics, tobacco products, and other potentially harmful drugs, with special instruction as to their effect upon the human system and upon society in general; (3) the importance of healthy eating and physical activity in maintaining healthy weight; and (4) education concerning cardiopulmonary resuscitation and first aid, including instruction in the care for conscious choking, and recognition of symptoms of drug or alcohol overdose. The course curriculum requirements and materials for the instruction shall be adopted by the state board by rule in consultation with the Department of Health. The state board shall prescribe a standardized health education assessment to be administered within health education classes to measure student health knowledge and program effectiveness.

(c) An opportunity shall be afforded to the parent or guardian of a child subject to instruction in the prevention, transmission, and spread of acquired immune deficiency syndrome and other sexually transmitted diseases to examine the course curriculum requirements and materials to be used in the instruction. The parent or guardian may exempt the child from participation in the instruction by giving notice to that effect in writing to the school principal.

(d) After July 1, 2015, the required instruction in cardiopulmonary resuscitation in subsection (b) of this section shall include at least 30 minutes of instruction for each student

prior to graduation on the proper administration of cardiopulmonary resuscitation (CPR) and the psychomotor skills necessary to perform cardiopulmonary resuscitation. The term "psychomotor skills" means the use of hands-on practicing to support cognitive learning. Cognitive-only training does not qualify as "psychomotor skills". The CPR instruction shall be based on an instructional program established by the American Heart Association or the American Red Cross, or another program which is nationally recognized and uses the most current national evidence-based emergency cardiovascular care guidelines and incorporates psychomotor skills development into the instruction. A licensed teacher is not required to be a certified trainer of cardiopulmonary resuscitation to facilitate, provide, or oversee such instruction. The instruction may be given by community members, such as emergency medical technicians, paramedics, police officers, firefighters, licensed nurses, and representatives of the American Heart Association or the American Red Cross. These community members are encouraged to provide necessary training and instructional resources such as cardiopulmonary resuscitation kits and other material at no cost to the schools. The requirements of this subsection are minimum requirements. A local school district may offer CPR instruction for longer periods of time and may enhance the curriculum and training components, including, but not limited to, incorporating into the instruction the use of an automated external defibrillator (AED): *Provided*, That any instruction that results in a certification being earned shall be taught by an authorized CPR/AED instructor.

(e) A full week of classes during the week selected by the county board of education shall be recognized as Celebrate Freedom Week. The purpose of Celebrate Freedom Week is to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded.

Celebrate Freedom Week shall include appropriate instruction in each social studies class which:

(1) Includes an in-depth study of the intent, meaning, and importance of the Declaration of Independence, the Emancipation

Proclamation, and the Constitution of the United States with an emphasis on the amendments that are crucial to the survival of democracy and freedom, such as the Bill of Rights and the 13th, 14th, 15th, and 19th amendments;

(2) Uses the historical, political, and social environments surrounding each document at the time of its initial passage or ratification; and

(3) Includes the study of historical documents to firmly establish the historical background leading to the establishment of the provisions of the constitution and Bill of Rights by the founding fathers for the purposes of safeguarding our constitutional republic.

The requirements of this subsection are applicable to all public, private, parochial, and denominational schools located within this state. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(f) Beginning the 2018-2019 school year, students in public schools shall be administered a test the same as or substantially similar to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services between their ninth and 12th grade years as an indicator of student achievement in the area of civics education. The test results may be reported in the aggregate to the county board for evaluation by the board's curriculum director and reported to the board members. Nothing in this subsection creates a standard or requirement subject to state accountability measures.

(g) Beginning with the class of students entering ninth grade in the 2024-2025 school year, and thereafter, each high school student shall have the option of completing a one-half credit course of study in personal finance during their ninth through 12th grade year as a requirement for high school graduation; or

(h) Beginning with the ninth-grade class entering in the 2026-2027 school year, a one-half credit course of study in a high school computer science course as a requirement for high school graduation.

(3) "Computer science" means the study of computers, algorithmic processes, coding, and logical thinking, including computer principles, their hardware and software designs, their implementation, and their impact on society. Content should focus on teaching students how to create new technologies, not simply how to use technology. Computer science does not include the study of everyday uses of computers and computer applications, such as keyboarding, word processing, digital literacy, or accessing the internet.

(4) The one-half high school credit for computer science required in this subsection may be earned in grades eight through twelve.

(5) A computer science course offered for high school credit shall:

(A) Be of high quality; and

(B) Meet or exceed the standards established by the state board; and

(6) The state board shall update computer science standards to include a high school introductory computer science course including foundational computer science concepts.

(7) Beginning in August of 2025, the state board shall make available to all public schools a list of foundational computer science courses that meet the requirements for this course. The list shall include both half credit and full credit courses.

(A) Beginning with the 2026-2027 school year, a public school district may employ a computer science teacher at each high school in the public school district.

(B) A computer science teacher employed in accordance with this subsection shall hold a teaching certificate approved by the state board.

(8) The state board may adopt rules to administer the provisions of this subsection, including rules for flexible options to license

computer science teachers including, but not limited to, an authorization or endorsement.

(9) The computer science course may be used to fulfill existing graduation requirements, as determined by the state board.

On motion of Senator Woodrum, the following amendment to Senator Grady's amendment to the bill (Eng. Com. Sub. for H. B. 5553) was reported by the Clerk and adopted:

On page 7, section 9, after line 150, by inserting a new subsection (i) to read as follows:

(i) All public schools located within this state shall give age-appropriate instruction on the Holocaust, the systematic, planned annihilation on European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions: *Provided*, That beginning in the 2024-2025 school year, each public school, including each public charter school, shall incorporate age-appropriate reading and discussion into its Holocaust education curriculum, in grades 10 or 11. The Holocaust discussion must include a reading of *The Diary of a Young Girl*, by Anne Frank.

The question now being on the adoption of Senator Grady's amendment to the bill, as amended, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 5553, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 5553 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5553) passed.

On motion of Senator Woodrum, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5553—A Bill to amend and reenact §18-2-7c and §18-2-9 the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass certain minimum one-half credit hours in personal finance or computer science and technology courses as a high school graduation requirement; defining computer science; establishing computer science course requirements; requiring the state board of education to modify computer science standards; establishing rulemaking to establish licensing requirements for computer science teachers; and relating to requiring all public schools located within the state to give age-appropriate instruction on the Holocaust.

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

Eng. Com. Sub. for House Bill 5561, Relating to permitting the electronic execution of trusts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5561) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5561—A Bill to amend and reenact §44D-1-103, §44D-4-402, §44D-5-503c, §44D-7-701, §44D-7-704, §44D-7-705, §44D-8B-2, and §44D-10-1011 of the Code of West Virginia, 1931, as amended, all relating to permitting the electronic execution of trusts; defining terms; clarifying that a trust instrument may be executed in an electronic format; clarifying inapplicability to wills unless duly admitted to probate; and making consistent certain provisions with allowing electronic execution of trusts.

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

Eng. Com. Sub. for House Bill 5583, Permitting the Commissioner of the Division of Highways to issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5583) passed.

The following amendment to the title of the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5583—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of the Division of Highways to issue special permits to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in state law over routes designated by the Commissioner of the Division of Highways at night, and during holidays, holiday weekends, Saturdays, and Sundays; specifying application of permit to certain highways; and specifying when such a permit shall be promptly issued.

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

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Weld, at 12:42 p.m., the Senate recessed until 2 p.m. today.

The Senate reconvened at 2:07 p.m.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Weld, at 2:07 p.m., the Senate recessed until 6 p.m. today.

The Senate reconvened at 6:49 p.m.

At the request of Senator Weld, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the family of the Honorable Rollan A. Roberts, a senator from the ninth district, privileges of the floor for the day.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 2, Authorizing DEP to promulgate rules.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 1, line 5, after the word "authorized" striking out the period and inserting in lieu thereof the following:

"with the following amendments:

On page 1, subsection 1.6., by striking the word "The" and inserting in lieu thereof the words "This rule applies to the";

On page 1, subsection 1.6. after the word "limitations" by inserting the words "imposed by those rules";

And,

On page 5, section 1, line 69, by striking out "§22-11-7a" and inserting in lieu thereof "§22-11B-7";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 2—A Bill to amend and reenact §64-3-1 et seq. of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup and shutdown operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from the combustion of fuel in indirect heat exchangers; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of hot mix asphalt plants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of coal preparation plants, coal handling operations and coal refuse disposal areas; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of refuse; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from manufacturing processes and associated operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the emission of sulfur oxides; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the emission of volatile organic compounds;

authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to administration of Drinking Water Treatment Revolving Fund and safe drinking water set-asides; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground injection control.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 2, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 2) passed with its House of Delegates amended title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart,

Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 2) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 17, Authorizing Department of Health to promulgate legislative rules.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, line 19, by striking the period and inserting the following:

"with the following amendment:

On page 48, by inserting a new section §18 to read as follows:

'18.1 A hospital shall conduct and report the survey results in plain language of the 'Hospital Consumer Assessment of Healthcare Provider and Systems Survey (HCAHPS)' and 'Center for Medicare & Medicaid Services (CMS) Hospital Inpatient Quality Reporting (IQR). A hospital shall place a menu item, entitled, 'Quality Information' in the 'Footer' of all patient-facing pages of its website. The link shall directly connect the user to

another page on the hospital's website which shall provide the public results of all CMS Hospital Compare reporting measures: *Provided*, That results shall include 'Preferred Direction of Results'; most current quarterly results submitted to CMS expressed as a numerator/denominator of incidents/total procedures; last published results with date; 'State Average'; and 'National Average'. A hospital not required by CMS to conduct such surveys is exempt from this provision.';

And,

Renumbering the remaining sections accordingly;

And,

On page 3, line 28, by striking the period and inserting in lieu thereof the following:

"with the following amendment:

On page 3, by striking section 5 in its entirety and inserting in lieu thereof a new section 5 to read as follows:

"§64-15-5. When Protection Is Required.

5.1. The commissioner or his or her designee may determine, upon conducting a risk assessment, that any water supply system must be equipped with a backflow prevention assembly to protect the health and sanitation of water, whether publicly or privately owned: *Provided*, That water supply systems shall not require a backflow prevention assembly unless any of the following are met:

5.1.1. it cross-connects with a sprinkler or fire suppression system;

5.1.2. it cross-connects with an active auxiliary water source or water well;

5.1.3. it cross-connects with any fluid storage tank, tub, pool or cistern 85 gallons or larger with a public water inlet that can be below the water level;

5.1.4. it cross-connects with a boiler system;

5.1.5. it cross-connects with any land irrigation system; or

5.1.6. The property serviced by the public water supply is a funeral home or mortuary, restaurant, dry cleaner, medical facility, beauty and nail salon, car wash, multi-tenant retail space, commercial building three stories or taller, or commercial space with a dedicated fire service line/sprinkler system, industrial facility, salvage and/or wastewater facility, food processing facility, recycling facility where cross-connected to the public water supply, correctional facility, or any other customer using chemicals harmful to human health that are cross-connected to the public water supply."

On motion of Senator Weld, the Senate concurred in the House amendment, except as to the amendment on page 2, line 19, by striking the period and inserting the following:

"with the following amendment:

On page 48, by inserting a new section §18 to read as follows:

'18.1 A hospital shall conduct and report the survey results in plain language of the 'Hospital Consumer Assessment of Healthcare Provider and Systems Survey (HCAHPS)' and 'Center for Medicare & Medicaid Services (CMS) Hospital Inpatient Quality Reporting (IQR). A hospital shall place a menu item, entitled, 'Quality Information' in the 'Footer' of all patient-facing pages of its website. The link shall directly connect the user to another page on the hospital's website which shall provide the public results of all CMS Hospital Compare reporting measures: *Provided*, That results shall include 'Preferred Direction of Results'; most current quarterly results submitted to CMS expressed as a numerator/denominator of incidents/total procedures; last published results with date; 'State Average'; and 'National Average'. A hospital not required by CMS to conduct such surveys is exempt from this provision.';

And,

Renumbering the remaining sections accordingly.

Engrossed Committee Substitute for Senate Bill 17, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 17) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 17) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to

take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 36, Authorizing Department of Homeland Security to promulgate legislative rules.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 2, section 1, line 13 by striking subsection (c) in its entirety and inserting in lieu thereof the following:

"(c) The legislative rule filed in the State Register on September 8, 2023, authorized under the authority of §15-9B-4 of this code, modified by the Governor's Committee on Crime, Delinquency, and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 9, 2023, relating to the Governor's Committee on Crime, Delinquency, and Correction (sexual assault forensic examinations, 149 CSR 11), is authorized with the following amendment:

On page 7, subsection 7.1, following the word "maintained" by inserting the words "at no cost to the victim".

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 36, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 36) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 36) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 50, Authorizing Department of Revenue to promulgate legislative rules.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking everything after the enacting clause and inserting, in lieu thereof, the following language:

ARTICLE 7. AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO PROMULGATE LEGISLATIVE RULES.

§64-7-1. Alcohol Beverage Control Commissioner.

The Legislature directs the Alcohol Beverage Control Commissioner to amend the legislative rule filed in the State Register on July 1, 2022, authorized under the authority of §60-2-16 of this code, relating to the Alcohol Beverage Control (private club licensing, 175 CSR 02), with the amendments set forth below:

On page 1, section 1, subsection 1.5, by striking the word "2032" and inserting in lieu thereof the word "2029".

On page 6, striking out the entirety of subdivision 2.22.3. and inserting, in lieu thereof, a new subdivision 2.22.3. to read as follows:

"2.22.3. Maintains a fresh food inventory capable of being prepared in the private club restaurant's full kitchen."

On page 7, by striking out the entirety of subdivision 2.23.3. and inserting, in lieu thereof, a new subdivision 2.23.3. to read as follows:

"2.23.3. Have one or more members operating who maintain a fresh food inventory capable of being prepared for events conducted at the private farmers market in the private club restaurant's full kitchen."

On page 11, by striking out the entirety of subdivision 2.28.4 and inserting, in lieu thereof, the following:

"Maintains a fresh food inventory capable of being prepared in the private manufacturer club's full kitchen."

On page 30, section 4, by striking out all of subsections 4.8 and 4.9 and inserting in lieu thereof a new subsection 4.8, to read as follows:

"4.8. Hours of operation. - The licensed premises of all private clubs shall be closed for operation and cleared of all members and guests 30 minutes after the hours of sale of alcoholic liquors and nonintoxicating beer have expired, except for: (i) a private resort hotel holding a license issued pursuant to W. Va. Code §60-7-1 *et seq.* may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the licensed premises when also licensed under W. Va. Code §29-22A-1 *et seq.* and W. Va. Code §29-22C-1 *et seq.* or W. Va. Code §29-25-1 *et seq.*; (ii) members and guests staying at a private resort hotel, but the members and guests must clear any bar and restaurant areas 30 minutes after the hours of sale of alcoholic liquors and nonintoxicating beer have expired; and (iii) members and guests staying at a private hotel, but the members and guests must clear any bar and restaurant areas 30 minutes after the hours of sale of alcoholic liquors and nonintoxicating beer have expired. Employees of the licensee shall leave the licensed premises no later than one hour after the premises are closed for operation. Licensed premises shall not be occupied by members and guests any sooner than 30 minutes prior to the hours of sale of alcoholic liquors and nonintoxicating beer, except for: (i) a private resort hotel holding a license issued pursuant to W. Va. Code §60-7-1 *et seq.* may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the licensed premises when also licensed under W. Va. Code §29-22A-1 *et seq.* and W. Va. Code §29-22C-1 *et seq.* or W. Va. Code §29-25-1 *et seq.*; (ii) members and guests staying at a private resort hotel where the members and guests may not enter any bar and restaurant areas until 30 minutes before the hours of sale of alcoholic liquors and nonintoxicating beer; and (iii) members and guests staying at a private hotel where the members and guests may not enter any bar and restaurant areas until 30 minutes before the hours of sale of alcoholic liquors and nonintoxicating beer. Employees may not enter any bar and restaurant serving areas until one hour before the hours of sale of alcoholic liquors and nonintoxicating beer."

And,

By renumbering the remaining subsections.

§64-7-2. Alcohol Beverage Control Commissioner - Beer.

The Legislature directs the Alcohol Beverage Control Commissioner - Beer to amend the legislative rule filed in the State Register on July 1, 2022, authorized under the authority of §60-2-16 of this code, relating to the Alcohol Beverage Control - Beer (nonintoxicating beer licensing and operations procedures, 176 CSR 01), with the amendments set forth below:

On page 3, by adding a new subsection designated 2.18 to read as follows:

""Delivery day" means any day that the distributor is open for business.";

And,

By renumbering the remaining subsections;

And,

On page 33, by striking out all of paragraph 6.3.d.3. and inserting in lieu thereof a new paragraph 6.3.d.3. to read as follows:

"6.3.d.3. A distributor or a resident brewer acting in a limited capacity as a distributor may rotate, stock, merchandise, price, and presell nonintoxicating beer in a licensed nonintoxicating beer retail establishment only on nonintoxicating beer or nonintoxicating craft beer delivery day."

§64-7-3. West Virginia Insurance Commissioner.

(a) The legislative rule filed in the State Register on March 29, 2023, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (AIDS regulations, 114 CSR 27), is authorized.

(b) The legislative rule filed in the State Register on July 12, 2023, authorized under the authority of §33-55-9 of this code, modified by the West Virginia Insurance Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 14, 2023, relating to the West Virginia Insurance Commissioner (health benefit plan network access and adequacy, 114 CSR 100), is authorized.

(c) The legislative rule filed in the State Register on July 11, 2023, authorized under the authority of §51-10-8 of this code, modified by the West Virginia Insurance Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 14, 2023, relating to the West Virginia Insurance Commissioner (bail bondsmen in criminal cases, 114 CSR 103), is authorized with the amendments set forth below:

"On page 3, paragraph 3.2.1.h., following the words "felony crime", by striking out the remainder of the paragraph and inserting a semi-colon.

And,

On page 6, after subsection 3.11., by adding a new subsection 3.12. to read as follows:

"3.12. Any person who has been convicted of a felony is not qualified to be licensed as a bail bondsman and the Commissioner shall not license any such person. The Commissioner shall revoke or not renew the license of a bail bondsman who is convicted of a felony, after licensure, and shall not renew the license of a bail bondsman who was previously convicted of a felony, and who was issued a license prior to the enactment of this subsection."

§64-7-4. West Virginia Racing Commission.

The legislative rule filed in the State Register on July 26, 2023, authorized under the authority of §19-23-6 of this code, relating to the West Virginia Racing Commission (thoroughbred racing, 178 CSR 01), is authorized with the amendment set forth below:

On page 67, subdivision 41.2.g., by striking out the words "Entry of a" and inserting in lieu thereof the word: "A".

§64-7-5. West Virginia Tax Department.

(a) The legislative rule filed in the State Register on March 28, 2023, authorized under the authority of §11-15-9p of this code, relating to the West Virginia Tax Department (aircraft operated under a fractional ownership program, 110 CSR 15K), is authorized.

(b) The legislative rule filed in the State Register on December 30, 2022, authorized under the authority of §29A-3-19 of this code, modified by the West Virginia Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21, 2023, relating to the West Virginia Tax Department (citizen tax credit for property taxes paid, 110 CSR 21B), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2023, authorized under the authority of §11-21-3a of this code, relating to the West Virginia Tax Department (income tax paid at the entity level by electing pass-through entities, 110 CSR 21G), is authorized.

(d) The legislative rule filed in the State Register on July 25, 2023, authorized under the authority of §11-13MM-6 of this code, relating to the West Virginia Tax Department (income tax credits for property taxes paid, 110 CSR 21H), is authorized.

(e) The legislative rule filed in the State Register on December 30, 2022, authorized under the authority of §60-3-9d of this code, modified by the West Virginia Tax Department to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21, 2023, relating to the West Virginia Tax Department (administration of tax on purchases of wine and liquor inside and outside of municipalities, 110 CSR 49), is authorized.

(f) The legislative rule filed in the State Register on July 25, 2023, authorized under the authority of §19-12E-12 of this code,

relating to the West Virginia Tax Department (privilege tax on sales of hemp-derived cannabinoid and kratom products, 110 CSR 99), is authorized.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 50, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 50) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 50) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 60, Authorizing DOT to promulgate legislative rules.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF
TRANSPORTATION TO PROMULGATE LEGISLATIVE
RULES.**

§64-8-1. Division of Motor Vehicles.

(a) The legislative rule filed in the State Register on July 26, 2023, authorized under the authority of §11-15-3C of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Division of Motor Vehicles (motor vehicle titling, 91 CSR 03), is authorized with the following amendments:

On page 1, by striking out all of subsection 2.1 and inserting in lieu thereof a new subsection 2.1. to read as follows:

"2.1. Application. An application for a certificate of title must be accompanied by the appropriate fees:

21.1 Proof of Insurance;

2.1.2. Photo identification and identity validation and verification developed by the Division of Motor Vehicles;

2.1.3. If the vehicle was previously titled in another state or jurisdiction, that title;

2.1.4. If a registration plate is also being transferred, appropriate registration information;

2.1.5. If the vehicle requires registration, the appropriate fee for the registration plate; and,

2.1.6. Sales tax as calculated in subsection 2.2 of this section.":

On page 1, after subsection 2.1 by adding a new subsection 2.2 to read as follows:

"2.2. Application for non-resident businesses. An application by a non-resident business for a title through the Title Clearinghouse must be accompanied by any documents prescribed by the Commissioner.";

And,

By renumbering the remaining subsections.

(b) The legislative rule filed in the State Register on July 26, 2023, authorized under the authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Division of Motor Vehicles (dealer licensing, 91 CSR 06), is authorized.

(c) The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §17C-13-6 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Division of Motor Vehicles (handicapped parking permits, 91 CSR 10), is authorized.

§64-8-2. Division of Highways.

(a) The legislative rule filed in the State Register on July 31, 2023, authorized under the authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Division of Highways (construction and reconstruction of state roads, 157 CSR 03), is authorized with the amendment set forth below:

On pages 15 and 16, by striking out all of subdivision 5.5.a. and inserting in lieu thereof a new subdivision 5.5.a. to read as follows:

"5.5.a. The successful bidder has the option of submission of the bond in an amount equivalent to either 102 percent or 100 percent of the contract price.";

And,

On page 16, by adding 4 new subdivisions, designated 5.5.b., 5.5.c., 5.5.d., and 5.5.e., all to read as follows:

"5.5.b. The submission of the aforementioned bond in an amount equivalent to 102 percent of the contract price by the successful bidder is the standard expectation of the division in order to comply with the current special provision for subcontractor prompt payment and does not necessitate the withholding of retainage by the division from monies due on future progress voucher estimates payable under the terms of the contract. Further, the decision by a particular contractor to submit a bond in an amount equivalent to 102 percent of the contract price shall be consistent and applicable throughout the duration of the contract for which the bond is being submitted and shall be consistent and applicable to all contracts executed between the Division and that particular contractor.

5.5.c. If the successful bidder elects to submit the bond in an amount equivalent to 100 percent of the contract price, it is necessary that the bidder notify the Contract Administration Division in writing prior to the submission of the bond. Submission

of a bond in an amount equivalent to 100 percent of the contract price requires the withholding of retainage by the Division from monies due on future progress voucher estimates payable under the terms of the contract and as set forth in 11.6 of this rule. Further, the decision by a particular contractor to submit a bond in an amount equivalent to 100 percent of the contract price shall be consistent and applicable throughout the duration of the contract for which the bond is being submitted and shall be consistent and applicable to all contracts executed between the division and that particular contractor.

5.5.d. As an alternate, the successful bidder may deposit with the State Treasurer cash bond, United States Treasury Bonds, United States Treasury Certificates of Indebtedness, United States Treasury Bills or West Virginia Road Bonds in the amount of either 102 percent or 100 percent of the contract amount. A safe keeping receipt from a bank located in the State of West Virginia may be deposited with the State Treasurer in lieu of any of the definitive securities.

5.5.e. The State Treasurer shall, on a regular basis, collect all interest or income on the obligations so deposited and pay same, when and if collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the State Treasurer shall deliver each coupon as it matures to the contractor."

(b) The legislative rule filed in the State Register on July 26, 2023, authorized under the authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 8, 2023, relating to the Division of Highways (traffic and safety rules, 157 CSR 05), is authorized with the amendments set forth below:

On page 14, Subdivision 7.4.h. by striking out the words "Vehicle speed shall not exceed 35 miles per hour" and inserting the following:

"Vehicle speed shall not exceed the posted or statutory speed limit in effect and shall not exceed the recommended speed on all

warning signs when passing through the area of concern (curve, intersection, etc.).";

On page 14, Subdivision 7.4.j. by striking out the words "or main highway";

And,

On page 14, Subdivision 7.4.j., after the word "measures.", by inserting the following:

"When approaching an intersecting roadway, vehicles shall obey any traffic control devices such as stop signs, yield signs, and traffic lights."

§64-8-3. Division of Multimodal Transportation Facilities.

The legislative rule filed in the State Register on July 28, 2023, authorized under the authority of §17-16F-5 of this code, modified by the Division of Multimodal Transportation ~~Facilities~~ Facilities to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2023, relating to the Division of Multimodal Transportation ~~Facilities~~ Facilities (valuation of used rolling stock and equipment, 220 CSR 01), is authorized.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 60—A Bill to amend and reenact §64-8-1 et seq. of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to motor vehicle titling; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing; authorizing the Division of Motor Vehicles to

promulgate a legislative rule relating to handicapped parking permits; authorizing the Division of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules; and authorizing the Division of Multimodal Transportation Facilities to promulgate a legislative rule relating to valuation of used rolling stock and equipment.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 60, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 60) passed with its House of Delegates amended title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 60) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 147, Adding definition of "ammunition" for purposes of obtaining state license to carry concealed deadly weapon.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-4. License to carry deadly weapons; how obtained.

(a)(1) Except as provided in §61-7-4(q) of this code, a legal resident or citizen of West Virginia desiring to obtain a state resident 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 \$50. A concealed weapons license may only be issued for pistols and revolvers.

(2) A legal resident or citizen of another state of the United States desiring to obtain a nonresident state license to carry a concealed deadly weapon shall apply to a sheriff of any county in

this state for the license, and pay to the sheriff, at the time of application, a fee of \$100. A concealed weapons license may only be issued for pistols and revolvers.

(b) Each applicant for a state resident license or nonresident license to carry a concealed deadly weapon 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 United States citizen or legal resident thereof and either a resident of this state and of the county in which the application is made or a resident of another state in the United States and has a valid driver's license or other state-issued or federally issued photo identification showing the residence;

(3) That the applicant is 21 years of age or older;

(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 subdivision (7) of this subsection 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 §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code, 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, 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 shall 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 §61-7-7 of this code or federal law, including 18 U.S.C. §922(g) or (n), from receiving, possessing, or transporting a firearm;

(11) That the applicant has qualified under the minimum requirements set forth in subsection (e) 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.

(c) 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 (b) 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 §61-7-7 of this code or federal law, including 18 U.S.C. §922(g) or (n).

(d)(1) Twenty-five dollars of the resident license application fee shall be deposited into the State Treasury and credited to the account of the State Police, and \$25 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.

(2) Fifteen dollars of the nonresident license application fee shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code; \$25 of the application fee shall be deposited into the State Treasury and credited to the account of the State Police for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles; and \$60 of the application fee shall be deposited in the concealed weapons license administration fund to be administered as provided in ~~subsection (d) of this section~~ this subsection.

(e) All persons applying for a license shall complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course includes the actual live firing of ammunition by the applicant; *Provided however*, That for purposes of this subsection, the term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm and includes ammunition designed for training such as marking rounds and simulated training loads:

(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 using 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 and shall include the instructor's name, signature, and NRA or state instructor identification number, if applicable.

(f) All concealed weapons license applications must be notarized by a notary public duly licensed under §39-4-1 *et seq.* of this code. Falsification of any portion of the application constitutes false swearing and is punishable under §61-5-2 of this code.

(g) The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect, or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue, or deny the license within 45 days after the application is filed if all required background checks authorized by this section are completed.

(h) A license in effect as of the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature shall, subject to revocation for cause, be valid until the licensee's birthday during the fifth year from the date of issuance or five years from the date of issuance, whichever is later in time. Renewals of such licenses and licenses newly issued after the effective date of the amendments to this section enacted during the 2019 regular session of the Legislature, subject to revocation for cause, are valid for a period of five years from the licensees' most recent birthday.

(i) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this

section. All duplicate license cards issued on or after July 1, 2017, shall be uniform across all 55 counties in size, appearance, and information and shall feature a photograph of the licensee.

(j) The Superintendent of the West Virginia State Police, in cooperation with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for both resident and nonresident licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

(k) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within 30 days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria 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. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(l) 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.

(m) Whenever an applicant or licensee relocates from the address provided in his or her application to another address, he or she shall comply with the following notification requirements:

(1) Within 20 days of a resident licensee relocating from the address provided in his or her application to another county in the

state, he or she shall provide written notification of the relocation to the sheriff of the county to which he or she moved and provide his or her new address. The sheriff shall then issue a new resident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(2) Within 20 days of a resident licensee relocating from the address provided in his or her application to an address outside the state, he or she shall provide written notification to the sheriff of the issuing county of the relocation and provide his or her new address. The sheriff shall then issue a new nonresident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five-year term unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article: *Provided*, That any renewal of the license in the new jurisdiction after expiration requires the payment of a nonresident license fee.

(3) Within 20 days of a nonresident licensee relocating from the address provided in his or her application to another address outside of the state, he or she shall provide written notification of the relocation to the sheriff of the issuing county and provide his or her new address. The sheriff shall then issue a new nonresident license bearing the licensee's new address and original expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(4) Within 20 days of a nonresident licensee relocating to West Virginia from the address provided in his or her application, he or she shall provide written notification of the relocation to the sheriff of the county to which he or she has moved and provide his or her new address. The sheriff shall then issue a new resident license bearing the licensee's new address and the original expiration date, for a fee not to exceed \$5. This license remains valid for the

remainder of the original five-year term, unless the sheriff has determined that the person is no longer eligible for a concealed weapon license under the provisions of this article.

(n) The sheriff shall, immediately after the license is granted under this section 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.

(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 subsection (a) of this section, with respect to application for a resident license by an honorably discharged veteran of the armed forces of the United States, reserve, or National Guard, or a former law-enforcement officer honorably retired from agencies governed by §7-14-1 *et seq.* of this code, §8-14-1 *et seq.* of this code, §15-2-1 *et seq.* of this code, and §20-7-1 *et seq.* of this code, an honorably retired officer or an honorably discharged veteran of the armed forces of the United States, reserve, or National Guard, 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 section are applicable to these applicants.

(r) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for, or holder of, a concealed weapon license, is confidential: *Provided*, That this

information may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 or more than \$200 for each offense.

(s) A person who pays fees for training or application pursuant to this article after the effective date of this section is entitled to a tax credit equal to the amount actually paid for training not to exceed \$50: *Provided*, That if such training was provided for free or for less than \$50, then such tax credit may be applied to the fees associated with the initial application.

(t) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon license issued in accordance with the provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver on the lands or waters of this state.

§61-7-4a. Provisional license to carry deadly weapons; how obtained.

(a) Any person who is at least ~~eighteen~~ 18 years of age and less than ~~twenty-one~~ 21 years of age who desires to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for a provisional license, and pay to the sheriff, at the time of application, a fee of \$15. Provisional licenses 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 at least ~~eighteen~~ 18 years of age and less than ~~twenty-one~~ 21 years of age;

(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 subdivision (7) of this section within 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 under either ~~section twenty-eight, article two of this chapter or subsection (b) or (c), section nine, article two of this chapter~~ §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code 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 section seven of this article or federal law, including 18 U. S. C. §922(g) 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;

(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 provisional license 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 provisional license may not be issued unless the

issuing sheriff has verified through the National Instant Criminal Background Check System that the information available does not indicate that receipt of 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) Fifteen dollars of the application fee and any fees for replacement of lost or stolen provisional 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 said fund are to be expended by the sheriff to pay the costs associated with issuing concealed weapons provisional 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 provisional license must complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: *Provided*, That the completed course included the actual live firing of ammunition by the applicant; *Provided however*, That for purposes of this subsection, the term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm and includes ammunition designed for training such as marking rounds and simulated training loads:

(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 proof of current or former service in the United States armed forces, armed forces reserves 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. Certificates, affidavits or other documents submitted to show completion of a course or class shall include instructor information and proof of instructor certification, including, if applicable, the instructor's NRA instructor certification number.

(e) All provisional license applications must be notarized by a notary public duly licensed under ~~article four, chapter twenty-nine~~ §29-4-1 et seq. of this code. Falsification of any portion of the application constitutes false swearing and is punishable under section two, article five of this chapter.

(f) The sheriff shall issue a provisional license unless the sheriff determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within ~~forty-five~~ 45 days after the application is filed once all required background checks authorized by this section are completed.

(g) Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$15 which the sheriff shall forward to the Superintendent of the West Virginia State Police within ~~thirty~~ 30 days of receipt. The provisional license is valid until the licensee turns ~~twenty-one~~ 21 years of age, unless sooner revoked.

(h) Each provisional license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all provisional license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section. Duplicate license cards issued shall be uniform across all ~~fifty five~~ 55 counties in size, appearance and information and must feature a photograph of the licensee. The provisional license shall be readily distinguishable from a license issued pursuant to section four of this article and shall state: "NOT NICS EXEMPT. This license confers the same rights and privileges to carry a concealed pistol or revolver on the lands or waters of this state as a license issued pursuant to ~~section four, article seven, chapter sixty one~~ §61-7-4 of this code, except that this license does not satisfy the requirements of 18 U. S. C. §922(t)(3). A NICS check must be performed prior to purchase of a firearm from a federally licensed firearm dealer."

(i) The Superintendent of the West Virginia State Police, in coordination with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for provisional licenses and license cards showing that the license has been granted and shall perform any other act required to protect the state and to enforce this section.

(j) If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a provisional license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within ~~thirty~~ 30 days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a provisional license under the criteria 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. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

(k) If a provisional 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 provisional concealed weapon license moves from the address named in the application to another county within the state, the license remains valid until the licensee turns ~~twenty-one~~ 21 years of age unless the sheriff of the new county has determined that the person is no longer eligible for a provisional concealed weapon license under this article, and the sheriff shall issue a new provisional license bearing the person's new address and the original expiration date for a fee not to exceed \$5: *Provided*, That the licensee within ~~twenty~~ 20 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 provisional license is granted, 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 provisional licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued provisional concealed weapon licenses.

(n) The sheriff shall deny any application or revoke any existing provisional license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

(o) A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon provisional license

does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

(p) Information collected under this section, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon provisional license, is confidential: *Provided*, That this information may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a provisional license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

(q) Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a provisional concealed weapon license issued in accordance with the provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver on the lands or waters of this state.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 147—A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to concealed deadly weapons licenses; adding definition of "ammunition" for purposes of the live fire requirement for obtaining a license to carry a deadly weapon; adding definition of "ammunition" for purposes of the live fire requirement for obtaining a provisional license to carry a deadly weapon; clarifying that ammunition designed for training including marking rounds and simulated ammunition may be used in the required training course; and removing the requirement that an applicant for a concealed deadly weapon license or a provisional concealed deadly weapon license must provide a Social Security number.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 147, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 147) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 149, Relating to municipalities required to be represented on county authority boards.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 12. COUNTY AND MUNICIPAL DEVELOPMENT AUTHORITIES.

§7-12-3. Management and control of county authority vested in board; appointment and terms of members; vacancies; removal of members.

The management and control of a county authority, its property, operations, business, and affairs shall be lodged in a board of not fewer than 12 nor more than 21 persons who shall be appointed by the county commission and be known as members of the authority. The county commission shall appoint one member to represent the county commission on the board. ~~and, for each municipality located within the county, the county commission shall appoint one member to represent the municipality. The city and town council of each municipality located within the county shall submit to the county commission the names of three persons, one of whom the county commission shall appoint to be the municipality's representative on the board. Other members~~ Members of the board shall be appointed by the county commission ~~and shall include representatives of business, industry and labor.~~ The members of the authority first appointed shall serve respectively for terms of one year, two years and three years, divided equally or as nearly equal as possible between these terms. Thereafter, members shall be appointed for terms of three years each. A member may be reappointed for such additional term or terms as the county commission may deem proper. If a member resigns, is removed or for any other reason his or her membership terminates during his or her term of office, a successor shall be appointed by the county commission to fill out the remainder of his or her term. Members in office at the expiration of their respective terms shall continue to serve until their successors have been appointed and have qualified. The county commission may at any time remove any member of the board by an order duly entered of record and may appoint a successor member for any member so removed.

Other persons, firms, unincorporated associations, and corporations, who reside, maintain offices, or have economic interests, ~~as the case may be, in the county, shall be~~ are eligible to

participate in and request the county commission to appoint members to the development authority as the said authority shall by its bylaws provide.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 149—A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to the composition of county authority boards; removing the requirement that municipalities be represented on county authority boards; removing the requirement that certain board members must be representatives of business, industry, and labor.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 149, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 149) passed with its House of Delegates amended title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 149) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect January 1, 2025, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Senate Bill 166, Updating contested elections procedures.

On motion of Senator Weld, the bill was taken up for immediate consideration.

On further motion of Senator Weld, the Senate concurred in the changed effective date of the bill, that being to take effect January 1, 2025, instead of ninety days from passage.

Senator Weld moved that the bill take effect January 1, 2025.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 166) takes effect January 1, 2025.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 170, Relating to compensable diseases of certain firefighters covered by workers' compensation.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section one, line two, following the words "shall be paid", by striking out the words "from the Workers' Compensation Fund" and the comma;

And,

On page four, section one, line eighty-nine, following the words "by rule of the", by striking out the words "board of managers" and inserting in lieu thereof the words "Insurance Commissioner and Industrial Council".

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 170, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover,

Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 170) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 170) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 217, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1 by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.

§5-22-4. Negotiation when all bids exceed budgeted amount.

(a) The state and its subdivisions may establish a maximum budgeted amount for each construction project. In the event the bids for a construction project exceed the funds available, the contracting public agency may negotiate with the lowest qualified responsible bidder pursuant to the provisions of this section.

(b) To utilize the provisions of this section, the contracting public agency shall:

(1) establish a maximum budgeted amount;

(2) maintain confidentiality of the maximum budgeted amount prior to the award of a contract; and

(3) not proceed with a negotiated award if that results in more than a ten percent change in scope or cost from the original base bid.

(c) A negotiated award made pursuant to the provisions of this section shall be made within 30 calendar days of the original bid opening date.

(d) Negotiations under this section shall be completed in the following manner:

(1) If only one responsive and responsible bidder responds to a solicitation the contracting agency may negotiate an award based solely on the specifications contained within the original solicitation;

(2) If more than one bidder responds to a solicitation, the contracting public agency may negotiate with the apparent lowest qualified responsible bidder, as defined in §5-22-1 of this code: *Provided*, any such negotiation must be based on the scope and specifications contained within the original solicitation;

(3) The contracting public agency shall make available for public inspection all negotiated contracts; and

(4) The contracting public agency shall memorialize any change to the original project specifications that occur as a result of a negotiated award made pursuant to the provisions of this section.

(e) The provisions of this section are permissive and not mandatory for any contracting public agency.

(f) An award of a negotiated contract pursuant to the provisions of this section may not be made to a bidder who fails to meet the other qualifications set forth in this article.

(g) For the purposes of this section, "construction project" does not mean the construction of a road, bridge, or highway.

(h) The provisions of this section expire and shall have no force and effect after December 31, 2029.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 217, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 217) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 217) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 261, WV Veterans' Home Loan Mortgage Program of 2024.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, following the enacting clause, by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

CHAPTER 31. CORPORATIONS.

ARTICLE 18F. THE WEST VIRGINIA VETERANS' HOME LOAN MORTGAGE PROGRAM OF 2024.

§31-18F-1. Short title.

This article shall be known as the West Virginia Veterans' Home Loan Mortgage Program Act of 2024.

§31-18F-2. Definitions.

As used in this section, the following definitions apply:

(1) "Eligible veteran" means any veteran as defined in this section who:

(A) is a West Virginia resident;

(B) is a first-time home buyer; and

(C) is establishing his or her primary residence in West Virginia.

(2) "Fund" means the West Virginia Veterans' Home Loan Mortgage Fund created pursuant to the provisions of §31-18F-5 of this code.

(3) "Mortgage loan" means a loan for the purchase of real property, and any improvements thereon, located within this state that is to be used for primary residential purposes by the eligible veteran and that is based upon a written instrument evidenced by a promissory note, and that is secured by a deed of trust.

(4) "Participating financial institution" means a corporate lender or other loan originator approved by the West Virginia Housing Development Fund for originating loans pursuant to the provisions this article.

(5) "Resident" or "West Virginia resident" means an individual who maintains, or will maintain after receiving a mortgage loan, a primary residence within West Virginia, and who has not established a residence elsewhere even though the individual may be temporarily absent from the state.

(6) "Under honorable conditions" means a discharge or separation from military duty characterized by the armed forces as under honorable conditions. The term includes honorable discharge and general discharge. The term does not include a dishonorable discharge, or another administrative discharge characterized by military regulation as other than honorable.

(7) "Veteran" means a person who satisfies one of the following requirements:

(A) is a member of the West Virginia National Guard;

(B) is a member of the federal reserve forces of the armed forces of the United States, serving pursuant to Title 10 of the United States Code;

(C) is a person serving on federal active duty pursuant to Title 10 of the United States Code;

(D) is the unmarried spouse or child of an individual who otherwise met the requirements of paragraphs (A), (B), or (C) of this subdivision, but was killed in the line of duty;

(E) is a person who previously met the requirements of paragraphs (A), (B), or (C) of this subdivision, but has since been discharged under honorable conditions; or

(F) a person defined as a veteran by rule promulgated by the West Virginia Housing Development Fund pursuant to the provisions of this article.

(8) "Veterans' Home Loan Mortgage Program" or "program" means the program created pursuant to the provisions of this article.

(9) "West Virginia Housing Development Fund" or "Housing Development Fund" means the West Virginia Housing Development Fund created and established by §31-18-4 of this code.

§31-18F-3. Veterans' Home Loan Mortgage Program created.

(a) There is hereby created the West Virginia Veterans' Home Loan Mortgage Program of 2024 to be administered by the West Virginia Housing Development Fund for eligible veterans who are first-time home buyers.

(b) The West Virginia Housing Development Fund is authorized to make or purchase mortgage loans from participating financial institutions or through direct origination.

§31-18F-4. Terms of program.

(a) *Interest.* Interest on a home mortgage loan made pursuant to the provisions of this article shall be 1 percent less than the federal national mortgage association's delivery rate or 1 percent less than the interest rate applicable to loans provided by the West Virginia Housing Development Fund's Homeownership Program, whichever is less. If the federal national mortgage association's delivery rate becomes unavailable, the Housing Development Fund shall provide another similar rate to use for the purposes of this section by rule promulgated pursuant to the provisions of this article.

(b) *Loan amount.* The maximum amount of a loan made pursuant to the provisions of this article is 100 percent of the value of the statewide allowable purchase price.

(c) *Required education program.* The West Virginia Housing Development Fund shall require, as a condition for a loan, that an eligible veteran participate in a first-time home buyer education program approved by the West Virginia Housing Development Fund.

(d) *Government guaranty.* A loan made by the West Virginia Housing Development Fund must be secured by a government

guaranty, unless the West Virginia Housing Development Fund makes a determination that the use of conventional mortgage insurance requirements and coverage will satisfy security requirements.

(e) *Minimum amount of veteran monetary payment.* An eligible veteran shall participate in a loan by paying a minimum amount of \$2,500, unless the West Virginia Housing Development Fund provides, by legislative rule promulgated pursuant to the provisions of this section, circumstances under which a smaller minimum amount may be allowed. An eligible veteran may use this minimum payment toward paying closing costs and may borrow from the program the maximum loan amount allowed by the mortgage insurer for the loan.

(f) *Income limitations.* There is no limit on the maximum amount of income that may be earned by an eligible veteran in order to qualify for the program.

(g) In order to allow small financial institutions to participate equitably in the program along with large financial institutions, the West Virginia Housing Development Fund may adopt rules to specify the maximum amount of mortgage loans that may be made by any one participating financial institution.

(h) The Legislative Auditor shall have access to all documentation used for the purpose of the program.

(i) The West Virginia Housing Development Fund shall annually submit to the Joint Committee on Government and Finance a report describing, at a minimum, the operation and use of this program. This report shall be due no later than December 1 of each year and may be combined with other reports submitted by the West Virginia Housing Development Fund to the Legislature.

§31-18F-5. West Virginia Veterans' Home Loan Mortgage Fund.

(a) The board of directors of the West Virginia Housing Development Fund shall create and establish the West Virginia Veterans' Home Loan Mortgage Fund. The fund shall be a special

revolving fund of moneys made available by contribution or loan, and to be governed, administered and accounted for by the directors, officers and managerial staff of the Housing Development Fund as a public purpose trust account separate and distinct from any other moneys, funds or funds owned and managed by the Housing Development Fund. The purpose for organizing and operating the fund shall be to provide a source from which the Housing Development Fund may implement the provisions of this article.

(b) The Housing Development Fund shall administer the West Virginia Veterans' Home Loan Mortgage Fund and service the mortgage loans made pursuant to the program.

(c) The West Virginia Housing Development Fund shall receive all moneys transferred to the fund pursuant to §36-8-13(f) of this code, any other moneys to be deposited into the fund, and any repayments and interest paid to the fund.

(d) As a loan pursuant to this article is repaid, the principal payments on the loan must be redeposited in the fund until all the principal of the loan is repaid. In the event of foreclosure, the proceeds from the sale of the foreclosed property must be deposited to the fund. The fund may be used to cover the initial purchase of the mortgage loans from participating lenders as well as amounts determined by the Housing Development Fund, to pay for the origination and servicing release fees of a loan by a participating financial institution and to cover the holding costs of any foreclosed properties. Interest received on the loans may be used by the Housing Development Fund to pay the reasonable costs for the administration of the program and servicing of the loans. Remaining interest received on the loan must be deposited into the fund.

(e) Following the initial origination of loans, loan repayments and any interest earnings of the fund may be used by the Housing Development Fund to originate additional program loans or to assist in the development of affordable housing units for the benefit of veterans.

(f) The West Virginia Housing Development Fund may invest and reinvest all moneys in the Veterans' Home Loan Mortgage Fund in any investments authorized under §31-18-6 of this code pending the disbursement thereof in connection with the Veterans' Home Loan Mortgage Fund.

(g) The West Virginia Housing Development Fund will operate the Veterans' Home Loan Mortgage Fund in accordance with customary practices of mortgage lending and loan servicing, including originating loans through qualified lending institutions, industry standard underwriting, minimum down payments, house purchase prices, mortgage lien position, loan origination, and loan servicing fees like the West Virginia Housing Development Fund's Homeownership Program or similar program.

§31-18F-6. Rules to be adopted by fund.

The fund shall promulgate rules, including emergency rules, if necessary, in accordance with §29A-3-1 *et seq.* of this code, including rules:

(1) Specifying qualifications for financial institutions to participate in the program;

(2) Specifying underwriting criteria for a program loan, such as minimum down payment, credit score, ratios of housing expense and of all reoccurring debt as a percentage of income of the borrower, and any exceptions to those criteria;

(3) Specifying the statewide allowable purchase price of a home for the purposes of the program;

(4) Specifying the security required for a mortgage loan financed by the program;

(5) Specifying the qualifications of a first-time homebuyer;

(6) Providing the Legislative Auditor with access to records of participating financial institutions regarding loans made pursuant to this program;

(7) Governing the loan application process;

(8) Specifying the maximum origination fee that may be charged by a participating financial institution;

(9) Specifying the maximum servicing fees that may be charged by the fund; and

(10) Other loan conditions determined to be necessary by the fund.

CHAPTER 36. ESTATES AND PROPERTY.

ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.

§36-8-13. Deposit of funds.

(a) The administrator shall record the name and last known address of each person appearing from the holders reports to be entitled to the property, and the name and last known address of each insured person or annuitant and beneficiary and with respect to each policy or annuity listed in the report of an insurance company, its number, the name of the company, and the amount due.

(b) The Unclaimed Property Fund is continued. The administrator shall deposit all funds received pursuant to this article in the Unclaimed Property Fund, including the proceeds from the sale of abandoned property under §36-8-12 of this code. The administrator may invest the Unclaimed Property Fund with the West Virginia Board of Treasury Investments, or the Investment Management Board, and all earnings shall accrue to the fund and are available for expenditure in accordance with the article. In addition to paying claims of unclaimed property duly allowed, the administrator may deduct the following expenses from the Unclaimed Property Fund:

(1) Expenses of the sale of abandoned property;

(2) Expenses incurred in returning the property to owners, including without limitation the costs of mailing and publication to locate owners;

(3) Reasonable service charge; and

(4) Expenses incurred in examining records of holders of property and in collecting the property from those holders.

(c) The Unclaimed Property Trust Fund is continued within the State Treasury. The administrator may invest the Unclaimed Property Trust Fund with the West Virginia Board of Treasury Investments and all earnings shall accrue to the fund and are available for expenditure in accordance with this article. After deducting the expenses specified in subsection (b) of this section and maintaining a sum of money from which to pay claims duly allowed, the administrator shall transfer the remaining moneys in the Unclaimed Property Fund to the Unclaimed Property Trust Fund.

(d) On or before December 15 of each year, notwithstanding any provision of this code to the contrary, the administrator may transfer the sum of \$1 million from the Unclaimed Property Trust Fund to the Jumpstart Savings Trust Fund, until an actuary certifies there are sufficient funds to satisfy all obligations and administrative expenses of the Jumpstart Savings Program.

(e) Subject to a liquidity determination and cash availability, effective July 1, 2022, the unclaimed property administrator may transfer an amount in any fiscal year from the Unclaimed Property Trust Fund to the Military Authority Reimbursable Expenditure Fund: Provided, That the aggregate amount that may be transferred under this subsection may not exceed \$10,000,000.

(f) Subject to cash availability, on or before July 15, 2024, the unclaimed property administrator may transfer up to \$8 million from the Unclaimed Property Trust Fund to the West Virginia Veterans' Home Loan Mortgage Fund, as provided in §31-18F-5 of this code.

~~(f)~~(g) After transferring any money required by subsections (e) and (f) of this section, the administrator shall transfer moneys remaining in the Unclaimed Property Trust Fund to the General Revenue Fund.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 261—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, and §31-18F-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2024; establishing a fund known as the West Virginia Veterans' Home Loan Mortgage Fund; declaring the purpose of the fund; providing that the West Virginia Housing Development Fund shall administer the fund; setting forth terms of the program; authorizing the West Virginia Housing Development Fund to make certain mortgage loans from the fund; authorizing rulemaking; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the fund.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 261, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 261) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 430, WV Rent-to-Own Act.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, section 46B-3-7, line 22, after the words "required by" by striking out the words "subdivision (1), subsection (c) of this section" and inserting in lieu thereof the words "§46B-3-7(c)(1) of this code".

On page 2, section 46B-3-7, line 27, after the words "required under" by striking out the words "subsection (b) of this section" and inserting in lieu thereof the words "§46B-3-7(b) of this code".

On page 2, section 46B-3-7, line 28, after the words "described under" by striking out the words "subsection (d) of this section" and inserting in lieu thereof "§46B-3-7(d) of this code".

And,

On page 2, section 46B-3-7, line 29, by striking out the words "subdivision (1), subsection (c) of this section" and inserting in lieu thereof the words "§46B-3-7(c)(1) of this code".

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 430, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 430) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 430) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 445, Reducing certification periods and renewal fees for EMS personnel.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, section 8, line 31, by striking "\$50" and inserting in lieu thereof "\$25";

And,

On page 7, section 16-4C-9, line 59 inserting after "electronically" the language "via the Board's website".

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 445, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 445) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt,

Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 445) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 533, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-3. Definitions.

As used in this article, unless the context clearly requires a different meaning:

(a) "Ambulance" means any privately, ~~or~~ publicly-owned vehicle, or aircraft which is designed, constructed, or modified; equipped or maintained; and operated for the transportation of patients, including, but not limited to, emergency medical services vehicles; rotary and fixed wing air ambulances; gsa kkk-A-1822 federal standard type I, type II, and type III vehicles; and specialized multipatient medical transport vehicles operated by an emergency medical services agency;

(b)(1) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(A) A federally-qualified health center;

(B) An urgent care center;

(C) A rural health clinic;

(D) A physician office or medical clinic as selected by the patient; and

(E) A behavioral or mental health care facility including, without limitation, a crisis stabilization unit.

(2) "Alternative destination" does not include a:

(A) Critical access hospital;

(B) Dialysis center;

(C) Hospital;

(D) Private residence; or

(E) Skilled nursing facility.

~~(b)~~ (c) "Commissioner" means the Commissioner of the Bureau for Public Health;

~~(e)~~ (d) "Council" means the Emergency Medical Services Advisory Council created pursuant to this article;

~~(d)~~ (e) "Director" means the Director of the Office of Emergency Medical Services; ~~in the Bureau for Public Health;~~

~~(e)~~ (f) "Emergency Medical Services" means all services ~~which are~~ set forth in Public Law 93-154 The Emergency Medical Services Systems Act of 1973 and those included in and made a part of the emergency medical services plan of the ~~Department of Health and Human Resources~~ Department of Health inclusive of, but not limited to, responding to the medical needs of an individual to prevent the loss of life or aggravation of illness or injury;

~~(f)~~ (g) "Emergency medical service agency" means any agency licensed under ~~section six-a of this article~~ §16-4C-6a of this code to provide emergency medical services;

~~(g)~~ (h) "Emergency medical service personnel" means any person certified by the commissioner to provide emergency medical services as set forth by legislative rule;

~~(h)~~ (i) "Emergency medical service provider" means any authority, person, corporation, partnership, or other entity, public or private, which owns or operates a licensed emergency medical services agency providing emergency medical services in this state;

~~(i)~~ (j) "Governing body" has the meanings ascribed to it as applied to a municipality in §8-1-2(b)(1) of this code;

~~(j)~~ (k) "Line officer" means the emergency medical service personnel, present at the scene of an accident, injury, or illness, who has taken the responsibility for patient care;

~~(k)~~ (l) "Medical command" means the issuing of orders by a physician from a medical facility to emergency medical service personnel for the purpose of providing appropriate patient care;

~~(l)~~ (m) "Municipality" has the meaning ascribed to it in §8-1-2(a)(1) of this code;

~~(m)~~ (n) "Patient" means any person who is a recipient of the services provided by emergency medical services;

(o) A rural health clinic means an outpatient care facility that provides rural health services, such as primary care and routine laboratory services, to rural and often underserved communities.

~~(n)~~ (p) "Service reciprocity" means the provision of emergency medical services to citizens of this state by emergency medical service personnel certified to render those services by a neighboring state;

~~(o)~~ (q) "Small emergency medical service provider" means any emergency medical service provider which is made up of less than ~~twenty~~ 20 emergency medical service personnel; and

~~(p)~~ (r) "Specialized multipatient medical transport" means a type of ambulance transport provided for patients with medical needs greater than those of the average population, which may require the presence of a trained emergency medical technician during the transport of the patient: *Provided*, That the requirement of "greater medical need" may not prohibit the transportation of a patient whose need is preventive in nature.

§16-4C-26 Triage, Treat, and Transport to Alternative Destination.

(a) An emergency medical services agency may triage and transport a patient to an alternative destination in this state or treat in place if the emergency medical services agency is coordinating the care of the patient through medical command or telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint. Emergency medical services agencies shall execute a memorandum of understanding with alternative treatment destinations as permitted by the protocols to transport patients.

(b) On or before October 1, 2024, the director shall establish protocols for emergency medical service agencies to triage, treat, and transport to alternative destinations.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4x. Coverage of Emergency Medical Services to Triage and Transport to Alternative Destination or Treat in Place.

(a) The following terms are defined:

(1) "911 call" means a communication indicating that an individual may need emergency medical services;

(2) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(A) A federally-qualified health center;

(B) An urgent care center;

(C) A rural health clinic;

(D) A physician office or medical clinic as selected by the patient; and

(E) A behavioral or mental health care facility including, without limitation, a crisis stabilization unit.

"Alternative destination" does not include a:

(A) Critical access hospital;

(B) Dialysis center;

(C) Hospital;

(D) Private residence; or

(E) Skilled nursing facility;

(3) "Emergency medical service agency" means any agency licensed under §16-4C-6a of this code to provide emergency medical services: *Provided*, That rotary and fixed wing air ambulances are specifically excluded from the definition of an emergency medical service agency;

(4) "Medical command" means the issuing of orders by a physician from a medical facility to emergency medical service personnel for the purpose of providing appropriate patient care; and

(5) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

(b) An insurer which issues or renews a health insurance policy on or after January 1, 2025, shall provide coverage for:

(1) An emergency medical services agency to:

(A) Treat an enrollee in place if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint;

(B) Triage or triage and transport an enrollee to an alternative destination if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint; or

(C) An encounter between an ambulance service and enrollee that results in no transport of the enrollee if:

(i) The enrollee declines to be transported against medical advice; and

(ii) The emergency medical service agency is coordinating the care of the enrollee through telehealth services or medical command with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint.

(c) The coverage under this section:

(1) Only includes emergency medical services transportation to the treatment location;

(2) Is subject to the initiation of response, triage, and treatment as a result of a 911 call that is documented in the records of the emergency medical services agency;

(3) Is subject to deductibles or copayment requirements of the policy, contract, or plan;

(4) Does not diminish or limit benefits otherwise allowable under a health benefit plan, even if the billing claims for medical or behavioral health services overlap in time that is billed by the ambulance service also providing care; and

(5) Does not include rotary or fixed wing air ambulance services.

(d) The reimbursement rate for an emergency medical services agency that triages, treats, and transports a patient to an alternative destination, or triages, treats, and does not transport a patient, if the patient declines to be transported against medical advice, if the ambulance service is coordinating the care of the enrollee through medical command or telemedicine with a physician for a medical-based complaint, or with a behavioral health specialist for a behavioral-based complaint under this section, shall be reimbursed at the same rate as if the patient were transported to an emergency room of a facility provider.

§33-15-21. Coverage of emergency services.

From July 1, 1998:

(a) Every insurer shall provide coverage for emergency medical services, including prehospital services, to the extent necessary to screen and to stabilize an emergency medical condition. The insurer shall not require prior authorization of the screening services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. Prior authorization of coverage shall not be required for stabilization if an emergency medical condition exists. Payment of claims for

emergency services shall be based on the retrospective review of the presenting history and symptoms of the covered person.

(b) The coverage for prehospital screening and stabilization of an emergency medical condition shall include ambulance services provided under the provisions of §16-4C-1 *et seq.* of this code, excluding air ambulance services as defined in §16-4C-3(a) of this code. The insurer shall pay claims for prehospital screening and stabilization of emergency condition by ambulance service if the insured is transported to an emergency room of a facility provider or if the patient declines to be transported against medical advice. The coverage under this section is subject to deductibles or copayment requirements of the policy, contract, or plan.

~~(b)~~ (c) An insurer that has given prior authorization for emergency services shall cover the services and shall not retract the authorization after the services have been provided unless the authorization was based on a material misrepresentation about the covered person's health condition made by the referring provider, the provider of the emergency services, or the covered person.

~~(c)~~ (d) Coverage of emergency services shall be subject to coinsurance, copayments, and deductibles applicable under the health benefit plan.

~~(d)~~ (e) The emergency department and the insurer shall make a good faith effort to communicate with each other in a timely fashion to expedite post evaluation or post stabilization services in order to avoid material deterioration of the covered person's condition.

~~(e)~~ (f) As used in this section:

(1) "Emergency medical services" means those services required to screen for or treat an emergency medical condition until the condition is stabilized, including prehospital care;

(2) "Prudent layperson" means a person who is without medical training and who draws on his or her practical experience when making a decision regarding whether an emergency medical condition exists for which emergency treatment should be sought;

(3) "Emergency medical condition for the prudent layperson" means one that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the person could reasonably expect the absence of immediate medical attention to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part;

(4) "Stabilize" means with respect to an emergency medical condition, to provide medical treatment of the condition necessary to assure, with reasonable medical probability, that no medical deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility: *Provided*, That this provision may not be construed to prohibit, limit, or otherwise delay the transportation required for a higher level of care than that possible at the treating facility;

(5) "Medical screening examination" means an appropriate examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists; and

(6) "Emergency medical condition" means a condition that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions, or serious dysfunction of any bodily part or organ.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS COVERAGE.

§33-16-3i. Coverage of emergency services.

(a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to which this article applies, any entity regulated by this article shall provide as benefits to all subscribers

and members coverage for emergency services. A policy, provision, contract, plan, or agreement may apply to emergency services the same deductibles, coinsurance, and other limitations as apply to other covered services: *Provided*, that preauthorization or precertification shall not be required.

(b) From July 1, 1998, the following provisions apply:

(1) Every insurer shall provide coverage for emergency medical services, including prehospital services, to the extent necessary to screen and to stabilize an emergency medical condition. The insurer shall not require prior authorization of the screening services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. Prior authorization of coverage shall not be required for stabilization if an emergency medical condition exists. Payment of claims for emergency services shall be based on the retrospective review of the presenting history and symptoms of the covered person.

(2) The coverage for prehospital screening and stabilization of an emergency medical condition shall include ambulance services provided under the provisions of §16-4C-1 *et seq.* of this code, excluding air ambulance services as defined in §16-4C-3(a) of this code. The insurer shall pay claims for prehospital screening and stabilization of emergency condition by ambulance service if the insured is transported to an emergency room of a facility provider or if the patient declines to be transported against medical advice. The coverage under this section is subject to deductibles or copayment requirements of the policy, contract, or plan.

~~(2)~~ (3) An insurer that has given prior authorization for emergency services shall cover the services and shall not retract the authorization after the services have been provided unless the authorization was based on a material misrepresentation about the covered person's health condition made by the referring provider, the provider of the emergency services, or the covered person.

~~(3)~~ (4) Coverage of emergency services shall be subject to coinsurance, copayments, and deductibles applicable under the health benefit plan.

~~(4)~~ (5) The emergency department and the insurer shall make a good faith effort to communicate with each other in a timely fashion to expedite post evaluation or post stabilization services in order to avoid material deterioration of the covered person's condition.

~~(5)~~ (6) As used in this section:

(A) "Emergency medical services" means those services required to screen for or treat an emergency medical condition until the condition is stabilized, including prehospital care;

(B) "Prudent layperson" means a person who is without medical training and who draws on his or her practical experience when making a decision regarding whether an emergency medical condition exists for which emergency treatment should be sought;

(C) "Emergency medical condition for the prudent layperson" means one that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the person could reasonably expect the absence of immediate medical attention to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part;

(D) "Stabilize" means with respect to an emergency medical condition, to provide medical treatment of the condition necessary to assure, with reasonable medical probability, that no medical deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility: *Provided*, That this provision may not be construed to prohibit, limit, or otherwise delay the transportation required for a higher level of care than that possible at the treating facility;

(E) "Medical screening examination" means an appropriate examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists; and

(F) "Emergency medical condition" means a condition that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions or serious dysfunction of any bodily part or organ.

§33-16-3rr. Coverage of Emergency Medical Services to Triage and Transport to Alternative Destination or Treat in Place.

(a) The following terms are defined:

(1) "911 call" means a communication indicating that an individual may need emergency medical services;

(2) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(A) A federally-qualified health center;

(B) An urgent care center;

(C) A rural health clinic;

(D) A physician office or medical clinic as selected by the patient; and

(E) A behavioral or mental health care facility including, without limitation, a crisis stabilization unit.

"Alternative destination" does not include a:

(A) Critical access hospital;

(B) Dialysis center;

(C) Hospital;

(D) Private residence; or

(E) Skilled nursing facility;

(3) "Emergency medical service agency" means any agency licensed under §16-4C-6a of this code to provide emergency medical services: *Provided*, That rotary and fixed wing air ambulances are specifically excluded from the definition of an emergency medical service agency;

(4) "Medical command" means the issuing of orders by a physician from a medical facility to emergency medical service personnel for the purpose of providing appropriate patient care; and

(5) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

(b) An insurer which issues or renews a health insurance policy on or after January 1, 2025, shall provide coverage for:

(1) An emergency medical services agency to:

(A) Treat an enrollee in place if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint;

(B) Triage or triage and transport an enrollee to an alternative destination if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint; or

(C) An encounter between an ambulance service and enrollee that results in no transport of the enrollee if:

(i) The enrollee declines to be transported against medical advice; and

(ii) The emergency medical service agency is coordinating the care of the enrollee through telehealth services or medical command with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint.

(c) The coverage under this section:

(1) Only includes emergency medical services transportation to the treatment location;

(2) Is subject to the initiation of response, triage, and treatment as a result of a 911 call that is documented in the records of the emergency medical services agency;

(3) Is subject to deductibles or copayment requirements of the policy, contract, or plan;

(4) Does not diminish or limit benefits otherwise allowable under a health benefit plan, even if the billing claims for medical or behavioral health services overlap in time that is billed by the ambulance service also providing care; and

(5) Does not include rotary of fixed wing air ambulance services.

(d) The reimbursement rate for an emergency medical services agency that triages, treats, and transports a patient to an alternative destination, or triages, treats, and does not transport a patient, if the patient declines to be transported against medical advice, if the ambulance service is coordinating the care of the enrollee through medical command or telemedicine with a physician for a medical-based complaint, or with a behavioral health specialist for a behavioral-based complaint under this section, shall be reimbursed at the same rate as if the patient were transported to an emergency room of a facility provider.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS,
MEDICAL SERVICE CORPORATIONS, DENTAL
SERVICE CORPORATIONS AND HEALTH SERVICE
CORPORATIONS.**

§33-24-7e. Coverage of emergency services.

(a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to which this article applies, any entity regulated by this article shall provide as benefits to all subscribers and members coverage for emergency services. A policy, provision, contract, plan, or agreement may apply to emergency services the same deductibles, coinsurance, and other limitations as apply to other covered services: *Provided*, That preauthorization or precertification shall not be required.

(b) From July 1, 1998, the following provisions apply:

(1) Every insurer shall provide coverage for emergency medical services, including prehospital services, to the extent necessary to screen and to stabilize an emergency medical condition. The insurer shall not require prior authorization of the screening services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. Prior authorization of coverage shall not be required for stabilization if an emergency medical condition exists. Payment of claims for emergency services shall be based on the retrospective review of the presenting history and symptoms of the covered person.

(2) The coverage for prehospital screening and stabilization of an emergency medical condition shall include ambulance services provided under the provisions of §16-4C-1 *et seq.* of this code, excluding air ambulance services as defined in §16-4C-3(a) of this code. The insurer shall pay claims for prehospital screening and stabilization of emergency condition by ambulance service if the insured is transported to an emergency room of a facility provider or if the patient declines to be transported against medical advice. The coverage under this section is subject to deductibles or copayment requirements of the policy, contract, or plan.

~~(2)~~ (3) An insurer that has given prior authorization for emergency services shall cover the services and shall not retract the authorization after the services have been provided unless the authorization was based on a material misrepresentation about the

covered person's health condition made by the referring provider, the provider of the emergency services, or the covered person.

~~(3)~~ (4) Coverage of emergency services shall be subject to coinsurance, copayments, and deductibles applicable under the health benefit plan.

~~(4)~~ (5) The emergency department and the insurer shall make a good faith effort to communicate with each other in a timely fashion to expedite post evaluation or post stabilization services in order to avoid material deterioration of the covered person's condition.

~~(5)~~ (6) As used in this section:

(A) "Emergency medical services" means those services required to screen for or treat an emergency medical condition until the condition is stabilized, including prehospital care;

(B) "Prudent layperson" means a person who is without medical training and who draws on his or her practical experience when making a decision regarding whether an emergency medical condition exists for which emergency treatment should be sought;

(C) "Emergency medical condition for the prudent layperson" means one that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the person could reasonably expect the absence of immediate medical attention to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part;

(D) "Stabilize" means with respect to an emergency medical condition, to provide medical treatment of the condition necessary to assure, with reasonable medical probability, that no medical deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility: *Provided*, That this provision may not be construed to prohibit, limit, or otherwise delay the transportation required for a higher level of care than that possible at the treating facility;

(E) "Medical screening examination" means an appropriate examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists; and

(F) "Emergency medical condition" means a condition that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions, or serious dysfunction of any bodily part or organ.

§33-24-7y. Coverage of Emergency Medical Services to Triage and Transport to Alternative Destination or Treat in Place.

(a) The following terms are defined:

(1) "911 call" means a communication indicating that an individual may need emergency medical services;

(2) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(A) A federally-qualified health center;

(B) An urgent care center;

(C) A rural health clinic;

(D) A physician office or medical clinic as selected by the patient; and

(E) A behavioral or mental health care facility including, without limitation, a crisis stabilization unit.

"Alternative destination" does not include a:

(A) Critical access hospital;

(B) Dialysis center;

(C) Hospital;

(D) Private residence; or

(E) Skilled nursing facility;

(3) "Emergency medical service agency" means any agency licensed under §16-4C-6a of this code to provide emergency medical services: *Provided*, That rotary and fixed wing air ambulances are specifically excluded from the definition of an emergency medical service agency;

(4) "Medical command" means the issuing of orders by a physician from a medical facility to emergency medical service personnel for the purpose of providing appropriate patient care; and

(5) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

(b) An insurer which issues or renews a health insurance policy on or after January 1, 2025, shall provide coverage for:

(1) An emergency medical services agency to:

(A) Treat an enrollee in place if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint;

(B) Triage or triage and transport an enrollee to an alternative destination if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint; or

(C) An encounter between an ambulance service and enrollee that results in no transport of the enrollee if:

(i) The enrollee declines to be transported against medical advice; and

(ii) The emergency medical service agency is coordinating the care of the enrollee through telehealth services or medical command with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint.

(c) The coverage under this section:

(1) Only includes emergency medical services transportation to the treatment location;

(2) Is subject to the initiation of response, triage, and treatment as a result of a 911 call that is documented in the records of the emergency medical services agency;

(3) Is subject to deductibles or copayment requirements of the policy, contract, or plan;

(4) Does not diminish or limit benefits otherwise allowable under a health benefit plan, even if the billing claims for medical or behavioral health services overlap in time that is billed by the ambulance service also providing care; and

(5) Does not include rotary of fixed wing air ambulance services.

(d) The reimbursement rate for an emergency medical services agency that triages, treats, and transports a patient to an alternative destination, or triages, treats, and does not transport a patient, if the patient declines to be transported against medical advice, if the ambulance service is coordinating the care of the enrollee through medical command or telemedicine with a physician for a medical-based complaint, or with a behavioral health specialist for a behavioral-based complaint under this section, shall be reimbursed at the same rate as if the patient were transported to an emergency room of a facility provider.

ARTICLE 25. HEALTH CARE CORPORATIONS.**§33-25-8d. Coverage of emergency services.**

(a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to which this article applies, any entity regulated by this article shall provide as benefits to all subscribers and members coverage for emergency services. A policy, provision, contract, plan, or agreement may apply to emergency services the same deductibles, coinsurance, and other limitations as apply to other covered services: *Provided*, That preauthorization or precertification shall not be required.

(b) From July 1, 1998, the following provisions apply:

(1) Every insurer shall provide coverage for emergency medical services, including prehospital services, to the extent necessary to screen and to stabilize an emergency medical condition. The insurer shall not require prior authorization of the screening services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. Prior authorization of coverage shall not be required for stabilization if an emergency medical condition exists. Payment of claims for emergency services shall be based on the retrospective review of the presenting history and symptoms of the covered person.

(2) The coverage for prehospital screening and stabilization of an emergency medical condition shall include ambulance services provided under the provisions of §16-4C-1 *et seq.* of this code, excluding air ambulance services as defined in §16-4C-3(a) of this code. The insurer shall pay claims for prehospital screening and stabilization of emergency condition by ambulance service if the insured is transported to an emergency room of a facility provider or if the patient declines to be transported against medical advice. The coverage under this section is subject to deductibles or copayment requirements of the policy, contract, or plan.

~~(2)~~ (3) An insurer that has given prior authorization for emergency services shall cover the services and shall not retract the authorization after the services have been provided unless the

authorization was based on a material misrepresentation about the covered person's health condition made by the referring provider, the provider of the emergency services, or the covered person.

~~(3)~~ (4) Coverage of emergency services shall be subject to coinsurance, copayments, and deductibles applicable under the health benefit plan.

~~(4)~~ (5) The emergency department and the insurer shall make a good faith effort to communicate with each other in a timely fashion to expedite post evaluation or post stabilization services in order to avoid material deterioration of the covered person's condition.

~~(5)~~ (6) As used in this section:

(A) "Emergency medical services" means those services required to screen for or treat an emergency medical condition until the condition is stabilized, including prehospital care;

(B) "Prudent layperson" means a person who is without medical training and who draws on his or her practical experience when making a decision regarding whether an emergency medical condition exists for which emergency treatment should be sought;

(C) "Emergency medical condition for the prudent layperson" means one that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the person could reasonably expect the absence of immediate medical attention to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part;

(D) "Stabilize" means with respect to an emergency medical condition, to provide medical treatment of the condition necessary to assure, with reasonable medical probability, that no medical deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility: *Provided*, That this provision may not be construed to prohibit, limit, or otherwise

delay the transportation required for a higher level of care than that possible at the treating facility;

(E) "Medical screening examination" means an appropriate examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists; and

(F) "Emergency medical condition" means a condition that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions or serious dysfunction of any bodily part or organ.

§33-25-8v. Coverage of Emergency Medical Services to Triage and Transport to Alternative Destination or Treat in Place.

(a) The following terms are defined:

(1) "911 call" means a communication indicating that an individual may need emergency medical services;

(2) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(A) A federally-qualified health center;

(B) An urgent care center;

(C) A rural health clinic;

(D) A physician office or medical clinic as selected by the patient; and

(E) A behavioral or mental health care facility including, without limitation, a crisis stabilization unit.

"Alternative destination" does not include a:

(A) Critical access hospital;

(B) Dialysis center;

(C) Hospital;

(D) Private residence; or

(E) Skilled nursing facility;

(3) "Emergency medical service agency" means any agency licensed under §16-4C-6a of this code to provide emergency medical services: *Provided*, That rotary and fixed wing air ambulances are specifically excluded from the definition of an emergency medical service agency;

(4) "Medical command" means the issuing of orders by a physician from a medical facility to emergency medical service personnel for the purpose of providing appropriate patient care; and

(5) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

(b) An insurer which issues or renews a health insurance policy on or after January 1, 2025, shall provide coverage for:

(1) An emergency medical services agency to:

(A) Treat an enrollee in place if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint;

(B) Triage or triage and transport an enrollee to an alternative destination if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-

based complaint or with a behavioral health specialist for a behavioral-based complaint; or

(C) An encounter between an ambulance service and enrollee that results in no transport of the enrollee if:

(i) The enrollee declines to be transported against medical advice; and

(ii) The emergency medical service agency is coordinating the care of the enrollee through telehealth services or medical command with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint.

(c) The coverage under this section:

(1) Only includes emergency medical services transportation to the treatment location;

(2) Is subject to the initiation of response, triage, and treatment as a result of a 911 call that is documented in the records of the emergency medical services agency;

(3) Is subject to deductibles or copayment requirements of the policy, contract, or plan;

(4) Does not diminish or limit benefits otherwise allowable under a health benefit plan, even if the billing claims for medical or behavioral health services overlap in time that is billed by the ambulance service also providing care; and

(5) Does not include rotary or fixed wing air ambulance services.

(d) The reimbursement rate for an emergency medical services agency that triages, treats, and transports a patient to an alternative destination, or triages, treats, and does not transport a patient, if the patient declines to be transported against medical advice, if the ambulance service is coordinating the care of the enrollee through medical command or telemedicine with a physician for a medical-based complaint, or with a behavioral health specialist for a

behavioral-based complaint under this section, shall be reimbursed at the same rate as if the patient were transported to an emergency room of a facility provider.

**ARTICLE 25A. HEALTH MAINTENANCE
 ORGANIZATION ACT.**

§33-25A-8d. Coverage of emergency services.

(a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to which this article applies, any entity regulated by this article shall provide as benefits to all subscribers and members coverage for emergency services. A policy, provision, contract, plan, or agreement may apply to emergency services the same deductibles, coinsurance, and other limitations as apply to other covered services: *Provided*, That preauthorization or precertification shall not be required.

(b) From July 1, 1998, the following provisions apply:

(1) Every insurer shall provide coverage for emergency medical services, including prehospital services, to the extent necessary to screen and to stabilize an emergency medical condition. The insurer shall not require prior authorization of the screening services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. Prior authorization of coverage shall not be required for stabilization if an emergency medical condition exists. Payment of claims for emergency services shall be based on the retrospective review of the presenting history and symptoms of the covered person.

(2) The coverage for prehospital screening and stabilization of an emergency medical condition shall include ambulance services provided under the provisions of §16-4C-1 et seq. of this code, excluding air ambulance services as defined in §16-4C-3(a) of this code. The insurer shall pay claims for prehospital screening and stabilization of emergency condition by ambulance service if the insured is transported to an emergency room of a facility provider or if the patient declines to be transported against medical advice.

The coverage under this section is subject to deductibles or copayment requirements of the policy, contract, or plan.

~~(2)~~ (3) An insurer that has given prior authorization for emergency services shall cover the services and shall not retract the authorization after the services have been provided unless the authorization was based on a material misrepresentation about the covered person's health condition made by the referring provider, the provider of the emergency services, or the covered person.

~~(3)~~ (4) Coverage of emergency services shall be subject to coinsurance, copayments, and deductibles applicable under the health benefit plan.

~~(4)~~ (5) The emergency department and the insurer shall make a good faith effort to communicate with each other in a timely fashion to expedite post evaluation or post stabilization services in order to avoid material deterioration of the covered person's condition.

~~(5)~~ (6) As used in this section:

(A) "Emergency medical services" means those services required to screen for or treat an emergency medical condition until the condition is stabilized, including prehospital care;

(B) "Prudent layperson" means a person who is without medical training and who draws on his or her practical experience when making a decision regarding whether an emergency medical condition exists for which emergency treatment should be sought;

(C) "Emergency medical condition for the prudent layperson" means one that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the person could reasonably expect the absence of immediate medical attention to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part;

(D) "Stabilize" means with respect to an emergency medical condition, to provide medical treatment of the condition necessary to assure, with reasonable medical probability, that no medical deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility: *Provided*, That this provision may not be construed to prohibit, limit, or otherwise delay the transportation required for a higher level of care than that possible at the treating facility;

(E) "Medical screening examination" means an appropriate examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists; and

(F) "Emergency medical condition" means a condition that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health or with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions or serious dysfunction of any bodily part or organ.

~~(6)~~ (7) Each insurer shall provide the enrolled member with a description of procedures to be followed by the member for emergency services, including the following:

(A) The appropriate use of emergency facilities;

(B) The appropriate use of any prehospital services provided by the health maintenance organization;

(C) Any potential responsibility of the member for payment for nonemergency services rendered in an emergency facility;

(D) Any cost-sharing provisions for emergency services; and

(E) An explanation of the prudent layperson standard for emergency medical condition.

§33-25A-8y. Coverage of Emergency Medical Services to Triage and Transport to Alternative Destination or Treat in Place.

(a) The following terms are defined:

(1) "911 call" means a communication indicating that an individual may need emergency medical services;

(2) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(A) A federally-qualified health center;

(B) An urgent care center;

(C) A rural health clinic;

(D) A physician office or medical clinic as selected by the patient; and

(E) A behavioral or mental health care facility including, without limitation, a crisis stabilization unit.

"Alternative destination" does not include a:

(A) Critical access hospital;

(B) Dialysis center;

(C) Hospital;

(D) Private residence; or

(E) Skilled nursing facility;

(3) "Emergency medical service agency" means any agency licensed under §16-4C-6a of this code to provide emergency medical services: *Provided*, That rotary and fixed wing air ambulances are specifically excluded from the definition of an emergency medical service agency;

(4) "Medical command" means the issuing of orders by a physician from a medical facility to emergency medical service personnel for the purpose of providing appropriate patient care; and

(5) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

(b) An insurer which issues or renews a health insurance policy on or after January 1, 2025, shall provide coverage for:

(1) An emergency medical services agency to:

(A) Treat an enrollee in place if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint;

(B) Triage or triage and transport an enrollee to an alternative destination if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint; or

(C) An encounter between an ambulance service and enrollee that results in no transport of the enrollee if:

(i) The enrollee declines to be transported against medical advice; and

(ii) The emergency medical service agency is coordinating the care of the enrollee through telehealth services or medical command with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint.

(c) The coverage under this section:

(1) Only includes emergency medical services transportation to the treatment location;

(2) Is subject to the initiation of response, triage, and treatment as a result of a 911 call that is documented in the records of the emergency medical services agency;

(3) Is subject to deductibles or copayment requirements of the policy, contract, or plan;

(4) Does not diminish or limit benefits otherwise allowable under a health benefit plan, even if the billing claims for medical or behavioral health services overlap in time that is billed by the ambulance service also providing care; and

(5) Does not include rotary or fixed wing air ambulance services.

(d) The reimbursement rate for an emergency medical services agency that triages, treats, and transports a patient to an alternative destination, or triages, treats, and does not transport a patient, if the patient declines to be transported against medical advice, if the ambulance service is coordinating the care of the enrollee through medical command or telemedicine with a physician for a medical-based complaint, or with a behavioral health specialist for a behavioral-based complaint under this section, shall be reimbursed at the same rate as if the patient were transported to an emergency room of a facility provider.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 533—A Bill to amend and reenact §16-4C-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-4C-26; to amend said code by adding thereto a new section, designated §33-15-4x; to amend and reenact §33-15-21 of said code; to amend and reenact §33-16-3i of said code; to amend said code by adding thereto a new section, designated, §33-16-3rr; to

amend and reenact §33-24-7e of said code; to amend said code by adding thereto a new section, designated §33-24-7y; to amend and reenact §33-25-8d of said code; to amend said code by adding thereto a new section, designated 33-25-8v; to amend and reenact §33-25A-8d of said code; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to emergency medical services; defining terms; providing that an emergency medical services agency may triage and transport a patient to an alternate destination in certain circumstances; mandating insurance coverage; providing that covered services include pre-hospital screening and stabilization of emergency conditions by an ambulance service; providing that air ambulance service is excluded from coverage; providing that coverage is subject to deductibles or copayment; providing that coverage be provided if the patient declines to be transported against medical advice; and providing effective date.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 533, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 533) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 632, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 5, line 93 by striking, "upon a requisition upon" and inserting in lieu thereof, "upon a requisition of";

And,

On page 5, line 95, by striking, "(g) The study group steering committee comprised of the Chairman of the Dangerousness Assessment Advisory Board, the Statewide Forensic Clinical Director, and the Statewide Forensic Coordinator may:" and inserting in lieu thereof the following, "(g) The study group steering committee comprised of members as selected by Commissioner for the Bureau of Behavioral Health may:".

On motion of Senator Weld, the Senate concurred in the House amendment, except as to the amendment on page 5, line 95, by striking, "(g) The study group steering committee comprised of the Chairman of the Dangerousness Assessment Advisory Board, the Statewide Forensic Clinical Director, and the Statewide Forensic Coordinator may:" and inserting in lieu thereof the following, "(g) The study group steering committee comprised of members as selected by Commissioner for the Bureau of Behavioral Health may:".

Engrossed Committee Substitute for Senate Bill 632, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 732, Requiring cooperation between law-enforcement agencies and military authorities.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1 by striking out everything after the enacting clause and inserting in lieu thereof as follows:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-7. Cooperation with military authorities.

(a) The head of a law-enforcement agency or head of a campus police department, as those positions are defined in §15-10-3 of this code, may assign law-enforcement personnel under his or her command, or a prosecuting attorney of any county within the state, may assign an assistant prosecutor within their office to provide assistance, cooperation, and information to the National Guard of this state or any service component of the armed forces of the United States Department of Defense located in this state upon the written request of the Adjutant General or commanding officer of the unit or facility.

(b) ~~The assistance authorized by subsection (a) of this section may be provided for, but not be limited to:~~ A law-enforcement agency, campus police department, or prosecuting attorney shall, within a reasonable time after receiving a written request made by the Adjutant General or commanding officer of a National Guard unit located within the state, disclose all records and information pertaining to the following in which an alleged offender or victim is a member of the National Guard of this state or any service component of the armed forces of the United States located in this state:

(1) Alleged violations of the federal and state Codes of Military Justice;

(2) Alleged violations of the criminal laws of the United States and the State of West Virginia;

(3) Investigations and other actions related to reports of sexual assault or sexual harassment, to include any cases of reprisal or retaliation;

(4) Violations of military directives, regulations, or instruction; and

(5) ~~Other reasonable requests by the National Guard~~ Notwithstanding the provisions of §61-8B-19 of this code, alleged violations of the offenses enumerated in §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, or §61-14-1 *et seq.* of this code, or for the offenses included in §61-8D-3a, §61-8D-5, and §61-8D-6 of this code.

(c) The purpose of this section is to support the military by providing it objective, qualified law-enforcement services.

(d) The purpose of the amendments made to this section during the regular session of the Legislature, 2024, are to ensure force readiness of the National Guard and the armed forces by providing objective, relevant, and timely information related to military personnel; protecting members who may be the victims of a crime; and ensuring command awareness of members who may be subject to a criminal investigation.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 732, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 732) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 751, Creating online charitable raffles.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 21A. ONLINE CHARITABLE RAFFLES.

§47-21A-1. Legislative intent.

The Legislature, in recognition of the need for charitable and public service organizations to have for a practicable way of raising funds by means of the internet, declares its intent to grant the privilege of holding online raffles to those organizations as provided in this article.

§47-21A-2. Definitions.

For purposes of this article, unless specified otherwise:

"Charitable or public service activity or endeavor" means any bona fide activity or endeavor which directly benefits a number of people by:

(1) Contributing to educational or religious purposes;

(2) Relieving them from disease, distress, suffering, constraint, or the effects of poverty;

(3) Increasing their comprehension of, and devotion to, the principles upon which this nation was founded and to the principles of good citizenship;

(4) Making them aware of, or educating them about, issues of public concern so long as the activity or endeavor is not aimed at supporting or participating in the campaign of any candidate for public office;

(5) Lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people;

(6) Providing or supporting nonprofit community activities for youth, senior citizens, or the disabled;

(7) Providing or supporting nonprofit cultural or artistic activities; or

(8) Providing or supporting any political party executive committee.

"Charitable or public service organization" means a bona fide, not-for-profit, tax-exempt, benevolent, educational, philanthropic, humane, patriotic, civic, religious, fraternal, or eleemosynary, incorporated or unincorporated association, or organization; or a volunteer fire department, rescue unit, or other similar volunteer community service organization or association; but does not include any nonprofit association or organization, whether incorporated or not, which is organized primarily for the purposes of influencing legislation or supporting or promoting the campaign of any single candidate for public office.

"Commissioner" means the State Tax Commissioner.

"Conduct" means to direct the actual holding of an online raffle by activities including, but not limited to, selling tickets, collecting money, drawing or arranging for the drawing of the winning numbers or names, announcing the winning numbers or names, posting the winning numbers or names, verifying winners, and awarding prizes.

"Expend net proceeds for charitable or public service purposes" means to devote the net proceeds of an online raffle occasion or occasions to a qualified recipient organization or as otherwise provided by this article and approved by the commissioner pursuant to §47-21A-13 of this code.

"Gross proceeds" means all moneys collected or received from the conduct of an online raffle held by a licensee during a license period.

"Licensee" means any charitable or public service organization or association granted an annual or limited occasion license pursuant to the provisions of this article.

"Net proceeds" means all moneys collected or received from the conduct of an online raffle or online raffles at occasions held by a licensee during a license period after payment of the online raffle expenses authorized by §47-21A-11, §47-21A-12, and §47-21A-13 of this code.

"Person" means any individual, association, society, incorporated or unincorporated organization, firm, partnership, or other nongovernmental entity or institution.

"Patron" means any individual who participates in an online raffle by purchasing an online raffle ticket other than an individual who is participating in the conduct of the online raffle.

"Platform provider" means any third-party entity that contracts by written agreement with a licensee to host, conduct, or otherwise administer an online raffle by using a software system, web application, method, or other process for the purpose of conducting online raffles over the Internet.

"Qualified recipient organization" means any bona fide, not-for-profit, tax-exempt, incorporated or unincorporated association or organization which is organized exclusively for charitable or public services activities or endeavors.

"Online Raffle" has the same meaning as "raffle" as defined in §47-21-2 of this code but conducted using a software system, web application, method, or other process for the purpose of conducting online raffles over the Internet.

"Online raffle occasion" or "occasion" means a single online session at which a series of one or more successive online raffles is conducted by a single licensee.

"Tax-exempt association or organization" means an association or organization which is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the Internal Revenue Code of 1986, as amended; or is exempt from income taxes under subsection 527(a) of that code.

"Virtually Present" means live, real-time availability by online or other electronic means and includes, but is not limited to, audio or video appearance or by an instant, live chat or messaging program.

§47-21A-3. Authorizing the conduct of certain online raffles without a license.

Notwithstanding any other provisions of this article to the contrary, any charitable or public service organization which has been in existence in this state for at least one year may conduct online raffles without compliance with the licensing provisions of this article: *Provided*, That any prize awarded in any single online raffle in an online raffle occasion may not exceed in \$4,000 value: *Provided, however*, That the cumulative gross proceeds derived from the conduct of online raffle occasions by the charitable or public service organization may not exceed \$15,000 during any

calendar year: *Provided further*, That the charitable or public service are not subject to the record keeping provisions of §47-21A-14 of the code but shall maintain a separate accounting for the operation of online raffles. All records required by this section shall be maintained for at least three calendar years and shall be available for reasonable inspection by the commissioner.

§47-21A-4. Who may hold online raffles; application for license; licenses not transferable.

(a) Except as provided in §47-21A-3 of this code, only persons who are residents of this state and who are active members of any charitable or public service organization which has been in existence in this state for at least two years prior to filing an application for an online raffle license issued pursuant to §47-21A-5 and §47-21A-6 of the code may hold online raffle occasions in accordance with the provisions of this article and only during the time it holds a valid license.

(b) The charitable or public service organization applies for an online raffle license to the Tax Commissioner and shall be on a form supplied by him or her. The application shall contain the information required by §47-21A-8 of the code and any other information which the commissioner considers necessary. An online raffle may not be held and online raffle tickets may not be sold pursuant to this article until the online raffle application has been approved by the Tax Commissioner and the license has been received by the applicant: *Provided*, That an online raffle occasion may not be held and online raffle tickets may not be sold until a 60-day filing period, which is that time period between the receipt of that application by the Tax Commissioner and the first online raffle occasion, has expired: *Provided, however*, That the Tax Commissioner shall send the applicant its license within five days after the application is approved. If the 60-day filing period has expired and the application has not been denied and the online raffle license has not been received by the applicant, the applicant may consider the application approved and begin to sell tickets for the online raffle or hold the online raffle occasion. The Tax Commissioner shall send the applicant its license within five days

after the expiration of the filing period if the application has not been otherwise denied.

(c) An online raffle license issued pursuant to this article may not be transferred.

§47-21A-5. Annual license; conditions on holding of online raffles.

(a) A charitable or public service organization or any of its auxiliaries or other organizations otherwise affiliated with it, may apply for an annual license. Only one license per year in the aggregate may be granted to a charitable or public service organization and all of its auxiliaries or other associations or organizations otherwise affiliated with it: *Provided*, That for purposes of this section, the various branches, chapters, or lodges of any national association or organization or local churches of a nationally organized church are not considered affiliates or auxiliaries of each other. The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, to provide for the manner for determining to which organization, whether the parent organization, an affiliate, or an auxiliary, the one license allowed under this section is granted. An annual license is valid for one year from the date of issuance. Charitable or public service organizations may not hold a joint online raffle occasion under any annual licenses.

(b) A licensee shall utilize geo-location or geo-fencing technology to ensure that online charitable raffles patrons are located in the state of West Virginia. A licensee shall maintain in the state of West Virginia its servers used to transmit information for the purposes of patron participation.

(c) The Tax Commissioner shall provide on his or her website a list of every active and approved licensee to conduct an online raffle occasion. A licensee shall provide a conspicuous hyperlink on any online raffle ticket that is purchased by a patron to the Tax Commissioner's website. A licensee shall conspicuously display at its physical location, that was provided on its application, the approved license to conduct an online raffle.

§47-21A-6. Limited occasion license; conditions on holding of online raffles.

(a) Two or more charitable or public service organizations may hold a joint online raffle occasion provided each participating organization has been granted a limited occasion online raffle license for the jointly held occasion: *Provided*, That a licensee which holds an annual license may not obtain more than one limited occasion license.

(b) A limited occasion license is valid only for the time period specified in the application and entitles only the licensee to hold two online raffle occasions during the specified time period which may not exceed six months from the date of issuance of the limited occasion license.

(c) Subject to the limitations set forth in this section for charitable or public service organization having an annual license, a charitable or public service organization and all of its auxiliaries or other associations or organizations otherwise affiliated with it, may be granted only three limited occasion licenses per year in the aggregate. For purposes of this section the various branches, chapters, or lodges of any national association or organization or local churches of a nationally organized church are not considered affiliates or auxiliaries of each other. The commissioner shall by rulemaking provide the manner for determining to which organization, whether the parent organization, an affiliate, or an auxiliary, the three licenses allowed under this section are granted.

(d) The Tax Commissioner shall provide a hyperlink on its website that will display a list of every active and approved licensee to conduct an online raffle occasion. A licensee shall provide this hyperlink on any online raffle ticket that is purchased by a patron. A licensee shall conspicuously display at its physical location, that was provided on its application, the approved license to conduct an online raffle.

§47-21A-7. License fee and exemption from taxes.

(a) A license fee shall be paid to the Tax Commissioner for annual licenses in the amount of \$500. A license fee shall be paid to the Tax Commissioner for a limited occasion license in the

amount of \$50. All revenue from the license fees shall be deposited in the special revenue account established under the authority of §11-9-2a of this code and used to support the investigatory activities provided for in that section. The license fee imposed by this section is in lieu of all other license or franchise taxes or fees of this state and a county or municipality or other political subdivision of this state may not impose a license or franchise tax or fee on any online raffle or online raffle occasion.

(b) The gross proceeds derived from the conduct of an online raffle occasion are exempt from state and local business and occupation taxes, income taxes, excise taxes, and all special taxes. Any charitable or public service organization conducting an online raffle occasion pursuant to the provisions of this article is exempt from payment of consumers sales and service taxes, use taxes, and all other taxes on all purchases for use or consumption in the conduct of an online raffle occasion and is exempt from collecting consumers sales taxes on any admission fees and sales of online raffle tickets.

§47-21A-8. Information required in application.

An application for an online raffle license shall include the following information:

(a) The name of the applicant and the name and headquarter's address of any state or national organization of which the applicant is a local branch or lodge;

(b) The address and telephone number of the applicant organization, if any, and if the applicant organization has no telephone, then the address and telephone number of the person applying on behalf of the organization shall be supplied;

(c) For a limited occasion license, the names and addresses of two or more bona fide active members of the applicant organization who are charged with overall responsibility for the applicant's online raffle operations, at least one of whom shall be virtually present and available when the winning numbers or names are drawn, announced, posted, and verified and present when the prizes

are awarded; and the names and addresses of the highest elected officer of the licensee and his or her officially appointed designee, one of whom shall be virtually present and available when the winning numbers or names are drawn, announced, posted, and verified and present when the prizes are awarded; for an annual license, the names, addresses and telephone numbers of three or more bona fide active members of the applicant organization who are charged with overall responsibility for the applicant's online raffle operations, at least one of whom shall be virtually present and available when the winning numbers or names are drawn, announced, posted, and verified and present when the prizes are awarded; and the names and addresses and telephone numbers of the highest elected officer of the licensee and his or her officially appointed designee, one of whom shall be virtually present and available when the winning numbers and names are drawn, announced, posted, and verified and present when the prizes are awarded;

(e) The address and the location of any platform provider that manages a website software system, web application, method, or process for the purpose of collecting moneys related to the sale of online raffles, securing and safekeeping all moneys collected related to the sale of online raffle tickets, disbursing moneys collected from the sale of online raffle tickets to the licensee before or after the online raffle or online raffle occasion, and conducting licensed online raffles over the Internet. A copy of all written agreements between the licensee and the platform provider providing these services shall specifically provide a statement of all costs and fees to be incurred by the licensee for receiving these services by the platform provider. A copy of any written agreements shall be provided to the Tax Commissioner;

(f) Information required by the commissioner to satisfy him or her that the applicant meets the requirements of:

(1) Being a charitable or public service organization as defined by this article; and

(2) Being in existence in this state for at least one year prior to filing an application for an online raffle license.

(g) Designate the date or dates and the time or times when the online raffle occasions will be held;

(h) State whether the applicant has ever had a previous application for any online raffle or raffle license refused, or whether any previous online raffle license or raffle license has been revoked or suspended;

(i) State the charitable or public service purpose or purposes for which the online raffle proceeds will be expended;

(j) Provide statements to the effect that the individuals specified in subdivision (c) of this section and the officers of the applicant understand:

(1) That it is a violation of this article to allow any persons other than those authorized by this article to conduct the online raffle;

(2) That they are required to file the reports and keep the records as provided by this article; and

(3) That it is a crime to violate the provisions of this article and that a violation of the provisions may result in suspension or revocation of the online raffle license or other raffle license and denial of applications for subsequent online raffle licenses or raffle licenses;

(k) Provide a sworn statement by an authorized representative of the applicant that the information contained in the application is true to the best of his or her knowledge;

(l) Provide a list and description of estimated expenses to be incurred in connection with the holding of the online raffle occasions and the name and address of each payee;

(m) A list of the names and addresses of all officers and members of the board of directors, governors or trustees, if any, of the applicant organizations; and

(n) Any other necessary and reasonable information which the commissioner may require.

§47-21A-9. Amendment of license.

If circumstances beyond the control of the licensee prohibit it from holding any online raffle occasion in accordance with the information provided by it in its license application form, the licensee may request approval by the commissioner to modify the terms and conditions of its license.

§47-21A-10. Licensee rules and regulations.

(a) Each licensee may adopt rules and regulations, not inconsistent with or in violation of the provisions of this article, or rules promulgated to govern the conduct of online raffle occasions.

(b) Any rules and regulations adopted by the licensee shall be made available for inspection at all raffle occasions held by way of advertising these rules and regulations on its website and by being posted conspicuously at their place of operation that was provided on its application for a license. Any adopted rules and regulations are a part of the records required to be kept by §47-21A-14 of this code.

§47-21A-11. Limits on prizes awarded; general provisions.

Prizes may be money, real or personal property, or merchandise other than beer, wine, spirits, or alcoholic liquor as defined in §60-1-5 of this code. If the prizes are real or personal property or merchandise, the value assigned to them is their fair market value at the time of acquisition for the online raffle or at the time of purchase.

§47-21A-12. Compensation.

(a) A licensee may pay a salary, the minimum of which is the federal minimum wage and the maximum of which is not more than 120 percent of the state minimum wage to operators of charitable online raffles who are either:

(1) Active members of the licensee organization and who have been active members in good standing for at least two years prior to the date of filing of the application for an online charitable raffle license or the most recent filing of an application for renewal of the license; or

(2) Employees of the licensee organization or its authorized auxiliary organization.

(b) If the licensee's gross receipts from online raffle occasions equal or exceed \$100,000 for the licensee's most recently filed annual financial report, a salary may be paid to not more than eight operators.

(c) If the licensee's gross receipts from online charitable raffle occasions are less than \$100,000, but equal or exceed \$50,000 for the licensee's most recently filed annual financial report, a salary may be paid to not more than five operators.

(d) If the licensee's gross receipts from online charitable raffle occasions are less than \$50,000 for the licensee's most recently filed annual financial report, a salary may be paid to no more than three operators.

§47-21A-13. Payment of reasonable expenses from proceeds; net proceeds disbursement.

(a) The reasonable, necessary and actual expenses incurred in connection with the conduct of online raffle occasions, not to exceed 40 percent of the gross proceeds collected during a license period, may be paid out of the gross proceeds of the conduct of the online raffle, including, but not limited to:

(1) Rent paid for the use of any premises: *Provided*, That a copy of the rental agreement was filed with the online raffle license application with any modifications to the rental agreement to be filed within 10 days of being made: *Provided, however*, That in no event may the rent paid for the use of any premises exceed the fair market value of rent for the premises;

(2) The cost to the licensee organization for equipment and supplies used to conduct the online raffle occasion;

(3) The cost to the licensee organization for advertising the online raffle occasion;

(4) The costs involved in the licensee using technology, Internet service providers, servers, or other necessary infrastructure by which to advertise and conduct the online raffle or online raffle occasion;

(5) The costs relating to any platform provider that manages a website software system, web application, method, or process for the purpose of collecting moneys related to the sale of online raffles, securing and safekeeping all moneys collected related to the sale of online raffle tickets, disbursing moneys collected from the sale of online raffle tickets to the licensee before or after the online raffle or online raffle occasion, and conducting licensed online raffles over the Internet.

(b) The actual cost to the licensee for prizes, not to exceed the amounts as specified in §47-21A-11 of the code, may be paid out of the gross proceeds of the conduct of an online raffle.

(c) The licensee shall expend all net online raffle proceeds and any interest earned on the net online raffle proceeds for the charitable or public service purposes stated in the application within one year after the expiration of the license under which the online raffle occasions were conducted. A licensee which does not qualify as a qualified recipient organization may apply to the commissioner at the time it applies for an online raffle license for permission to apply any or all of its net proceeds to directly support a charitable or public service activity or endeavor which it sponsors.

(d) Gross proceeds from any online raffle occasion may not be devoted or in any manner used by any licensee or qualified recipient organization for the construction, acquisition, or improvement, of real or personal property except that which is used

exclusively for one or more charitable or public service purposes or as provided in subsection (a) of this section.

(e) The Tax Commissioner may disapprove any contract for sale of goods or services to any online raffle licensee for use in or with relation to any online raffle operation or occasion, or any lease of real or tangible personal property to any online raffle licensee for use in or with relation to any online raffle operation or occasion, if the contract or lease is unreasonable or not representative of fair market value. Disapproved contracts or leases shall be considered to be in contravention of this article, and are void. Any attempt by any online raffle licensee to engage in transactions under the terms of any disapproved lease or contract is grounds for revocation or suspension of the online raffle license or other charitable raffle license and for refusal by the Tax Commissioner to renew the online raffle license or raffle license.

(f) Any licensee which, in good faith, finds itself unable to comply with the requirements of subsections (a) through (e) of this section shall apply to the commissioner for permission to expend its net proceeds for one or more charitable or public service purposes other than that stated in its license application or for permission to expend its net proceeds later than the one-year time period specified in this section. The application shall be on a form furnished by the commissioner and shall include the particulars of the requested changes and the reasons for the changes. The application shall be filed no later than 60 days before the end of the one-year period specified in this section. In the case of an application to extend the time in which the net proceeds are to be expended for a charitable or public service purpose, the licensee shall file periodic reports with the commissioner as directed until the proceeds are expended.

§47-21A-14. Records; commissioner audit.

Any licensee which holds an online raffle occasion as provided by this article shall maintain a separate account and separate bookkeeping procedure for its online raffle operations. All records required by this article shall be maintained for at least three years and shall be open to the commissioner for reasonable inspection.

Whenever the commissioner has reasonable cause to believe a licensee has violated any of the provisions of this article, he or she may perform or cause to be performed an audit of the licensee's books and records.

§47-21A-15. Advertising.

A licensee may advertise its online raffle occasions in a manner reasonably necessary to promote the occasion.

§47-21A-16. Annual Platform Provider license; conditions on holding of online raffles.

A platform provider may apply for an annual Platform Provider license: *Provided*, That a platform provider that has a principal place of business located within this state shall be registered with the West Virginia Secretary of State and also possess a Business Registration Certificate from the West Virginia State Tax Department: *Provided, however*, That a platform provider that has a principal place of business located outside of this state shall be registered as an appropriate foreign corporation with the West Virginia Secretary of State and also possess a Business Registration Certificate from the West Virginia State Tax Department.

§47-21A-17. Annual Platform Provider License fee and exemption from taxes.

A license fee shall be paid to the Tax Commissioner for annual Platform Provider licenses in the amount of \$500. All revenue from the license fee shall be deposited in the special revenue account established under the authority of §11-9-2a of this code and used to support the investigatory activities provided for in that section.

§47-21A-18. Information required in application for an Annual Platform Provider License.

An application for an Annual Platform Provider license shall include the following information:

(a) The name of the applicant, the legal name of the entity, the jurisdiction and locale of incorporation, telephone number, e-mail address, and the physical and mailing address of its principal place of business;

(b) A description of methods by which they manage, administer, or oversee a website software system, web application, method, or other process for the purposes of collecting moneys related to the sale of online raffles, securing and safekeeping all moneys collected related to the sale of online raffle tickets, disbursing moneys collected from the sale of online raffle tickets to the licensee before or after the online raffle or online raffle occasion, and conducting licensed online raffles over the Internet;

(c) Provide statements that detail the costs and fee structures for any services that are provided by the platform provider.

(d) State whether the applicant has ever had a previous application for any license relating to the regulation of an online raffle refused, or whether any previous license relating to the regulation of an online raffle has been revoked or suspended;

(e) Provide statements to the effect that the individuals and entities specified in subdivision (a) of this section understand:

(1) That it is a violation of this article to allow any persons other than those authorized by this article to conduct business related to being a platform provider;

(2) That it is required to file the reports and keep the records as provided by this article; and

(3) That it is a crime to violate the provisions of this article and, that a violation of such provisions may result in suspension or revocation of the platform provider license and denial of applications for subsequent platform provider licenses;

(f) Provide a sworn statement by an authorized representative of the applicant that the information contained in the application is true to the best of his or her knowledge;

(g) A list of the names and addresses of all officers and members of the board of directors, if any, of the platform provider; and

(h) Any other necessary and reasonable information required by the commissioner.

§47-21A-19. Records; commissioner audit.

Any licensee which holds an Annual Platform Provider License as provided by this article shall maintain a bookkeeping procedure for all of its activities relating to being a platform provider for any charitable or public service organization conducting online raffles in the state. All records required by this article shall be maintained for at least three years and shall be open to the commissioner for reasonable inspection. Whenever the commissioner has reasonable cause to believe a licensee has violated any of the provisions of this article, he or she may perform or cause to be performed an audit of the licensee's books and records.

§47-21A-20. Fraud; penalties.

In addition to any other offense set forth in this code, any person, platform provider, or licensee that knowingly conducts or participates in a fraudulently or deceptively conducted, or administered online raffle with intent to defraud is guilty of a felony, and, upon conviction thereof, shall be fined not less than \$500 nor more than \$10,000, or imprisoned in a correctional facility not less than one, nor more than five years, or both fined and imprisoned.

§47-21A-21. Obtaining license fraudulently; penalty.

In addition to any other offense set forth in this code, any person, platform provider, or licensee that knowingly obtains or assists another person in obtaining an online raffle license or platform provider license under false, deceptive, or fraudulent pretenses is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$500 nor more than \$10,000.

§47-21A-22. Violation of provisions; crime; civil penalties.

(a) Any person, entity, or platform provider that knowingly violates any provisions of this article, other than the provisions of §47-21A-20 or §47-21A-21 of this code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000; and, upon a second or subsequent conviction thereof, shall be fined not less than \$100 nor more than \$100,000 or confined in jail not more than one year, or both fined and confined.

(b) In addition to any other penalty provided by law, any person, licensed or unlicensed under this article, who violates any provisions of this article, or who fails to perform any of the duties or obligations created and imposed upon them by the provisions of this article, other than the provisions of §47-21A-20 or §47-21A-21 of this code is subject to a civil penalty determined by the Tax Commissioner in an amount not to exceed \$10,000.

§47-21A-23. Administration; rules and regulations.

(a) The commissioner shall propose rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, to administer the provisions of this article. The commissioner may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code, to administer the provisions of this article.

(b) The commissioner shall deny an application for any license or modification thereof if he or she finds that the issuance thereof would be in violation of the provisions of this article.

(c) The commissioner may revoke, suspend, or refuse to renew any license if the licensee or any member of a licensee organization has been convicted pursuant to §47-21A-20, §47-21A-21, or §47-21A-22 of this code, and the commissioner finds that it would be in the public interest to do so; or if the licensee has violated any of the provisions of this article: *Provided*, That before revoking or suspending any license issued under the authority of this article, the commissioner shall give at least 10 days' notice to the licensee.

The notice shall be in writing, state the reason for revocation or suspension, and inform the licensee of its right to petition the Office of Tax Appeals for a hearing at which the licensee may show cause why the license should not be revoked or suspended. The notice required by this section shall be by personal or substituted service, in accordance with the West Virginia rules of civil procedure for trial courts of record, on the person who applied for the license on behalf of the licensee. The licensee may, at the time designated for the hearing, present evidence in its behalf and be represented by counsel. A decision of the Office of Tax Appeals upholding in whole or in part the revoking or suspending a license is subject to judicial review as provided in §11-10A-19 of this code.

(d) The commissioner may suspend, revoke, or refuse to renew any license issued under this article for a material failure to maintain the records or file the reports required by this article if the commissioner finds that the failure will substantially impair the commissioner's ability to administer the provisions of this article with regard to the licensee.

(e) The provisions of §29A-5-1 *et seq.* of this code apply to the denial, revocation, suspension of, or refusal to renew any license.

(g) The burden of proof in any administrative or court proceeding is on the applicant to show cause why any license should be issued or renewed and on the licensee to show cause why any license should not be revoked or suspended.

(h) Notwithstanding any other provision of this article, the commissioner may issue an emergency order suspending any license under the following circumstances and in the following manner:

(1) An emergency order may be issued only when the commissioner believes that:

(i) There has been a criminal violation of this article;

(ii) The action is necessary to prevent a criminal violation of this article; or

(iii) The action is necessary for the immediate preservation of the public peace, health, safety, morals, good order, or general welfare.

(2) The emergency order shall set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating such action. This order shall be served by personal or substituted service on the licensee or the person who applied for the license on behalf of the licensee.

(3) The emergency order is effective immediately upon issuance and service upon the licensee.

(4) Within five days after issuance of an emergency order, the licensee may petition the Office of Tax Appeals to set a time and place for a hearing where the licensee may appear and show cause why its license should not be revoked.

§47-21A-24. Filing of reports.

(a) Each licensee holding an annual, limited occasion, or platform provider license shall file with the commissioner a financial report summarizing its online raffle operations within 30 days after the expiration date of the license. The time period covered by an annual report is the full license year or, at the election of a licensee receiving state or federal funding, the most recently ended state or federal fiscal year.

(b) The reports required by this section relating to a platform provider license shall additionally contain the name, address, and telephone number of each charitable organization to which the platform provider provided services. The report shall also list the specific online raffle occasions in which platform provider participated, including the date of each online raffle occasion, any costs and fees associated with these online raffle occasions, and any other information required by the commissioner.

(c) The reports required by this section relating to an annual license or a state fair license shall additionally contain the name, address, and social security number of any individual who received during the course of an online raffle occasion prizes the aggregate

value of which exceeded \$100, and other information required by the commissioner: *Provided*, That any licensee failing to file the report when due is liable for a penalty of \$25 for each month or fraction of a month during which the failure continues, the penalty not to exceed \$100: *Provided, however*, That annual financial reports shall contain either a compilation or review of the financial report by a certified or licensed public accountant, or may be audited by a certified or licensed public accountant, if a licensee's gross receipts exceed \$50,000.

§47-21A-25. Filing of copy of license; application open to public inspection.

Whenever any license is granted pursuant to this article, the commissioner shall cause a copy of the license to be filed and recorded with the clerk of the county commission of the county in which the licensee's physical operations exist as provided in its application: *Provided*, That a platform provider license issued to an entity that has a principal place of business outside of the state shall provide a hyperlink on their website which will be directed towards a viewable version of the platform provider license. A copy of any application shall be made available for public inspection in the office of the commissioner.

§47-21A-26. Prohibited acts by convicted persons.

Any person convicted of any felony, or a misdemeanor for a gambling offense, or of a violation of any provision of §47-20-1 *et seq.* of this code, is prohibited from directly or indirectly obtaining an online raffle license, conducting an online raffle occasion, or leasing or providing to a licensee any premises where online raffle occasions may be overseen or held, within 10 years from said conviction.

§47-21A-27. Proceeds of state fair.

The Legislature declares that the net proceeds of any online raffle game which accrue to the West Virginia state fair are considered used for charitable or public service purposes as defined in §47-21A-2 of this code. Any proceeds allowed by the state fair

board to be paid to or retained by persons who conduct or oversee online raffle occasions are considered to be expenses incurred by the state fair board.

§47-21A-28. State fair online raffle license; rules and regulations.

The West Virginia state fair board may apply annually to the Tax Commissioner for a state fair online raffle license to provide for the conduct of online raffle occasions. The license shall permit the state fair board to have one or more persons conduct online raffle occasions who have conducted online raffle occasions on a regular basis for a least one year prior to the date of the state fair board's application. The state fair shall pay a license fee of \$500 which shall be paid to the Tax Commissioner for the state fair online raffle license. The provisions of §47-21A-11, §47-21A-12, and §47-21A-13 of the code do not apply to a state fair raffle license. A state fair online raffle license may not be issued unless the application includes a copy of any agreement entered into between the state fair board and the persons or entities who are to conduct online raffle occasions. The state fair board may adopt reasonable rules and regulations, not inconsistent with or in violation of the provisions of this article, to govern the holding of online raffle occasions.

§47-21A-29. Additional remedies for the commissioner; administrative procedures; deposit of money penalties.

(a) Additional remedies. Notwithstanding any provision of this article to the contrary, the commissioner may:

(1) Revoke or refuse to renew any license issued under this article for any material violation of the provisions of this article or legislative rules of the commissioner promulgated under this article;

(2) Suspend the license of any licensee for the period of time the commissioner considers appropriate, not to be less than one week nor more than 12 months, for any material violation of the

provisions of this article or legislative rule of the commissioner promulgated under this article;

(3) Place any licensee on probation for not less than six months nor more than five years: *Provided*, That if a licensee is placed on probation, as a condition of the probation, the licensee shall pay to the commissioner a probation supervision fee in an amount equal to two percent of the gross proceeds derived by the licensee from the conduct of online raffle occasions, or a probation supervision fee in an amount equal to two percent of the gross proceeds derived by the licensee from the conduct of providing a platform within the state during the period of the suspension, but, in no event, may the probation supervision fee be less than \$2,000. All probation supervision fee revenue shall be placed in a special account and used by the commissioner to offset the expenses and costs incurred by the Tax Division to supervise the licensee;

(4) Require any licensee to replace any officer who knew or should have known of a material violation of the provisions of this article or legislative rules of the commissioner promulgated under this article;

(5) Require any licensee to prohibit one or more members, supporters, volunteers, or employees of the licensee involved in acts of material violation of the provisions of this article or legislative rules of the commissioner promulgated under this article, from all future online raffle occasions held under the license, or for the period of time specified by the commissioner;

(6) Impose a civil money penalty in an amount not less than \$100 nor more than two times the annual gross proceeds derived by any licensee, for each material violation of the provisions of this article or legislative rules of the commissioner: *Provided*, That in setting any monetary penalty for a first offense, the commissioner shall take into consideration the ability of the licensee to continue to exist and operate. For each material violation which is a second or subsequent offense, the amount of the civil penalty that may be imposed may not be less than \$500 and may not exceed two times the annual gross proceeds of the licensee. The commissioner may file this rule as an emergency rule. Any licensee aggrieved by the

amount of the civil penalty may surrender its license, or, after exhausting all administrative remedies, have the matter reviewed in the West Virginia Intermediate Court of Appeals; or

(7) Order any one or more, or any combination, of the penalties provided for in subdivisions (1) through (6) of this subsection: *Provided*, That no sanctions or other remedy shall be imposed under this article on a licensee which is exempt or qualified to be exempt from federal income taxation under subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986, as amended, but does not have bona fide members, due to failure to operate online raffle occasions with members if the occasions are or were operated by residents of this state who have been employed by the licensee or been meaningfully associated with the licensee for one or more years before the date of the licensee's application for a license under this article, or its last application for renewal of a license under this article.

(b) *Administrative procedures.*

(1) An order issued under this section shall be served by certified mail or in the manner provided in rule 4(d) of the West Virginia rules of civil procedure for trial courts of record, as amended.

(2) A licensee may appeal an order of the commissioner issued under this section by petitioning the Office of Tax Appeals within 20 days after the licensee is served with a copy of the order.

(3) When a petition is filed timely, the provisions of §11-10A-1 *et seq.* of this code apply.

(4) The burden of proof in any administrative or court proceeding is on the licensee to show cause why the order of the commissioner under this section should be modified, in whole or in part, or set aside.

(c) *Deposit of money penalties.* — All fines, money penalties, and fees imposed pursuant to this section, except the probation supervision fee imposed by subdivision (3), subsection (a) of this

section, shall be deposited into the General Revenue Fund of this state.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 751, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 751) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 874, Relating to WV Division of Multimodal Transportation.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 11, section 17-16F-10c, line 19, after the word "division" by striking the period, inserting a colon and the following text:

Provided, That the power of eminent domain may only be exercised by the Division itself and not by any local port authority district.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 874—A Bill to amend and reenact §17-16F-1, §17-16F-3, §17-16F-4, and §17-16F-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §17-16F-10a, §17-16F-10b, and §17-16F-10c, all relating to the West Virginia Division of Multimodal Transportation Facilities; providing for additional legislative findings; modifying definitions; authorizing division to create local port authority districts; authorizing division to propose legislative rules for application process for creation of local port authority districts; providing that political subdivisions and certain joint ventures may create local port authority districts in accordance with a certain procedure; establishing an application and approval process for creation of local port authority districts; directing division to make certain considerations relating to creation of local port authority districts; providing for creation of board of directors for local port authority districts and membership composition; authorizing board to exercise certain powers; limiting eminent domain powers to the Division itself and prohibiting its imposition directly by local port authority districts; and directing board to prepare a certain annual plan.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 874, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 874) passed with its House of Delegates amended title.

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

Senator Weld announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had placed consideration of **Engrossed House Bill 4945** and **Engrossed House Bill 5430** preceding consideration of the remainder of bills on today's third reading calendar.

Eng. House Bill 4945, Relating generally to the Hope Scholarship Program.

On third reading, coming up out regular order, with the unreported Finance committee amendment pending, and with the right having been granted on March 6, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the bill was withdrawn.

On motion of Senator Rucker, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-12. Issuance of a diploma or other appropriate credential by public, private, ~~or~~ homeschool, microschool, or learning pod administrator.

A person who administers a program of secondary education at a public school, private school, ~~or~~ home school, microschool, learning pod, or individualized instructional program pursuant to the Hope Scholarship Act that meets the requirements of this chapter may issue a diploma or other appropriate credential to a person who has completed the program of secondary education. Such diploma or credential is legally sufficient to demonstrate that the person meets the definition of having a high school diploma or its equivalent. No state agency or institution of higher learning in this state may reject or otherwise treat a person differently solely on the grounds of the source of such a diploma or credential. Nothing in this section prevents an institution, once a student has been fully admitted, from administering placement tests or other assessments to determine the appropriate placement of students into college-level course sequences or to assess the content thereof for the purposes of determining whether a person meets other requirements for a specific program.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-25. Funding for Hope Scholarship Program.

(a) Notwithstanding any other provision of this article to the contrary, for fiscal year 2023 and each fiscal year thereafter, in addition to all other amounts required by this article, the Department of Education shall include in its budget request, and the Governor shall include in each budget bill submitted to the Legislature, an appropriation to the Department of Education for the greater of an amount not less than two percent of net public school enrollment adjusted for state aid purposes or the total number of ~~eligible Hope Scholarship applications received by the~~

~~Hope Scholarship Board, if available estimated Hope Scholarship applications for the fiscal year, multiplied by the prior year's statewide average net state aid allotted per pupil. The Hope Scholarship Board shall certify the estimated number of Hope Scholarship applications for the fiscal year to the Department of Education by December 10 of each year. The amount appropriated shall be transferred by the Department of Education to the Hope Scholarship Board to be used solely to meet the Hope Scholarship Program obligations set forth in §18-31-1 *et seq.* of this code except as otherwise provided in this section. The Governor shall also provide in each budget for the reappropriation for expenditure during the ensuing fiscal year the unused accumulated balance in the Hope Scholarship Fund, to the Department of Education that was not transferred to the Hope Scholarship Board due to an accumulated balance from prior years as provided under subsection (b) of this section.~~

~~(b) Each fiscal year, the amount required to be requested and included in the budget bill for appropriation under subsection (a) of this section shall be reduced by the sum of:~~

~~(1) Any unused accumulated amounts transferred to the Hope Scholarship Board for these purposes from previous years; and~~

~~(2) Any unused appropriations made to the Department of Education for these purposes that were not transferred to the Hope Scholarship Board due to an accumulated balance from prior years.~~

(b) Each fiscal year, the amount required to be requested and included in the budget bill for appropriation under subsection (a) of this section shall be reduced by an amount equal to the unused accumulated amounts transferred to the Hope Scholarship Board for these purposes from previous years.

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-2. Definitions.

The following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) "Account" or "scholarship" means a Hope Scholarship account, awarded pursuant to this article, to which funds are allocated by the board to the parent or parents of an eligible Hope Scholarship student in order to pay qualifying elementary and secondary education expenses to educate the student pursuant to the requirements and conditions of this article;

(2) "Board" means the Hope Scholarship Board created pursuant to §18-31-3 of this code;

(3) "Curriculum" means a complete course of study for a particular elementary or secondary education content area or grade level including, but not limited to, textbooks; workbooks; student and teacher curriculum kits; activity, learning, or study guides; or any supplemental materials required by the curriculum;

(4) "Education service provider" means a person or organization that receives payments from Hope Scholarship accounts to provide educational goods and services to Hope Scholarship students;

(5) "Eligible recipient" means a child who:

(A) Is a resident of this state; and

(B) Is enrolled full-time and attending a public elementary or secondary school program in this state for at least 45 calendar days during an instructional term at the time of application and until an award letter is issued by the board under §18-31-5(c) of this code, or enrolled full-time in a public elementary or secondary school program in this state for the entire instructional term the previous year, or is eligible at the time of application to enroll in a kindergarten program in this state pursuant to §18-8-1a of this code, except that if on July 1, 2024, the participation rate of the combined number of students in the Hope Scholarship Program and students eligible who have applied to participate in the Hope Scholarship program during the previous school year is less than five percent of net public school enrollment adjusted for state aid purposes for the previous school year, then, effective July 1, 2026, a child is considered to meet the requirements of this paragraph if

he or she is enrolled, eligible to be enrolled, or required to be enrolled in a kindergarten program or public elementary or secondary school program in this state at the time of application;

(6) "Hope scholarship funds" means the moneys deposited in a Hope Scholarship student's account in accordance with the requirements of this article:

(7) "Hope scholarship student" means a student who receives a scholarship pursuant to this article;

(8) "Individualized Instructional Program (IIP)" means a customized educational experience that takes place either at home or another location. Hope Scholarship students participating in an IIP are not enrolled in a participating school and shall be governed by the requirements of this article, unless otherwise stated, and not any other compulsory school attendance exemption requirements;

~~(8)~~ (9) "Parent" means a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible recipient or Hope Scholarship student;

~~(9)~~ (10) "Participating school" means any private school that provides education to elementary and/or secondary students and has notified the board of its intention to participate in the program and comply with the program's requirements;

~~(10)~~ (11) "Resident school district" means the county school district in which the student resides; and

~~(11)~~ (12) "Treasurer" means the West Virginia State Treasurer.

§18-31-2a. Educational privileges and programs available to Hope Scholarship students.

(a) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student that pursues an individualized instructional program is exempt from the requirements of compulsory school attendance pursuant to §18-8-1(m) of this code and shall be subject to the requirements of this article unless otherwise stated: *Provided*, That a Hope Scholarship student that

pursues an individualized instructional program shall have the same privileges and access to programs that this code makes available to students exempt from compulsory school attendance pursuant to §18-8-1(c) of this code including, but not limited to:

(1) The ability to receive a diploma from the student's secondary educational program administrator according to the requirements of §18-8-12 of this code;

(2) The ability to receive the PROMISE scholarship according to the requirements of §18C-7-1 *et seq.* of this code;

(3) The ability to receive a work permit without prior review by a school administrator pursuant to §21-6-3 of this code; and

(4) The ability to participate in an ACE program according to the requirements in §18-2E-11 of this code.

(b) Notwithstanding any provision of this code to the contrary, a Hope Scholarship student that attends a participating school shall have the same privileges and access to programs available to students exempt from compulsory school attendance pursuant to §18-8-1 of this code by virtue of attendance of a nonpublic school including, but not limited to:

(1) The ability to receive a diploma from the student's school administrator according to the requirements of §18-8-12 of this code;

(2) The ability to receive the PROMISE scholarship according to the requirements of §18C-7-1 *et. seq.* of this code; and

(3) The ability to participate in an ACE program according to the requirements in §18-2E-11 of this code.

(c) Nothing in this section may be construed as subjecting homeschool students or nonpublic school students not participating in the Hope Scholarship Program to the requirements of this article.

§18-31-3. West Virginia Hope Scholarship Board; members; terms; compensation; proceedings generally.

(a) The West Virginia Hope Scholarship Program shall be administered by the West Virginia Hope Scholarship Board.

(b) The board shall consist of nine members and include the following:

(1) The State Treasurer, or his or her designee;

(2) The State Auditor, or his or her designee;

(3) The State Attorney General, or his or her designee;

(4) The State Superintendent of Schools, or his or her designee;

(5) The Chancellor of Higher Education, or his or her designee;

(6) The Director of the Herbert Henderson Office of Minority Affairs, or his or her designee; and

(7) Three members appointed by the Governor with the advice and consent of the Senate who are parents of Hope Scholarship students, or for the initial appointments of board members following the effective date of this article, parents who intend to apply for the Hope Scholarship on behalf of eligible recipients, to be appointed as follows:

(A) Only state residents are eligible for appointment to the board;

(B) The parent members shall reside in geographically diverse areas of the state;

~~(C) Members shall be initially appointed to staggered terms as follows:~~

~~(i) One member appointed by the Governor to a one-year term;~~

~~(ii) One member appointed by the Governor to a two-year term;~~
and

~~(iii) One member each appointed by the Governor to a three-year term.~~

(C) For appointments made after July 1, 2024, the parent members shall represent parents of students engaged in a diverse range of educational options, such as microschools or other individualized instruction;

The Governor shall make appointments necessary to satisfy the requirements of subdivision (7) of this section to staggered terms as determined by the Governor. After the initial staggering of terms, appointed parent board members shall serve for three-year terms and are eligible for reappointment at the expiration of their terms; and

(D) If there is a vacancy among appointed members, the vacancy shall be filled by appointment to the unexpired term of a person meeting the requirements of this section by the Governor with the advice and consent of the Senate. Members of the board shall serve until the later of the expiration of the term for which the member was appointed or the appointment of his or her successor.

(c) Members of the board shall serve without compensation. The board may reimburse members for all reasonable and necessary expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Any expense reimbursements shall be made from the West Virginia Hope Scholarship Program Expense Fund at the same rate paid to state employees.

(d) The Treasurer is the chairman and presiding officer of the board. The Treasurer may provide office space and staff to the board upon request of the board.

(e) The State Superintendent of Schools may provide staff to the board, upon request of the board.

(f) A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

(g) Members of the board are subject to the ethical standards and financial disclosure requirements of the West Virginia Governmental Ethics Act in §6B-1-1 *et seq.* of this code.

§18-31-4. Powers of the board.

The board is authorized to take any action necessary to effectuate the provisions of this article and to successfully administer the Hope Scholarship Program, subject to applicable state and federal law including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel and engage the services of private consultants, actuaries, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That election of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code;

(3) Implement the program through the use of financial organizations as account depositories and managers;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Determine whether an expenditure of Hope Scholarship funds is or was a qualifying expense to educate a Hope Scholarship student pursuant to §18-31-7 of this code. The board may approve or deny expenditures by a majority vote;

(6) Review any appeals made pursuant to §18-31-10(b) and §18-31-10(d) of this code;

(7) Establish the method by which moneys in the Hope Scholarship Expense Fund shall be allocated to pay for administrative costs and assess, collect and expend administrative fees, charges, and penalties;

(8) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the Hope Scholarship funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professional managing or investing the Hope Scholarship funds and accounts;

(9) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, West Virginia Board of Treasury Investments, or other professionals investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code; ~~and~~

(10) Solicit and accept gifts, including bequests and other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 180 days of receipt;

(11) Take any issues relating to Hope Scholarship student participation in established public charter schools to the West Virginia Professional Charter School Board; and

(12) Request such information from the Department of Education and the county boards as is necessary for the completion of the board's responsibilities pursuant to this article.

§18-31-5. Award of Hope Scholarships.

(a) The Hope Scholarship Program is established to provide the option for a parent to better meet the individual elementary and secondary education needs of his or her eligible child. The program shall be operational no later than July 1, 2022.

(b) The board shall create a standard application form that a parent can submit to establish his or her student's eligibility for the award of Hope Scholarship funds, to be placed in a personal education savings account to be used for qualifying education expenses on behalf of the eligible recipient as provided for in §18-31-7 of this code. Information about scholarship funds and the application process shall be made available on the board's website.

(c) The board shall ~~make such applications available no later than March 1, 2022 and shall begin accepting applications immediately thereafter~~ process, accept, and make available Hope Scholarship applications and awards at any time during the calendar year. The board may update the application as needed. The board shall issue an award letter to eligible recipients within 45 days of receipt of a completed application and all required documentation.

(d) The board shall approve an application for a Hope Scholarship if all of the following circumstances are met:

(1) A parent submits an application for a Hope Scholarship in accordance with the legislative rules promulgated by the board;

(2) A student on whose behalf the parent is applying is an eligible recipient, as provided ~~for~~ in §18-31-2(5) of this code;

(3) The parent signs an agreement with the board, promising to do all of the following:

(A) To provide an education for the eligible recipient in at least the subjects of reading, language, mathematics, science, and social studies;

(B) To use the Hope Scholarship funds exclusively for qualifying expenses incurred in providing the student an elementary or secondary education as provided for in §18-31-7 of this code;

(C) To comply with the rules and requirements of the Hope Scholarship Program; ~~and~~

(D) To afford the Hope Scholarship student opportunities for educational enrichment such as organized athletics, art, music, or literature; and

(E) To notify the Hope Scholarship Board immediately and cease use of Hope Scholarship funds upon the student's reenrollment in a public school or when the student graduates from or otherwise successfully completes a secondary school program;

(4) The board confirms with the West Virginia Department of Education that the student satisfies §18-31-2(5) of this code: *Provided*, That if the department does not reply within 30 days, this criteria is considered satisfied.

(e) ~~An application for a Hope Scholarship is~~ All records accepted or maintained by the board containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not a public record subject to release pursuant to the West Virginia Freedom of Information Act, as codified in §29B-1-1 *et seq.* of this code.

§18-31-6. Funding of Hope Scholarships; program and expense funds.

(a) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Fund. The fund shall be administered by the Treasurer and shall consist of funds transferred by the Department of Education in accordance with §18-9A-25 of this code. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Fund shall be credited to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(b) The amount of Hope Scholarship funds made available to an eligible recipient on a yearly basis shall be equal to 100 percent of the prior year's statewide average net state aid share allotted per pupil based on net enrollment adjusted for state aid purposes,

subject to the provisions of subsection (c) of this section: *Provided*, That the amount of the funding to an eligible recipient who is awarded a Hope Scholarship account for less than a full fiscal year shall be prorated based on the portion of the fiscal year the eligible recipient is awarded the Hope Scholarship account. On or prior to the submission of the Department of Education's budget request each year, the board shall notify the Department of Education of ~~the total number of eligible Hope Scholarship applications received by the board~~ the estimated number of Hope Scholarship applications for the fiscal year for purposes of facilitating the necessary transfer of moneys pursuant to §18-9A-25 of this code.

(c) Expenditures from the Hope Scholarship Fund shall be limited to the purposes set forth in this article: *Provided*, That an amount not to exceed five percent of the fund shall be transferred annually to the West Virginia Hope Scholarship Program Expense Fund established in subsection (h) of this section to cover the annual administrative costs of the Hope Scholarship Program. If the number of Hope Scholarship accounts increases significantly after any fiscal year, the Treasurer may request an appropriation by the Legislature to the West Virginia Hope Scholarship Program Expense Fund in an amount equal to the administrative costs associated with the increase in Hope Scholarship accounts.

(d) The first deposit of Hope Scholarship funds into an eligible recipient account shall be subject to the execution of the parental agreement required by §18-31-5 of this code. Upon execution of the required parental agreement, and subject to the provisions of §18-31-9(e) of this code, one half of the total annually required deposit shall be made no later than August 15 of every year into an eligible recipient's Hope Scholarship account, and one half of the total annually required deposit shall be made no later than January 15 of every year. Any funds remaining in a Hope Scholarship account at the end of the fiscal year may be carried over to the next fiscal year upon successful renewal of the account.

(e) Funds deposited in a student's Hope Scholarship account, other than those funds expended on transportation services pursuant to §18-31-7(11) of this code, do not constitute taxable income to the parent or the Hope Scholarship student.

(f) The board shall continue to make deposits into an eligible recipient's Hope Scholarship account in accordance with the provisions of this section unless any of the following conditions have occurred:

(1) A parent of an eligible recipient fails to renew a Hope Scholarship account or withdraws from the Hope Scholarship Program;

(2) The board determines that a student is no longer eligible for a Hope Scholarship;

(3) The board suspends or revokes participation in the Hope Scholarship Program for failure to comply with the requirements of this article;

(4) The Hope Scholarship student successfully completes a secondary education program or does not commence kindergarten-level education in the year that eligibility is based on the student's kindergartener status; or

(5) The Hope Scholarship student reaches 21 years of age.

(g) If any of the conditions in subsection (f) of this section occur, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent fails to adequately address the condition or conditions upon which closure is based or does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

(h)(1) There is hereby created in the State Treasury a special revenue fund designated and known as the West Virginia Hope Scholarship Program Expense Fund. The account shall consist of moneys received pursuant to this section; moneys, if any, transferred from special revenue funds administered by the Treasurer; or any governmental or private grants and any state general fund appropriations, if any, for the Hope Scholarship Program. All interest and other returns derived from the deposit and investment of moneys in the Hope Scholarship Program Expense Fund shall be credited to the fund. Any balance, including

accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(2) All expenses incurred by the Treasurer or the board in developing and administering the Hope Scholarship Program shall be payable from the West Virginia Hope Scholarship Expense Fund.

§18-31-7. Qualifying expenses for Hope Scholarship accounts.

(a) Parents of a Hope Scholarship student shall agree to use the funds deposited in their student's Hope Scholarship account only for the following qualifying expenses to educate the student:

(1) Ongoing services provided by a public school district pursuant to §18-31-8(f) of this code, including without limitation, individual classes and extracurricular activities and programs: Provided, That notwithstanding the provisions of §18-5G-3 of this code, a public charter school may invoice a Hope Scholarship student's account for said services;

(2) Tuition and fees at a participating school;

(3) Tutoring services provided by an individual or a tutoring facility: *Provided*, That such tutoring services are not provided by a member of the Hope Scholarship student's immediate family;

(4) Fees for nationally standardized assessments, advanced placement examinations, any examinations related to college or university admission, and tuition and/or fees for preparatory courses for the aforementioned exams;

(5) Tuition and fees for programs of study or the curriculum of courses that lead to an industry-recognized credential that satisfies a workforce need;

(6) Tuition and fees for nonpublic online learning programs including, but not limited to, online curriculum courses and tutorial programs;

(7) Tuition and fees for alternative education programs;

(8) Fees for after-school or summer education programs;

(9) Educational services and therapies including, but not limited to, occupational, behavioral, physical, speech-language, and audiology therapies;

(10) Curriculum as defined in §18-31-2 of this code;

(11) Instruments or equipment required as part of a music education course or curriculum;

~~(11)~~ (12) Fees for transportation paid to a fee-for-service transportation provider for the student to travel to and from an education service provider; and

~~(12)~~ (13) Any other ~~qualified~~ qualifying expenses as approved by the board established pursuant to §18-31-3 of this code: Provided, That the board may adopt rules and procedures for Hope Scholarship students who want to continue to receive services provided by a public school or district.

(b) Hope Scholarship funds may only be used for educational purposes in accordance with subsection (a) of this section. Nothing in this section requires that a Hope Scholarship student be enrolled, full- or part-time, in either a private school or nonpublic online school.

(c) Hope Scholarship funds may not be refunded, rebated, or shared with a parent or student in any manner: Provided, That the Hope Scholarship Board shall promulgate legislative rules to ensure that an education service provider with 15 or more students can provide compensation to employees of the provider in the provider's regular course of business, notwithstanding the fact that an employee's child receives services from the education service provider.

(d) The board may adopt procedures for establishing a reimbursement process for any qualifying expenses not available for purchase by a Hope Scholarship parent through the existing

online Hope Scholarship Program portal. Any refund or rebate for goods or services purchased with Hope Scholarship funds shall be credited directly to a student's Hope Scholarship account.

(e) Nothing in this section prohibits the parents of a Hope Scholarship student from making payments for the costs of educational goods and services not covered by the funds in their student's Hope Scholarship account. However, personal deposits into a Hope Scholarship account are not permitted.

§18-31-8. Renewal Annual continuation of Hope Scholarship accounts; participation in public school system.

(a) ~~A parent must renew an eligible recipient's Hope Scholarship on an annual basis.~~ Notwithstanding any changes in eligibility, effective January 1, 2025, a Hope Scholarship student ~~who has previously qualified for a Hope Scholarship account~~ remains eligible to apply for renewal may continue participation in the program from school year to school year without reapplying for the program until one of the conditions set forth in §18-31-6(f) occurs: *Provided,* That the board shall verify with the Department of Education the following information by July 1 of every year:

(1) A list of all active Hope Scholarship accounts;

(2) The resident school district of each Hope Scholarship student;

(3) For a Hope Scholarship student who chooses to attend a participating school, annual confirmation of his or her continued attendance at a nonpublic school that complies with all requirements that other nonpublic school students must comply with; and

(4) For a Hope Scholarship student who chooses an individualized instructional program:

(A) (i) He or she has annually taken a nationally normed standardized achievement test of academic achievement in the subject areas of reading, language, and mathematics, and when available for the student's grade-level, science and social studies;

(ii) The mean of the child's overall test results in the subject areas of ~~reading, language, mathematics, science, and social studies~~ tested for any single year is within or above the fourth stanine or, if below the fourth stanine, show improvement from the previous year's results; and

(iii) The mean of the child's overall test results are reported to the county superintendent; or

(B) (i) A certified teacher conducts a review of the student's academic work annually;

(ii) The certified teacher determines that the student is making academic progress commensurate with his or her age and ability; and

(iii) The certified teacher's determination is reported to the county superintendent.

(b) As a condition of continued participation in the Hope Scholarship Program from one school year to the next, a parent must annually meet the following requirements, according to the deadlines and procedures established by the Board:

(1) The parent must submit proof of the student's continued West Virginia residency;

(2) The parent must execute the parent agreement with the Board described in §18-31-5(d)(3) of this code ahead of each school year; and

(3) The parent must report to the county superintendent of the student's county of residence that the student has complied with all attendance and academic requirements in accordance with subsection (a) of this section for the most recent school year.

~~(b)~~ (c) Each county superintendent shall submit the test results and determinations reported to him or her pursuant to subsection (a) of this section to the board and the Department of Education each year on or before June 15.

~~(e)~~ (d) If a parent fails to ~~renew an eligible recipient's Hope Scholarship~~ meet the annual conditions for continued participation in the Hope Scholarship Program described in subsection (b) of this section, the board shall notify the parent that the eligible recipient's account will be closed in 45 calendar days. If a parent ~~chooses not to renew or declines continued participation in the program or~~ does not respond within 30 calendar days of receipt of notice, the board shall close the account and any remaining moneys shall be returned to the state.

~~(d)~~ (e) If an eligible recipient decides to return to the Hope Scholarship Program after failing to ~~renew~~ meet the conditions for continued participation described in subsection (b) of this section, they must reapply.

~~(e) The board, in consultation with the Department of Education, may adopt rules and policies to provide the least disruptive process for Hope Scholarship students who desire to stop receiving Hope Scholarship payments and return full time to a public school.~~

(f) The board, in consultation with the Department of Education, may adopt rules and policies for Hope Scholarship students who want to continue to receive services provided by a public school or district, including individual classes and extracurricular programs, in combination with an individualized instructional program. The board, in consultation with the Department of Education, shall ensure that any public school or school district providing such services receives the appropriate pro rata share of a student's Hope Scholarship funds based on the percentage of total instruction provided to the student by the public school or school district. County boards and charter school governing boards shall charge tuition to Hope Scholarship students who enroll for services in a public school within the county or in a public charter school. Hope Scholarship students who enroll for services part-time in public school shall not be included in net enrollment for state aid funding purposes under §18-9A-2 of this code. Nothing in this subsection prohibits a Hope Scholarship student from using the funds deposited in his or her account on both

services provided by a public school or district and other qualifying expenses as provided for in §18-31-7 of this code.

(g) The board, in consultation with the Department of Education, may adopt rules and policies to provide the least disruptive process for Hope Scholarship students who desire to stop receiving Hope Scholarship payments and return full-time to a public school.

§18-31-10. Auditing of Hope Scholarship Program; suspension of accounts and providers.

(a) The board may propose legislative rules for approval pursuant to §29A-3-1 *et seq.* of this code for the auditing of individual Hope Scholarship accounts and shall conduct or contract for the random auditing of individual Hope Scholarship accounts as needed to ensure compliance with the requirements of this article and rules promulgated pursuant to this article.

(b) As part of the auditing process, the board may remove a parent or eligible recipient from the Hope Scholarship Program and close a Hope Scholarship account for failure to comply with the terms of the parental agreement required by §18-31-5 of this code, failure to comply with the applicable laws, failure of the student to remain eligible, or intentional and fraudulent misuse of Hope Scholarship funds: *Provided*, That the board shall create procedures to ensure that a fair process exists to determine the removal of a parent or eligible recipient from the Hope Scholarship Program and a parent or Hope Scholarship student may appeal the decision to make the student ineligible for funds to the board.

~~(c) The board may conduct or contract for the audit of education service providers accepting payments from Hope Scholarship accounts. if it determines that the education service provider has:~~

~~(1) Intentionally and substantially misrepresented information or failed to refund any overpayments in a timely manner; or~~

~~(2) Routinely failed to provide students with promised educational goods or services.~~

(c) The board may propose legislative rules for approval pursuant to §29A-3-1 *et seq.* of this code for the auditing of education service providers and shall conduct or contract for the random auditing of individual providers as needed to ensure compliance with the requirements of this article and rules promulgated pursuant to this article.

(d) If the board determines that an education service provider has intentionally and substantially misused Hope Scholarship funds, the board may bar the education service provider from continuing to receive payments. The board shall create procedures to ensure that a fair process exists to determine whether an education service provider may be barred from receiving payment from Hope Scholarship accounts and an education service provider may appeal a decision to bar it from receiving payments to the board. If the board bars an education service provider from receiving payments from Hope Scholarship accounts, it shall notify parents and students of its decision as quickly as possible.

(e) If the board obtains evidence of potential fraudulent use of Hope Scholarship funds, it may refer suspected cases to the State Auditor for purposes of investigation, collection, and potential criminal investigation.

§18-31-11. Requirements for and rights of education service providers.

(a) To be eligible to accept payments from a Hope Scholarship account, an education service provider shall:

(1) Submit notice to the board that they wish to participate in the Hope Scholarship Program;

(2) Provide participating parents with a receipt for all qualifying educational expenses for the Hope Scholarship student;

(3) Agree not to refund, rebate, or share Hope Scholarship funds with parents or students in any manner, except that funds may be remitted or refunded to a Hope Scholarship account in accordance with §18-31-7(c) of this code;

(4) Certify that it will not discriminate on any basis prohibited by 42 U.S.C. 1981;

(5) ~~Agree to~~ Submit any employee or other person who will have contact with Hope Scholarship students receiving services from the provider to a criminal background check; and certify that said background check does not indicate conviction of a felony involving violence to the person and that the employee or other person is not on a federal or state sex offender registry; and

(6) In the case of a participating school, provide notice of each Hope Scholarship student's enrollment annually to the county superintendent of any student for which a student's tuition is being paid through the Hope Scholarship Program.

(b) This article does not limit the independence or autonomy of an education service provider or make the actions of an education service provider the actions of the state government.

(c) Education service providers shall be given maximum freedom to provide for the educational needs of Hope Scholarship students without governmental control.

(d) A participating school or education service provider is not required to alter its creed, practices, admission policy, hiring policy or curriculum in order to accept eligible recipients whose parents pay tuition or fees from a Hope Scholarship account pursuant to this article: Provided, That an education service provider is prohibited from requiring a student or family to pay tuition, costs, or fees above or in addition to the provider's regular tuition or fee schedule based in whole or in part upon a student or family member's participation in the Hope Scholarship Program.

(e) This article does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of education service providers beyond those necessary to enforce the requirements of the program.

§18-31-14. Reporting.

(a) The board shall provide a comprehensive report on the status of the Hope Scholarship Program to the Legislative

Oversight Commission on Education Accountability on or before December 31, 2026, and annually on or before December 31 of each year thereafter, addressing the progress of the program throughout the state. As part of the annual report, the board, in collaboration with the state and county boards of education, shall survey participating Hope Scholarship families to determine:

(1) The types of educational services chosen by Hope Scholarship students;

(2) Demographic and geographic data of participating students;

(3) Number of students participating with special needs;

(4) For Hope Scholarship students who withdrew from a public school, the stated reason for withdrawing;

(5) County superintendent and board compliance with Hope Scholarship reporting requirements; and

(6) Parent satisfaction with the Hope Scholarship Program.

(b) The board shall use only aggregate, nonidentifying evaluation data when compiling any such public reports.

Engrossed House Bill 4945, as just amended, was then put upon its passage.

Senator Smith requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Smith would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4945) passed.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 4945—A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto two new sections, designated §18-31-2a and §18-31-14, all relating generally to the Hope Scholarship Program; providing that microschoools, learning pods, and individualized instructional programs have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; defining terms; providing that Hope Scholarship students have certain educational privileges made available to other nonpublic school students; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; modifying qualifications for certain Board members for future appointments; clarifying that the Hope Scholarship Board may take issues involving Hope Scholarship students in charter schools to the West Virginia Professional Charter School Board; authorizing the Hope Scholarship Board to request certain information from county superintendents and county boards of education; clarifying that Hope Scholarship funds may only be utilized for expenses incurred in a kindergarten through secondary school education; requiring a year-round application and awards

process; requiring parental agreement to include provisions requiring parents to notify the board if a student reenrolls in public school or graduates from a secondary school program; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying that a kindergarten-level applicant's Hope Scholarship participation does not commence if the student does not begin kindergarten-level education that school year; clarifying that a public charter school may invoice a Hope Scholarship student for educational services; modifying qualifying expenses for Hope Scholarship accounts; authorizing the Board to adopt rules and procedures regarding Hope Scholarship student receipt of services from a public school or school district; requiring the Board to promulgate legislative rules permitting certain providers to compensate employees who are parents of Hope Scholarship students; authorizing the Board to adopt certain reimbursement procedures; clarifying annual renewal process for Hope Scholarship parents and students; modifying annual academic assessment requirements for certain grade levels; authorizing the Board to propose legislative rules related to audit of education service providers; requiring education service providers conducting background screenings of employees and other persons in contact with students to certify screening results to the board; clarifying that providers may not assess increased or additional fees against Hope Scholarship students based on participation in the program; and adding reporting requirements.

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

Eng. House Bill 5430, Relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office.

On third reading, coming up out of regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Weld, as vice chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the bill was withdrawn.

On motion of Senator Weld, the following amendment to the bill was reported by the Clerk.

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. COURTS IN GENERAL.

§51-3-20. Judicial officer education and training.

(a) The Supreme Court of Appeals may, in its discretion, pay a newly appointed or elected circuit judge, family court judge, or magistrate per diem compensation and expenses for attending any training and education session prior to taking the oath of office and beginning his or her term.

(b) The Supreme Court of Appeals may compensate the judicial officers specified in subsection (a) of this section up to a rate equivalent to the daily per diem rate of senior status circuit judges, senior status family court judges, or senior status magistrates for each required day of attendance, plus travel expenses.

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting on any matter pertaining to the bill under Rule 43 of the Rules of the Senate, as he is a candidate running for the office of West Virginia Supreme Court of Appeals.

The Chair replied that Senator Trump should be excused from voting on any matter pertaining to the bill and, without objection, Senator Trump was excused from voting on any matter pertaining to the bill.

The question being on the adoption of Senator Weld's amendment to the bill, the same was put and prevailed.

Engrossed House Bill 5430, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Takubo—1.

Excused from voting: Trump—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5430) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 5430—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-20, relating to authorizing Supreme Court of Appeals to pay per diem compensation and expenses of certain newly appointed or elected judicial officers receiving training and education prior to taking oath of office and beginning term; and establishing rate of compensation.

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

Eng. Com. Sub. for House Bill 5668, Creating the Responsible Gaming and Research Act.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 5694, Relating to the Firearms Industry Nondiscrimination Act.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Government Organization committee amendment pending.

Eng. House Joint Resolution 21, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Joint Resolution 28, Protection from medically-assisted suicide or euthanasia in West Virginia Amendment.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported committee amendments pending.

Eng. Com. Sub. for House Bill 4753, Relating to providing health insurance coverage concerning biomarker testing.

On third reading, coming up out of regular order, with the unreported Health and Human Resources committee amendments pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Health and Human Resources committee amendment pending.

Eng. House Bill 4793, Relating to distilled liquor.

On third reading, coming up out of regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4880, Relating to personal income tax social security exemption.

On third reading, coming up out of regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4883, Relating to increasing annual salaries of certain employees of the state.

On third reading, coming up out of regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024,

for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Finance committee amendment pending.

Eng. Com. Sub. for House Bill 5105, To eliminate the vaccine requirements for public virtual schools.

On third reading, coming up out of regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 5262, Relating generally to teacher's bill of rights.

On third reading, coming up out of regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 4956, Creating the Oral Health and Cancer Rights Act.

On third reading, coming up out of regular order, with the unreported Health and Human Resources committee amendments pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in

effect and with the unreported Health and Human Resources committee amendments pending.

Eng. Com. Sub. for House Bill 5162, Establish a program to promote creation and expansion of registered apprenticeship programs.

On third reading, coming up out of regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Thursday, March 7, 2024, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Education committee amendment pending.

Eng. House Bill 5548, Relating to modifying requirements imposed on any owner, operator, or manager within a tourism development project.

On third reading, coming up out of regular order, with the unreported Economic Development committee amendment pending, and with the right having been granted on March 6, 2024, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Economic Development committee amendment pending.

On motion of Senator Weld, the Senate reconsidered its action by which in earlier proceedings today it amended the House of Delegates amendment (*shown in the Senate Journal of today, pages 2299 to 2303, inclusive*), as to

Eng. Com. Sub. for Senate Bill 675, Establishing accreditation deadline for convention and visitors bureaus.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Weld's motion that the Senate amend the House of Delegates amendment to the bill.

Thereafter, at the request of Senator Weld, and by unanimous consent, his foregoing motion was withdrawn.

On motion of Senator Weld, the Senate refused to concur in the House amendment to the bill (Eng. Com. Sub. for S. B. 675) and requested the House of Delegates to recede therefrom.

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

At the request of Senator Weld, and by unanimous consent, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 4975, Relating to establishing a foster parent information system.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4975) takes effect from passage.

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

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Weld, unanimous consent being granted, a leave of absence for the day was granted Senator Takubo.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolution on March 7, 2024:

Senate Resolution 71: Senators Hamilton and Caputo.

On motion of Senator Weld, at 7:43 p.m., the Senate adjourned until tomorrow, Saturday, March 9, 2024, at 10 a.m.

SATURDAY, MARCH 9, 2024

The Senate met at 10:04 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Vince S. Deeds, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

Pending the reading of the Journal of Friday, March 8, 2024,

At the request of Senator Roberts, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Economic Development Authority (Combined Financial Statements) (§31-15-29)

Tax Appeals, Office of (§11-10A-7)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 190, Modifying definition of sexual contact.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Com. Sub. for Senate Bill 325, Relating to distribution of drugs to safety net providers and contract pharmacies.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 429, WV Farm Use Vehicle Tag Placement Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 452, Designating certain water and wastewater facilities as emergency project.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 466, Requiring State Board of Education develop Safety While Accessing Technology education program.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 475, Relating to recovery residences.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting clause, by striking everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 59. CERTIFICATION OF RECOVERY
RESIDENCES AND REGISTRATION.**

§16-59-1. Definitions.

As used in this article, the term:

(1) "Certificate of compliance" means a certificate that is issued to a recovery residence by the department's appointed certifying agency.

(2) "Certified recovery residence" means a recovery residence that holds a valid certificate of compliance.

"Director" means the Director of the Office of Health Facility Licensure and Certification, or his or her designee.

(3) "Department" means the ~~Department of Health and Human Resources~~ Department of Human Services.

"Immediate jeopardy" means an issue of non-compliance that places the health and safety of residents of the recovery residence at risk for serious injury, serious harm, serious impairment, or death.

"Inspector General" means the Inspector General of the Office of Inspector General as described in §16B-2-1 of this code.

(4) "Recovery residence" means a single-family, drug-free, and alcohol-free residential dwelling unit, or other form of group housing, that is offered or advertised by any person or entity as a residence that provides a drug-free and alcohol-free living environment for the purposes of promoting sustained, long-term recovery from substance use disorder.

§16-59-2. Voluntary certification of recovery residences.

(a) The department shall contract with an entity to serve as the certifying agency for a voluntary certification program for drug-free and alcohol-free recovery residences based upon standards determined by the National Alliance for Recovery Residences (NARR) or a similar entity. The certifying agency shall establish and implement an accreditation program for drug-free and alcohol-free recovery residences that shall maintain nationally recognized standards that:

(1) Uphold industry best practices and support a safe, healthy, and effective recovery environment;

(2) Evaluate the residence's ability to assist persons in achieving long-term recovery goals;

(3) Protect residents of drug- and alcohol-free housing against unreasonable and unfair practices in setting and collecting fee payments.

(4) Protect residents from human trafficking that may occur in the recovery residence setting.

(5) Protect patients from predatory practices that lead to patient brokering.

(b) The department shall require the recovery residence to collect, retain, and submit the following:

(1) Documentation verifying certification as specified and administered by the certifying agency;

(2) If a municipality or county offers or requires verification of compliance with local building, maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, documentation of verification by the municipality or county where the recovery residence is located stating that the recovery residence is in compliance.

(3) Data from each registered recovery residence at intervals determined by the department, but not less than annually. The data shall be uniform across all recovery residences. The department, in conjunction with applicable stakeholders to include, but not be limited to, the Office of Inspector General, the Superintendent, or designee, of the West Virginia State Police, the West Virginia Sheriff's Association, and a representative of West Virginia National Alliance for Recovery Residences, shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. to specify the data to be collected. The data variables shall include, but not be limited to, variables to allow the department, certifying agency, Office of Inspector General, and the West Virginia Fusion Center-Human Trafficking Division to conduct an analysis of the performance of recovery residences and to determine if patient brokering or human trafficking is occurring. The data shall be shared in personally identifiable form with the Office of the Inspector General, the certifying agency, and the West Virginia Fusion Center-Human Trafficking Division, with the appropriate Health Insurance Portability and Accountability Act safeguards in place to protect the data in transmission and in storage.

(4) Documentation verifying initial and continued registration as required in §16-59-4 of this code.

(c) If a municipality or county offers or requires verification of compliance with local building, maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, the municipality or county must perform requested or required inspections within 30 days of receiving a request for verification. If a residence is located within a municipality or county that offers or requires verification of compliance with local building, maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, and the municipality or county fails to perform requested or required inspections within 30 days of receiving a request for verification, the residence may apply for and be granted certification directly through the certifying agency without the aforementioned verification.

(d) Upon receiving a complete application, the certifying agency shall evaluate the residence to determine if the residence is in compliance with national best-practice standards, health, and safety requirements. Additionally, any application of the items specified in this section must comply with the Fair Housing Act, 42 U.S.C. §3601 *et seq.* and the Americans with Disabilities Act of 2008, 42 U.S.C. §12101 *et seq.*

(1) If it is determined that the residence is in compliance, the certification agency shall issue a certificate of compliance to the recovery residence operator for the specific recovery residence location set forth in the application.

(2) Each residence location, even if operated by the same person or entity, must maintain a certificate of compliance for the purposes of this article.

(e) The certifying agency may suspend or revoke a certificate of compliance if the recovery residence is not in compliance with any provision of this section or has failed to remedy any deficiency identified in writing and served by certified mail unless the deficiency is an immediate jeopardy in which case it may be served in person. Suspension or revocation may take place after a notice of deficiency is served and has existed for at least 30 days, except in cases of an immediate jeopardy. After receipt of a suspension or revocation notice, the recovery residence is prohibited from

accepting new residents and may only work to transfer residents to another certified recovery residence. If the certifying agency determines that an immediate jeopardy exists, then the operator will be provided a notice of deficiency, at the time of the certification visit, and the recovery residence shall immediately take actions to correct the listed deficiencies before the certification agency departs the premises. If the operator is unable to correct all of the listed deficiencies prior to the certifying agency departing the premises, then the certifying agency has the authority to revoke any applicable certification immediately and give the operator of the recovery residence up to five days to transfer existing residents to another certified recovery residence.

(f) Notwithstanding any other provision to the contrary, the certifying agency shall implement and maintain a process by which a residence whose certification has been suspended or revoked may apply for, and be granted, reinstatement. If a municipality or county offers or requires verification of compliance with local building, maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, and if the residence's certification suspended or revoked for noncompliance with local building, maximum occupancy, fire safety, and sanitation codes applicable to single-family housing, the municipality or county may charge a fee of up to \$100 for any requested reinspection of a recovery residence by the residence seeking reinstatement.

(g) The department shall periodically evaluate the quality, integrity, and efficacy of the accreditation program developed. The department shall promulgate rules subject to legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this section that shall include a process for receiving complaints against drug-free and alcohol-free recovery residences and criteria by which such residences' certifications can be revoked.

(h) A person may not advertise to the public any recovery residence as a "certified recovery residence" unless the recovery residence has first secured a certificate of compliance under this section. A person who violates this subsection commits a misdemeanor, punishable by a fine of not less than \$1,000 nor more than \$5,000 for each infraction.

(i) This article does not permit a structure that would not be normally classified as a single-family dwelling to be exempt from the state building code or fire code.

(j) Nothing herein shall be read to require any recovery residence to obtain certifications set forth herein in order to conduct operations: Provided, That a recovery residence without a valid certificate of compliance, as provided in §16-59-2 of this code, is prohibited from receiving a referral or receiving a person released from prison for the placement of any prisoner, parolee, probationer, or prospective, current, or discharged patient, or client from the Division of Corrections and Rehabilitation, the Parole Board, the county probation offices, day report center, municipal courts, or a medical or clinical treatment facility that receives funds for its operations from the State Treasury. A person who violates this subsection commits a misdemeanor, punishable by a fine of not less than \$1,000 nor more than \$5,000 for each infraction.

§16-59-3. Referrals to recovery residences; prohibitions; receipt of state funds.

~~(a) The certifying agency shall maintain, publish, and disseminate a list of drug and alcohol free housing certified pursuant to this section. This list shall be disseminated to the department for use by each state agency or vendor with a statewide contract that provides substance use disorder treatment services. The list shall also be posted on the website maintained by the certifying agency.~~

~~(b)~~ (a) The Division of Corrections and Rehabilitation, the Parole Board, county probation offices, day report centers, municipal courts, and a medical or clinical treatment facility that receives any funds for its operations from the State Treasury ~~may~~ shall not make a referral of any prisoner, parolee, probationer, or prospective, current, or discharged patient, or client to a recovery residence unless the recovery residence holds a valid certificate of compliance as provided in §16-59-2 of this code.

(e) (b) No recovery residence is eligible to receive funds from any source within the State Treasury unless it holds a valid certificate of compliance as provided in §16-59-2 of this code.

(c) No recovery residence is eligible to receive funds from a resident that is in the form of a state benefit, including, but not limited to, Medicaid, Temporary Assistance for Needy Families, or the Supplemental Nutrition Assistance Program, unless it holds a valid certificate of compliance from the certifying agency as provided in §16-59-2 of this code. The certifying agency may set forth additional requirements for the appropriate use of such benefits within a recovery residence.

(d) A state agency and a medical or clinical treatment facility that receive funds for its operation from the State Treasury, that make referrals to recovery residences shall maintain records of referrals to or from recovery residences.

(e) Nothing in this section requires a state agency or a clinical or medical provider to make a referral of a person to a recovery residence.

(f) A person who violates this section commits a misdemeanor, punishable by a fine of not less than ~~\$500~~ \$1,000 nor more than ~~\$1,000, \$5,000~~, unless otherwise specified.

§16-59-4. Registration of recovery residences.

(a) Prior to conducting business in the State of West Virginia a recovery residence shall register with the Office of Health Facility Licensure and Certification. A recovery residence has until January 1, 2025 to register. The director shall make an application form available on its publicly accessible internet website that include a request for the following information:

(1) The identity, address, and telephone number of the applicant;

(2) The name, business address, and telephone number of the contact person for the applicant;

(3) When applicable, the federal employer identification number for the applicant; and

(4) Any other information the director considers necessary and appropriate to establish a complete registration of an applicant.

(b) Term and fee. —

(1) The terms of registration shall be one year from the date of issuance;

(2) The fee shall be submitted by the applicant with an application for registration. An application fee for initial registration or renewal registration fee is nonrefundable;

(3) The amount of the initial registration fee and the renewal registration fee is \$250: *Provided*, That the director may annually adjust the initial and renewal registration fee for inflation based upon the consumer price index.

(c) Registration. —

(1) The director shall issue a registration, as appropriate, to an applicant when the director determines an applicant has submitted a complete application and paid the required registration fee.

(2) The registration may be in paper or electronic form, is nontransferable, and shall prominently list the expiration date of the registration.

(3) A list of all recovery residences shall be made available on the director's publicly accessible internet website.

(d) Penalties. —

(1)(A) A civil monetary penalty of up to \$20,000 a day may be assessed against an owner who operates, owns, or manages an unregistered recovery residence. Each day of the continuing violation after the civil monetary penalty is assessed may be considered a separate violation. The initial notice of non-compliance shall be provided to the owner via certified mail, return receipt requested.

(B) If the recovery residence is not registered within 30 days from the date of receipt of the initial notice, the director shall notify the certifying agency to revoke the recovery residence's certificate of compliance, issued pursuant to §16-59-2 of this code, for non-compliance with this section.

(C) If the recovery residence is not registered within 30 days from the date of receipt of the initial notice, and if such recovery residence does not have a certificate of compliance, then the director shall issue a closure notice to the recovery residence for non-compliance with this section.

(e) *Due process.* —

(1) Within 10 days of the date of receipt of a notice provided pursuant to subsection (d), the recovery residence's owner may submit a request for an administrative hearing before the Board of Review for an informal meeting to address the notice and the reason stated therefor.

(2) The recovery residence's owner or owners and the Office of Health Facility Licensure and Certification will be entitled to representation by legal counsel at the informal meeting and at the administrative hearing at their own expense, respectively.

(3) All of the pertinent provisions of §29A-5-1 *et seq.* of this code and applicable legislative rules governing administrative hearings for the Board of Review shall apply to and govern any formal hearing authorized by this article.

(4) If the recovery residence's owner fails to request a hearing within the time frame specified, he or she shall be subject to the full limitation, enforcement action, penalty, or any combination thereof, imposed pursuant to this section.

(5) The filing of a request for an administrative hearing or an informal meeting does not stay or supersede the enforcement of a limitation, enforcement action, penalty, or any combination thereof, imposed pursuant to this section.

(6) Any party who is dissatisfied with the decision of the Board of Review as a result of a formal hearing provided in this section, may within 30 days after receiving notice of the decision, petition the West Virginia Intermediate Court of Appeals, in term or vacation, for judicial review of the decision.

(7) The court may affirm, modify, or reverse, the decision of the Board of Review and either the applicant or the registrant, or the Inspector General may appeal the court's decision to the West Virginia Supreme Court of Appeals.

(8) Notwithstanding the existence of, or pursuant to any other remedy, the Inspector General may, in the manner provided by law, maintain an action in the name of the state for an injunction against any person, partnership, association, or corporation, to restrain or prevent the establishment, conduct, management, or operation of any recovery residence for violation of any provision of this section or any rule lawfully promulgated thereunder without first obtaining a registration in the manner herein provided.

ARTICLE 62. THE PATIENT BROKERING ACT.

§16-62-1. Definitions.

For the purposes of this article:

"Department" means the Department of Human Services.

"Health care provider or health care facility" means any person or entity 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.

"Health care provider network entity" means a corporation, partnership, or limited liability company owned or operated by two or more health care providers, and organized for the purpose of entering into agreements with health insurers, health care purchasing groups, or the Medicare or Medicaid program.

"Health insurer" means any insurance company authorized to transact health insurance in the state, any insurance company authorized to transact health insurance or casualty insurance in the state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, any self-insurance plan, any health maintenance organization, any prepaid health clinic, any prepaid limited health service organization, any multiple-employer welfare arrangement, or any fraternal benefit society providing health benefits to its members.

"Recovery residence" has the same meaning as set forth in §16-59-1 of this code.

§16-62-2. Patient brokering prohibited.

(a) It is unlawful for any person, including any health care provider, ~~or~~ health care facility, or recovery residence to:

(1) Offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a health care provider, ~~or~~ health care facility or recovery residence;

(2) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from a health care provider ~~or~~ health care facility, or recovery residence;

(3) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a health care provider, ~~or~~ health care facility, or recovery residence;

(4) Aid, abet, advise, or otherwise participate in the conduct prohibited under this subsection; or

(5) Engage in any of the unlawful acts provided for in this subsection in regard to a recovery residence as defined in §16-59-1 of this code;

(b) Penalties –

(1) Any person who violates the provisions of subsection (a) of this section is guilty of a felony and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

(2) Notwithstanding the provisions of subdivision (1) of this section, any person who violates subsection (a) of this section, where the prohibited conduct involves 10 or more patients, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000, or imprisoned in a state correctional facility not less than two years nor more than five years, or both fined and imprisoned.

(c) The Office of the Inspector General shall develop a tool that facilitates the submission of complaints. The Office of the Inspector General shall investigate complaints, review data for violations of this article, and enforce the provisions of this article. shall refer matters to state, or local law-enforcement authorities to coordinate, investigate, or prosecute violations of this article.

(d) Law enforcement shall investigate each referral upon receipt for violation this article.

(e) The Office of the Inspector General shall receive data from the department related to recovery residences based upon intervals determined by the department, but not less than annually. This data may contain personally identifiable health information. It shall be transmitted and stored in conformity with applicable Health Insurance and Portability and Accountability Act standards.

(f) The Office of the Inspector General and the certifying agency set forth in §16-59-2 et seq. of this code may coordinate investigations as further set forth in legislative rule.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 475—A Bill amend and reenact §16-59-1, §16-59-2, and §16-59-3, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-59-4; and to amend and reenact §16-62-1 and §16-62-2 of said code, all relating to recovery residences; defining terms; amending the accreditation program to include protecting residents from human trafficking and patient brokering; requiring the collection of data from recovery residences; requiring the data collected be uniform among recovery residences; requiring rulemaking regarding the data to be collected; requiring stakeholder engagement to develop the rules; setting forth minimum data content; providing that the data shall be shared; providing privacy restrictions on data; requiring documentation verifying initial and continued registration be submitted; permitting an immediate jeopardy notice to be served in person; prohibiting recovery residence that has received a suspension or revocation notice from taking new residents; providing procedure for immediate jeopardy; permitting immediate revocation of certification if immediate jeopardy is not corrected prior to certifying agency leaving the premises; requiring transfer of residents in event immediate jeopardy is not corrected and setting forth timeframe; prohibiting recovery residence without a certificate of compliance from receiving a referral from stated entities; providing for a penalty if the referral is received in violation of this article; deleting requirement that certifying agency maintain and publish a list of recovery residences; clarifying that referral shall not be made unless recovery residence has a valid certificate of compliance; prohibiting all recovery residences from receiving funds from a resident that is in the form of a state benefit unless it holds a valid certificate of compliance; increasing penalties for violations; requiring all recovery residences to register with the Office of Health Facility Licensure and Certification; setting forth procedure for registration; permitting fee; setting term of registration as one year; providing for penalty for failure to

register; providing due process; clarifying that recovery residences are subject to the patient brokering act; requiring the Office of the Inspector General to review data to determine if violations of the patient brokering act have occurred; requiring referral to state, or local law-enforcement authorities to coordinate, investigate, or prosecute violations; requiring state or local law enforcement to investigate referral; requiring the Office of Inspector General to receive data regarding recovery residences; specifying document handling specifications; and creating criminal penalties.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 475, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 475) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Com. Sub. for Senate Bill 482, Relating to rule-making authority of Ethics Commission.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 503, Protecting belief-based student organizations from certain types of discrimination.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 548, Clarifying appellate jurisdiction of Intermediate Court of Appeals.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 551, Modifying requirements related to levy of service fees.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 587, Enabling State Fire Commission to propose legislative rules.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, to take effect January 1, 2025, of

Eng. Com. Sub. for Senate Bill 623, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 628, Declaring certain claims as moral obligations of the state.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 644, Supplementing and amending appropriations to Department of Commerce, Division of Forestry, and Geological and Economic Survey.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 656, Supplementing and amending appropriations to DHHR, Division of Human Services.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 665, Supplementing and amending appropriations to DHHR, Division of Health.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 667, Creating Physician Assistant Compact.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 722, Revising examination of records relating to limited video lottery.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 730, Clarifying compensation for county tax collector.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 768, Providing exception for sharing of confidential child welfare records.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 778, Amending certain qualifying offenses to enhance sentences of repeat offenders.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 820, Requiring automatic enrollment of substance abuse disorder population into managed care.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 824, Increasing membership of WV Motorsport Committee.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 834, Increasing number of members for Motor Vehicle Dealers Advisory Board.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 866, Designating State Treasurer as chairperson of WV Investment Management Board.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section four, following line fifty-seven, by striking out subsection (h) in its entirety;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 866—A Bill to amend and reenact §12-6-4 of the Code of West Virginia, 1931, as amended, relating generally to West Virginia Investment Management Board governance; designating the State Treasurer as chairman of the board; requiring the chairman to appoint the chief executive officer of the board subject to board approval; providing that the chief executive officer will serve until appointment of a successor, resignation, or board removal; authorizing the chairman to appoint a temporary chief executive officer without board approval to fill a vacancy for a period of time; deleting obsolete provisions; and providing an internal effective date.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 866, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 866) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2024, of

Eng. Com. Sub. for House Bill 4190, Relating to the establishment of an alert system for missing cognitively impaired persons.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4700, Banning certain persons from sport wagering activities.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4721, Require Surveyors to offer to record surveys of property.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4829, Relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4830, To address the professional development of teachers.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4837, Clarifying the duty of banks to retain and procure records.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. House Bill 4863, Patriotic Access to Students in Schools Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4967, Relating to the administration of the Voluntary Remediation and Redevelopment Act to provide new liability protections for persons and companies who wish to purchase and redevelop former industrial properties.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. House Bill 5014, Supplementing and amending appropriations to West Virginia University General Administration Fund.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the total appropriation for the fiscal year ending June 30, 2024, to fund 0105, fiscal year 2024, organization 0100, be supplemented and amended by adding new items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

EXECUTIVE

7. – Governor's Office –

Civil Contingent Fund

(W.V. Code Chapter 5)

Fund 0105 FY 2024 Org 0100

2a West Virginia University

Health System for the Federal Food
and Drug Administration

Pilot Program.....xxxxx \$2,000,000

2b Hospital Grants and Research Programs..xxxxx \$4,000,000";

On page one of the bill, following the title to the bill, by striking out lines seven through fifteen in their entirety and inserting in lieu thereof the following:

Whereas, The Governor submitted an Executive Message to the Legislature on January 10, 2024, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2023, and further included the estimate of revenue for the fiscal year 2024, less net appropriation balances

forwarded and regular and surplus appropriations for the fiscal year 2024; and

Whereas, It appears from the Governor's Statement of the State Fund, General Revenue, there now remains an unappropriated balance in the Treasury which is available for appropriation during the fiscal year ending June 30, 2024; therefore;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Bill 5014—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, by adding new items of appropriation for the fiscal year ending June 30, 2024.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed House Bill 5014, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 5014) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 5014) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5158, Relating to making technical corrections to the special education code.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 5188, Relating to awards and benefits for duty related disability in the municipal police officers and firefighters retirement system.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 5213, To allow Gold Star spouses to receive one free Gold Star vehicle registration for personal use.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5232, The Business Liability Protection Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 5238, Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5326, Relating to prohibition of unfair real estate service agreements.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill 5435, Establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5510, Clarify law regarding the crime of witness tampering.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 5514, Enhancing training requirements for county boards of education members.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 5520, Relating to juvenile competency.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5561, Relating to permitting the electronic execution of trusts.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5583, Permitting the Commissioner of the Division of Highways to issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 5604, Relating to procurement by state spending units.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 5696, Relating to the upper Ohio Valley Trail Network.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 10:19 a.m., the Senate recessed until 11:30 a.m. today.

The Senate reconvened at 12:48 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 159, Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1 by striking everything after the enacting clause and inserting in lieu thereof:

CHAPTER 3. ELECTIONS.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-7. Filing certificates of announcements of candidacies; requirements; withdrawal of candidates when section applicable.

(a) Any person who is eligible and seeks to hold an office or political party position to be filled by election in any primary or general election held under the provisions of this chapter shall file a certificate of announcement declaring his or her candidacy for the nomination or election to the office.

(b) The certificate of announcement shall be filed as follows:

(1) Candidates for the House of Delegates, the State Senate, circuit judge, family court judge, and any other office or political position to be filled by the voters of more than one county shall file a certificate of announcement with the Secretary of State.

(2) Candidates for an office or political position to be filled by the voters of a single county or a subdivision of a county, except for candidates for the House of Delegates, State Senate, circuit judge or family court judge, shall file a certificate of announcement with the clerk the county commission.

(3) Candidates for an office to be filled by the voters of a municipality shall file a certificate of announcement with the recorder or city clerk.

(c) The certificate of announcement shall be filed with the proper officer not earlier than the second Monday in January before the primary election day and not later than the last Saturday in January before the primary election day and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that hour. This includes the offices of Justice of the Supreme Court of Appeals, Judge of the Intermediate Court of Appeals, circuit court judge, family court judge and magistrate, which are to be filled on a nonpartisan and division basis at the primary election: *Provided*, That on the final day of a political filing period, the office of the Secretary of State shall be open from 9:00 a.m. until 11:59 p.m. The offices of the county clerk in all counties of the state shall be open on that final day of a political filing period from 9:00 a.m. until 12:00 p.m.

(d) The certificate of announcement shall be on a form prescribed by the Secretary of State on which the candidate shall make a sworn statement before a notary public or other officer authorized to administer oaths, containing the following information:

(1) The date of the election in which the candidate seeks to appear on the ballot;

(2) The name of the office sought; the district, if any; and the division, if any;

(3) The legal name of the candidate and the exact name the candidate desires to appear on the ballot, subject to limitations prescribed in §3-5-13 of this code;

(4) The county of residence and a statement that the candidate is a legally qualified voter of that county; and the magisterial district of residence for candidates elected from magisterial districts or under magisterial district limitations;

(5) The specific address designating the location at which the candidate resides at the time of filing, including number and street or rural route and box number and city, state, and zip code;

(6) For partisan elections, the name of the candidate's political party on the date the certificate of announcement is submitted and a statement that the candidate: (A) Is a member of and is affiliated with that political party as evidenced by the candidate's current registration as a voter affiliated with that party; and (B) has not been registered as a voter affiliated with any other political party for a period of 60 days before the date of filing the announcement;

(7) For candidates for delegate to national convention, the name of the presidential candidate to be listed on the ballot as the preference of the candidate on the first convention ballot; or a statement that the candidate prefers to remain "uncommitted";

(8) For candidates for county board of education, a statement that the candidate swears and affirms that he or she has not been convicted of an offense under §61-8A-1 et seq., §61-8B-1 et seq., and §61-8C-1 et seq. of this code in which the victim was a minor;

~~(8)~~ (9) A statement that the person filing the certificate of announcement is a candidate for the office in good faith; and

(9) (10) The words "subscribed and sworn to before me this _____ day of _____, 20____" and a space for the signature of the officer giving the oath.

(e) The Secretary of State or the board of ballot commissioners, as the case may be, may refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a certified copy of the voter's registration record of the candidate showing that the candidate was registered as a voter in a party other than the one named in the certificate of announcement during the 60 days immediately preceding the filing of the certificate: *Provided*, That unless a signed formal complaint of violation of this section and the certified copy of the voter's registration record of the candidate are filed with the officer receiving that candidate's certificate of announcement no later than 10 days following the close of the filing period, the candidate may not be refused certification for this reason: *Provided, however, That prior to accepting a Certificate of Announcement for filing for an office which is elected in a partisan election, the Secretary of State's Office, clerk of the county commission, recorder or city clerk shall electronically verify a candidate's current party affiliation as subscribed and sworn to by the candidate. If a candidate's current party affiliation is not as stated on the Certificate of Announcement, the filing shall be refused.*

(f) The certificate of announcement shall be subscribed and sworn to by the candidate before ~~some~~ an officer qualified to administer oaths, who shall certify the same. Any person who knowingly provides false information on the certificate is guilty of false swearing and shall be punished in accordance with §3-9-3 of this code.

(g) Any candidate for delegate to a national convention may change his or her statement of presidential preference by notifying the Secretary of State by letter, received by the Secretary of State no later than the third Tuesday following the close of candidate filing. When the rules of the political party allow each presidential candidate to approve or reject candidates for delegate to convention who may appear on the ballot as committed to that presidential candidate, the presidential candidate or the candidate's committee

on his or her behalf may file a list of approved or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any candidate for delegate who is disapproved by the presidential candidate.

(h) A person may not be a candidate for more than one office or office division at any election: *Provided*, That a candidate for an office may also be a candidate for President of the United States, for membership on political party executive committees or for delegate to a political party national convention: *Provided, however*, That an unsuccessful candidate for a nonpartisan office in an election held concurrently with the primary election may be appointed under the provisions of §3-5-19 of this code to fill a vacancy on the general ballot.

(i) A candidate who files a certificate of announcement for more than one office or division and does not withdraw, as provided by §3-5-11 of this code, from all but one office prior to the close of the filing period may not be certified by the Secretary of State or placed on the ballot for any office by the board of ballot commissioners.

(j) The amendments to this section enacted by the Legislature in the 2024 Regular Session are effective January 1, 2025.

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-1. CREATION; COMPOSITION; APPOINTMENT, QUALIFICATIONS, TERMS, AND REMOVAL OF MEMBERS; OFFICES.

There is a State Board of Education, to be known as the West Virginia Board of Education, which is a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. The state board consists of 12 members, of whom one is the state Superintendent of Schools, ex officio; one of whom is the Chancellor of the Higher Education Policy Commission, ex officio; and one of whom is the Chancellor of the West Virginia Council for Community and

Technical College Education, ex officio, none of whom is entitled to vote. The other nine members are citizens of the state, appointed by the Governor, ~~by and~~ with the advice and consent of the Senate, for overlapping terms of nine years. Terms of office begin on November 5 of the appropriate year and end on November 4 of the appropriate year. Not more than five members are appointed from any one congressional district.

No more than five of the appointive members may belong to the same political party and no person is eligible for appointment to membership on the state board who is a member of any political party executive committee or holds any other public office or public employment under the federal government or under the government of this state or any of its political subdivisions, or who is an appointee or employee of the board. Members are eligible for reappointment. Any vacancy on the board shall be filled by the Governor by appointment for the unexpired term.

Notwithstanding the provisions of §6-6-4 of this code, a member of the state board may not be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, or gross immorality and then only in the manner prescribed by law for the removal by the Governor of state elective officers.

Before exercising any authority or performing any duties as a member of the state board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the Constitution of West Virginia, the certificate whereof shall be filed with the Secretary of State. A suitable office in the state Department of Education at the State Capitol shall be provided for use by the state board.

Notwithstanding the provisions of §6-5-5 of this code, no person who has been convicted of an offense under the provisions of §61-8A-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., and §61-8D-1 et seq. of this code in which the victim is a minor may hold office as a member of the state board.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-1A. ELIGIBILITY OF MEMBERS; TRAINING REQUIREMENTS.

(a) A person who is a member of a county board:

(1) Shall be a citizen and resident in the county in which he or she serves on the county board. Also, a person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board;

(2) May not be employed by the county board on which he or she serves, including employment as a teacher or service person;

(3) May not engage in the following political activities:

(A) Become a candidate for or hold any other public office, other than to succeed him or herself as a member of a county board subject to the following:

(i) A candidate for a county board, who is not currently serving on a county board, may hold another public office while a candidate if he or she resigns from the other public office prior to taking the oath of office as a county board member.

(ii) The term "public office" as used in this section does not include service on any other board, elected or appointed, profit or nonprofit, under the following conditions:

(I) The person does not receive compensation; and

(II) The primary scope of the board is not related to public schools.

(B) Become a candidate for, or serve as, an elected member of any political party executive committee;

(C) Become a candidate for, or serve as, a delegate, alternate or proxy to a national political party convention;

(D) Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office;

(4) May engage in any or all of the following political activities:

(A) Make campaign contributions to partisan or bipartisan candidates;

(B) Attend political fund raisers for partisan or bipartisan candidates;

(C) Serve as an unpaid volunteer on a partisan campaign;

(D) Politically endorse any candidate in a partisan or bipartisan election; or

(E) Attend a county, state, or national political party convention.

(b) A member or member-elect of a county board, or a person desiring to become a member of a county board, may make a written request to the West Virginia Ethics Commission for an advisory opinion to determine if another elected or appointed position held or sought by the person is an office or public office which would bar service on a county board pursuant to subsection (a) of this section.

(1) Within 30 days of receipt of the request, the Ethics Commission shall issue a written advisory opinion in response to the request and ~~also~~ shall publish the opinion in a manner which, to the fullest extent possible, does not reveal the identity of the person making the request.

(2) A county board member who relies in good faith upon an advisory opinion issued by the West Virginia Ethics Commission to the effect that holding a particular office or public office is not a bar from membership on a county board and against whom proceedings are subsequently brought for removal from the county board on the basis of holding that office or offices, is entitled to

reimbursement by the county board for reasonable attorney's fees and court costs incurred by the member in defending against these proceedings, regardless of the outcome of the proceedings.

(3) A vote cast by the member at a meeting of the county board may not be invalidated due to a subsequent finding that holding the particular office or public office is a bar to membership on the county board.

(4) Good faith reliance on a written advisory opinion of the West Virginia Ethics Commission that a particular office or public office is not a bar to membership on a county board is an absolute defense to any civil suit or criminal prosecution arising from any proper action taken within the scope of membership on the county board, becoming a member-elect of the county board or seeking election to the county board.

(c) To be eligible for election or appointment as a member of a county board, a person shall possess at least a high school diploma or a general educational development (GED) diploma. This provision does not apply to members or members-elect who have taken office prior to May 5, 1992, and who serve continuously from that date forward.

(d) A person elected to a county board after July 1, 1990, may not assume the duties of county board member unless he or she has first attended and completed a course of orientation relating to boardsmanship and governance effectiveness which shall be given between the date of election and the beginning of the member's term of office under the following conditions:

(1) A portion or portions of subsequent training such as that offered in orientation may be provided to members after they have commenced their term of office;

(2) Attendance at the session of orientation given between the date of election and the beginning of the member's term of office permits the member-elect to assume the duties of county board member, as specified in this section;

(3) Members appointed to the county board shall attend and complete the next orientation course offered following their appointment; and

(4) The provisions of this subsection relating to orientation do not apply to members who have taken office prior to July 1, 1988, and who serve continuously from that date forward.

(e) Annually, each member of a county board shall receive seven clock hours of training in areas relating to boardsmanship, governance effectiveness, and school performance issues including, but not limited to, pertinent state and federal statutes such as the "Process for Improving Education" set forth in ~~section five, article two-e of this chapter~~ §18-2E-5 of this code and the "No Child Left Behind Act" and their respective administrative rules.

(1) The orientation and training shall be approved by the state board and conducted by the West Virginia School Board Association or other organization or organizations approved by the state board:

(A) The state board may exclude time spent in training on school performance issues from the requisite seven hours herein required; and

(B) If the state board elects to exclude time spent in training on school performance issues from the requisite seven hours, the state board shall limit the training to a feasible and practicable amount of time.

(2) Failure to attend and complete the approved course of orientation and training relating to boardsmanship and governance effectiveness without good cause, as determined by the state board by duly promulgated legislative rules, constitutes neglect of duty under ~~section seven, article six, chapter six~~ §6-6-7 of this code.

(f) In the final year of any four-year term of office, a member shall satisfy the annual training requirement before January 1. Failure to comply with the training requirements of this section without good cause, as defined by the state board by duly

promulgated legislative rules, constitutes neglect of duty under §6-6-7 of this code.

(g) The state board shall appoint a committee named the "County Board Member Training Standards Review Committee" whose members shall meet at least annually. Subject to state board approval, the committee shall determine which particular trainings and training organizations shall be approved, and whether county board members have satisfied the annual training requirement. Members of the committee serve without compensation but may be reimbursed by their agencies or employers for all reasonable and necessary expenses actually incurred in the performance of their duties under this subsection.

(h) Notwithstanding the provisions of §6-5-5 of this code, no person who has been convicted of an offense under the §61-8A-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., and §61-8D-1 et seq. of this code in which the victim is a minor may hold office as a member of a county board.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 159, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 159) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 222, Exempting WV veterans from certain fees and charges at state parks.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, section 23, line 8, by striking "36".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 222, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 222) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 439, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 16, following section six, by striking sections 6c and 6d in their entirety and inserting in lieu thereof the following:

§16-5V-6c. 911 personnel.

(a) In accordance with the provisions of this article, the board shall administer the voluntary transfer of 911 personnel who are members of the Public Employees Retirement System to the Emergency Medical Services Retirement System.

(b) 911 personnel, employed by a participating public employer, who are actively contributing members of the Public Employees Retirement System shall be eligible to participate in a vote directly to the board pursuant to subsection (c) of this section: *Provided*, That the 911 personnel are employed with a participating public employer in the month prior to the election and for the duration of the election and that their participating public employer does not choose to opt-out of this option to transfer existing employees. The board will notify all participating public employers with 911 personnel of their option to opt-out of transferring existing employees prior to the election. Participating public employers with 911 personnel have until June 28, 2024, to opt out. Participating public employers with 911 personnel who opt out and Public Employees Retirement System employers who are not participating public employers in this plan in the month prior to the

election will be barred from future options to transfer existing 911 personnel into this plan for a period of no less than three years from the election and must pay any future transfer costs to the board. In addition, for any future transfers, the board will calculate the initial pro rata share of costs that would have been assessed at the initial transfer and those costs must be paid to the plan.

(c) The election period for the vote shall conclude on August 30, 2024. All election forms received by the board on or before August 30, 2024, shall be counted, and any members eligible to vote who do not submit an election form to the board prior to or on August 30, 2024, shall be counted as not electing to transfer to the plan. If at least 75 percent of members eligible to vote pursuant to subsection (b) of this section affirmatively elect to transfer to the plan within the period provided in this subsection, then the board shall notify the employers of all members who affirmatively elected to do so during that period, and contributions to the plan shall begin during October 2024 for those electing to transfer. If more than 25 percent of those members eligible to vote pursuant to subsection (b) of this section do not affirmatively elect to transfer to the plan within that period, the Public Employees Retirement System continues as the retirement system for all 911 members eligible to vote. The vote pursuant to this subsection shall be directly to the board and the results shall be unknown to all employers until the time period for voting ends: *Provided*, That any employee eligible to vote pursuant to subsection (b) of this section shall have access through his or her employer to educational materials regarding the vote provided by the board. All members who complete an election form and all participating public employers with 911 personnel eligible to vote shall be notified in writing by the board by September 30, 2024, of the results of the election.

(d) Any costs incurred by the board attributable to this section shall be borne by all 911 personnel employers of persons eligible to transfer in proportion to the number of persons employed by that employer who are eligible to transfer. The board shall determine its costs incurred attributable to this election to transfer and shall

determine the pro rata share of these costs to be borne by the 911 personnel participating employers.

(e) Notwithstanding any other provision of this article to the contrary, a person employed as 911 personnel may be a member of this retirement plan subject to the provisions of this section. Full-time employment as 911 personnel satisfies the definition of "covered employment" as defined in this article.

(f) Any 911 personnel who elects to become a member of the plan does not qualify for active membership in any other retirement system administered by the board, so long as he or she remains employed in covered employment: *Provided*, That any 911 personnel who has concurrent employment in an additional job or jobs which would require the 911 personnel to be an active member of the West Virginia Deputy Sheriffs Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System, or the West Virginia Natural Resources Police Officer Retirement System shall actively participate in only one retirement system administered by the board, and the retirement system applicable to the concurrent employment for which the employee has the earliest date of hire shall prevail. Any 911 personnel shall continue to receive his or her accrued benefit of other retirement systems administered by the board, except in the case of Public Employees Retirement System, when credit and assets are transferred to the Emergency Services Retirement System.

(g) Any 911 personnel who was employed as 911 personnel prior to July 1, 2024, but was not employed on July 1, 2024, shall become a member upon rehire as 911 personnel. For purposes of this section, the member's years of service and credited service prior to July 1, 2024, may be counted so long as the 911 personnel has not received the return of his or her accumulated contributions in the Public Employees Retirement System pursuant to §5-10-30 of this code. The member may request in writing to have his or her accumulated contributions and employer contributions from covered employment in the Public Employees Retirement System transferred to the plan and will receive two percent of the member's final average salary for each year transferred. If the conditions of this subsection are met, all years of the 911 personnel's covered

employment shall be counted as years of service for the purposes of this article.

(h) Any 911 personnel employed in covered employment on July 1, 2024, who has timely elected to transfer into this plan as provided in subsection (b) of this section shall be given credited service at the time of transfer for all credited service then standing to the 911 personnel's service credit in the Public Employees Retirement System regardless of whether the credited service, as defined in §5-10-2 of this code, was earned as a 911 personnel. All credited service standing to the transferring 911 personnel's credit in the Public Employees Retirement System at the time of transfer into this plan shall be transferred into the plan created by this article, and the transferring 911 personnel shall be given the same credit for the purposes of this article for all service transferred from the Public Employees Retirement System as that transferring 911 personnel would have received from the Public Employees Retirement System as if the transfer had not occurred but with accrued benefit multipliers subject to the provisions of §16-5V-12 of this code. In connection with each transferring 911 personnel receiving credit for prior employment as provided in this subsection, a transfer from the Public Employees Retirement System to this plan shall be made pursuant to the procedures described in this article: *Provided*, That any member of this plan who has elected to transfer from the Public Employees Retirement System into this plan pursuant to subsection (g) of this section may not, after having transferred into and becoming an active member of this plan, reinstate to his or her credit in this plan any service credit relating to periods in which the member was not in covered employment as a 911 personnel and which service was withdrawn from the Public Employees Retirement System prior to his or her elective transfer into this plan.

(i) Once made, the election made under this section is irrevocable. All 911 personnel electing to become members as described in this section, shall be members as a condition of employment and shall make the contributions required by this article.

§16-5V-6d. Transfer of 911 personnel assets from Public Employees Retirement System.

(a) If at least 75 percent of those actively contributing members of the Public Employees Retirement System currently employed as 911 personnel eligible to vote affirmatively elect to transfer to the Emergency Medical Services Retirement System within the period provided in §16-5V-6c of this code, then the board shall transfer to the Emergency Medical Services Retirement System all members who affirmatively elected to do so during that period. If more than 25 percent of actively contributing members of the Public Employees Retirement System currently employed as 911 personnel eligible to vote do not affirmatively elect to transfer to the Emergency Medical Services Retirement System within that period, the Public Employees Retirement System continues as the retirement system for all 911 members eligible to vote. Any costs incurred by the board attributable to this section shall be borne by all employers of persons transferring. The board shall determine its costs incurred attributable to this transfer and shall determine the pro rata share of these costs to be borne by the participating public 911 personnel employers.

(b) The Consolidated Public Retirement Board shall transfer assets from the Public Employees Retirement System Trust Fund into the West Virginia Emergency Medical Services Trust Fund no later than December 31, 2024.

(c) The amount of assets to be transferred for each transferring 911 personnel shall be computed using the July 1, 2023, actuarial valuation of the Public Employees Retirement System, and updated with 7.25 percent annual interest to the date of the actual asset transfer. The market value of the assets of the transferring 911 personnel in the Public Employees Retirement System shall be determined as of the end of the month preceding the actual transfer. To determine the computation of the asset share to be transferred the board shall:

(1) Compute the market value of the Public Employees Retirement System assets as of July 1, 2023, actuarial valuation date under the actuarial valuation approved by the board;

(2) Compute the actuarial accrued liabilities for all Public Employees Retirement System retirees, beneficiaries, disabled retirees, and terminated inactive members as of July 1, 2023, actuarial valuation date;

(3) Compute the market value of active member assets in the Public Employees Retirement System as of July 1, 2023, by reducing the assets value under subdivision (1) of this subsection by the inactive liabilities under subdivision (2) of this subsection;

(4) Compute the actuarial accrued liability for all active Public Employees Retirement System members as of July 1, 2023, actuarial valuation date approved by the board;

(5) Compute the funded percentage of the active members' actuarial accrued liabilities under the Public Employees Retirement System as of July 1, 2023, by dividing the active members' market value of assets under subdivision (3) of this subsection by the active members' actuarial accrued liabilities under subdivision (4) of this subsection;

(6) Compute the actuarial accrued liabilities under the Public Employees Retirement System as of July 1, 2023, for active 911 personnel transferring to the Emergency Medical Services Retirement System;

(7) Determine the assets to be transferred from the Public Employees Retirement System to the Emergency Medical Services Retirement System by multiplying the active members' funded percentage determined under subdivision (5) of this subsection by the transferring active members' actuarial accrued liabilities under the Public Employees Retirement System under subdivision (6) of this subsection and adjusting the asset transfer amount by interest at 7.25 percent for the period from the calculation date of July 1, 2023, through the first day of the month in which the asset transfer is to be completed.

(d) Once a 911 personnel has elected to transfer from the Public Employees Retirement System, transfer of that amount as calculated in accordance with the provisions of subsection (c) of

this section by the Public Employees Retirement System shall operate as a complete bar to any further liability to the Public Employees Retirement System and constitutes an agreement whereby the transferring 911 personnel forever indemnifies and holds harmless the Public Employees Retirement System from providing him or her any form of retirement benefit whatsoever until that emergency medical services officer obtains other employment which would make him or her eligible to reenter the Public Employees Retirement System with no credit whatsoever for the amounts transferred to the Emergency Medical Services Retirement System.

(e) 911 personnel who timely elected to transfer into this plan may request in writing that the Consolidated Public Retirement Board compute a quote of the amount owed for the member's transferred 911 service to be eligible for the 2.75 percent multiplier. The quote shall be provided to the member within 60 days of the board's receipt of the written request and the employer's verification of 911 service. Other Public Employees Retirement System employment is eligible for transfer, but only at the 2 percent multiplier. To determine the computation of the quote provided, the board shall:

(1) Compute the contributions made by each 911 personnel for eligible 911 years under Public Employees Retirement System.

(2) Compute the contributions that would have been required under Emergency Medical Services Retirement System for eligible 911 years.

(3) Compute the difference with interest at 7.25 percent that each 911 personnel would have been required to pay had he or she originally participated in Emergency Medical Services Retirement System for eligible 911 years.

(4) Full reinstatement amount must be repaid no later than December 31, 2029, or prior to the member's effective retirement date, whichever occurs first.

(f) Commencement of retirement for transferring 911 personnel may occur on or after January 1, 2025.

(g) Any administrative costs to the board associated with this transfer shall be borne by the participating public 911 personnel employers of the transferring members, in relative proportion to the number of members employed.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 439—A Bill to amend and reenact §16-5V-2, §16-5V-5, §16-5V-6, §16-5V-8, and §16-5V-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §16-5V-6c and §16-5V-6d, all relating to the Emergency Medical Services Retirement System; defining terms; updating terms to comply with federal laws; authorizing certain 911 personnel to be members of the Emergency Medical Services Retirement System under certain circumstances; requiring costs of the vote to participate be borne by participating employers in relative proportion to members employed; providing for transfer of assets pertaining to 911 personnel; requiring certain computations to be made by the Consolidated Public Retirement Board; requiring administrative costs of the Consolidated Public Retirement Board for transfer of assets pertaining to 911 personnel be borne by participating employers in relative proportion to members transferred; terminating liability of the Public Employees Retirement System in certain circumstances; authorizing use of certain funds for purchase of service credit; and providing for purchase of service credit.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 439, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 439) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 439) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect January 1, 2025, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 542, Amending procedure for filling vacancies in certain county offices having more than three commissioners.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 10. FILLING VACANCIES.

§3-10-7. Vacancies in offices of county commissioner or councilor and clerk of county commission or council.

(a) Any vacancy in the office of county commissioner or councilor, or clerk of county commission or council, shall be filled by appointment by the county commission or council. The appointee for the office of county commissioner or councilor must reside in a magisterial district in which no other member of the county commission or council resides. The appointee for either clerk of the county commission or council, or the office of county commissioner or councilor, must be a person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office: *Provided*, That at the time of appointment, the appointee must have been a member of that political party for at least ~~60 days~~ one year prior to the occurrence of the vacancy.

(b) If a quorum of the county commission or council fails to make an appointment within 30 days, the county executive committee of the same political party with which the person holding the office preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office shall submit a list of three legally qualified persons to fill the vacancy for a county having three elected commissioners, or shall submit a list of five legally qualified persons to fill the vacancy for a county

having five elected commissioners or councilors. Within 15 days from the date on which the list is received, the county commission or council shall appoint a candidate from the list to fill the vacancy.

(1) ~~If~~ In a county having three elected county commissioners, if the county commission or council fails to make the appointment within the specified time, then the county commissioner or councilor with the longest tenure shall eliminate one name from the submitted list, followed by the county commissioner or councilor with the second-longest tenure then eliminating one name from the submitted list. The name remaining after those two names have been eliminated shall be deemed to be appointed by the county commission to fill the vacancy.

(2) In a county having five elected county commissioners or councilors, if the county commission or council fails to make the appointment within the specified time, then the county commissioners or councilors shall strike one name from the list, in turn, in the following order of precedence:

(A)(i) First, all county commissioners or councilors affiliated with the same political party from which the vacating commissioner, councilor, or clerk was elected shall strike a name from the list before those not affiliated with the vacating commissioner, councilor, or clerk's party;

(ii) Second, of the county commissioners or councilors affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected, the commissioner or councilor with the longest tenure shall strike before those with lesser tenure; and

(iii) Third, if there be county commissioners or councilors with equal tenure affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected, a drawing by lot shall be conducted within the timeframe required to fill the vacancy to determine which of them shall eliminate one name from the submitted list before the other commissioner or councilor with equal tenure.

(B) After the county commissioners or councilors affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected make their strikes, the remaining county commissioners or councilors shall follow the same procedure in the same order of precedence provided herein. The name remaining after four names have been eliminated shall be deemed to be appointed by the county commission or council.

(c) If the number of vacancies in a county commission or council deprives that body of a quorum, the Governor shall make an appointment to fill any vacancy in the county commission or council necessary to create a quorum, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The Governor shall make any appointments necessary, beginning with the vacancy first created, to create a quorum in accordance with the same procedures applicable to county commissions and councils under §3-10-7(a) of this code. Once a quorum of the county commission or council is reestablished by gubernatorial appointment, the authority to fill the remaining vacancies shall be filled in the manner prescribed in §3-10-7(a) of this code.

(d) An appointment made pursuant to this section is for the period of time provided in §3-10-1 of this code.

(e) Notwithstanding any code provision to the contrary, a county commission or council may appoint a temporary successor to the office of clerk of the county commission or council until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(f) If an election is necessary under §3-10-1 of this code, the county commission or council, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by §3-10-1 of this code.

(g) §3-10-1 of this code shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission or council of the county, shall be placed upon the ballot to be voted at the next general election.

(h) If the election for an unexpired term is held at the same time as the election for a full term for county commissioner or councilor, the full term shall be counted first and the unexpired term shall be counted second. If the candidate with the highest number of votes for the unexpired term resides in the same magisterial district as the candidate with the highest number of votes for the full term, the candidate for the full term shall be seated. The candidate with the next highest number of votes for the unexpired term residing in a different magisterial district shall be seated for the unexpired term.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 542—A Bill to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to amending procedure for filling vacancy in offices of county clerk, county commissioner, or county councilor; providing guidance for filling such vacancies by appointment; providing procedure to follow in commissions or councils having three commissioners or councilors if the county commission or council fails to make the appointment within the specified time; providing procedure to follow in commissions or councils having more than three commissioners or councilors if the county commission or council fails to make the appointment within the specified time; and, clarifying that political party committee naming persons to fill a vacancy is the party from which the vacating person was elected.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 542, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Tarr—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 542) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect January 1, 2025.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Tarr—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 542) takes effect January 1, 2025.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 568, Creating multi-tiered system for school absenteeism.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 9, after line 152, by inserting the following:

ARTICLE 34. JAYCIE'S LAW.

§18-34-1. Legislative intent.

The West Virginia Legislature finds that parents of children throughout any age in middle or high school should be given the utmost support, because they face a unique set of challenges and circumstances on their road to graduation. School systems in West Virginia shall implement programs to provide educational support to those students with children at any age through graduation. The goal of this act is to assist these students to stay in school while providing enough time for proper medical recovery after the birth of the child.

§18-34-2. Policy enacted.

(a) A student's absence due to a student's pregnancy or parenting needs is a lawful absence as provided under this section.

(b) Each county board shall develop a written attendance policy for pregnant and parenting students that, at a minimum, meets the requirements of this article. The policy developed under this section shall:

(1) Excuse all absences due to pregnancy – or parenting–related conditions, including absences for:

(A) Labor;

(B) Delivery;

(C) Recovery; and

(D) Prenatal and postnatal medical appointments;

(2) Provide at least 8 weeks of excused absences for a mother for the birth of the student's child, including both natural/vaginal delivery and c-section delivery;

(3) Provide excused absences for antenatal care by recommendation of the medical provider;

(4) Provide two weeks excused absence for the father of the child;

(A) A doctor's or medical excuse shall be provided up to the initial 8 weeks absence and a separate excuse for each period of absence after the initial 8 weeks.

(B) County boards shall ensure that the parent remains on track for graduation by providing academic support options including, but not limited to, work provided virtually and a homebound instructor for weekly visits to ensure accountability.

(5) Provide an excused absence for parenting students whose children are sick: *Provided*, That they shall provide a doctor's excuse for that child.

(6) The schools shall refer the pregnant and parenting student to a "pregnancy help organization" by providing a list of pregnancy or postpartum assistance organizations within the county and surrounding counties as defined under §16-66-1 of this code.

§18-34-3. Effective date.

This article shall become effective on July 1, 2024.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 568—A Bill to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3; and to amend and reenact §49-4-702 of said code, all relating to student absences; amending criminal penalties imposed for failing to attend school without good cause; defining terms; requiring the State Board to implement a System of Support Plan to encourage and promote compulsory school attendance with implementation to be ensured by the county attendance director; requiring the school to make periodic meaningful contact with parents, guardians, or custodians of children who fail to attend school; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; providing legislative intent for Jaycie's Law; providing that a student's absence due to a student's pregnancy or parenting needs is a lawful absence; requiring county boards to develop a written attendance policy for pregnant and parenting students that and sets forth minimum requirements therefore; establishing article effective date; and making referral for the development of a diversion program in truancy offense matters discretionary.

On motion of Senator Trump, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 568) were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 2, by striking out the entirety of subsection (a) and inserting a new subsection (a), to read as follows:

"(a) A student's absence due to a student's pregnancy or parenting needs is an excused absence as provided under this section, and for purposes of §18-8-4(a)(1) of this code.";

On page 1, section 2, line 3, by striking out the words "Each county board" and inserting in lieu thereof the words "The State Board of Education";

On page 2, section 2, line 19, by striking the words "ensure that the parent remains" and inserting in lieu thereof the words "make reasonable efforts to encourage the parent remain";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 568—A Bill to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3; and to amend and reenact §49-4-702 of said code, all relating to student absences; amending criminal penalties imposed for failing to attend school without good cause; defining terms; requiring the State Board to implement a System of Support Plan to encourage and promote compulsory school attendance with implementation to be ensured by the county attendance director; requiring the school to make periodic meaningful contact with parents, guardians, or custodians of children who fail to attend school; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; providing legislative intent for Jaycie's Law; providing that a student's absence due to a student's pregnancy or parenting needs is a lawful absence; requiring the State Board of Education to develop a written attendance policy for pregnant and parenting students that and sets forth minimum requirements therefore; establishing article effective date; and making referral for the development of a diversion program in truancy offense matters discretionary.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 568, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Rucker—1.

Absent: Tarr—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 568) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2024, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 583, Relating to employer liability and damages in civil actions involving commercial motor vehicles.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 2, section 32, line 36 after the word "regulations" by inserting the following language:

", not including when an operator or driver is legally operating the vehicle according to permit issued under §17C-17-11 of this code."

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 583, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Tarr—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 583) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2024.

On this question, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Tarr—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 583) takes effect July 1, 2024.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 681, Revising service obligation for certain doctoral medical degree programs.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, line 15, after the words "National Guard" by inserting "and practice medicine in the state of West Virginia for a minimum of 6 years";

And,

On page 1, lines 16 and 17, by striking the words "for a mandatory service obligation as prescribed by the Adjutant General".

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 681) and requested the House of Delegates to recede therefrom.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 683, Amending definition of "alternative fuel" under motor fuel excise tax.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, section 2, line 22, after the word "electricity" by striking the words "is not an alternative fuel" and inserting in lieu thereof the words "and hydrogen are not alternative fuels: Provided, That on and after July 1, 2034, hydrogen may be considered an alternative fuel;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 683—A Bill to amend and reenact §11-14C-2 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; modifying the definition of alternative fuel by removing hydrogen as an alternative fuel; and providing a sunset date.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 683, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Nelson and Tarr—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 683) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 837, Reorganizing offices of Public Defender Corporations to conform to circuit reconfiguration.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 850, Updating Consumer Credit and Protection Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 864, Clarifying reporting requirements of Grant Transparency and Accountability Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 872, Relating to county fire service fees.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 873, Schedule for tax installment payments.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 875, Relating to certain insurance coverage provided by BRIM.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its Senate amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4110, Authorizing certain miscellaneous agencies and boards to promulgate legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

On page 8, section 10, line 4, by striking out "175 CSR 02" and inserting in lieu thereof "6 CSR 01".

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4110, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Nelson and Tarr—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4110) passed with its Senate amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Nelson and Tarr—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4110) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Com. Sub. for House Bill 4552, To ensure party affiliation is consistent with candidate's voter registration.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect January 1, 2025, instead of ninety days from passage.

Senator Takubo moved that the bill take effect January 1, 2025.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Nelson and Tarr—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4552) takes effect January 1, 2025.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 5082, Exempt those with 25 years holding an insurance license from attaining additional CEUs.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 5082, as amended by deletion, was then put upon its passage.

Pending discussion,

Senator Weld moved to table the bill.

The question being on the adoption of Senator Weld's aforestated motion, the same was put and prevailed and the bill (Eng. Com. Sub. for H. B. 5082) was laid upon the table.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. Com. Sub. for House Bill 5151, Relating to defining term fictive kin.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 5151—A Bill to amend and reenact §49-1-206 of the Code of West Virginia, 1931, as amended, relating to adding former foster parents to the definition of fictive kin; and also relating to adding a definition for restorative justice program.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 5151, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart,

Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Nelson and Tarr—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5151) passed with its House of Delegates amended title.

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

At the request of Senator Woelfel, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 1:21 p.m., the Senate recessed until 1:45 p.m. today.

The Senate reconvened at 2:51 p.m. and again proceeded to the third order of business.

(Senator Weld in the Chair.)

A message from the Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Senate Bill 155, Creating Violent Crime Prevention Act.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Fast, Horst, and Garcia.

On motion of Senator Takubo, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Weld appointed the following conferees on the part of the Senate:

Senators Stuart, Deeds, and Caputo.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 557, Relating to compensation for firefighters required to work holidays.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1 by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

~~§8-15-10a. Firemen who are required to work during holidays; how compensated~~ Holiday Compensation for Firefighters.

(a) From the effective date of this section, if any member of a paid fire department is required to work during a legal holiday as is specified in §2-2-1(a) of this code, or if a legal holiday falls on the member's regular scheduled day off, he or she shall be allowed equal time off, at such time as may be approved by the chief executive officer of the department under whom he or she serves or, in the alternative, shall be paid at a rate not less than one and

one-half times his or her regular rate of pay: *Provided*, That if a special election of a political subdivision other than a municipality falls on a Saturday or Sunday, the municipality may choose not to recognize the day of the election as a holiday if a majority of municipality's city council votes not to recognize the day of the election as a holiday.

(b) Effective July 1, 2024, unless otherwise provided by contract, collective bargaining agreement, or settlement agreement, if any member of a paid fire department is required to work during a legal holiday as is specified in §2-2-1(a) of this code, or if a legal holiday falls on the member's regular scheduled day off, he or she shall be allowed time off equal to his or her shift even if the shift spans two calendar days, at such time as may be approved by the chief executive officer of the department under whom he or she serves or, in the alternative, shall be paid at a rate not less than one and one-half times his or her regular rate of pay, equal to his or her shift, even if the shift spans two calendar days: Provided, That if a special election of a political subdivision other than a municipality falls on a Saturday or Sunday, the municipality may choose not to recognize the day of the election as a holiday if a majority of the municipality's city council votes not to recognize the day of the election as a holiday.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 557, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 557) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect January 1, 2025, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 624, Cancelling voter registration records for individuals no longer WV residents.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-6. Time of registration application before an election.

(a) Voter registration before an election closes on the 21st day before the election or on the first day thereafter which is not a Saturday, Sunday, or legal holiday: at

(1) 11:59 p.m. for online registration; or

(2) At the close of business at county clerk's offices and the Secretary of State's office.

(b) An application for voter registration, transfer of registration, change of name, or change of political party affiliation submitted by an eligible voter by the close of voter registration is

effective for any subsequent primary, general, or special election if the following conditions are met:

(1) The application contains the information required by §3-2-5(c) of this code. Incomplete applications for registration containing information which are submitted within the required time may be corrected within four business days after the close of registration if the applicant provides the required information; and

(2) The application is received by the appropriate clerk of the county commission no later than the hour of the close of registration or is otherwise submitted by the following deadlines:

(A) If mailed, the application shall be addressed to the appropriate clerk of the county commission and is postmarked by the postal service no later than the date of the close of registration. If the postmark is missing or illegible, the application is presumed to have been mailed no later than the close of registration if it is received by the appropriate clerk of the county commission no later than the third day following the close of registration;

(B) If accepted by a designated agency or motor vehicle licensing office, the application is received by that agency or office no later than the close of registration;

(C) If accepted through a registration outreach program, the application is received by the clerk, deputy clerk, or registrar no later than the close of registration;

(D) If accepted through an approved electronic voter registration system, the application is received by the clerk of the county commission or other entity designated by the Secretary of State no later than 11:59 p.m. on the final day of registration; and

(3) The verification notice required by the provisions of §3-2-16 of this code mailed to the voter at the residence indicated on the application is not returned as undeliverable.

§3-2-27. Procedure following sending of confirmation notices; correction or cancellation of registrations upon response; designation of inactive when no response; cancellation of inactive voters; records.

(a) Upon receipt of a confirmation response card mailed pursuant to the provisions of ~~section 26 of this article~~ §3-2-26 of this code and returned completed and signed by the voter, the clerk shall either:

(1) Update the voter registration by noting the confirmation of the current address if no other changes are requested or by entering any change of address within the county, change of name, or other correction requested by the voter; or

(2) Cancel the voter's registration if the voter confirms that he or she has moved out of the county.

(b) Upon receipt of the confirmation notice returned undeliverable, the clerk may either:

(1) Send a second confirmation notice to the old residence address if the first notice was sent to a new address provided by the postal service; or

(2) Designate the registration as inactive or transfer it to the inactive voter registration file, as defined in section 19 of this article.

(c) If no response to the confirmation notice is received by February 1 following the mailing of the confirmation notice, the clerk shall designate the registration as inactive or transfer it to the inactive voter registration file as provided in ~~section nineteen of this article~~ §3-2-19 of this code.

(d) An inactive voter registration shall be returned to active status or transferred to the active voter registration file upon the voter's application to update the registration or to vote in any election while they remain on the inactive list.

(e) The clerk of the county commission shall cancel the records of all voters on the inactive file who have not responded to the confirmation notice, otherwise updated their voter registrations or voted in any state, county, or municipal primary, general or special election held within the county during a period beginning on the date of the notice and ending on the day after the date of the second general election for federal office which occurs after the date of the notice.

(f) Upon notification by the Secretary of State, the clerk of the county commission shall cancel the records of all voters who are no longer West Virginia citizens and have obtained a driver's license in another state based on information provided by the Division of Motor Vehicles under §3-2-4a(g) of this code.

(g) The amendments to this section enacted by the Legislature in the 2024 Regular Session are effective January 1, 2025.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 624—A Bill to amend and reenact §3-2-6 and §3-2-27 of the Code of West Virginia, 1931, as amended, all relating to voting procedures; providing hours for operation of an office during period of registration application before an election; and relating to authorizing cancellation of voter registration records for individuals who are no longer West Virginia citizens and who have obtained a driver's license in another state.

On motion of Senator Trump, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 624) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 624—A Bill to amend and reenact §3-2-6 and §3-2-27 of the Code of West Virginia, 1931, as amended, all relating to voter registration procedures; specifying

times of closure of voter registration before election; and authorizing cancellation of voter registration for individuals who are no longer West Virginia citizens and who have obtained driver's license in another state.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 624, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 624) passed with its Senate amended title.

Senator Takubo moved that the bill take effect January 1, 2025.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 624) takes effect January 1, 2025.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 755, Providing safeguards for online sales of tobacco products.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting, in lieu thereof, the following:

ARTICLE 9E. DELIVERY SALES OF TOBACCO PRODUCTS.

§16-9E-1. Definitions.

For purposes of this article:

~~(a) "Adult" means a person who is at least the legal minimum purchase age, as defined by section two, article nine a of this chapter.~~

~~(b)(1)~~ (1) "Consumer" means an individual who does not hold a business registration certificate in this state for the business of selling tobacco products as a wholesale or retail dealer.

~~(c)(2)~~ (2) "Delivery sale" means any sale of ~~cigarettes~~ a tobacco product to a consumer in this state where either: ~~(1) (A) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service~~ (1) (A) The consumer submits the order for the sale by means of a telephone or

other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or (2)(B) the cigarettes are delivered by use of the mails or a delivery service. A sale of cigarettes shall be a delivery sale regardless of whether or not the seller is located within this state the tobacco product is delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco: A
Provided, That a sale of cigarettes a tobacco product not for personal consumption to a person who holds a business registration certificate as a wholesale dealer or a retail dealer shall not be is not a delivery sale.

~~(d)~~(3) "Delivery service" means any person who is engaged in the commercial delivery of letters, packages, or other containers.

~~(e)~~(4) "Department" means the State Tax Department.

~~(f)~~(5) "Electronic smoking device" means any device that can be used to deliver any heated, aerosolized, or vaporized solution to the person inhaling from the device, including, but not limited to, any e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component part, or accessory of the device, whether or not sold separately, and includes any solution intended to be heated, aerosolized, or vaporized during the use of the device, whether or not the solution contains nicotine. Electronic smoking device does not include drugs, devices, or combination products approved by the United States Food, Drug, and Cosmetic Act.

~~(f)~~(6) "Legal minimum purchase age" is at least eighteen 21 years of age as defined by section two, article nine a of this chapter for the purchase of cigarettes in this state shall have the same meaning as provided in §16-9A-1 *et seq.* of this code.

~~(g)~~(7) "Mails" or "mailing" means the shipment of cigarettes any tobacco product through the United States postal service.

~~(h) "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.~~

~~(i) "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.~~

(8) "Tobacco product" means any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether absorbed, inhaled, or ingested by any other means, including, but not limited to, cigarettes, cigarillos, little cigars, snuff, snus, chewing tobacco, or other common tobacco-containing products. A "tobacco product" also includes electronic smoking devices and any accessory of a tobacco product or electronic smoking device, whether or not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. A "tobacco product" does not include drugs, devices, or combination products that are regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act, , nor does "tobacco product" include cigars as defined in Title 26 U.S.C. §5702.

§16-9E-2. Requirements for delivery sales.

~~(a) No person~~ A person shall not, make in connection with a delivery sale, of cigarettes accept a purchase order, sell, mail, deliver, or cause to be delivered any tobacco product to any individual who is under the legal minimum purchase age in this state.

~~(b) Each person accepting a purchase order for, selling, mailing, delivering, or cause to be delivered of any tobacco product in connection with~~ a delivery sale shall comply with:

~~(1) The applicable age verification requirements set forth in section three of this article~~ §16-9E-3 of this code;

~~(2) The disclosure requirements set forth in subdivision (3), subsection (a), section three of this article;~~

~~(3)~~(2) The applicable shipping requirements set forth in ~~section four of this article~~ §16-9E-4 of this code;

~~(4)~~(3) The applicable registration and reporting requirements set forth in ~~section five of this article~~ §16-9E-5 of this code;

~~(5)~~(4) The tax collection requirements set forth in ~~section six of this article~~ §16-9E-6 of this code; and

~~(6)~~(5) All other laws of this state generally applicable to sales of ~~cigarettes~~ tobacco products that occur entirely within this state, including, but not limited to, those laws imposing:

~~(i)~~(A) Excise taxes;

~~(ii)~~(B) ~~sales~~ Sales taxes;

~~(iii)~~(C) ~~license~~ License and revenue-stamping requirements; and

~~(iv)~~(D) ~~escrow~~ Escrow or other payment obligations.

§16-9E-3. Age verification requirements.

(a) ~~No person~~ A person shall ~~not, mail, ship, or otherwise deliver cigarettes in connection with a delivery sale, unless prior to the first delivery sale to a consumer, the person:~~ accept a purchase order, sell, mail, deliver, or cause to be delivered any tobacco product that is subject to 15 U.S.C. §375 *et seq.* unless the delivery sale complies with all applicable age verification requirements of 15 U.S.C. §376a.

~~(1) Obtains from the prospective consumer a certification that includes a reliable confirmation that the consumer is at least the legal minimum purchase age and a statement signed by the prospective consumer in writing that certifies the prospective consumer's address and that the consumer is at least eighteen years of age. The statement shall also confirm: (i) That the prospective consumer understands that it is illegal to sign another person's name to the certification; (ii) that the sale of cigarettes to individuals under the legal minimum purchase age is illegal; and~~

~~(iii) that the purchase of cigarettes by individuals under the legal minimum purchase age is illegal under the laws of this state;~~

~~(2) Verifies the information contained in the certification provided by the prospective consumer against an appropriate database of government records available to the distributor or seller, or obtains simultaneous with the certificate as provided for in subdivision (1), a photocopy or other image of the valid, government issued identification stating the date of birth or age of the individual placing the order;~~

~~(3) Sends to the prospective consumer, via e mail or other means, a notice that contains: (A) A prominent and clearly legible statement that cigarette sales to a consumer below the legal minimum purchase age is illegal; (B) a prominent and clearly legible statement that consists of one of the warnings set forth in section 4(a)(1) of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. §1333(a)(1), rotated on a quarterly basis; (C) a prominent and clearly legible statement that sales of cigarettes are restricted to those consumers who provide verifiable proof of age in accordance with section three of this article; and (D) a prominent and clearly legible statement that cigarette sales are subject to excise and sales taxes in this state, and an explanation of how such taxes have been, or are to be, paid with respect to the delivery sale.~~

~~(4) In the case of an order for cigarettes pursuant to an advertisement on the Internet, receives payment for the delivery sale from the prospective consumer by a credit or debit card or check that has been issued in the consumer's name.~~

~~(b) Persons accepting purchase orders for delivery sales may request that prospective consumers provide their e-mail addresses.~~

(b) A person may use a check box on an internet website or mobile application to confirm the full name, birth date, and registered address of a purchaser prior to accepting a delivery sale for a tobacco product via an internet website or mobile application if:

(1) The purchaser provided his or her full name, birth date, and registered address upon registering as a user of the internet website or mobile application; and

(2) The person has verified the full name, birth date, and registered address of the purchaser upon registration using a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is of the legal minimum purchase age.

(c) A person who obtains a consumer's electronic signature upon delivery of a tobacco product shall be deemed to satisfy 15 U.S.C. § 376a.

§16-9E-4. Shipping and labeling requirements.

~~(a) Each person who, mails, ships, or otherwise delivers cigarettes~~ A person shall not, in connection with a delivery sale, accept a purchase order, sell, mail, deliver, or cause to be delivered any tobacco product that is subject to 15 U.S.C. §375 et seq. unless the delivery sale complies with all applicable shipping and labeling requirements of 15 U.S.C. §376a.

~~(1) Shall include as part of the bill of lading or other shipping documents a clear and conspicuous statement providing as follows: "Cigarettes: West Virginia Law Prohibits Shipping to Individuals Under 18, and Requires the Payment of all Applicable Taxes";~~

~~(2) Shall use a method of mailing, shipping, or delivery that obligates the delivery service to require: (i) The consumer placing the purchase order for the delivery sale, or another adult of legal minimum purchase age, to sign to accept delivery of the shipping container; and (ii) proof, in the form of a valid, government issued identification bearing a photograph of the individual who signs to accept delivery of the shipping container, demonstrating that he is either the addressee or another adult of legal minimum purchase age; and~~

~~(3) Shall provide to the delivery service retained for such delivery sale evidence of full compliance with section seven of this article.~~

~~(b) A delivery service shall be in violation of this article if it:~~
~~(1) Ships or otherwise delivers cigarettes in connection with a delivery sale without first receiving evidence of compliance with section seven of this article; or (2) fails to comply with the requirements described in subsection (a) or described in section six of this article;~~

~~(1) When obligated to do so under a method of shipping or delivery;~~

~~(2) When delivering any container pursuant to shipping documents containing the statement described in subdivision (1); subsection (a) of this section; or~~

~~(3) When delivering any container that the delivery service otherwise has reason to know contains cigarettes.~~

~~(c) If the person accepting a purchase order for a delivery sale delivers the cigarettes without using a delivery service, that person shall comply with all requirements of this article applicable to a delivery service and shall be in violation of the provisions of this article upon failure to comply with the requirements.~~

§16-9E-5. Registration and reporting requirements.

~~(a) Prior to making delivery sales or mailing, shipping, or otherwise delivering cigarettes in connection with any such sales, every person shall file with the department a statement setting forth the seller's name, trade name, and the address of the seller's principal place of business and any other place of business. A person shall not, in connection with a delivery sale, accept a purchase order, sell, mail, deliver, or cause to be delivered any tobacco product that is subject to 15 U.S.C. §375 et seq. unless the delivery sale complies with all applicable record-keeping requirements of 15 U.S.C. §376a.~~

~~(b) Not later than the tenth day of each calendar month, each person that has made a delivery sale or mailed, shipped, or otherwise delivered cigarettes in connection with any such sale during the previous calendar month shall file with the department a memorandum or a copy of the invoice that provides for each and every delivery sale: A person shall not, in connection with a delivery sale, accept a purchase order, sell, mail, deliver, or cause to be delivered from a location outside of this state to a consumer within this state any tobacco product that is subject to 15 U.S.C. §375 et seq. unless the person complies with all applicable requirements of 15 U.S.C. §376.~~

~~(1) The name and address of the consumer to whom the delivery sale was made;~~

~~(2) The brand or brands of the cigarettes that were sold in the delivery sale; and~~

~~(3) The quantity of cigarettes that were sold in the delivery sale.~~

~~(c) Any person that satisfies the requirements of 15 U.S.C. §376 shall be deemed to satisfy the requirements of this section.~~

§16-9E-6. Collection of taxes.

Each person accepting a purchase order for a delivery sale of any tobacco product shall collect and remit to the department all cigarette applicable taxes under §11-17-1 et seq. imposed by this state with respect to such delivery sale, except that the collection and remission shall not be required to the extent the person has obtained proof, in the form of the presence of applicable tax stamps or otherwise, that the taxes already have been paid to this state.

§16-9E-7. Penalties.

(a) Except as otherwise provided in this section, a first violation of any provision of this article shall be a misdemeanor and punishable by a fine of \$500 or five times the retail value of the cigarettes tobacco products involved, whichever is greater.

(b) Any person who knowingly violates any provision of this article, or who knowingly and falsely submits a certification under ~~section three of this article~~ §16-9E-3 of this code in another person's name, ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$1,000 or 10 times the retail value of the ~~cigarettes~~ tobacco products involved, whichever is greater, or confined in jail not more than six months, or both.

(c) Any person failing to collect or remit to the department any tax required in connection with a delivery sale shall be assessed, in addition to any other penalty, a penalty of five times the retail value of the ~~cigarettes~~ tobacco products involved.

(d) Any ~~cigarettes~~ tobacco products sold or attempted to be sold in a delivery sale that does not meet the requirements of this article shall be forfeited to this state and destroyed. All fixtures, equipment, and all other materials and personal property on the premises of any person who, with the intent to defraud this state, violates any of the requirements of this article, shall be forfeited to this state.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 755—A Bill to amend and reenact §16-9E-1, §16-9E-2, §16-9E-3, §16-9E-4, §16-9E-5, §16-9E-6, and §16-9E-7 of the Code of West Virginia, 1931, as amended, all relating to the delivery sales of tobacco products; expanding article to regulate all tobacco products; defining terms; clarifying that delivery sale may be via Internet website or mobile application; prohibiting delivery sales of tobacco products to underage individuals; requiring delivery sales of tobacco products to comply with certain requirements; prohibiting persons from accepting a purchase order, selling, mailing, delivering, or causing to be delivered certain tobacco products without complying with certain applicable requirements for age verification, shipping, labeling, registration, and reporting; authorizing use of check box for confirming certain purchaser information to make purchase

order for delivery sale of tobacco products via Internet website or mobile application if certain criteria met; requiring collection and remission of applicable excise taxes; and establishing criminal penalties for violations of article.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 755, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 755) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 803, Updating definitions for assessment of real property.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 3, following the enacting clause, by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

ARTICLE 4. ASSESSMENT OF REAL PROPERTY.

§11-4-3. Definitions.

(a) For the purpose of giving effect to the Tax Limitations Amendment, this chapter shall be interpreted in accordance with the following definitions, unless the context clearly requires a different meaning:

(1) "Owner" means the person, as defined in §2-2-10 of this code, who is possessed of the freehold, whether in fee or for life. A person seized or entitled in fee subject to a mortgage or deed of trust securing a debt or liability is considered the owner until the mortgagee or trustee takes possession, after which the mortgagee or trustee shall be considered the owner. A person who has an equitable estate of freehold, or is a purchaser of a freehold estate who is in possession before transfer of legal title is also considered the owner. Owner ~~shall also include~~ includes the corporation or other organization possessed of the freehold of a qualified continuing care retirement community. Owner includes homeowners who have vacated their owner-occupied, single-family, residential property, which was their most recent primary residence, and have listed that property for sale with a licensed real estate broker, and have not leased said property to anyone since vacating said property. Owner means the person who is using and occupying all or a portion of a parcel of real estate the freehold of which is possessed by a family trust: *Provided*, That the parcel is used and occupied by the owner thereof exclusively for residential purposes.

(2) "Used and occupied by the owner thereof exclusively for residential purpose" means actual habitation by the owner, or the owner's spouse, an immediate family member of the owner, or a

qualified resident of all or a portion of a parcel of real property as a place of abode to the exclusion of any commercial use: *Provided*, That if the parcel of real property was unoccupied at the time of assessment and either:

(A) Was used and occupied by the owner thereof exclusively for residential purposes on July 1, of the previous year assessment date;

(B) ~~was~~ Was unimproved on July 1, of the previous year but a building improvement for residential purposes was subsequently constructed thereon between that date and the time of assessment; or

(C) ~~is~~ Is retained by the property owner for noncommercial purposes and was most recently used and occupied by the owner or, the owner's spouse, or an immediate family member of the owner as a residence and the owner, as a result of illness, accident or infirmity, is residing with a family member or is a resident in a nursing home, personal care home, rehabilitation center or similar facility, then the property shall be considered "used and occupied by the owner thereof exclusively for residential purpose": *Provided*, That nothing herein contained ~~shall permit~~ permits an unoccupied or unimproved property to be considered "used and occupied by the owner thereof exclusively for residential purposes" for more than one year unless the owner, as a result of illness, accident or infirmity, is residing with a family member or is a resident of a nursing home, personal care home, rehabilitation center or similar facility. Except in the case of a qualified continuing care retirement community, if a license is required for an activity on the premises or if an activity is conducted thereon which involves the use of equipment of a character not commonly employed solely for domestic as distinguished from commercial purposes, the use may not be considered to be exclusively residential. ~~In the case of qualified~~ Qualified continuing care retirement community, uses attendant to the functioning of the qualified continuing care retirement community, including, without limitation, cafeteria, laundry, personal and health care services, ~~shall may~~ not be considered a commercial use uses even

if such activity or equipment requires a separate license or payment.

(3) "Family member" means a person who is related by common ancestry, adoption or marriage including, but not limited to, persons related by lineal and collateral consanguinity.

"Family trust" means a trust the trustees and beneficiaries of which include only the person who is possessed of the freehold and his or her immediate family members.

"Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, and adoptive relationships.

(4) "Farm" means a tract or contiguous tracts of land used for agriculture, horticulture or grazing and includes all real property designated as "wetlands" by the United States Army Corps of Engineers or the United States Fish and Wildlife Service.

(5) "Occupied and cultivated" means subjected as a unit to farm purposes, whether used for habitation or not, and although parts may be lying fallow, in timber or in wastelands.

(6) "Qualified continuing care retirement community" means a continuing care retirement community:

(A) Owned by a corporation or other organization exempt from federal income taxes under the Internal Revenue Code;

(B) ~~used~~ Used in a manner consistent with the purpose of providing housing and health care for residents; and

(C) ~~which~~ Which receives no Medicaid funding under the provisions of ~~article four b, chapter nine~~ §9-4B-1 et seq. of this code. For purposes of this section, a continuing care retirement community is a licensed facility under the provisions of ~~articles five c and five d, chapter sixteen~~ §16-5C-1 et seq. and §16-5D-1 et

seq. of this code at which independent living, assisted living, and nursing care, if necessary, are provided to qualified residents.

"Qualified resident" means a person who contracts with a qualified continuing care retirement community to reside therein, in exchange for the payment of an entrance fee or deposit, or payment of periodic charges, or both.

(b)(1) ~~Effective date of amendments.~~ Amendments to this section enacted during the 2006 regular session of the Legislature shall have retroactive effect to and including July 1, 2005, and shall apply in determining tax for tax years beginning January 1, 2006, and thereafter.

(2) ~~Effective date of amendments.~~ - Amendments to this section enacted during the 2007 regular session of the Legislature shall take effect on July 1, 2007.

(3) Amendments to this section enacted during the 2024 regular session of the Legislature shall take effect on July 1, 2024.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng Senate Bill 803—A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, relating to definitions used for assessment of real property; providing definitions for immediate family member and family trust; providing that owner includes homeowners who have vacated their homes under certain circumstances; including use by an immediate family member in definition of used and occupied by the owner thereof exclusively for residential purposes; and providing for owner when freehold possessed by a family trust.

On motion of Senator Trump, the following amendment to the House of Delegates amendments to the bill (Eng. S. B. 803) was reported by the Clerk and adopted:

On page 2, line 44, by striking out the words "trustees and".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Senate Bill 803, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 803) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 803) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate

amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 4812, Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 4812, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Oliverio, Phillips, Plymale, Queen, Roberts, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—21.

The nays were: Azinger, Chapman, Jeffries, Karnes, Martin, Maynard, Rucker, Smith, Stover, and Stuart—10.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 4812) passed with its title.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 5084, Require retailers to verify identification and age upon purchase of vape products.

On motion of Senator Takubo, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Weld appointed the following conferees on the part of the Senate:

Senators Weld, Stuart, and Woelfel.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 5317, Making it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 5317, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 5317) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 5317) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 679, Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

CHAPTER 19. AGRICULTURE.

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-12. Regulation of select plant-based derivatives; findings; industrial hemp.

(a) This section shall be known as the Select Plant-Based Derivatives Regulation Act: Industrial Hemp.

(b) The Legislature finds that ~~certain~~ select plant-based derivatives can be regulated so as not to interfere with the strict regulation of controlled substances in this state, and that the manufacturing, processing, distribution, and retail sale, or other sale of hemp-derived cannabinoid products is an activity deserving of particular, careful, and strict attention to the administration and enforcement of West Virginia standards designed to protect and safeguard the welfare and well-being of West Virginia citizens and residents. The purpose of the act is to allow limited, regulated access to ~~certain~~ select plant-based derivatives which are naturally occurring and as authorized by the provisions of this article for adults 21 years of age and older: *Provided*, That the provisions of this section shall not apply to naturally occurring select plant-based derivative products not containing tetrahydrocannabinol content. Businesses located within this state engaged in manufacturing, processing, distributing, or sale of hemp-derived cannabinoid products and businesses located outside of this state that are engaged in the remote distribution or remote retail sale of hemp-derived cannabinoid products across state lines for delivery into this state, are subject to the permitting, labeling, and other control and administration provisions of this article. In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation, and taxation with relation to the activity of distribution or sale of hemp-derived cannabinoid products across state lines

into this state. Persons located outside of this state that are engaged in distribution or sale of hemp-derived cannabinoid products across state lines into this state shall obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and are subject to other administrative and regulatory requirements as set forth in this code.

(c) As used in this section:

~~(1) "Alcohol Beverage Control Administration Commissioner" means the West Virginia Alcohol Beverage Control Administration Commissioner or his or her designees.~~

(2) (1) "Commissioner" means the Commissioner of Agriculture or his or her designees.

~~(3)~~ (2) "Contaminated" means made impure ~~and~~ or unsafe by biological, chemical, or physical additives.

(4) (3) "Department" or "Department of Agriculture" means the West Virginia Department of Agriculture.

~~(5)~~ (4) "Final product" means a product approved by the Department in accordance with the provisions of this article, and any other applicable rules and requirements set forth by the Department, as specified for the product.

~~(6)~~ (5) "Grower" means a person or entity which grows industrial hemp.

(6) "Hemp-derived cannabinoid" means a naturally occurring non-synthetic substance as follows:

(A) Delta-9 tetrahydrocannabinol ~~with a concentration level consistent with 7 U.S.C. §5940~~ with a total concentration of not more than 0.3 percent on a dry weight basis;

(B) Delta-8 tetrahydrocannabinol;

(C) Delta-10 tetrahydrocannabinol;

(D) Hexahydrocannabinol (HHC₂);

(E) Tetrahydrocannabiphorol (THCp); and

(F) Tetrahydrocannabivarin (THCv).

~~(7) "Manufacturer" means a person or entity which grows industrial hemp.~~

~~(8)~~ (7) "Non-naturally occurring derivative" means a product that is contaminated as defined by this article, or a product that, upon result of Department laboratory testing, is found to be in violation of this article or rules promulgated therewith, or otherwise violates applicable federal regulations.

~~(9)~~ (8) "Processor" or "manufacturer" means a person or entity that processes compounds or converts hemp-derived cannabinoids into a hemp-derived cannabinoid product and distributes, sells, or offers for sale, hemp-derived cannabinoid products in this state on a wholesale basis to a retailer.

~~(11)~~ (9) "Retail sales" means the sale of hemp-derived products in a commercial setting as determined and set forth in rules promulgated by the commissioner. ~~of Agriculture.~~

~~(10)~~ (10) "Seller" or "distributor" means a person or entity that distributes, offers for sale, or sells hemp-derived products to persons for personal consumption.

(d) Permitting and registration.

(1) The commissioner may issue manufacturer, processor, distributor, and retailer permits. Any person manufacturing, processing, distributing, offering for sale, or selling any hemp-derived cannabinoid products in this state shall have a permit issued by the commissioner and be otherwise authorized to do business in this State. ~~The commissioner may issue manufacturer, processor, distributor, and retailer permits.~~

(2) The business activity subject to permitting under this section shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of kratom and kratom products addressed and administered under §19-12F-1 et

seq. of this code, or of hemp addressed and administered under other sections of this article, or of medical cannabis addressed and administered under §16A-9-1 et seq. of this code.

(3) Persons engaged in manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products in this state shall obtain a West Virginia business registration certificate as specified in §11-12-1 et seq. of this code and are subject to other administrative and regulatory requirements set forth in this code.

(4) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this section.

(5) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this section. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(6) The commissioner shall keep a list of any persons or entities that have been subject to a permit revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(7) The commissioner shall keep a list of all hemp-derived cannabinoid products that have been approved for sale or distribution in this state. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(e) Rules. The commissioner of Agriculture shall propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code that include, but are not limited to:

(1) Issuance of permits to persons who wish to manufacture, handle, process, distribute, offer for sale, or sell hemp-derived cannabinoid products;

(2) Regular sampling and testing of hemp-derived cannabinoid products to determine purity levels;

(3) Supervision of the hemp-derived cannabinoid products during their cultivation, processing, and sale;

(4) Assessment of fees as commensurate with the need of the commissioner's activities in issuing permits, laboratory testing, and in overseeing the regulation of hemp-derived products. Such fees shall be in addition to those fees specified in subsection (d) of this section;

(5) Approving the manufacture, production, sale, processing, distributing, and transport of hemp-derived cannabinoid products;

(6) Developing guidelines for the labeling of hemp-derived cannabinoid products, including, but not limited to, a statement which says "KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION" and "USE OF THIS PRODUCT MAY IMPACT DRUG TESTING RESULTS";

(7) Developing guidelines or standards related to the display or staging of hemp-derived cannabinoid products to increase the safety of underage patrons in retail environments;

(8) Developing guidelines or standards to restrict the advertising or marketing of unapproved or unlawful products;

(9) Developing prohibitions on child-targeted packaging and shapes and forms of products;

(10) Developing administrative rules, procedures, and sanctions for violations of this section; and

(11) Any other rules and procedures necessary to carry out the purposes of this article.

(f) Emergency rules; mandatory labeling.

(1) Emergency Rules. The commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint

emergency rules ~~as are~~ necessary to effectuate the purposes of this article.

(2) Labeling.

(A) The commissioner shall review labels to be used on hemp-derived cannabinoid products to be sold in this state.

(B) In addition to the labeling required by the provisions of subdivision (6) of subsection (e) of this section the commissioner may require and prescribe such labeling as he or she may determine to be necessary and appropriate for hemp-derived cannabinoid products to be sold to the final consumer in this state.

(C) Hemp-derived cannabinoid products may not be sold to the final consumer in this State without an approved label.

(g) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells hemp-derived cannabinoid products to persons in this state shall employ a neutral age-screening mechanism to verify legal age. The mechanism may include an age-gate, age-screen, or any other age-verification mechanism approved by the commissioner.

(h) Any person or entity distributing, offering to distribute, or selling hemp-derived cannabinoid products to persons in this state by ~~other~~ means other than a direct in-person transaction ~~may~~ shall employ an age verification mechanism approved by the commissioner. ~~of Agriculture.~~

~~(i) In addition to all other applicable taxes, there is hereby levied an additional tax equal to 11 percent of the retail sales price on each retail sale of hemp-derived cannabinoids for the privilege of engaging in the business of selling hemp-derived cannabinoid products. For the privilege of engaging or continuing within this state in the business of the retail sale of hemp-derived cannabinoid products, as defined in subdivision (6), subsection (a) of this section, there is hereby levied upon and collected from every person exercising the privilege a privilege tax equal to 11 percent of the retail sales price on each retail sale of hemp-derived~~

cannabinoids. Such tax is imposed in addition to all other applicable taxes.

~~(2) (1)~~ The rate of tax imposed by this subsection is 11 percent of the retail sales price of hemp-derived cannabinoid products sold during the reporting period, depending upon the person's method of accounting for federal income tax purposes. The tax imposed by this subsection shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer. ~~(3)~~ The tax shall be due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person or entity permitted by the commissioner shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this subsection.

(2) The taxes imposed by this subsection shall be paid by the person or entity permitted by the commissioner to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

~~(4) (3)~~ The West Virginia use tax shall be collected from sellers and marketplace facilitators as defined in §11-15A-1 of this code, and referrers engaged in making sales, facilitating sales, marketing, or referring sellers or purchasers for the purpose of making or furthering retail sales of hemp-derived cannabinoid products into this state. Such sellers, marketplace facilitators, and referrers are subject to the taxation and other requirements of §11-15A-1 *et seq.* of this code, including §11-15A-6a and §11-15A-6b of this code. Application of §11-15A-6a and §11-15A-6b of this code shall not be limited to the thresholds specified in subsection §11-15A-6b(e) of this code but in the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction shall attach with relation to any such activity

for the purpose of making or furthering retail sales of hemp-derived cannabinoid products, into this state.

(5) (4) If any retailer does not renew its permit, relinquishes its permit, has ~~said~~ its permit to operate suspended or revoked, or otherwise ceases selling hemp-derived cannabinoid products, then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code shall become due and the retailer shall make a final return or returns and pay any tax which is due within 90 days of not renewing its permit, relinquishing its permit, having its permit to operate suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

(6) (5) All money received from the privilege tax imposed under this ~~subsection~~ section, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, and less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(7) (6) Persons or entities subject to the tax imposed by this ~~subsection~~ section shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this ~~subsection~~ section.

(8) (7) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this ~~section~~ article to the contrary, the Tax Commissioner and the commissioner ~~shall~~ may enter into written agreements pursuant to which the Tax Commissioner ~~shall~~ may disclose to designated employees of the ~~department~~ commissioner, whether a particular retailer or permittee, or applicant for a permit, is in good standing with the Tax Commissioner, and the commissioner ~~of Agriculture shall~~ may disclose to designated employees of the Tax Commissioner information a retailer or permittee, or applicant for a permit, provides to the commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 *et seq.* of this code. To the extent feasible, this information should be shared or

exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

~~(9)~~ (8) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 *et seq.* of this code, any necessary legislative rules, including emergency rules, as the Tax Commissioner considers necessary for the efficient administration of taxes imposed by this subsection.

(A) Funds from the tax imposed by the provisions of subdivision (1) of this subsection, less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, and deposited in the Agricultural Fees Fund, shall be divided and deposited as follows:

(i) ~~Sixty-five~~ Ninety-five percent shall remain in the Agriculture Fees Fund for the use of the commissioner for administering and enforcing the provisions of this article: *Provided, That during each fiscal year, when the total amount of these deposits, when combined with the amount of the deposits required to be made into the Agriculture Fees Fund under §19-12F-7 of this code, equal \$750,000, the Tax Commissioner shall deposit into the general revenue fund any further amounts required to be made into the Agriculture Fees Fund under this section during that fiscal year; and;*

(ii) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code.;

~~(iii) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code."~~

(B) Notwithstanding any provision in §11-9-1 *et seq.* of this code to the contrary, and as relevant to the tax imposed by ~~§16A-9-1 of this code~~ this section, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 *et seq.* of this code shall apply with like effect as if the said West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by ~~§16A-9-~~

~~1 et seq. of this code~~ this section and were set forth in extenso in §16A-9-1 ~~et seq. of this code~~ this section.

(C) Notwithstanding any provision of §11-10-1 ~~et seq. of this code~~, or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act as set forth in §11-10-1 ~~et seq. of this code~~ applies to the tax imposed by §16A-9-1 ~~et seq. of this code~~ this section with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 ~~et seq. of this code~~ this section and were set forth in extenso in §16A-9-1 ~~et seq. of this code~~ this section.

(j) ~~All fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the Commissioner of Agriculture for administering and enforcing the provisions of this article~~

~~(k)(1) The provisions of this section related to retail sales shall be enforced by the commissioner of Agriculture with the assistance of the Alcohol Beverage Control Administration Commissioner.~~

~~(2) (1) The commissioner of Agriculture and the Tax Commissioner the Alcohol Beverage Control Administration Commissioner shall may enter into a memorandum or memoranda of develop a collaborative understanding to facilitate the enforcement of this section.~~

(2) Procedure for contested cases. Any person or entity seeking to contest an administrative action of the commissioner under this article shall assert such contestation in writing within 14 days under the provisions of the Administrative Procedures Act set forth in §29A-5-1 et seq. of this code in administrative proceedings held by or before the commissioner or his or her designee.

(l)(1) Any hemp-derived product found in this state in violation of this article is hereby declared contraband and any property interest in the hemp-derived product is vested in the State of West Virginia and is subject to seizure, forfeiture, and destruction.

(2) Any certified law-enforcement officer in this state ~~is authorized to~~ may enforce the criminal provisions of this section, and enforcement agents of the ~~Alcohol Beverage Control Administration Commissioner~~ commissioner ~~are authorized to~~ may enforce the administrative retailer provisions of this section as relating to retail sales.

(3) The commissioner shall provide the requisite training necessary to enforce the criminal and administrative provisions of this section.

(4) The ~~provisions of~~ amendments to this subsection enacted during the 2024 Regular Legislative Session are effective from passage.

(m) Any person who manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product in this state without a permit to do so is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor, and, upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(n) Any person who processes, distributes, manufactures, sells, or offers to sell any hemp-derived product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(o)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product which has not been approved by the commissioner is guilty

of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(p) Any person who knowingly distributes, offers for sale, or sells a contaminated hemp-derived cannabinoid product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(q) Any person who knowingly distributes or sells hemp-derived cannabinoid product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(r)(1) Any person under the age of 21 who possesses hemp-derived cannabinoid product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection, constitute a felony, and any person convicted thereof, shall be fined not more than \$5,000, and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

(s) Administrative sanctions.

(1) In the case of any person or entity holding a permit issued by the commissioner under this article charged with any criminal

violation enumerated in this section, the commissioner, in addition to such criminal penalties imposed, may impose administrative sanctions including, but not limited to, permanent revocation of any one or more permits held by the violator, revocation of one or more permits held by the violator for a period of time to be determined by the commissioner, suspension of any one or more permits held by the violator for a period of time to be determined by the commissioner, a fine or fines to any one or more permits held by the violator not to exceed \$1,000 per each violation as determined by the commissioner, or non-issuance of a permit upon application of a violator. For purposes of this subsection, administrative sanctions may be imposed by the commissioner upon or against any alter ego, agent, representative, or person or entity acting on behalf of, or in the interest of, a violator.

(2) The commissioner may impose the administrative sanctions in subdivision (1) of this subsection upon any person or entity under indictment for any of the criminal violations during, and during the pendency, of a criminal trial therefor.

(t) Nothing in this article shall prohibit a person who is at least 18 years of age from purchasing or possessing hemp-derived cannabinoid products when he or she is acting upon the request of, or under the direction and control of, any member of a state, federal, or local law-enforcement agency while the agency is conducting an investigation or other activity relating to the criminal or administrative enforcement of this section.

ARTICLE 12F. SELECT PLANT-BASED PRODUCT DERIVATIVES REGULATION ACT: KRATOM.

§19-12F-1. Short title. Findings.

(a) This article shall be known as the Select Plant-Based Product Derivatives Regulation Act: Kratom.

(b) The Legislature finds that the manufacturing, processing, distributing, and sale of kratom or kratom products is an activity deserving of particular, careful, and strict attention to the administration and enforcement of West Virginia standards

designed to protect and safeguard the welfare and well-being of West Virginia citizens and residents. Therefore, the permitting, labeling, and other control and administration provisions of this article apply to businesses located within this state engaged in manufacturing, processing, distribution, or sale of kratom or kratom products and to businesses located outside of this state that are engaged in the remote distribution or remote retail sale of kratom or kratom products across state lines for delivery into this state.

§19-12F-3. Definitions.

~~(1) "Alcohol Beverage Control Administration Commissioner" means the West Virginia Alcohol Beverage Control Administration Commissioner or his or her designee.~~

(2) ~~(1)~~ "The "Commissioner" means the Commissioner of Agriculture or his or her designee.

~~(3)~~ (2) "Contaminated" means made impure and unsafe by biological, chemical, or physical additives.

(4) ~~(3)~~ "Department" or "Department of Agriculture" means the West Virginia Department of Agriculture.

~~(7)~~ (4) "Grower" means a person or entity which grows kratom for commercial purposes.

(5) "Kratom" means a psychoactive preparation that is composed of the crushed or powdered dried leaves of the mitragyna speciosa, a ~~yellow~~-flowered tropical tree which contains the alkaloids mitragynine and 7-hydroxymitragynine.

(6) "Kratom product" means a food product, food ingredient, dietary ~~agreement~~ ingredient, dietary supplement, or beverage intended or marketed for human consumption containing any part of the leaf of the plant mitragyna speciosa.

~~(7) "Manufacture" means a person or entity which grows kratom for commercial purposes.~~

~~(8)~~ (7) "Processor" or "manufacturer" means a person or entity that processes, distributes, sells, or offers for sale, kratom or kratom products in this State on a wholesale basis to a retailer compounds, or converts plant material from *mitragyna speciosa* into a kratom product. This also includes further processing, compounding, converting, or repackaging of existing kratom products.

~~(9)~~ (8) "Retailer" or "seller" means a person or entity that distributes, offers for sale, or sells kratom or kratom products to persons for personal consumption.

§19-12F-4. Processor and retailer permits; regulations; permitting; and registration.

(a) Any person manufacturing, processing, distributing, offering for sale, or selling any kratom or kratom products in this state shall have a permit issued by the commissioner and be otherwise authorized to do business in this state. The commissioner may issue ~~permits for manufacturers, processors, and retailers.~~ manufacturer, processor, distributor, and retailer permits. The business activity subject to permitting under this article shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products addressed and administered under §19-12E-12 of this code, or of hemp addressed and administered under §19-12E-1 *et seq.* of this code, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(b) Persons engaged in manufacturing, processing, distribution, or sale of kratom or kratom products in this State must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(c) In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation and taxation with relation to the activity of distribution or sale of kratom or kratom products across State lines into this State. Persons located outside of this State that are engaged

in distribution or sale of kratom or kratom products across state lines into this State must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(d) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this article.

(e) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this article. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(f) The commissioner shall keep a list of any persons or entities that have been subject to a permit, revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(g) The commissioner shall keep a list of all kratom and kratom products that have been approved for sale or distribution in this State. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

§19-12F-7. Taxation; disposition of funds.

(a) For the privilege of engaging or continuing within this state in the business of the retail sale of kratom or kratom products, there is hereby levied upon and collected from every person exercising the privilege a privilege tax equal to ~~(b) The rate of tax imposed by this subsection is 11 percent~~ 11 percent of the retail sales price of kratom or kratom products sold during the reporting period. Such tax is imposed in addition to all other applicable taxes.

(b) The tax imposed by this article shall not be added by the retailer as a separate charge or line item on any sales slip, invoice,

receipt, other statement, or memorandum of the price paid by a customer.

(c) The tax ~~shall be~~ is due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements ~~that are~~ necessary or convenient for the efficient administration of taxes imposed by this subsection.

(d)(1) The taxes imposed by this subsection shall be paid to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

(2) The West Virginia use tax shall be collected from sellers, marketplace facilitators, and referrers engaged in making sales, facilitating sales, marketing, or referring sellers or purchasers for the purpose of making or furthering retail sales of kratom and kratom products into this state. The sellers, marketplace facilitators, and referrers are subject to the taxation and other requirements of §11-15A-1 et seq. of this code, including §11-15A-6a and §11-15A-6b of this code. Application of §11-15A-6a and §11-15A-6b of this code shall not be limited to the thresholds specified in subsection §11-15A-6b(e) of this code, but in the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction shall attach with relation to any such activity for the purpose of making or furthering retail sales of kratom and kratom products into this state.

(e) If any retailer does not renew its permit, relinquishes its permit, has ~~said~~ its permit suspended or revoked, or otherwise ceases selling kratom and kratom products, then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 et seq. of this code shall become due and the retailer shall make a final return or returns and pay any tax which is due within

90 days of not renewing its permit, relinquishing its permit, having its permit suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

(f) All money received from the privilege tax imposed under this ~~subsection~~ section, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, and less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(g) Persons or entities subject to the tax imposed by this subsection shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this subsection.

(h) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this ~~section~~ article to the contrary, the Tax Commissioner and the commissioner of Agriculture ~~shall~~ may enter into written agreements pursuant to which the Tax Commissioner ~~shall~~ may disclose to designated employees of the ~~department~~ commissioner whether a particular retailer or permittee, or applicant for a permit, is in good standing with the Tax Commissioner, and the commissioner of Agriculture ~~shall~~ may disclose to designated employees of the Tax Commissioner information a retailer or permittee, or applicant for a permit, provides to the commissioner of Agriculture pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 *et seq.* of this code. To the extent feasible, this information should be shared or exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

(i) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 *et seq.* of this code, any necessary legislative rules ~~as~~ the Tax Commissioner determines necessary to the efficient administration of taxes imposed by this subsection.

(1) Funds from the tax imposed by the provisions of this ~~subsection~~ article, less the fee retained by the Tax Commissioner

pursuant to §11-10-27 of this code, and deposited into the Agricultural Fees Fund shall be divided and deposited as follows:

(2) (A) ~~Sixty-five~~ Ninety-five percent shall remain in the Agriculture Fees Fund for the use of the commissioner in administering and enforcing the provisions of this article: *Provided*, That during each fiscal year, when the total amount of these deposits, when combined with the amount of the deposits required to be made into the Agriculture Fees Fund under §19-12E-12 of this code, equal \$750,000, the Tax Commissioner shall deposit into the general revenue fund any further amounts required to be made into the Agriculture Fees Fund under this section during that fiscal year; and

(3) (B) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code.;~~and~~

(4) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(j) Notwithstanding any provision in §11-9-1 *et seq.* of this code to the contrary, and as relevant to the tax imposed by ~~§16A-9-1 this article~~, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 *et seq.* of this code shall apply with like effect as if the said ~~the~~ West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this article and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this article.

(k) Notwithstanding any provision of §11-10-1 *et seq.* of this code, or any other provision of this code to the contrary, the West Virginia Tax Procedure and Administration Act, as set forth in §11-10-1 *et seq.* of this code, applies to the tax imposed by ~~§16A-9-1 *et seq.*~~ this article with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this article and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this article.

~~(l) All fees collected pursuant to the provisions of subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the Commissioner in administering and enforcing the provisions of this article.~~

§19-12F-8 Application and registration fees.

(a) Applicants for kratom and kratom manufacturer, processor, distributor, or retailer permits shall pay a non-refundable application fee of \$1,500 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

(b) Processors, manufacturers, distributors, and retailer permit holders shall pay an annual fee of \$300 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner in administering and enforcing the provisions of this article.

(c) The business activity subject to application, registration, and permitting under this article shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products, or of hemp addressed and administered under §19-12E-1 *et seq.* of this code, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(d) Persons engaged in the manufacturing, processing, distribution, or sale of kratom and kratom products in this state must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(e) In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus

and jurisdiction attaches for purposes of business registration, permitting, regulation, and taxation with relation to the activity of distribution or sale of kratom and kratom products across state lines into this state. Persons located outside of this state that are engaged in distribution or sale of kratom and kratom products across state lines into this state must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(f) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this article.

(g) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this article. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(h) The commissioner shall keep a list of any persons or entities that have been subject to a permit revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(i) The commissioner shall keep a list of all kratom and kratom products that have been approved for sale or distribution in this state. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

§19-12F-9. Cooperative enforcement agreements.

(a) The provisions of article related to retail sales shall be enforced by the commissioner ~~with the assistance of the Alcohol Beverage Control Administration Commissioner.~~

(b) Pursuant to the labeling requirements under section nine-a of this article, the commissioner and ~~the Alcohol Beverage Control~~

~~Administration Commissioner~~ local law enforcement shall ~~enter into a memorandum or memoranda of~~ develop a collaborative understanding to facilitate enforcement of this article.

(c) Procedure for contested cases. Any person or entity seeking to contest an administrative action of the commissioner under this article shall bring such contestation in writing within 14 days under the provisions of the Administrative Procedures Act set forth in §29A-5-1 et seq. of this code in administrative proceedings held by or before the commissioner, or his or her designee.

§19-12F-9a. Mandatory labeling.

(a) The commissioner shall review labels to be used on kratom and kratom products to be sold in this state.

(b) The commissioner may require and prescribe such labeling as the commissioner may determine to be necessary and appropriate for kratom and kratom products to be sold to the final consumer in this state.

(c) Kratom and kratom products may not be sold to the final consumer in this state without an approved label.

§19-12F-11. Criminal violations; penalties.

(a) Any person who manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product in this state without a permit is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor and, upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) Any person who manufactures, processes, distributes, sells, or offers to sell any kratom or kratom product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(c)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000, or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(d) Any person who knowingly manufactures, distributes, offers for sale, or sells contaminated kratom or kratom product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000, or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(e) Any person who knowingly distributes or sells a kratom or a kratom product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(f) (1) Any person under the age of 21 who possesses kratom or a kratom product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof, shall be fined not more than \$5,000, ~~and~~ imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

(g) Administrative sanctions.

(1) In the case of any person or entity holding a permit issued by the commissioner under this article charged with any criminal violation enumerated in this section, in addition to such criminal penalties imposed, the commissioner may impose administrative sanctions including, but not limited to, permanent revocation of any one or more permits held by the violator, revocation of one or more permits held by the violator for a period of time to be determined by the commissioner, suspension of any one or more permits held by the violator for a period of time to be determined by the commissioner, fine or fines to any one or more permits held by the violator not to exceed \$1,000 per each violation as determined by the commissioner, or non-issuance of a permit upon application of a violator. For purposes of this subsection, administrative sanctions may be imposed by the commissioner upon or against any alter ego, agent, representative, or person or entity acting on behalf of, or in the interest of, a violator.

(2) The commissioner may impose the administrative sanctions in subdivision (1) of this subsection upon any person or entity under indictment for any of the criminal violations during, and during the pendency of, a criminal trial therefor.

(h) Nothing in this article prohibits a person who is at least 18 years of age from purchasing or possessing kratom products when he or she is acting upon the request of, or under the direction and control of any member of a state, federal, or local law-enforcement agency while the agency is conducting an investigation or other activity relating to the criminal or administrative enforcement of this article.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 679—A Bill to amend and reenact §19-12E-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; and to amend said code by adding thereto a new section, designated §19-12F-9a, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products and regulation of kratom; clarifying findings; defining terms; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; prohibiting retailer from adding imposed tax as separate new charge; specifying regulatory authority of the Commissioner of Agriculture; specifying funding requirements for nonintoxicating beer tax revenues; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; imposition of use tax; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; authorizing use of funds by the Commissioner of Agriculture; specifying application of Tax Commissioner's fee; authorizing development of collaborative understanding to facilitate enforcement of article and information sharing between Tax Commissioner and the Commissioner of Agriculture; establishing administrative sanctions and penalties; continuing criminal penalties; and authorizing enforcement actions involving persons acting upon the request, direction, or control of law-enforcement agencies.

On motion of Senator Takubo, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 679) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 11. TAXATION.**ARTICLE 16. NONINTOXICATING BEER.****§11-16-23. Revocation or suspension of license; monetary penalty; hearing assessment of costs; establishment of enforcement fund.**

(a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-18 of this code, or of §60-1-1 *et seq.* of this code; (ii) acted in such a way as would have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, he or she may:

(1) Revoke the licensee's license;

(2) Suspend the licensee's license;

(3) Place the licensee on probationary status for a period not to exceed ~~twelve~~ 12 months; and

(4) Impose a monetary penalty not to exceed ~~one thousand dollars~~ \$1,000 for each violation where revocation is not imposed.

(b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special revenue fund designated the "~~Nonintoxicating Beer Enforcement Fund~~" Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code, ~~which is hereby created. All moneys collected, received and deposited in the "Nonintoxicating Beer Enforcement Fund" shall be kept and maintained for expenditures by the commissioner for the purpose of enforcement of the statutes and rules pertaining to nonintoxicating beer and shall not be treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At the end of each fiscal year all funds in the nonintoxicating beer enforcement fund in excess of twenty thousand dollars shall be transferred to the General Revenue Fund~~

(c) In addition to the grounds for revocation, suspension, or other sanction of a license set forth in subsection (a) of this section,

conviction of the licensee of any offense constituting a violation of the laws of this ~~State~~ state or of the United States relating to nonintoxicating beer or alcoholic liquor ~~shall be~~ are mandatory grounds for ~~such~~ sanctioning of a license. Conviction of the licensee of any violation of the laws of this State or of the United States relating to prostitution or the sale, possession, or distribution of narcotics or controlled substances ~~shall be~~ is mandatory grounds for revocation of the licensee's license for a period of at least one year.

CHAPTER 19. AGRICULTURE.

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-12. Regulation of select plant-based derivatives; findings; industrial hemp.

(a) This section shall be known as the Select Plant-Based Derivatives Regulation Act: Industrial Hemp.

(b) The Legislature finds that ~~certain~~ select plant-based derivatives can be regulated so as not to interfere with the strict regulation of controlled substances in this state, and that the manufacturing, processing, distribution, and retail sale, or other sale of hemp-derived cannabinoid products is an activity deserving of particular, careful, and strict attention to the administration and enforcement of West Virginia standards designed to protect and safeguard the welfare and well-being of West Virginia citizens and residents. The purpose of the act is to allow limited, regulated access to ~~certain~~ select plant-based derivatives which are naturally occurring and as authorized by the provisions of this article for adults 21 years of age and older: *Provided*, That the provisions of this section shall not apply to naturally occurring select plant-based derivative products not containing tetrahydrocannabinol content. Businesses located within this state engaged in manufacturing, processing, distributing, or sale of hemp-derived cannabinoid products and businesses located outside of this state that are engaged in the remote distribution or remote retail sale of hemp-derived cannabinoid products across state lines for delivery into

this state, are subject to the permitting, labeling, and other control and administration provisions of this article. In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation, and taxation with relation to the activity of distribution or sale of hemp-derived cannabinoid products across state lines into this state. Persons located outside of this state that are engaged in distribution or sale of hemp-derived cannabinoid products across state lines into this state shall obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and are subject to other administrative and regulatory requirements as set forth in this code.

(c) As used in this section:

(1) "Alcohol Beverage Control Administration Commissioner" means the West Virginia Alcohol Beverage Control Administration Commissioner or his or her designees.

(2) "Commissioner" means the Commissioner of Agriculture or his or her designees.

(3) "Contaminated" means made impure ~~and~~ or unsafe by biological, chemical, or physical additives.

(4) "Department" or "Department of Agriculture" means the West Virginia Department of Agriculture.

(5) "Final product" means a product approved by the Department in accordance with the provisions of this article, and any other applicable rules and requirements set forth by the Department, as specified for the product.

(6) "Grower" means a person or entity which grows industrial hemp.

~~(6)~~ (7) "Hemp-derived cannabinoid" means a naturally occurring non-synthetic substance as follows:

(A) Delta-9 tetrahydrocannabinol ~~with a concentration level consistent with 7 U.S.C. §5940~~ with a total concentration of not more than 0.3 percent on a dry weight basis; or

(B) Delta-8 tetrahydrocannabinol;

(C) Delta-10 tetrahydrocannabinol;

(D) Hexahydrocannabinol (HHC₂);

(E) Tetrahydrocannabiphorol (THCp); and

(F) Tetrahydrocannabivarin (THCv).

(8) "Non-naturally occurring derivative" means a product that is contaminated as defined by this article, or a product that, upon result of Department laboratory testing, is found to be in violation of this article or rules promulgated therewith, or otherwise violates applicable federal regulations.

(9) "Processor" or "manufacturer" means a person or entity that processes compounds or converts hemp-derived cannabinoids into a hemp-derived cannabinoid product and distributes, sells, or offers for sale, hemp-derived cannabinoid products in this state on a wholesale basis to a retailer.

~~(11)~~ (10) "Retail sales" means the sale of hemp-derived products in a commercial setting as determined and set forth in rules promulgated by the commissioner. ~~of Agriculture.~~

~~(10)~~ (11) "Seller" or "distributor" means a person or entity that distributes, offers for sale, or sells hemp-derived products to persons for personal consumption.

(d) Permitting and registration.

(1) The commissioner may issue manufacturer, processor, distributor, and retailer permits. Any person manufacturing, processing, distributing, offering for sale, or selling any hemp-derived cannabinoid products in this state shall have a permit issued by the commissioner and be otherwise authorized to do

business in this State. ~~The commissioner may issue manufacturer, processor, distributor, and retailer permits.~~

(2) The business activity subject to permitting under this section shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of kratom and kratom products addressed and administered under §19-12F-1 *et seq.* of this code, or of hemp addressed and administered under other sections of this article, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(3) Persons engaged in manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products in this state shall obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and are subject to other administrative and regulatory requirements set forth in this code.

(4) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this section.

(5) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this section. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(6) The commissioner shall keep a list of any persons or entities that have been subject to a permit revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(7) The commissioner shall keep a list of all hemp-derived cannabinoid products that have been approved for sale or distribution in this state. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(e) Rules. The commissioner of ~~Agriculture~~ shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code that include, but are not limited to:

(1) Issuance of permits to persons who wish to manufacture, handle, process, distribute, offer for sale, or sell hemp-derived cannabinoid products;

(2) Regular sampling and testing of hemp-derived cannabinoid products to determine purity levels;

(3) Supervision of the hemp-derived cannabinoid products during their cultivation, processing, and sale;

(4) Assessment of fees as commensurate with the need of the commissioner's activities in issuing permits, laboratory testing, and in overseeing the regulation of hemp-derived products. Such fees shall be in addition to those fees specified in subsection (d) of this section;

(5) Approving the manufacture, production, sale, processing, distributing, and transport of hemp-derived cannabinoid products;

(6) Developing guidelines for the labeling of hemp-derived cannabinoid products, including, but not limited to, a statement which says "KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION" and "USE OF THIS PRODUCT MAY IMPACT DRUG TESTING RESULTS";

(7) Developing guidelines or standards related to the display or staging of hemp-derived cannabinoid products to increase the safety of underage patrons in retail environments;

(8) Developing guidelines or standards to restrict the advertising or marketing of unapproved or unlawful products;

(9) Developing prohibitions on child-targeted packaging and shapes and forms of products;

(10) Developing administrative rules, procedures, and sanctions for violations of this section; and

(11) Any other rules and procedures necessary to carry out the purposes of this article.

(f) Emergency rules; mandatory labeling.

(1) Emergency Rules. The commissioner and the Alcohol Beverage Control Administration Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules ~~as are~~ necessary to effectuate the purposes of this article.

(2) Labeling.

(A) The commissioner shall review labels to be used on hemp-derived cannabinoid products to be sold in this state.

(B) In addition to the labeling required by the provisions of subdivision (6) of subsection (e) of this section the commissioner may require and prescribe such labeling as he or she may determine to be necessary and appropriate for hemp-derived cannabinoid products to be sold to the final consumer in this state.

(C) Hemp-derived cannabinoid products may not be sold to the final consumer in this State without an approved label.

(g) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells hemp-derived cannabinoid products to persons in this state shall employ a neutral age-screening mechanism to verify legal age. The mechanism may include an age-gate, age-screen, or any other age-verification mechanism approved by the commissioner.

(h) Any person or entity distributing, offering to distribute, or selling hemp-derived cannabinoid products to persons in this state by ~~other~~ means other than a direct in-person transaction ~~may~~ shall employ an age verification mechanism approved by the commissioner. ~~of Agriculture.~~

~~(i) In addition to all other applicable taxes, there is hereby levied an additional tax equal to 11 percent of the retail sales price on each retail sale of hemp-derived cannabinoids for the privilege of engaging in the business of selling hemp-derived cannabinoid products. For the privilege of engaging or continuing within this state in the business of the retail sale of hemp-derived cannabinoid products, as defined in subdivision (6), subsection (a) of this section, there is hereby levied upon and collected from every person exercising the privilege a privilege tax equal to 11 percent of the retail sales price on each retail sale of hemp-derived cannabinoids. Such tax is imposed in addition to all other applicable taxes.~~

~~(2) (1) The rate of tax imposed by this subsection is 11 percent of the retail sales price of hemp-derived cannabinoid products sold during the reporting period, depending upon the person's method of accounting for federal income tax purposes. The tax imposed by this subsection shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer. (3) The tax shall be due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person or entity permitted by the commissioner shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this subsection.~~

~~(2) The taxes imposed by this subsection shall be paid by the person or entity permitted by the commissioner to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.~~

~~(4) (3) The West Virginia use tax shall be collected from sellers and marketplace facilitators as defined in §11-15A-1 of this code, and referrers engaged in making sales, facilitating sales, marketing, or referring sellers or purchasers for the purpose of making or~~

furthering retail sales of hemp-derived cannabinoid products into this state. Such sellers, marketplace facilitators, and referrers are subject to the taxation and other requirements of §11-15A-1 et seq. of this code, including §11-15A-6a and §11-15A-6b of this code. Application of §11-15A-6a and §11-15A-6b of this code shall not be limited to the thresholds specified in subsection §11-15A-6b(e) of this code but in the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction shall attach with relation to any such activity for the purpose of making or furthering retail sales of hemp-derived cannabinoid products, into this state.

~~(5)~~ (4) If any retailer does not renew its permit, relinquishes its permit, has ~~said~~ its permit to operate suspended or revoked, or otherwise ceases selling hemp-derived cannabinoid products, then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code shall become due and the retailer shall make a final return or returns and pay any tax which is due within 90 days of not renewing its permit, relinquishing its permit, having its permit to operate suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

~~(6)~~ (5) All money received from the privilege tax imposed under this ~~subsection~~ section, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, and less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

~~(7)~~ (6) Persons or entities subject to the tax imposed by this ~~subsection~~ section shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this ~~subsection~~ section.

~~(8)~~ (7) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this ~~section~~ article to the contrary, the Tax Commissioner, the Alcohol Beverage Control Administration Commissioner, and the commissioner ~~shall~~ may enter into written agreements pursuant to which the Tax Commissioner ~~shall~~ may

disclose to designated employees of the ~~department~~ Alcohol Beverage Control Administration Commissioner or the commissioner, or both, whether a particular retailer or permittee, or applicant for a permit, is in good standing with the Tax Commissioner, and the commissioner ~~of Agriculture shall~~ may disclose to designated employees of the Tax Commissioner or the Alcohol Beverage Control Administration Commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the commissioner pursuant to this code and the Alcohol Beverage Control Administration Commissioner may disclose to designated employees of the Tax Commissioner, or the commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the Alcohol Beverage Control Administration Commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 *et seq.* of this code. To the extent feasible, this information should be shared or exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

~~(9)~~ (8) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 *et seq.* of this code, any necessary legislative rules, including emergency rules, as the Tax Commissioner considers necessary for the efficient administration of taxes imposed by this subsection.

(A) Funds from the tax imposed by the provisions of subdivision (1) of this subsection, less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, and deposited in the Agricultural Fees Fund, shall be divided and deposited as follows:

(i) Sixty-five percent shall remain in the Agriculture Fees Fund for the use of the commissioner for administering and enforcing the provisions of this article;

(ii) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code; and

(iii) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(B) Notwithstanding any provision in §11-9-1 *et seq.* of this code to the contrary, and as relevant to the tax imposed by ~~§16A-9-1 of this code~~ this section, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 *et seq.* of this code shall apply with like effect as if the said West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this section and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this section.

(C) Notwithstanding any provision of §11-10-1 *et seq.* of this code, or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act as set forth in §11-10-1 *et seq.* of this code applies to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this section with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this section and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this section.

~~(j) All fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the Commissioner of Agriculture for administering and enforcing the provisions of this article~~

~~(k)(1)~~ The provisions of this section related to retail sales shall be enforced by the commissioner of Agriculture with the assistance of the Alcohol Beverage Control Administration Commissioner.

~~(2)~~ (1) The commissioner of ~~Agriculture~~, the Tax Commissioner, and the Alcohol Beverage Control Administration Commissioner shall may enter into a memorandum or memoranda of understanding to facilitate the enforcement of this section. In addition to any other memoranda, the aforementioned commissioners may enter into, they shall agree by memorandum to the following:

(A) To assist each other in enforcement of this section;

(B) To assist each other in training and cooperating with State and local law enforcement to develop a state-wide plan for implementing the provisions of this section;

(C) To confer among themselves and law enforcement about enforcement of this section on a monthly basis; and

(D) To jointly compile a report to be submitted to the Joint Committee on Government and Finance on or before January 1, 2025, as to actions undertaken to enforce this section and the results thereof.

(2) Procedure for contested cases. Any person or entity seeking to contest an administrative action of the commissioner under this article shall assert such contestation in writing within 14 days under the provisions of the Administrative Procedures Act set forth in §29A-5-1 et seq. of this code in administrative proceedings held by or before the commissioner or his or her designee.

(1)(1) Any hemp-derived product found in this state in violation of this article is hereby declared contraband and any property interest in the hemp-derived product is vested in the State of West Virginia and is subject to seizure, forfeiture, and destruction.

(2) Any certified law-enforcement officer in this state ~~is authorized to~~ may enforce the criminal provisions of this section, and enforcement agents of the Alcohol Beverage Control Administration Commissioner ~~are authorized to~~ may enforce the administrative retailer provisions of this section as relating to retail sales.

(3) The commissioner shall provide the requisite training necessary to enforce the criminal and administrative provisions of this section.

(4) ~~The provisions of~~ amendments to this subsection enacted during the 2024 Regular Legislative Session are effective from passage.

(m) Any person who manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product in this state without a permit to do so is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor, and, upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(n) Any person who processes, distributes, manufactures, sells, or offers to sell any hemp-derived product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(o)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(p) Any person who knowingly distributes, offers for sale, or sells a contaminated hemp-derived cannabinoid product is guilty of a felony and, upon conviction thereof, shall be fined not less than

\$10,000 nor more than \$25,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(q) Any person who knowingly distributes or sells hemp-derived cannabinoid product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(r)(1) Any person under the age of 21 who possesses hemp-derived cannabinoid product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection; constitute a felony, and any person convicted thereof, shall be fined not more than \$5,000, and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

(s) Administrative sanctions.

(1) In the case of any person or entity holding a permit issued by the commissioner under this article charged with any criminal violation enumerated in this section, the commissioner, in addition to such criminal penalties imposed, may impose administrative sanctions including, but not limited to, permanent revocation of any one or more permits held by the violator, revocation of one or more permits held by the violator for a period of time to be determined by the commissioner, suspension of any one or more permits held by the violator for a period of time to be determined by the commissioner, a fine or fines to any one or more permits held by the violator not to exceed \$1,000 per each violation as determined by the commissioner, or non-issuance of a permit upon application of a violator. For purposes of this subsection, administrative sanctions may be imposed by the commissioner

upon or against any alter ego, agent, representative, or person or entity acting on behalf of, or in the interest of, a violator.

(2) The commissioner may impose the administrative sanctions in subdivision (1) of this subsection upon any person or entity under indictment for any of the criminal violations during, and during the pendency, of a criminal trial therefor.

(t) Nothing in this article shall prohibit an authorized enforcement agent of the Alcohol Beverage Control Administration Commissioner or a person who is at least 18 years of age from purchasing or possessing hemp-derived cannabinoid products when he or she is acting upon the request of, or under the direction and control of, any member of a state, federal, or local law-enforcement agency or the Alcohol Beverage Control Administration Commissioner while the agency is conducting an investigation or other activity relating to the criminal or administrative enforcement of this section.

ARTICLE 12F. SELECT PLANT-BASED ~~PRODUCT~~ DERIVATIVES REGULATION ACT: KRATOM.

§19-12F-1. Short title. Findings.

(a) This article shall be known as the Select Plant-Based ~~Product~~ Derivatives Regulation Act: Kratom.

(b) The Legislature finds that the manufacturing, processing, distributing, and sale of kratom or kratom products is an activity deserving of particular, careful, and strict attention to the administration and enforcement of West Virginia standards designed to protect and safeguard the welfare and well-being of West Virginia citizens and residents. Therefore, the permitting, labeling, and other control and administration provisions of this article apply to businesses located within this state engaged in manufacturing, processing, distribution, or sale of kratom or kratom products and to businesses located outside of this state that are engaged in the remote distribution or remote retail sale of kratom or kratom products across state lines for delivery into this state.

§19-12F-3. Definitions.

(1) "Alcohol Beverage Control Administration Commissioner" means the West Virginia Alcohol Beverage Control Administration Commissioner or his or her designee.

(2) ~~"The~~ "Commissioner" means the Commissioner of Agriculture or his or her designee.

(3) "Contaminated" means made impure and unsafe by biological, chemical, or physical additives.

(4) "Department" or "Department of Agriculture" means the West Virginia Department of Agriculture.

(5) "Kratom" means a psychoactive preparation that is composed of the crushed or powdered dried leaves of the mitragyna speciosa, a ~~yellow-flowered~~ tropical tree which contains the alkaloids mitragynine and 7-hydroxymitragynine.

(6) "Kratom product" means a food product, food ingredient, dietary ~~agreement~~ ingredient, dietary supplement, or beverage intended or marketed for human consumption containing any part of the leaf of the plant mitragyna speciosa.

(7) ~~"Manufacture"~~ "Grower" means a person or entity which grows kratom for commercial purposes.

(8) "Processor" or "manufacturer" means a person or entity that processes, ~~distributes, sells, or offers for sale, kratom or kratom products in this State on a wholesale basis to a retailer~~ compounds, or converts plant material from mitragyna speciosa into a kratom product. This also includes further processing, compounding, converting, or repackaging of existing kratom products.

(9) "Retailer" or "seller" means a person or entity that distributes, offers for sale, or sells kratom or kratom products to persons for personal consumption.

§19-12F-4. Processor and retailer permits; regulations; permitting; and registration.

(a) Any person manufacturing, processing, distributing, offering for sale, or selling any kratom or kratom products in this state shall have a permit issued by the commissioner and be otherwise authorized to do business in this state. The commissioner may issue ~~permits for manufacturers, processors, and retailers.~~ manufacturer, processor, distributor, and retailer permits. The business activity subject to permitting under this article shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products addressed and administered under §19-12E-12 of this code, or of hemp addressed and administered under §19-12E-1 *et seq.* of this code, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(b) Persons engaged in manufacturing, processing, distribution, or sale of kratom or kratom products in this State must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(c) In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation and taxation with relation to the activity of distribution or sale of kratom or kratom products across State lines into this State. Persons located outside of this State that are engaged in distribution or sale of kratom or kratom products across state lines into this State must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(d) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this article.

(e) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this article. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(f) The commissioner shall keep a list of any persons or entities that have been subject to a permit, revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(g) The commissioner shall keep a list of all kratom and kratom products that have been approved for sale or distribution in this State. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

§19-12F-7. Taxation; disposition of funds.

(a) For the privilege of engaging or continuing within this state in the business of the retail sale of kratom or kratom products, there is hereby levied upon and collected from every person exercising the privilege a privilege tax equal to ~~(b) The rate of tax imposed by this subsection is 11 percent~~ 11 percent of the retail sales price of kratom or kratom products sold during the reporting period. Such tax is imposed in addition to all other applicable taxes.

(b) The tax imposed by this article shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer.

(c) The tax shall be ~~is~~ due and payable on a quarterly basis as follows: on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance

requirements ~~that are~~ necessary or convenient for the efficient administration of taxes imposed by this subsection.

(d)(1) The taxes imposed by this subsection shall be paid to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

(2) The West Virginia use tax shall be collected from sellers, marketplace facilitators, and referrers engaged in making sales, facilitating sales, marketing, or referring sellers or purchasers for the purpose of making or furthering retail sales of kratom and kratom products into this state. The sellers, marketplace facilitators, and referrers are subject to the taxation and other requirements of §11-15A-1 *et seq.* of this code, including §11-15A-6a and §11-15A-6b of this code. Application of §11-15A-6a and §11-15A-6b of this code shall not be limited to the thresholds specified in subsection §11-15A-6ba(e) of this code, but in the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction shall attach with relation to any such activity for the purpose of making or furthering retail sales of kratom and kratom products into this state.

(e) If any retailer does not renew its permit, relinquishes its permit, has ~~said~~ its permit suspended or revoked, or otherwise ceases selling kratom and kratom products, then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code shall become due and the retailer shall make a final return or returns and pay any tax which is due within 90 days of not renewing its permit, relinquishing its permit, having its permit suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is to be considered a lien.

(f) All money received from the privilege tax imposed under this ~~subsection~~ section, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, and less the fee retained by the Tax Commissioner

pursuant to §11-10-27 of this code, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(g) Persons or entities subject to the tax imposed by this subsection shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this subsection.

(h) Notwithstanding any provision of §11-10-1 *et seq.* of this code or of this ~~section~~ article to the contrary, the Tax Commissioner, the Alcohol Beverage Control Administration Commissioner, and the commissioner of ~~Agriculture~~ shall may enter into written agreements pursuant to which the Tax Commissioner ~~shall may~~ disclose to designated employees of the ~~department~~ Alcohol Beverage Control Administration Commissioner or commissioner, or both, whether a particular retailer or permittee, or applicant for a permit, is in good standing with the Tax Commissioner, and the commissioner of ~~Agriculture~~ shall may disclose to designated employees of the Tax Commissioner or the Alcohol Beverage Control Administration Commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the commissioner of ~~Agriculture~~ pursuant to this code and the Alcohol Beverage Control Administration Commissioner may disclose to designated employees of the Tax Commissioner, or the commissioner, or both, information a retailer or permittee, or applicant for a permit, provides to the Alcohol Beverage Control Administration Commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 *et seq.* of this code. To the extent feasible, this information should be shared or exchanged electronically to ensure safe destruction, or as necessary, proper file retention practices.

(i) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 *et seq.* of this code, any necessary legislative rules ~~as~~ determines necessary to the efficient administration of taxes imposed by this subsection.

(1) Funds from the tax imposed by the provisions of this ~~subsection~~ article, less the fee retained by the Tax Commissioner pursuant to §11-10-27 of this code, and deposited into the Agricultural Fees Fund shall be divided and deposited as follows:

(2) Sixty-five percent shall remain in the Agriculture Fees Fund for the use of the commissioner in administering and enforcing the provisions of this article;

(3) Five percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code; and

(4) Thirty percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(j) Notwithstanding any provision in §11-9-1 *et seq.* of this code to the contrary, and as relevant to the tax imposed by ~~§16A-9-1~~ this article, the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 *et seq.* of this code shall apply with like effect as if the said ~~the~~ West Virginia Tax Crimes and Penalties Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this article and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this article.

(k) Notwithstanding any provision of §11-10-1 *et seq.* of this code, or any other provision of this code to the contrary, the West Virginia Tax Procedure and Administration Act, as set forth in §11-10-1 *et seq.* of this code, ¹applies to the tax imposed by ~~§16A-9-1 *et seq.*~~ this article with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by ~~§16A-9-1 *et seq.* of this code~~ this article and were set forth in extenso in ~~§16A-9-1 *et seq.* of this code~~ this article.

(l) ~~All fees collected pursuant to the provisions of subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4e of this code for the use of the Commissioner in administering and enforcing the provisions of this article.~~

§19-12F-8 Application and registration fees.

(a) Applicants for kratom and kratom manufacturer, processor, distributor, or retailer permits shall pay a non-refundable application fee of \$1,500 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

(b) Processors, manufacturers, distributors, and retailer permit holders shall pay an annual fee of \$300 which shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner in administering and enforcing the provisions of this article.

(c) The business activity subject to application, registration, and permitting under this article shall be treated as separate and distinct from manufacturing, processing, distribution, or sale of hemp-derived cannabinoid products, or of hemp addressed and administered under §19-12E-1 *et seq.* of this code, or of medical cannabis addressed and administered under §16A-9-1 *et seq.* of this code.

(d) Persons engaged in the manufacturing, processing, distribution, or sale of kratom and kratom products in this state must obtain a West Virginia business registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(e) In the interest of protecting the safety, welfare, and well-being of West Virginia citizens and residents, West Virginia nexus and jurisdiction attaches for purposes of business registration, permitting, regulation, and taxation with relation to the activity of distribution or sale of kratom and kratom products across state lines into this state. Persons located outside of this state that are engaged in distribution or sale of kratom and kratom products across state lines into this state must obtain a West Virginia business

registration certificate as specified in §11-12-1 *et seq.* of this code and shall be subject to other administrative and regulatory requirements as set forth in this code.

(f) The Tax Commissioner may place a notation on the business registration certificate showing the status of the certificate holder as a person or entity holding a permit from the commissioner pursuant to this article.

(g) The commissioner shall keep a list of all persons and entities that have been issued permits pursuant to this article. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

(h) The commissioner shall keep a list of any persons or entities that have been subject to a permit revocation, withdrawal, suspension, non-renewal, or other process whereby the person or entity has ceased to be a permit holder in good standing with the commissioner.

(i) The commissioner shall keep a list of all kratom and kratom products that have been approved for sale or distribution in this state. Such list shall be public information and shall be published initially on or before June 30, 2024, by the commissioner on its website from time to time so as to reflect a current listing.

§19-12F-9. Cooperative enforcement agreements.

(a) The provisions of article related to retail sales shall be enforced by the commissioner with the assistance of the Alcohol Beverage Control Administration Commissioner.

(b) Pursuant to the labeling requirements under section 9a of this article, the commissioner and the Alcohol Beverage Control Administration Commissioner shall enter into a memorandum or memoranda of understanding to facilitate enforcement of this article.

(c) Procedure for contested cases. Any person or entity seeking to contest an administrative action of the commissioner under this

article shall bring such contestation in writing within 14 days under the provisions of the Administrative Procedures Act set forth in §29A-5-1 et seq. of this code in administrative proceedings held by or before the commissioner, or his or her designee.

(d) In addition to any other memoranda, the commissioner, Commissioner of the Alcohol Beverage Control Administration, and the Tax Commissioner may enter into, they shall agree by memorandum to the following:

(1) To assist each other in enforcement of this article;

(2) To assist each other in training and cooperating with State and local law enforcement to develop a state-wide plan for implementing the provisions of this article;

(3) To confer among themselves and law enforcement about enforcement of this article on a monthly basis; and

(4) To jointly compile a report to be submitted to the Joint Committee on Government and Finance on or before January 1, 2025, as to actions undertaken to enforce this article and the results thereof.

§19-12F-9a. Mandatory labeling.

(a) The commissioner shall review labels to be used on kratom and kratom products to be sold in this state.

(b) The commissioner may require and prescribe such labeling as the commissioner may determine to be necessary and appropriate for kratom and kratom products to be sold to the final consumer in this state.

(c) Kratom and kratom products may not be sold to the final consumer in this state without an approved label.

§19-12F-11. Criminal violations; penalties.

(a) Any person who manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product in this state without a permit is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor and, upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) Any person who manufactures, processes, distributes, sells, or offers to sell any kratom or kratom product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(c)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000 or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(d) Any person who knowingly manufactures, distributes, offers for sale, or sells contaminated kratom or kratom product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000, or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

(e) Any person who knowingly distributes or sells ~~a~~ kratom or ~~a~~ kratom product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(f) (1) Any person under the age of 21 who possesses kratom or a kratom product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof, shall be fined not more than \$5,000, ~~and~~ imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

(g) Administrative sanctions.

(1) In the case of any person or entity holding a permit issued by the commissioner under this article charged with any criminal violation enumerated in this section, in addition to such criminal penalties imposed, the commissioner may impose administrative sanctions including, but not limited to, permanent revocation of any one or more permits held by the violator, revocation of one or more permits held by the violator for a period of time to be determined by the commissioner, suspension of any one or more permits held by the violator for a period of time to be determined by the commissioner, fine or fines to any one or more permits held by the violator not to exceed \$1,000 per each violation as determined by the commissioner, or non-issuance of a permit upon application of a violator. For purposes of this subsection, administrative sanctions may be imposed by the commissioner upon or against any alter ego, agent, representative, or person or entity acting on behalf of, or in the interest of, a violator.

(2) The commissioner may impose the administrative sanctions in subdivision (1) of this subsection upon any person or entity

under indictment for any of the criminal violations during, and during the pendency of, a criminal trial therefor.

(h) Nothing in this article prohibits an authorized enforcement agent of the Alcohol Beverage Control Administration Commissioner or a person who is at least 18 years of age from purchasing or possessing kratom products when he or she is acting upon the request of, or under the direction and control of any member of a state, federal, or local law-enforcement agency or the Alcohol Beverage Control Administration Commissioner while the agency is conducting an investigation or other activity relating to the criminal or administrative enforcement of this article.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

(a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-1 *et seq.* of this code or of this chapter; (ii) acted in such a way as would have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, the commissioner may impose any one or a combination of the following sanctions:

(1) Revoke the licensee's license;

(2) Suspend the licensee's license;

(3) Place the licensee on probationary status for a period not to exceed 12 months; and

(4) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.

(b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit

into the State Treasury to the credit of a special revenue fund designated the Alcohol Beverage Control Enforcement Fund, which is hereby continued. All moneys collected, received, and deposited in the Alcohol Beverage Control Enforcement Fund shall be kept and maintained for expenditures by the commissioner for the purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, nonintoxicating beer as set forth in §11-16-1 *et seq.* of this code, hemp-derived cannabinoids as set forth in §19-12E-12 of this code, and kratom as set forth in §19-12F-1 *et seq.* of this code. ~~and~~ The Alcohol Beverage Control Enforcement Fund shall not be treated by the State Treasurer or State Auditor as any part of the general revenue of the ~~state~~ state. At the end of each fiscal year all funds in the Alcohol Beverage Control Enforcement Fund in excess of ~~\$20,000~~ \$200,000 shall be transferred to the General Revenue Fund.

(c) In addition to the grounds for revocation, suspension, or other sanction of a license set forth in §60-7-13(a) of this code, conviction of the licensee of any offense constituting a violation of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating beer, or gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the licensee of any violation of the laws of this state or of the United States relating to prostitution, or the sale, possession, or distribution of narcotics or controlled substances, ~~shall be~~ is mandatory grounds for revocation of the licensee's license for a period of at least one year.

(d) A licensee shall notify, in a timely manner, emergency medical services or law enforcement if a licensee knows, or has reason to know, of a life-threatening medical emergency occurring on the licensed premises. In addition to the grounds for revocation, suspension, or other sanction of a license set forth in this section, the commissioner may ~~in his or her discretion,~~ revoke, suspend, or otherwise sanction a licensee for failing to comply with the provisions of this ~~subsection~~ section.

(e) If a life-threatening medical emergency occurs on a licensee's private premises requiring notification of emergency medical services or law enforcement under §60-7-13(d) of this

code, the licensee shall notify the Alcohol Beverage Control Administration within 48 hours of the emergency's occurrence. The commissioner may ~~in his or her discretion~~, revoke, suspend, or otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.

(f) As used in this section, a life-threatening medical emergency includes, but is not limited to, respiratory distress or cessation of breathing, severe chest pains, shock, uncontrolled bleeding, poisoning, prolonged unconsciousness, overdose, any complaint or observation which indicates significant head or spinal injury, and life-threatening physical injury caused by a crime of violence against the person occupying or emanating from the licensed premises.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 679—A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; to amend said code by adding thereto a new section, designated §19-12F-9a; and to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products and regulation of kratom; clarifying findings; defining terms; redirecting moneys from monetary penalties assessed by Commissioner of Agriculture to another fund; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; prohibiting retailer from adding imposed tax as separate new charge; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration

certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; imposition of use tax; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing and requiring a certain memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture, and Alcohol Beverage Control Administration Commissioner; requiring a memorandum of cooperation; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and specifying transfer of excess Alcohol Beverage Control Enforcement Fund money.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 679, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 679) passed with its Senate amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Nelson, Tarr, and Blair (Mr. President)—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 679) takes effect from passage.

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

On motion of Senator Takubo, at 3:12 p.m., the Senate recessed until 3:30 p.m. today.

The Senate reconvened at 3:46 p.m. and resumed business under the third order.

A message from the Clerk of the House of Delegates announced that that body had refused to recede from its amendment, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for Senate Bill 675, Establishing accreditation deadline for convention and visitors bureaus.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Howell, Dittman, and Williams.

On motion of Senator Takubo, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Weld appointed the following conferees on the part of the Senate:

Senators Martin, Barrett, and Plymale.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. House Bill 5257, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

Senator Takubo moved that the Senate refuse to recede from its amendments to the bill and request the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Following a point of inquiry to the Chair, with resultant response thereto,

The question being on the adoption of Senator Takubo's aforestated motion, the same was put and prevailed.

Whereupon, Senator Weld appointed the following conferees on the part of the Senate:

Senators Barrett, Weld, and Woelfel.

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

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, to take effect July 1, 2024, and requested the

concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 858, Clarifying filing requirements and deadlines in property tax cases.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Senate Bill 858—A Bill to amend and reenact §11-3-25b of the Code of West Virginia, 1931, as amended, relating to appellate jurisdiction of Office of Tax Appeals; clarifying that Office of Tax Appeals has appellate jurisdiction and may hear and decide cases over property tax issues even when a taxpayer fails to file a petition in writing, register a complaint, or request a review by an assessor or county commission.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Senate Bill 858, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—29.

The nays were: None.

Absent: Maroney, Nelson, Stuart, Tarr, and Blair (Mr. President)—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 858) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect July 1, 2024.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—29.

The nays were: None.

Absent: Maroney, Nelson, Stuart, Tarr, and Blair (Mr. President)—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 858) takes effect July 1, 2024.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 727, Revising process for county boards of education to hire support staff.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting section, by striking out the entirety of the bill and inserting the following:

CHAPTER 18. EDUCATION.

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

§18-5A-5. Public school faculty senates established; election of officers; powers and duties.

(a) There is established at every public school in this state a faculty senate which is comprised of all permanent, full-time professional educators, and may include early childhood classroom assistant teachers, employed at the school who shall all be voting members. "Professional educators", as used in this section, means "professional educators" as defined in chapter 18A of this code. A quorum of more than one half of the voting members of the faculty shall be present at any meeting of the faculty senate at which official business is conducted. Prior to the beginning of the instructional term each year, but within the employment term, the principal shall convene a meeting of the faculty senate to elect a chair, vice chair, and secretary and discuss matters relevant to the beginning of the school year. The vice chair shall preside at meetings when the chair is absent. Meetings of the faculty senate shall be held during the times provided in accordance with subdivision (12), subsection (b) of this section as determined by the faculty senate. Emergency meetings may be held during noninstructional time at the call of the chair or a majority of the voting members by petition submitted to the chair and vice chair. An agenda of matters to be considered at a scheduled meeting of the faculty senate shall be available to the members at least two employment days prior to the meeting. For emergency meetings, the agenda shall be available as soon as possible prior to the meeting. The chair of the faculty senate may appoint such committees ~~as may be desirable~~ needed to study and submit recommendations to the full faculty senate, but the acts of the faculty senate shall be voted upon by the ~~full-body~~ members present during a meeting.

(b) In addition to any other powers and duties conferred by law, or authorized by policies adopted by the state, ~~or~~ county board or bylaws which may be adopted by the faculty senate not inconsistent with law, the powers and duties listed in this subsection are specifically reserved for the faculty senate. The intent of these provisions is neither to restrict nor to require the activities of every faculty senate to the enumerated items except as otherwise stated. Each faculty senate shall organize its activities as it considers most effective and efficient based on school size, departmental structure, and other relevant factors.

(1) Each faculty senate shall control funds allocated to the school from legislative appropriations pursuant to ~~section nine, article nine-a of this chapter~~ §18-9A-9 of this code. From those funds, each classroom teacher and librarian shall be allotted \$300 for expenditure during the instructional year for academic materials, supplies, or equipment which, in the judgment of the teacher or librarian, will assist him or her in providing instruction in his or her assigned academic subjects or shall be returned to the faculty senate: *Provided*, That nothing contained herein prohibits the funds from being used for programs and materials that, in the opinion of the teacher, enhance student behavior, increase academic achievement, improve self-esteem, and address the problems of students at risk. The remainder of funds shall be expended for academic materials, supplies, or equipment in accordance with a budget approved by the faculty senate. Notwithstanding any other provisions of the law to the contrary, funds not expended in one school year are available for expenditure in the next school year: *Provided, however*, That the amount of county funds budgeted in a fiscal year may not be reduced throughout the year as a result of the faculty appropriations in the same fiscal year for such materials, supplies, and equipment. Accounts shall be maintained ~~of~~ with the allocations and expenditures of such funds for the purpose of financial audit. Academic materials, supplies, or equipment shall be interpreted broadly, but does not include materials, supplies, or equipment which will be used in or connected with interscholastic athletic events.

(2) A faculty senate ~~may~~ shall establish a process for members to interview or otherwise obtain information regarding applicants for classroom teaching; and early childhood classroom assistant teacher vacancies that will enable the faculty senate to submit recommendations regarding employment to the principal. To facilitate the establishment of a process that is timely, effective, consistent among schools and counties, and designed to avoid litigation or grievance, the state board shall promulgate a rule pursuant to ~~article three-b, chapter twenty-nine-a~~ §29A-3B-1 et seq. of this code to implement the provisions of this subdivision. The rule shall require that any process established pursuant to this

subdivision include the participation and input of early childhood classroom assistant teacher when information regarding applicants for the early childhood classroom assistant teacher vacancies is being obtained; that the early childhood classroom assistant teacher be employed at the school with the vacancy; and that no service person applying for the position be included in the process beyond his or her role as an applicant for the position. The rule also may include the following:

(A) A process or alternative processes that a faculty senate may adopt;

(B) If determined necessary, a requirement and procedure for training for principals, ~~and~~ faculty senate members or their designees; or early childhood classroom assistant teacher who may participate in interviews and provisions that may provide for the compensation based on the appropriate daily rate of a classroom teacher as applicable, who directly participates in the training for periods beyond his or her individual contract;

(C) Timelines that will assure the timely completion of the recommendation or the forfeiture of the right to make a recommendation upon the failure to complete a recommendation within a reasonable time;

(D) The authorization of the faculty senate to delegate the process for making a recommendation to a committee of no less than three members of the faculty senate plus one early childhood classroom assistant teacher meeting the requirements of this subdivision when information regarding applicants for the early childhood classroom assistant teacher vacancies is being obtained; and

(E) Such other provisions as the state board determines are necessary or beneficial for the process to be established by the faculty senate.

(3) A faculty senate may nominate teachers or early classroom childhood assistant teacher for recognition as outstanding teachers under state and local teacher recognition programs and other

personnel at the school, including parents, for recognition under other appropriate recognition programs and may establish such programs for operation at the school.

(4) A faculty senate may submit recommendations to the principal regarding the assignment scheduling of secretaries, clerks, aides, and paraprofessionals at the school.

(5) A faculty senate may submit recommendations to the principal regarding establishment of the master curriculum schedule for the next ensuing school year.

(6) A faculty senate may establish a process for the review and comment on sabbatical leave requests submitted by employees at the school pursuant to ~~section eleven, article two of this chapter~~ §18-2-11 of this code.

(7) Each faculty senate shall elect three faculty representatives to the local school improvement council established pursuant to section two of this article.

(8) Each faculty senate may nominate a member for election to the county staff development council pursuant to ~~section eight, article three, chapter eighteen a~~ §18A-3-8 of this code.

(9) Each faculty senate shall have an opportunity to make recommendations on the selection of faculty to serve as mentors for beginning teachers under beginning teacher internship programs at the school.

(10) A faculty senate may solicit, accept, and expend any grants, gifts, bequests, donations, and any other funds made available to the faculty senate: *Provided*, That the faculty senate shall select a member who has the duty of maintaining a record of all funds received and two members shall sign off all expenditures expended by the faculty senate, which record shall be kept in the school office and is subject to normal auditing procedures.

(11) Any faculty senate may review the process of the evaluation procedure as conducted in their school to ascertain whether the evaluations were conducted in accordance with the

written system required pursuant to ~~section twelve, article two, chapter eighteen-a §18A-2-12~~ of this code or pursuant to ~~section two, article three-c, chapter eighteen-a §18A-3C-2~~ of this code, as applicable, and the general intent of this Legislature regarding meaningful performance evaluations of school personnel. If a majority of members of the faculty senate determine that such evaluations were not so conducted, they shall submit a report in writing to the county superintendent and the State Board of Education: *Provided*, That nothing herein creates any new right of access to or review of any individual's evaluations without individuals written consent.

(12) A local board shall provide to each faculty senate at least ~~six~~ three two-hour blocks of time for faculty senate meetings with at least one two-hour block of time scheduled in the first month of the employment term, one two-hour block of time scheduled in the last month of the employment term and at least one two-hour block of time ~~scheduled in each of the months of October, December, February, and April~~ determined by the county board of education emergency meetings may be held where needed subject to approval. A faculty senate may meet for an unlimited block of time during noninstructional days to discuss and plan strategies to improve student instruction and to conduct other faculty senate business. A faculty senate meeting scheduled on a noninstructional day shall be considered as part of the purpose for which the noninstructional day is scheduled. This time may be used and determined at the local school level and includes, but is not limited to, faculty senate meetings.

~~(13) Each faculty senate shall develop a strategic plan to manage the integration of special-needs students into the regular classroom at their respective schools and submit the strategic plan to the superintendent of the county board periodically pursuant to guidelines developed by the State Department of Education. Each faculty senate shall encourage the participation of local school improvement councils, parents, and the community at large in developing the strategic plan for each school.~~

~~Each strategic plan developed by the faculty senate shall include at least: (A) A mission statement; (B) goals; (C) needs; (D)~~

~~objectives and activities to implement plans relating to each goal; (E) work in progress to implement the strategic plan; (F) guidelines for placing additional staff into integrated classrooms to meet the needs of exceptional needs students without diminishing the services rendered to the other students in integrated classrooms; (G) guidelines for implementation of collaborative planning and instruction; and (H) training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.~~

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-8b. Seniority rights for school service personnel.

(a) A county board shall make decisions affecting promotions and the filling of any service personnel positions of employment or jobs occurring throughout the school year that are to be performed by service personnel as provided in §18A-4-8 of this code, on the basis of seniority, qualifications, and evaluation of past service, subject to subsection (c) of this section.

(b) Qualifications means the applicant holds a classification title in his or her category of employment as provided in this section and is given first opportunity for promotion and filling vacancies. Other employees then shall be considered and shall qualify by meeting the definition of the job title that relates to the promotion or vacancy, as defined in §18A-4-8 of this code. If requested by the employee, the county board shall show valid cause why a service person with the most seniority is not promoted or employed in the position for which he or she applies. ~~Qualified~~ Subject to subsection (c) of this section, applicants shall be considered in the following order:

(1) Regularly employed service personnel who hold a classification title within the classification category of the vacancy;

(2) Service personnel who have held a classification title within the classification category of the vacancy whose employment has been discontinued in accordance with this section;

(3) Regularly employed service personnel who do not hold a classification title within the classification category of the vacancy;

(4) Service personnel who have not held a classification title within the classification category of the vacancy and whose employment has been discontinued in accordance with this section;

(5) Substitute service personnel who hold a classification title within the classification category of the vacancy;

(6) Substitute service personnel who do not hold a classification title within the classification category of the vacancy; and

(7) New service personnel.

(c) Notwithstanding any other provision of this code to the contrary, in the case of an early childhood classroom assistant teacher position:

(1) A county board shall give the principal at the school at which the majority of duties would be performed by applicants an opportunity to interview all qualified applicants and make recommendations to the county superintendent regarding their employment. The state board rule required by subdivision (7) of this subsection shall designate the person to interview the applicants if the principal is unable to submit hiring recommendations;

(2) A county board shall also give the faculty senate at the school at which the employee will be performing a majority of his or her duties including the participating early childhood classroom assistant teacher service person required pursuant to §18-5A-5 of this code an opportunity to interview or otherwise obtain information regarding applicants for the vacancies;

(3) Decisions affecting promotions and filling of the early childhood classroom assistant teacher positions of employment or jobs occurring throughout the school year that are to be performed by any early childhood classroom assistant teacher as provided in §18A-4-8 of this code shall be made on the basis of:

(A) Seniority;

(B) Qualifications;

(C) Evaluation of past service;

(D) The recommendation of the principal or other person as designated by the state board rule pursuant to subdivision (1) of this subsection;

(E) The recommendation, if any, resulting from the process established pursuant to §18-5A-5 of this code by the faculty senate of the school at which the employee will be performing a majority of his or her duties; and

(4) Each of the criterion under subdivision (3) of this subsection shall be given equal weight.

(5) The order of consideration of qualified applicants set forth in subsection (b) of this section may not apply when filling early childhood classroom assistant teacher positions and all qualified applicants shall be considered together in one group;

(6) If the principal and faculty senate with the input and participation of the early childhood classroom assistant teacher required pursuant to §18-5A-5 of this code recommend the same applicant pursuant to this subsection, and the county superintendent concurs with those recommendations, then the county board shall appoint that applicant notwithstanding any other provision of this code to the contrary;

(7) The state board shall promulgate a rule in accordance with the provisions of §29A-3B-1 *et seq.* of this code to implement and interpret the provisions of this section. The rule may provide for a classroom teacher and early childhood classroom assistant teacher who directly participates in making recommendations pursuant to this section to be compensated at the appropriate daily rate during periods of participation beyond his or her individual contract; and

(8) This subsection shall be effective for any promotions and filling of the early childhood classroom assistant teacher positions

of employment or jobs occurring throughout the school year when the employment of the successful applicant in the position is to begin on or after July 1, 2024.

~~(e)~~ (d) The county board may not prohibit a service person from retaining or continuing his or her employment in any positions or jobs held prior to the effective date of this section and thereafter.

~~(d)~~ (e) A promotion means any change in employment that the service person considers to improve his or her working circumstance within the classification category of employment.

(1) A promotion includes a transfer to another classification category or place of employment if the position is not filled by an employee who holds a title within that classification category of employment.

(2) Each class title listed in §18A-4-8 of this code is considered a separate classification category of employment for service personnel, except for those class titles having Roman numeral designations, which are considered a single classification of employment:

(A) The cafeteria manager class title is included in the same classification category as cooks;

(B) The executive secretary class title is included in the same classification category as secretaries;

(C) Paraprofessional, autism mentor, early classroom assistant teacher, and braille or sign support specialist class titles are included in the same classification category as aides; and

(D) The mechanic assistant and chief mechanic class titles are included in the same classification category as mechanics.

(3) The assignment of an aide to a particular position within a school is based on seniority within the aide classification category if the aide is qualified for the position.

(4) Assignment of a custodian to work shifts in a school or work site is based on seniority within the custodian classification category.

~~(e)~~ (f) For purposes of determining seniority under this section a service persons seniority begins on the date that he or she enters into the assigned duties.

~~(f)~~ (g) *Extra duty assignments.* —

(1) For the purpose of this section, "extra duty assignment" means an irregular job that occurs periodically or occasionally, such as, but not limited to, field trips, athletic events, proms, banquets, and band festival trips.

(2) Notwithstanding any other provisions of this chapter to the contrary, decisions affecting service personnel with respect to extra duty assignments are made in the following manner:

(A) A service person with the greatest length of service time in a particular category of employment is given priority in accepting extra duty assignments, followed by other fellow employees on a rotating basis according to the length of their service time until all employees have had an opportunity to perform similar assignments. The cycle then is repeated.

(B) An alternative procedure for making extra-duty assignments within a particular classification category of employment may be used if the alternative procedure is approved both by the county board and by an affirmative vote of two-thirds of the employees within that classification category of employment.

~~(g)~~ (h) County boards shall post and date notices of all job vacancies of existing or newly created positions in conspicuous places for all school service personnel to observe for at least five working days.

(1) Posting locations include any website maintained by or available for the use of the county board.

(2) Notice of a job vacancy shall include the job description, the period of employment, the work site, the starting and ending time of the daily shift, the amount of pay and any benefits and other information that is helpful to prospective applicants to understand the particulars of the job. The notice of a job vacancy in the aide classification categories shall include the program or primary assignment of the position. Job postings for vacancies made pursuant to this section shall be written to ensure that the largest possible pool of qualified applicants may apply. Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant.

(3) All vacancies in existing or newly created positions shall be filled within 20 working days from the closing date of the job posting for the position.

(4) The county board shall notify the successful applicant as soon as possible after the county board makes a hiring decision regarding the posted position.

~~(h)~~ (i) All decisions by county boards concerning reduction in work force of service personnel shall be made on the basis of seniority, as provided in this section.

~~(i)~~ (j) The seniority of a service person is determined on the basis of the length of time the employee has been employed by the county board within a particular job classification. For the purpose of establishing seniority for a preferred recall list as provided in this section, a service person who has been employed in one or more classifications retains the seniority accrued in each previous classification.

~~(j)~~ (k) If a county board is required to reduce the number of service personnel within a particular job classification, the following conditions apply:

(1) The employee with the least amount of seniority within that classification or grades of classification is properly released and

employed in a different grade of that classification if there is a job vacancy;

(2) If there is no job vacancy for employment within that classification or grades of classification, the service person is employed in any other job classification which he or she previously held with the county board if there is a vacancy and retains any seniority accrued in the job classification or grade of classification.

~~(k)~~ (l) After a reduction in force or transfer is approved, but prior to August 1, a county board in its sole and exclusive judgment may determine that the reason for any particular reduction in force or transfer no longer exists.

(1) If the board makes this determination, it shall rescind the reduction in force or transfer and notify the affected employee in writing of the right to be restored to his or her former position of employment.

(2) The affected employee shall notify the county board of his or her intent to return to the former position of employment within five days of being notified or lose the right to be restored to the former position.

(3) The county board may not rescind the reduction in force of an employee until all service personnel with more seniority in the classification category on the preferred recall list have been offered the opportunity for recall to regular employment as provided in this section.

(4) If there are insufficient vacant positions to permit reemployment of all more senior employees on the preferred recall list within the classification category of the service person who was subject to reduction in force, the position of the released service person shall be posted and filled in accordance with this section.

~~(h)~~ (m) If two or more service persons accumulate identical seniority, the priority is determined by a random selection system established by the employees and approved by the county board.

~~(m)~~ (n) All service personnel whose seniority with the county board is insufficient to allow their retention by the county board during a reduction in work force are placed upon a preferred recall list and shall be recalled to employment by the county board on the basis of seniority.

~~(n)~~ (o) A service person placed upon the preferred recall list shall be recalled to any position openings by the county board within the classification(s) where he or she had previously been employed, to any lateral position for which the service person is qualified or to a lateral area for which a service person has certification and/or licensure.

~~(o)~~ (p) A service person on the preferred recall list does not forfeit the right to recall by the county board if compelling reasons require him or her to refuse an offer of reemployment by the county board.

~~(p)~~ (q) The county board shall notify all service personnel on the preferred recall list of all position openings that exist from time to time. The notification shall be sent annually, with written receipt notification documented by the superintendent, and shall list instructions to access job postings on any website maintained by or available for the use of the county board.

~~(q)~~ (r) A position opening may be filled by the county board, whether temporary or permanent, until all service personnel on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept reemployment.

~~(r)~~ (s) A service person released from employment for lack of need as provided in ~~sections six and eight a, article two of this chapter~~ §18A-2-6 and §18A-2-8a of this code is accorded preferred recall status on July 1 of the succeeding school year if he or she has not been reemployed as a regular employee.

~~(s)~~ (t) A county board failing to comply with the provisions of this article may be compelled to do so by mandamus and is liable to any party prevailing against the board for court costs and the

prevailing party's reasonable attorney's fee, as determined and established by the court.

(1) A service person denied promotion or employment in violation of this section shall be awarded the job, pay and any applicable benefits retroactively to the date of the violation and shall be paid entirely from local funds.

(2) The county board is liable to any party prevailing against the board for any court reporter costs including copies of transcripts.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 727—A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8b of said code, all relating to local school involvement and the employment of school personnel; allowing a faculty senate to include early childhood classroom assistant teachers; modifying language relating to faculty senate committee assignments and voting; requiring the faculty senate to establish a process for members to interview or obtain information regarding classroom teacher and early childhood classroom assistant teacher vacancies; requiring the state board to include it its rulemaking certain provisions regarding early childhood classroom assistant teachers; providing for inclusion of early childhood classroom assistant teachers in training; providing for inclusion of early childhood classroom assistant teachers in the faculty senate committee process; allowing for recognition of early childhood classroom assistant teachers; requiring that two members of the faculty senate to sign off on all expenditures; providing that certain faculty senate reports be provided to county superintendent; requiring that any review of an individual's evaluations must have that individual's consent; changing the time frame that the local board must provide for faculty senate and allowing for emergency meetings; removing the requirement that a faculty senate develop a strategic plan; requiring the principal to be

given an opportunity to interview all qualified early childhood classroom assistant teachers applicants, make recommendations regarding their employment, and requiring state board rule to address who shall be the principal's designee if the principal is unable to participate in the process; requiring the county board to give the faculty senate the opportunity to interview or obtain information regarding early childhood classroom assistant teacher applicant vacancies; establishing criterion upon which decisions affecting promotions and filing of the early childhood classroom assistant teacher positions are to be based; specifying weight to be given to each criterion; requiring all qualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate recommend the same applicant and the county superintendent concurs; requiring state board rule to implement and interpret certain provisions; and establishing effective date.

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 727) and requested the House of Delegates to recede therefrom.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its Senate amended title, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 5405, Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page 4, line 94, by striking out "\$2,000,000" and inserting in lieu thereof "\$1,000,000"

and,

On page 5, line 99, by striking out "\$2,000,000" and inserting in lieu thereof "\$1,000,000".

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 5405, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—29.

The nays were: None.

Absent: Maroney, Nelson, Stuart, Tarr, and Blair (Mr. President)—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 5405) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its Senate amended title, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4786, Delivery Network Company (DNC) Insurance Model Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page 2, section 33-63-1, line 38, by striking the word "and".

And,

On page 2, section 33-63-1, line 39, by striking the period and inserting a semicolon in lieu thereof.

And,

On page 2, section 33-63-1, after paragraph (B), by inserting the following:

(C) A two axel vehicle, the primary purpose of which is the transportation of passengers, including motorcycles and mopeds.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4786, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—29.

The nays were: None.

Absent: Maroney, Nelson, Stuart, Tarr, and Blair (Mr. President)—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 4786) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 4399, Creating the equitable right to expungement.

On motion of Senator Takubo, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Weld appointed the following conferees on the part of the Senate:

Senators Stover, Deeds, and Caputo.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. House Bill 4305, Relating to granting in-state resident status to economic development participants.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

On page 1, line 12, by striking out the entirety of subsection (c) and inserting in lieu thereof the following:

(c) An economic development participant who qualifies as a resident on the first day of the semester or term of the institution of higher education shall be eligible for resident tuition rates.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed House Bill 4305, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—30.

The nays were: None.

Absent: Maroney, Nelson, Tarr, and Blair (Mr. President)—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. H. B. 4305) passed with its title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. Senate Bill 164, Relating generally to trespassing.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the House of Delegates amendments to the bill was reported by the Clerk:

On page 2, section 3, line 25, after the word "\$100" by inserting the words "nor more than \$1,000".

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the House amendments to the bill.

Engrossed Senate Bill 164, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—30.

The nays were: None.

Absent: Maroney, Nelson, Tarr, and Blair (Mr. President)—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 164) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 578, Clarifying offense of burglary.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 11, line 11, by striking the words "is lawfully on notice" and inserting in lieu thereof the word "knows"

And

On page 1, section 11, line 12, by striking the words "by a court order, entered pursuant to §48-5-1 *et seq.*, §48-27-1 *et seq.*, or §62-1c-1 *et seq.* of this code".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 578, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—30.

The nays were: None.

Absent: Maroney, Nelson, Tarr, and Blair (Mr. President)—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 578) passed with its title.

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

On motion of Senator Takubo, at 4:09 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 4:54 p.m. and resumed business under the third order.

Executive Communications

Senator Weld laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:



Jim Justice
Governor of West Virginia

March 9, 2024

Senate Executive Message No. 4
Regular Session 2024

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Concord University Board of Governors, Terri Muscari, Pineville, Wyoming County, for the term ending June 30, 2027.
2. For Member, Concord University Board of Governors, Christopher L. Selvey, Fayetteville, Fayette County, for the term ending June 30, 2025.
3. For Member, Concord University Board of Governors, Cynthia Jones Khanlarian, Greensboro, North Carolina, for the term ending June 30, 2026.
4. For Member, West Virginia State University Board of Governors, Lester Raines, Charleston, Kanawha County, for the term ending June 30, 2027.
5. For Member, First Foundation Board, Alys Smith, Huntington, Cabell County, for the term ending June 30, 2026.
6. For Member, First Foundation Board, Jeff Sandy, Vienna, Wood County, for the term ending June 30, 2026.
7. For Member, First Foundation Board, Matthew L. Harvey, Shepherdstown, Jefferson County, for the term ending June 30, 2026.
8. For Member, First Foundation Board, Gregory A. Duckworth, Beaver, Raleigh County, for the term ending June 30, 2024.
9. For Member, First Foundation Board, Dora L. Stutler, Clarksburg, Harrison County, for the term ending June 30, 2024.

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10. For Member, Statewide Independent Living Council, Christy L. Haynes, Arnoldsburg, Calhoun County, for the term ending June 30, 2026.
11. For Member, Flatwater Trail Commission, Amanda J. Pitzer, Thornton, Preston County, for the term ending December 31, 2027.
12. For Member, Bluefield State College Board of Governors, Rebecca Peterson, Bluefield, Virginia, for the term ending June 30, 2027.
13. For Member and Chair, Unemployment Compensation Board of Review, The Honorable Jeffrey K. Mullins, White Sulphur Springs, Greenbrier County, for the term ending January 1, 2029.
14. For Member, Pierpont Community and Technical College Board of Governors, Anthony Hinton, Bridgeport, Harrison County, for the term ending June 30, 2026.
15. For Director/State Forester, West Virginia Division of Forestry, Jeremy C. Jones, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
16. For Member, Educational Broadcasting Authority, William H. File III, Beckley, Raleigh County, for the term ending June 30, 2024.
17. For Member, Board of Optometry, James W. Herman, Winfield, Putnam County, for the term ending June 30, 2024.
18. For Member, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, Erin Hamilton Butcho, Morgantown, Monongalia County, for the term ending June 30, 2025.
19. For Member, Northern Community and Technical College Board of Governors, Elizabeth Hofreuter, Wheeling, Ohio County, for the term ending June 30, 2026.
20. For Member, Northern Community and Technical College Board of Governors, Ronald Scott, Jr., Wheeling, Ohio County, for the term ending June 30, 2026.
21. For Member, Northern Community and Technical College Board of Governors, Jacob C. Altmeyer, Triadelphia, Ohio County, for the term ending June 30, 2027.
22. For Member, Board of Dentistry, Don E. Skaff, Charleston, Kanawha County, for the term ending June 30, 2024.
23. For Member, Mountwest Community and Technical College Board of Governors, Melanie P. Hall, Huntington, Cabell County, for the term ending June 30, 2024.
24. For Member, Board of Veterinary Medicine, Shawn D. Sette, Hurricane, Putnam County, for the term ending June 30, 2028.

25. For Member, Dangerousness Assessment Advisory Board, Nicholas Jasinski, Morgantown, Monongalia County, to serve at the will and pleasure of the Governor.
26. For Member, West Virginia Board of Medicine, Angela A. Mayfield, Nitro, Kanawha County, for the term ending September 30, 2028.
27. For Member, West Virginia Board of Medicine, Jonathan P. Lilly, Winfield, Putnam County, for the term ending September 30, 2028.
28. For Member, Board of Coal Mine Health and Safety, James G. Norman, Pineville, Wyoming County, for the term ending June 30, 2026.
29. For Member, Surface Mine Board, James Britton, Morgantown, Monongalia County, for the term ending June 30, 2026.
30. For Member, West Virginia University - Parkersburg Board of Governors, Vasanth Ananth, Marietta, Ohio, for the term ending June 30, 2026.
31. For Member, West Virginia College and Jumpstart Savings Program Board of Trustees, Paul Koontz, Charleston, Kanawha County, for the term ending June 30, 2025.
32. For Member, Board of Funeral Service Examiners, Frederick H. Kitchen, Milton, Cabell County, for the term ending June 30, 2027.
33. For Member, Board of Funeral Service Examiners, Richard D. Bishoff, Charleston, Kanawha County, for the term ending June 30, 2026.
34. For Member, Board of Funeral Service Examiners, Eugene T. Fahey, Wheeling, Ohio County, for the term ending June 30, 2025.
35. For Member, Board of Funeral Service Examiners, Ronald D. Waybright, Ripley, Jackson County, for the term ending June 30, 2025.
36. For Member, Board of Funeral Service Examiners, Paul Mateer, Summersville, Nicholas County, for the term ending June 30, 2027.
37. For Member, Housing Development Fund, Allen D. Retton, Fairmont, Marion County, for the term ending October 30, 2027.
38. For Member, Workforce Development Board, Brian Stanley, Washington, Wood County, for the term ending June 30, 2026.
39. For Member, Workforce Development Board, Nathan Ward, Huntington, Cabell County, for the term ending June 30, 2025.
40. For Member, Livestock Care Standards Board, Philip L. Gregg, Masontown, Preston County, for the term ending June 30, 2028.

41. For Member, Livestock Care Standards Board, Robert J. Stenger, Lost Creek, Harrison County, for the term ending June 30, 2028.
42. For Member, Real Estate Commission, Joseph T. Bevil, Nimitz, Summers County, for the term ending June 30, 2027.
43. For Member, Real Estate Commission, Pam Hylbert-Eder, South Charleston, Kanawha County, for the term ending June 30, 2026.
44. For Member, Fairmont State University Board of Governors, David Goldberg, Morgantown, Monongalia County, for the term ending June 30, 2027.
45. For Member, West Virginia Parole Board, Elizabeth Kylene Brown, Hurricane, Putnam County, for the term ending June 30, 2024.
46. For Member, West Virginia Board of Education, Gregory F. Wooten, Logan, Logan County, for the term ending November 4, 2032.
47. For Member, Fire Commission, Thomas A. Keefer, Winfield, Putnam County, for the term ending June 30, 2026.
48. For Member, School Building Authority, Gary L. Price, Fairmont, Marion County, for the term ending July 31, 2024.
49. For Member, Board of Examiners of Psychologists, Steven G. Cody, Huntington, Cabell County, for the term ending June 30, 2026.
50. For Secretary, West Virginia Department of Human Services, Cynthia Persily, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
51. For Secretary, West Virginia Department of Health, Sherri A. Young, Elkview, Kanawha County, to serve at the will and pleasure of the Governor.
52. For Secretary, West Virginia Department of Health Facilities, Michael J. Caruso, Wheeling, Ohio County, to serve at the will and pleasure of the Governor.
53. For Member, Fire Commission, Steven L. Byers, Jr., Weston, Lewis County, for the term ending June 30, 2028.
54. For Member, Fire Commission, Brian E. Jones, Morgantown, Monongalia County, for the term ending June 30, 2028.
55. For Member, Board of Examiners of Psychologists, Charley W. Bowen, Jr., Culloden, Putnam County, for the term ending June 30, 2026.
56. For Member, Board of Examiners for Speech-Language Pathology and Audiology, Vickie H. Pullins, Daniels, Raleigh County, for the term ending June 30, 2024.

57. For Member, Board of Examiners for Speech-Language Pathology and Audiology, R. Michael Squires, Mineral Wells, Wood County, for the term ending June 30, 2025.
58. For Member, Real Estate Commission, James S. Walker, Morgantown, Monongalia County, for the term ending June 30, 2026.
59. For Member, Racing Commission, Chip Urling, Cross Lanes, Kanawha County, for the term ending June 30, 2024.
60. For Member, Housing Development Fund, Kellie Wooten-Willis, Logan, Logan County, for the term ending October 30, 2028.
61. For Member, Special Reclamation Fund Advisory Council, Jason D. Bostic, Pratt, Kanawha County, for the term ending June 30, 2028.
62. For Member, Special Reclamation Fund Advisory Council, Christine Risch, Huntington, Cabell County, for the term ending June 30, 2024.
63. For Member, Special Reclamation Fund Advisory Council, Ronald Pauley, Sumerco, Lincoln County, for the term ending June 30, 2024.
64. For Member, Special Reclamation Fund Advisory Council, Christopher D. Pence, South Charleston, Kanawha County, for the term ending June 30, 2026.
65. For Member, Special Reclamation Fund Advisory Council, James Kotcon, Morgantown, Monongalia County, for the term ending June 30, 2029.
66. For Member, West Virginia Library Commission, Adam M. Gissy, Weston, Lewis County, for the term ending June 30, 2025.
67. For Member, Board of Examiners for Speech-Language Pathology and Audiology, The Honorable Ruth Rowan, Points, Hampshire County, for the term ending June 30, 2024.
68. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Kim Nuckles, Charleston, Kanawha County, for the term ending January 31, 2025.
69. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Susannah G. Carpenter, Charleston, Kanawha County, for the term ending January 31, 2025.
70. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, John F. Hyre, Kingwood, Preston County, for the term ending January 31, 2025.
71. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Jerry D. Boyko, Charleston, Kanawha County, for the term ending January 31, 2025.

72. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Aaron B. Topping, Proctorville, Ohio, for the term ending January 31, 2025.
73. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Glenn McEndree, Spencer, Roane County, for the term ending January 31, 2025.
74. For Member, West Virginia Investment Management Board of Trustees, The Honorable Mike Hall, Winfield, Putnam County, for the term ending January 31, 2030.
75. For Member, West Virginia Investment Management Board of Trustees, Georgette R. George, Charleston, Kanawha County, for the term ending January 31, 2030.
76. For Member, West Virginia Emergency Medical Services Advisory Council, Stephen Cox, Jr., New Creek, Mineral County, for the term ending June 30, 2024.
77. For Member, Ethics Commission, Donald B. Carter, Jr., South Charleston, Kanawha County, for the term ending June 30, 2025.
78. For Member, Glenville State College Board of Governors, Richard G. Simon, Walkersville, Lewis County, for the term ending June 30, 2025.
79. For Member, Family Protection Services Board, Kimberly Sanford Sizemore, Fraziers Bottom, Putnam County, for the term ending June 30, 2025.
80. For Member, Family Protection Services Board, Emily S. Larkins, Washington, Wood County, for the term ending June 30, 2025.
81. For Member, Family Protection Services Board, Pepper Arrowood, Hurricane, Putnam County, for the term ending June 30, 2025.
82. For Member, Family Protection Services Board, Arlene Hudson, Charleston, Kanawha County, for the term ending June 30, 2025.
83. For Member, West Virginia Board of Social Work Examiners, Jonathan Friley, Cross Lanes, Kanawha County, for the term ending June 30, 2025.
84. For Member, Consolidated Public Retirement Board, Michael G. Corsaro, Hurricane, Putnam County, for the term ending June 30, 2028.
85. For Member, National Coal Heritage Area Commission, Jordan D. Baldwin, Huntington, Cabell County, for the term ending June 30, 2025.
86. For Member, West Virginia Emergency Medical Services Advisory Council, Brian W. Potter, Buckhannon, Upshur County, for the term ending June 30, 2026.

87. For Member, Board of Funeral Service Examiners, Robert C. Fields, Martinsburg, Berkeley County, for the term ending June 30, 2025.

88. For Member, Board of Banking and Financial Institutions, Joseph K. McDonie, Milton, Cabell County, for the term ending June 30, 2026.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,



Jim Justice
Governor

JCJ: mrp

cc: Clerk of the Senate
Assistant Clerk of the Senate
Senate Confirmations Chair

Which communication was received.

At the request of Senator Boley, and by unanimous consent, the nominations hereinbefore reported were taken up for immediate consideration.

Thereupon, Senator Weld laid before the Senate the following executive message:

Senate Executive Message 4, dated March 9, 2024 (*shown in the Senate Journal of today, immediately hereinbefore reported*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in Senate Executive Message 4.

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, and Woodrum—29.

The nays were: None.

Absent: Maroney, Nelson, Tarr, Woelfel, and Blair (Mr. President)—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared Senator Boley's motion had prevailed and that all the executive nominations referred to in Senate Executive Message 4 had been confirmed.

Consideration of executive nominations having been concluded,

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 4851, To allow for public and private schools in West Virginia to employ security personnel.

On motion of Senator Takubo, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Weld appointed the following conferees on the part of the Senate:

Senators Hamilton, Oliverio, and Woelfel.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its Senate amended title, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 5349, West Virginia Truth in Food Labeling Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page 1, section 1, line 5, after the word "fish," by inserting the words "fishery product,"

And,

On page 1, section 1, line 9, after the word "fish," by inserting the words "fishery product,".

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 5349, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, and Woodrum—31.

The nays were: None.

Absent: Maroney, Tarr, and Blair (Mr. President)—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 5349) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 5544, Relating to requiring certain reporting from the Mountaineer Trail Network Authority each year.

On motion of Senator Takubo, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Weld appointed the following conferees on the part of the Senate:

Senators Jeffries, Maynard, and Caputo.

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

On motion of Senator Takubo, at 5:01 p.m., the Senate recessed until 5:15 p.m. today.

The Senate reconvened at 6:30 p.m.

(Senator Blair, Mr. President, in the Chair.)

Senator Weld then moved that

Eng. Com. Sub. for House Bill 5082, Exempt those with 25 years holding an insurance license from attaining additional CEUs.

Be taken from the table (having been laid on the table by Senate action in earlier proceedings today after the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill).

On motion of Senator Weld, the Senate reconsidered the vote by which in earlier proceedings today it acceded to the request of the House of Delegates and receded from its amendments to the bill.

The vote thereon having been reconsidered,

On motion of Senator Weld, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Blair (Mr. President) appointed the following conferees on the part of the Senate:

Senators Azinger, Hamilton, and Woelfel.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 152, Displaying official US motto in public schools.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting clause by striking out the remainder of the recommitted committee substitute and inserting, in lieu thereof, the following:

ARTICLE 5G. PUBLIC CHARTER SCHOOLS.

§18-5G-3. Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws.

(a) Public charter schools authorized pursuant to this article shall meet the following general criteria:

(1) Are part of the state's system of public schools and are subject to general supervision by the West Virginia Board of Education for meeting the student performance standards required of other public school students under §18-2E-5(d) and (e) of this code;

(2) Are subject to the oversight of the school's authorizer for operating in accordance with its approved charter contract and for meeting the terms and performance standards established in the charter contract;

(3) Are not home school-based;

(4) Are not affiliated with or espouse any specific religious denomination, organization, sect, or belief and do not promote or engage in any religious practices in their educational program, admissions, employment policies, or operations;

(5) Are not affiliated with any organized group whose espoused beliefs attack or malign an entire class of people, typically for immutable characteristics, as identified through listings of such groups as may be made by the U. S. Department of Justice, the Federal Bureau of Investigation, or officials having similar jurisdiction in this state;

(6) Are public schools to which parents or legal guardians choose to send their child or children;

(7) Do not charge tuition and may only charge such fees as may be imposed by noncharter public schools in this state; and

(8) Have no requirements that would exclude any child from enrollment who would not be excluded at a noncharter public school.

(b) A public charter school authorized pursuant to this article shall be governed by a board that meets the requirements established in §18-5G-7 of this code and:

(1) Has autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum, and instruction except as provided in this article;

(2) Has no power to levy taxes;

(3) Operates in pursuit of a specific set of educational objectives as defined in its charter contract;

(4) Provides a program of public education that:

(A) Includes one or more of the following: Prekindergarten and any grade or grades from kindergarten to grade 12 including any associated post-secondary embedded credit, dual credit, advanced

placement, internship, and industry or workforce credential programs that the public charter school chooses to incorporate into its programs;

(B) May include in its mission a specific focus on students with special needs, including, but not limited to, at-risk students, English language learners, students with severe disciplinary problems at a noncharter public school, or students involved with the juvenile justice system; and

(C) May include a specific academic approach or theme including, but not limited to, approaches or themes such as STEM education, mastery-based education, early college, or fine and performing arts;

(5) Provides programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, regulations, rules and policies. A charter school shall deliver the services directly or contract with a county board or another provider to deliver the services as set forth in its charter contract;

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools;

(7) Employs its own personnel as employees of the public charter school and is ultimately responsible for processing employee paychecks, managing its employees' participation in the applicable retirement system, and managing its employees' participation in insurance plans: *Provided*, That nothing in this subdivision prohibits the public charter school from contracting with another person or entity to perform services relating to managing its employees' participation in the retirement system or insurance plan. A county board may not require any employee of its school system to be employed in a public charter school. A county board may not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate against any school system

employee involved directly or indirectly with an application to establish a public charter school as authorized under this section. All personnel in a public charter school who were previously employed by the county board shall continue to accrue seniority with the county board in the same manner that they would accrue seniority if employed in a noncharter public school in the county for purposes of employment in noncharter public schools; and

(8) Is responsible for establishing a staffing plan that includes the requisite qualifications and any associated certification and/or licensure necessary for teachers and other instructional staff to be employed at the public charter school and for verifying that these requirements are met.

(c) A public charter school authorized pursuant to this article is exempt from all statutes and rules applicable to a noncharter public school or board of education except the following:

(1) All federal laws and authorities applicable to noncharter public schools in this state including, but not limited to, the same federal nutrition standards, the same civil rights, disability rights and health, life and safety requirements applicable to noncharter public schools in this state;

(2) The provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings;

(3) The same immunization requirements applicable to noncharter public schools;

(4) The same compulsory school attendance requirements applicable to noncharter public schools;

(5) The same minimum number of days or an equivalent amount of instructional time per year as required of noncharter public school students under §18-5-45 of this code;

(6) The same student assessment requirements applicable to noncharter public schools in this state, but only to the extent that will allow the state board to measure the performance of public

charter school students pursuant to §18-2E-5(d) and (e) of this code. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements;

(7) The Student Data Accessibility, Transparency and Accountability Act pursuant to §18-2-5h of this code;

(8) Use of the electronic education information system established by the West Virginia Department of Education for the purpose of reporting required information;

(9) Reporting information on student and school performance to parents, policy-makers, and the general public in the same manner as noncharter public schools utilizing the electronic format established by the West Virginia Department of Education. Nothing precludes a public charter school from utilizing additional measures for reporting information on student and school performance that go beyond state requirements;

(10) All applicable accounting and financial reporting requirements as prescribed for public schools, including adherence to generally accepted accounting principles. A public charter school shall annually engage an external auditor to perform an independent audit of the school's finances. The public charter school shall submit the audit to its authorizer and to the state superintendent of schools within nine months of the end of the fiscal year for which the audit is performed;

(11) A criminal history check pursuant to §18A-3-10 of this code for any staff person that would be required if the person was employed in a noncharter public school, unless a criminal history check has already been completed for that staff person pursuant to that section. Governing board members and other public charter school personnel are subject to criminal history record checks and fingerprinting requirements applicable to noncharter public schools in this state. Contractors and service providers or their employees are prohibited from making direct, unaccompanied

contact with students and from access to school grounds unaccompanied when students are present if it cannot be verified that the contractors, service providers or employees have not previously been convicted of a qualifying offense pursuant to §18-5-15c of this code;

(12) The same zoning rules for its facilities that apply to noncharter public schools in this state;

(13) The same building codes, regulations and fees for its facilities that apply to noncharter public schools in this state, including any inspections required for noncharter public schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance of a certificate of occupancy for any facility used by the public charter school; ~~and~~

(14) The same student transportation safety laws applicable to public schools when is provided; and

(15) The display of national motto requirements pursuant to §18-9H-1 of this code.

ARTICLE 9H. DISPLAY OF NATIONAL MOTTO.

§18-9H-1. Display of the National Motto in public schools.

(a) A public elementary or secondary school shall display in a conspicuous place in the main building of the school, and may display in other buildings of the school, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any words, images, or other information.

(b) A public elementary or secondary school may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section.

ARTICLE 14. MISCELLANEOUS.**§18B-14-12. Display of the National Motto in institutions of higher education**

(a) A state institution of higher education, as defined by §18B-1-2 of this code, shall display in a conspicuous place in the main building of the institution of higher education, and may display in other buildings of the institution of higher education, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any words, images, or other information.

(b) An institution of higher education may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 152—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to the display of the official motto of the United States in public charter, public elementary and secondary schools and in institutions of higher education and the use of private donations.

On motion of Senator Takubo, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 152) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything and inserting in lieu thereof the following:

CHAPTER 18. EDUCATION.**ARTICLE 5G. PUBLIC CHARTER SCHOOLS.****§18-5G-3. Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws.**

(a) Public charter schools authorized pursuant to this article shall meet the following general criteria:

(1) Are part of the state's system of public schools and are subject to general supervision by the West Virginia Board of Education for meeting the student performance standards required of other public school students under §18-2E-5(d) and (e) of this code;

(2) Are subject to the oversight of the school's authorizer for operating in accordance with its approved charter contract and for meeting the terms and performance standards established in the charter contract;

(3) Are not home school-based;

(4) Are not affiliated with or espouse any specific religious denomination, organization, sect, or belief and do not promote or engage in any religious practices in their educational program, admissions, employment policies, or operations;

(5) Are not affiliated with any organized group whose espoused beliefs attack or malign an entire class of people, typically for immutable characteristics, as identified through listings of such groups as may be made by the U. S. Department of Justice, the Federal Bureau of Investigation, or officials having similar jurisdiction in this state;

(6) Are public schools to which parents or legal guardians choose to send their child or children;

(7) Do not charge full time tuition and may only charge such tuition or fees as may be imposed by noncharter public schools in

this state, such tuition or fees charged to Hope Scholarship students, pursuant to §18-31-8(f) of this code, or fees for participation in extracurricular activities. ~~and~~

(8) Have no requirements that would exclude any child from enrollment who would not be excluded at a noncharter public school.

(b) A public charter school authorized pursuant to this article shall be governed by a board that meets the requirements established in §18-5G-7 of this code and:

(1) Has autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum, and instruction except as provided in this article;

(2) Has no power to levy taxes;

(3) Operates in pursuit of a specific set of educational objectives as defined in its charter contract;

(4) Provides a program of public education that:

(A) Includes one or more of the following: Prekindergarten and any grade or grades from kindergarten to grade 12 including any associated post-secondary embedded credit, dual credit, advanced placement, internship, and industry or workforce credential programs that the public charter school chooses to incorporate into its programs. If a public charter school chooses to incorporate post-secondary embedded credit, dual credit, and industry and workforce credential programs into its educational program, institutions of higher education may not impose any requirements on the public charter school that are not required of noncharter public schools;

(B) May include in its mission a specific focus on students with special needs, including, but not limited to, at-risk students, English language learners, students with severe disciplinary problems at a noncharter public school, or students involved with the juvenile justice system;

(C) May include a specific academic approach or theme including, but not limited to, approaches or themes such as STEM education, mastery-based education, early college, or fine and performing arts; and

(D) May include before school and/or after school programs as a part of the public charter school's education program. No part of the education program of a public charter school is subject to regulation as a childcare facility;

(5) Provides programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, regulations, rules, and policies. A charter school shall deliver the services directly or contract with a county board or another provider to deliver the services as set forth in its charter contract;

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools. If a public charter school does not sponsor an extracurricular athletic and/or academic interscholastic activity for the students enrolled in the public charter school, the public charter school students may participate on the same basis as other public school students in those activities that are sponsored by the noncharter public school serving the attendance area in which the student resides;

(7) Employs its own personnel as employees of the public charter school and is ultimately responsible for processing employee paychecks, managing its employees' participation in the applicable retirement system, and managing its employees' participation in insurance plans: *Provided*, That nothing in this subdivision prohibits the public charter school from contracting with another person or entity to employ personnel or to perform services relating to managing its employees' participation in the retirement system or insurance plan. A county board may not require any employee of its school system to be employed in a public charter school. A county board may not harass, threaten,

discipline, discharge, retaliate, or in any manner discriminate against any school system employee involved directly or indirectly with an application to establish a public charter school as authorized under this section. All personnel in a public charter school who were previously employed by the county board shall continue to accrue seniority with the county board in the same manner that they would accrue seniority if employed in a noncharter public school in the county for purposes of employment in noncharter public schools; and

(8) Is responsible for establishing a staffing plan that includes the requisite qualifications and any associated certification and/or licensure necessary for teachers and other instructional staff to be employed at the public charter school and for verifying that these requirements are met.

(c) A public charter school authorized pursuant to this article is exempt from all statutes, state board policies, and rules applicable to a noncharter public school or board of education except the following unless otherwise specifically provided in this article:

(1) All federal laws and authorities applicable to noncharter public schools in this state including, but not limited to, the same federal nutrition standards, the same civil rights, disability rights and health, life and safety requirements applicable to noncharter public schools in this state;

(2) The provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings;

(3) The same immunization requirements applicable to noncharter public schools;

(4) The same compulsory school attendance requirements applicable to noncharter public schools. When a student is withdrawn from a public charter school and returns to the public charter district of that county, the school district of the student's county of residence becomes responsible to track the student for all purposes.

(5) The same minimum number of days or an equivalent amount of instructional time per year as required of noncharter public school students under §18-5-45 of this code;

(6) The same student assessment requirements applicable to noncharter public schools in this state, but only to the extent that will allow the state board to measure the performance of public charter school students pursuant to §18-2E-5(d) and (e) of this code. Any virtual public charter school may administer any required state assessment, if available, in a virtual setting utilizing remote proctoring that best meets the educational needs of the student. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements. Public charter school teachers shall be permitted to proctor state assessments in the event they are not certified or licensed.

(7) The Student Data Accessibility, Transparency and Accountability Act pursuant to §18-2-5h of this code;

(8) Use of the electronic education information system established by the West Virginia Department of Education for the purpose of reporting required information;

(9) Reporting information on student and school performance to parents, policy-makers, and the general public in the same manner as noncharter public schools utilizing the electronic format established by the West Virginia Department of Education. Nothing precludes a public charter school from utilizing additional measures for reporting information on student and school performance that go beyond state requirements;

(10) All applicable accounting and financial reporting requirements as prescribed for public schools, including adherence to generally accepted accounting principles. A public charter school shall annually engage an external auditor to perform an independent audit of the school's finances. The public charter school shall submit the audit to its authorizer and to the state superintendent of schools within nine months of the end of the fiscal year for which the audit is performed;

(11) A criminal history check pursuant to §18A-3-10 of this code for any staff person that would be required if the person was employed in a noncharter public school, unless a criminal history check has already been completed for that staff person pursuant to that section. Governing board members and other public charter school personnel are subject to criminal history record checks and fingerprinting requirements applicable to noncharter public schools in this state. Contractors and service providers or their employees are prohibited from making direct, unaccompanied contact with students and from access to school grounds unaccompanied when students are present if it cannot be verified that the contractors, service providers or employees have not previously been convicted of a qualifying offense pursuant to §18-5-15c of this code: *Provided*, That nothing in this subdivision, including the reference to §18A-3-10 of this code, requires public charter school employees to be certified or licensed as a condition of employment in a public charter school. A public charter school may, but is not required to, establish certification or licensure as a condition of employment by the school;

(12) The same zoning rules for its facilities that apply to noncharter public schools in this state;

(13) The same building codes, regulations and fees for its facilities that apply to noncharter public schools in this state, including any inspections required for noncharter public schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance of a certificate of occupancy for any facility used by the public charter school; ~~and~~

(14) The same student transportation safety laws applicable to public schools when transportation is provided; and

(15) The display of national motto requirements pursuant to §18-9H-1 of this code.

ARTICLE 9H. DISPLAY OF NATIONAL MOTTO.

§18-9H-1. Display of the National Motto in public schools.

(a) A public elementary or secondary school shall display in a conspicuous place in the main building of the school, and may

display in other buildings of the school, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any words, images, or other information.

(b) A public elementary or secondary school may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 14. MISCELLANEOUS.

§18B-14-12. Display of the National Motto in institutions of higher education.

(a) A state institution of higher education, as defined by §18B-1-2 of this code, shall display in a conspicuous place in the main building of the institution of higher education, and may display in other buildings of the institution of higher education, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any words, images, or other information.

(b) An institution of higher education may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 152—A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended;

to amend said code by adding thereto a new article, designated §18-9H-1; and to amend said code by adding thereto a new section, designated §18B-14-12, all relating public schools; providing for technical cleanup of certain portions of the public charter school code provisions; requiring display of "In God We Trust" motto in charter schools subject to specified requirements; requiring display of "In God We Trust" motto in public elementary and secondary schools; requiring display of "In God We Trust" motto in institutions of higher education; requiring display to be in a conspicuous place in the main building; permitting display to be in other buildings; setting forth requirements for the content and minimum size of the display; and permitting the acceptance and use of donations.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 152, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Caputo, Deeds, Stuart, and Takubo—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 152) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and

requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. Com. Sub. for House Bill 5223, To create the Southern Coalfield Resiliency and Revitalization Program.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

On page 1 by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2Q. SOUTHERN COALFIELD RESILIENCY PROGRAM.

§5B-2Q-1. Short Title.

This article shall be known as cited as the "Southern Coalfield Resiliency Program Act".

§5B-2Q-2. Legislative purpose; findings; intent.

(a) The impact of excessive and economically biased federal regulations on the domestic coal-fired electricity market has led to a profound and significant injury to the coal industry in Boone, Logan, McDowell, Mingo and Wyoming Counties, and has resulted in a dramatic negative economic impact on the Southern Coalfield area of West Virginia.

(b) The purpose of this section is to establish the Southern Coalfield Resiliency and Revitalization Program. To further this purpose, this program creates a collaboration among state government, higher education, and private and nonprofit sectors to streamline and increase technical, agricultural, and economic assistance capacity, continue and increase existing services and other resources to facilitate community revitalization in the southern coalfield area.

(c) It is the intent of the Legislature to identify resources that can be prioritized to support the counties of the southern coalfield area, generate thoughtful and responsible ideas to mitigate the negative effects of the currently injured coal industry, and help chart a new course and prosperous future for the Southern Coalfield.

§5B-2Q-3. Definitions.

Terms defined in this section have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition in this section.

(1) "Contributing partners" means those entities or their representatives described in subsection (f) of this section.

(2) "Department" means the West Virginia Department of Economic Development.

(3) "Program" means the Southern Coalfield Resiliency and Revitalization Program established in this section.

(4) "Revitalization council" means those entities or their representatives described in subsection (d) of this section.

(5) "Technical assistance" means resources provided by the state, revitalization council, contributing partners or any other individuals or entities providing programming, funding, or other support to benefit the counties in the Southern Coal field area of West Virginia under the program.

(6) "Southern Coalfield" means an area defined by the department that encompasses Boone, Logan, McDowell, Mingo, and Wyoming counties.

(7) "Southern Coalfield Resiliency and Revitalization Program" means the entire process undertaken to further the goals of this section, including collaboration development and implementation between the members, contributors, and technical assistance resource providers.

§5B-2Q-4. Southern Coalfield Resiliency and Revitalization Program established; duration.

(a) The department shall establish the Southern Coalfield Resiliency and Revitalization Program in accordance with the provisions of this section, subject to the availability of funding necessary to support the program: *Provided*, That the department may not create any new positions or hire any additional employees to implement the provisions of this article.

(b) The program shall inventory existing assets and resources, prioritize planning and technical assistance, and determine such other assistance as might be available to revitalize communities in the counties in the southern coalfield area.

(c) The program shall be established for an initial period of five years from the effective date of this legislation.

§5B-2Q-5. Revitalization Council created.

(a) There is hereby created a revitalization council to fulfill the purposes of this section. The revitalization council shall be coordinated by the department and be subject to oversight by the secretary of the department.

(b) The following entities shall serve as members of the revitalization council:

(1) The secretary of the department or their designee, who shall serve as chairperson of the council;

(2) The Secretary of the Department of Health or his or her designee;

(3) The Secretary of the Department of Human Services or his or her designee;

(4) The Commissioner of the Department of Agriculture or his or her designee;

(5) The Executive Director of the West Virginia Housing Development Fund or his or her designee;

- (6) A representative from the Boone County Commission;
- (7) A representative from the Logan County Commission;
- (8) A representative from the McDowell County Commission;
- (9) A representative from the Mingo County Commission;
- (10) A representative from the Wyoming County Commission;
- (11) A representative from Southern West Virginia Community and Technical College;
- (12) A representative from West Virginia University;
- (13) A representative from Marshall University;
- (14) The County Directors of Economic Development from Boone County, Logan County, McDowell County, Mingo County, and Wyoming County; and
- (15) The President of West Virginia University Technical College.

(c) Council members may not be compensated for their services or reimbursed for their expenses.

(d) The Department of Health, the Department of Human Services, the Department of Agriculture, and the West Virginia Housing Development fund may not create any new positions or hire any additional employees to implement the provisions of this article.

§5B-2Q-6. Duties of the revitalization council.

(a) The council shall identify resources that can be prioritized to support economic development efforts in the Southern Coalfield counties.

(b) The council shall direct existing resources in a unified effort and in conjunction with contributing partners, as applicable, to support the Southern Coalfield counties.

(c) The council shall develop a rapid response strategy to attract or develop new enterprises and job creating opportunities in the Southern Coalfield counties.

(d) The council shall conduct or commission a comprehensive assessment of assets available at the reclaimed mine sites and abandoned industrial complexes and closed businesses and determine how those assets will be preserved and repurposed, or marketed to interested industrial parties.

(e) The council shall assist communities in the Southern Coalfield counties by developing economic policy recommendations to diversify and advance the communities.

(f) Members of the council shall support both the planning and implementation for the program and shall give priority wherever possible to programmatic activity and discretionary, noncompetitive funding during the period the program remains in effect.

(g) Members of the council shall work together to leverage funding or other agency resources to benefit efforts to revitalize the Southern Coalfield counties.

§5B-2Q-7. Contributing partners.

To the extent possible, the revitalization council shall incorporate the resources and expertise of additional providers of technical assistance to support the program, which shall include but not be limited to:

(1) The West Virginia Small Business Development Center;

(2) The Center for Rural Health Development;

(3) The West Virginia University Encova Center for Innovation and Entrepreneurship;

(4) The West Virginia University Land Use and Sustainability Law Clinic;

(5) The West Virginia University Davis College Research, Education and Outreach Centers;

(6) The West Virginia University County Extension services;

(7) The Rahall Transportation Institute;

(8) The Marshall University Center for Business and Economic Research;

(9) West Virginia Small Business Association;

(10) The West Virginia Community Development Hub;

(11) The West Virginia Brownfields Assistance Center at Marshall University;

(12) West Virginia State University Extension Services; and

(13) West Virginia University Extension Services Agriculture, Community, Health, Economic, and Workforce Development Programs; and

(14) A representative from the Regional Planning and Development Councils encompassing the five participating counties.

§5B-2Q-8. Reporting and agency accountability.

The revitalization council, in coordination with its contributing partners, as applicable, shall report annually to the Governor and the Joint Committee on Government and Finance detailing the progress of the technical assistance support provided by the program, the strategic plan for the Southern Coalfield counties and the results of these efforts.

§5B-2Q-9. Economic incentives for businesses investing in the Southern Coalfield counties.

The department and the revitalization council, as applicable, will work to educate businesses investing or interested in investing in the Southern Coalfield about the availability of, and access to,

economic development assistance, including but not limited to, the economic opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or development assistance.

§5B-2Q-10. Use of state property and equipment; prioritization.

The program shall prioritize and seek to leverage West Virginia's natural, native resources and industries, including the manufacture of value-added or finished products from raw materials or agriculture commodities sourced in West Virginia. The program shall prioritize and seek to assist existing industries to expand where possible and identify opportunities for synergistic relationships between native West Virginia businesses. The program shall prioritize and seek to leverage West Virginia's natural, self-sufficient, and reliable forms of energy such as coal, oil, and natural gas, to decrease the overall cost of manufacturing in the Southern Coalfield and enhance industrial efforts.

On motion of Senator Weld, the Senate concurred in the House amendment to the Senate amendment, except as to the amendment that removes the Regional Planning and Development Councils' representative from the Revitalization Council.

Engrossed Committee Substitute for House Bill 5223, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Clements, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: None.

Absent: Azinger, Caputo, Deeds, Stover, Stuart, and Takubo—6.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5223) passed with its title.

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

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 4399, Creating the equitable right to expungement.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates C. Pritt, Nestor, and Garcia.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 5084, Require retailers to verify identification and age upon purchase of vape products.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Kelly, Worrell, and Garcia.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 4851, To allow for public and private schools in West Virginia to employ security personnel.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Statler, Smith, and Rowe.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 5544, Relating to requiring certain reporting from the Mountaineer Trail Network Authority each year.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Howell, Jeffries, and Hamilton.

[CLERK'S NOTE: The message from the Clerk of the House of Delegates announcing that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses as to **Eng. House Bill 5237** (*Prohibiting driving slow in left lane except under certain circumstances*) was omitted during the Senate floor proceedings of today, Saturday, March 9, 2024. Whereupon, the following conferees were appointed on the part of the House of Delegates: Delegates Westfall, Chiarelli, and Fluharty.]

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 6:38 p.m. today:

Eng. House Bill 5237, Prohibiting driving slow in left lane except under certain circumstances.

At the request of Senator Weld, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Weld, at 6:44 p.m., the Senate recessed until 7 p.m. tonight.

The Senate reconvened at 7:46 p.m.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:46 p.m. tonight:

Eng. Com. Sub. for House Bill 4399, Creating the equitable right to expungement.

The Clerk announced the following conference committee report had been filed at 7:47 p.m. tonight:

Eng. Com. Sub. for House Bill 5084, Require retailers to verify identification and age upon purchase of vape products.

Senator Weld announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate third reading calendar, **Engrossed Committee Substitute for House Bill 4753** and **Engrossed House Bill 5548**.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 5668, Creating the Responsible Gaming and Research Act.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Caputo, Clements, Deeds, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Stover, Swope, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

The nays were: Azinger, Chapman, Grady, Karnes, Maynard, Roberts, Rucker, Smith, Stuart, and Woelfel—10.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5668) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5668—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-30, relating to the creation of the Responsible Gaming and Research and Industry Development Act; creating a short title; providing for gaming data collection by West Virginia University; permitting sharing of such data for research purposes, exempting the data from the Freedom of Information Act; requiring and providing for preparation of the report; requiring West Virginia University of develop new programs or expand upon existing programs relating to responsible gaming, entertainment, and hospitality.

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

Eng. House Bill 5694, Relating to the Firearms Industry Nondiscrimination Act.

On third reading, coming up out of regular order, with the unreported committee amendments pending, and with the right having been granted on March 7, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Woodrum, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on Rules, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

§5A-3-64. Firearms Industry Nondiscrimination Act.

(a) *Short title.* – This Act shall be known and may be cited as "the Firearms Industry Nondiscrimination Act."

(b) *Definitions.* – For purposes of this section:

(1) "Ammunition" has the meaning set forth in §31A-2B-3 of this code.

(2) "Company" means a corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, organization, association, or any other business entity that has 10 or more employees and operates to earn a profit: *Provided*, That the term does not include a sole proprietorship.

(3) "Contract" means a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and the right to seek a remedy for the breach of those duties: *Provided*, That the term does not include an agreement related to investment services.

(4) "Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association to:

(A) Refuse to provide or engage in services with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations;

(B) Refrain from continuing an existing business relationship with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products

and services provided by, and the lawful practices of, firearm entities and firearm trade associations; or

(C) Terminate an existing business relationship with the entity or association based on its status as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations.

(D) The term does not include the policies of a vendor, merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories.

(E) The term also does not include a decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local laws, policies, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based on the status of an entity or association as a firearm entity or firearm trade association, which includes the lawful products and services provided by, and the lawful practices of, firearm entities and firearm trade associations.

(5) "Firearm" has the meaning set forth in §31A-2B-3 of this code.

(6) "Firearm accessories or components" has the meaning set forth in §31A-2B-3 of this code.

(7) "Firearm entity" means:

(A) A firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer;

(B) A firearm trade association that has two or more firearm entities as members and is exempt from federal income taxation under section 501(a) of the Internal Revenue Code of 1986, as an organization described by section 501(c) of such code; or

(C) A shooting range, as defined in §61-6-23 of this code.

(8) "Public entity" means the state of West Virginia, or any political subdivision thereof, and all spending units of state government.

(9) "Sole source provider" means a supplier who provides services of a unique nature or services that are solely available through the supplier and the supplier is the only practicable source to provide the services.

(c) Effective July 1, 2024, a public entity may not enter into a contract with a company for goods or services valued at \$100,000 or more unless the contract includes a written certification that the company is not currently engaged in, and will not for the duration of the contract, engage in discrimination against firearm entities.

(d) If a public entity learns that a company has made the certification required in subsection (c) of this section but is engaged in discrimination against firearm entities at the time the certification is made or during the duration of the contract, the public entity shall immediately take steps necessary to terminate the contract in a commercially reasonable manner.

(e) If the Attorney General determines that a company has made the certification required in subsection (c) of this section but is engaged in discrimination against firearm entities at the time the certification is made or during the duration of the contract, the Attorney General may file a cause of action against that the company for breach of contract, fraudulent misrepresentation, or any other legal grounds determined appropriate by the Attorney General. If the Attorney General prevails in such action, the court shall award reasonable attorneys' fees to the State, actual damages, and any punitive damages determined appropriate by the court.

(f) The requirements of this section do not apply to contracts between a public entity and a sole source provider.

(g) The Director of the Purchasing Division is authorized to promulgate legislative rules, including emergency rules, to implement the provisions of this section.

Engrossed House Bill 5694, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5694) passed.

At the request of Senator Woodrum, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on Rules, was reported by the Clerk and adopted:

Eng. House Bill 5694—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-64, relating generally to the Firearms Industry Nondiscrimination Act; defining terms; prohibiting public entities from contracting with companies that discriminate against certain firearm entities; setting an effective date; providing that contracts in violation of new requirements must be terminated; authorizing the Attorney General to file a cause of action against a company in certain circumstances; permitting the award of attorneys' fees and damages to the State; exempting sole source provider contracts from new requirements; and providing rulemaking authority, including emergency rulemaking authority.

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

At the request of Senator Plymale, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business.

Eng. House Joint Resolution 21, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state.

On third reading, coming up out of regular order, was read a third time and put upon its adoption.

On the adoption of the resolution, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. H. J. R. 21) adopted, as follows:

Eng. House Joint Resolution 21—Proposing an amendment to the Constitution of the State of West Virginia amending section 1, Article IV thereof to prohibit persons not United States citizens from voting in any election held within this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to

the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that Section 1, Article IV thereof, be amended, to read as follows:

ARTICLE IV. ELECTION AND OFFICERS.

4-1. Election and officers.

The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the state and of the county in which he or she offers to vote for 30 days next preceding such offer shall be permitted to vote while such disability continues; but no person in the military, naval, or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein, nor shall any person who is not a citizen of the United States be entitled to vote at any election held within this state.

Resolved further, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and designated as the "Citizens Voting Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to prohibit persons who are not citizens of the United States from voting in West Virginia elections."

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

Eng. Com. Sub. for House Joint Resolution 28, Protection from medically-assisted suicide or euthanasia in West Virginia Amendment.

On third reading, coming up out of regular order, with the unreported committee amendments pending, and with the right

having been granted on March 7, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Weld, as vice chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the resolution was withdrawn.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the resolution was withdrawn.

On motion of Senator Tarr, the following amendment to the resolution was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that Article III thereof, be amended by adding thereto a new section, designated section twenty-three, to read as follows:

ARTICLE III. BILL OF RIGHTS.

§3-23. Protection against medically assisted suicide.

No person, physician, or health care provider in the State of West Virginia shall participate in the practice of medically assisted suicide, euthanasia, or mercy killing of a person. Nothing in this section prohibits the administration or prescription of medication for the purpose of alleviating pain or discomfort while the patient's condition follows its natural course; nor does anything in this section prohibit the withholding or withdrawing of life-sustaining treatment, as requested by the patient or the patient's decision-maker, in accordance with State law. Further, nothing in this section prevents the State from providing capital punishment.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as

amended, such amendment is hereby numbered "Amendment 1" and designated as the "Protection of persons against medically assisted suicide" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to protect West Virginians against medically assisted suicide."

Following discussion,

The question being on the adoption of Senator Tarr's amendment to the resolution, the same was put and prevailed.

Engrossed Committee Substitute for House Joint Resolution 28 was then put upon its adoption.

On the adoption of the resolution, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Caputo, Hamilton, Plymale, and Trump—4.

Absent: Boley and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for H. J. R. 28) adopted, as follows:

Eng. Com. Sub. for House Joint Resolution 28—Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof by adding thereto a new section, designated section twenty-three, relating to the protection from medically-assisted suicide or euthanasia in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that Article III thereof, be amended by adding thereto a new section, designated section twenty-three, to read as follows:

ARTICLE III. BILL OF RIGHTS.

§3-23. Protection against medically assisted suicide.

No person, physician, or health care provider in the State of West Virginia shall participate in the practice of medically assisted suicide, euthanasia, or mercy killing of a person. Nothing in this section prohibits the administration or prescription of medication for the purpose of alleviating pain or discomfort while the patient's condition follows its natural course; nor does anything in this section prohibit the withholding or withdrawing of life-sustaining treatment, as requested by the patient or the patient's decision-maker, in accordance with State law. Further, nothing in this section prevents the State from providing capital punishment.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and designated as the "Protection of persons against medically assisted suicide" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to protect West Virginians against medically assisted suicide."

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

Eng. Com. Sub. for House Bill 4753, Relating to providing health insurance coverage concerning biomarker testing.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. House Bill 4793, Relating to distilled liquor.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Caputo, Chapman, Clements, Hunt, Jeffries, Maroney, Martin, Nelson, Phillips, Plymale, Queen, Rucker, Stover, Swope, Tarr, Woodrum, and Blair (Mr. President)—18.

The nays were: Azinger, Deeds, Grady, Hamilton, Karnes, Maynard, Oliverio, Roberts, Smith, Stuart, Taylor, Trump, Weld, and Woelfel—14.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4793) passed with its title.

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

Eng. Com. Sub. for House Bill 4880, Relating to personal income tax social security exemption.

On third reading, coming up out of regular order, was read a third time.

At the request of Senator Tarr, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Tarr, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

§11-21-12. West Virginia adjusted gross income of resident individual.

(a) General. — The West Virginia adjusted gross income of a resident individual means his or her federal adjusted gross income as defined in the laws of the United States for the taxable year with the modifications specified in this section.

(b) Modifications increasing federal adjusted gross income. — There shall be added to federal adjusted gross income, unless already included therein, the following items:

(1) Interest income on obligations of any state other than this state or of a political subdivision of any other state unless created by compact or agreement to which this state is a party;

(2) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

(3) Any deduction allowed when determining federal adjusted gross income for federal income tax purposes for the taxable year that is not allowed as a deduction under this article for the taxable year;

(4) Interest on indebtedness incurred or continued to purchase or carry obligations or securities the income from which is exempt from tax under this article, to the extent deductible in determining federal adjusted gross income;

(5) Interest on a depository institution tax-exempt savings certificate which is allowed as an exclusion from federal gross income under Section 128 of the Internal Revenue Code, for the federal taxable year;

(6) The amount of a lump sum distribution for which the taxpayer has elected under Section 402(e) of the Internal Revenue Code of 1986, as amended, to be separately taxed for federal income tax purposes; and

(7) Amounts withdrawn from a medical savings account established by or for an individual under §33-15-20 or §33-16-15

of this code that are used for a purpose other than payment of medical expenses, as defined in those sections.

(c) Modifications reducing federal adjusted gross income. — There shall be subtracted from federal adjusted gross income to the extent included therein:

(1) Interest income on obligations of the United States and its possessions to the extent includable in gross income for federal income tax purposes;

(2) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States or of the State of West Virginia to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States or of the State of West Virginia, including federal interest or dividends paid to shareholders of a regulated investment company, under Section 852 of the Internal Revenue Code for taxable years ending after June 30, 1987;

(3) Any amount included in federal adjusted gross income for federal income tax purposes for the taxable year that is not included in federal adjusted gross income under this article for the taxable year;

(4) The amount of any refund or credit for overpayment of income taxes imposed by this state, or any other taxing jurisdiction, to the extent properly included in gross income for federal income tax purposes;

(5) Annuities, retirement allowances, returns of contributions and any other benefit received under the West Virginia Public Employees Retirement System, and the West Virginia State Teachers Retirement System, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes: *Provided*, That notwithstanding any provisions in this code to the contrary this modification shall be limited to the first \$2,000 of benefits received under the West Virginia Public Employees Retirement System, the West Virginia

State Teachers Retirement System and, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes for taxable years beginning after December 31, 1986; and the first \$2,000 of benefits received under any federal retirement system to which Title 4 U.S.C. §111 applies: *Provided, however*, That the total modification under this paragraph shall not exceed \$2,000 per person receiving retirement benefits and this limitation shall apply to all returns or amended returns filed after December 31, 1988;

(6) Retirement income received in the form of pensions and annuities after December 31, 1979, under any West Virginia police, West Virginia Firemen's Retirement System or the West Virginia State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement System or the West Virginia Deputy Sheriff Retirement System, including any survivorship annuities derived from any of these programs, to the extent includable in gross income for federal income tax purposes;

(7) (A) For taxable years beginning after December 31, 2000, and ending prior to January 1, 2003, an amount equal to two percent multiplied by the number of years of active duty in the Armed Forces of the United States of America with the product thereof multiplied by the first \$30,000 of military retirement income, including retirement income from the regular Armed Forces, Reserves and National Guard paid by the United States or by this state after December 31, 2000, including any survivorship annuities, to the extent included in gross income for federal income tax purposes for the taxable year.

(B) For taxable years beginning after December 31, 2000, the first \$20,000 of military retirement income, including retirement income from the regular Armed Forces, Reserves and National Guard paid by the United States or by this state after December 31, 2002, including any survivorship annuities, to the extent included in gross income for federal income tax purposes for the taxable year.

(C) For taxable years beginning after December 31, 2017, military retirement income, including retirement income from the

regular Armed Forces, Reserves and National Guard paid by the United States or by this state after December 31, 2017, including any survivorship annuities, to the extent included in federal adjusted gross income for the taxable year. For taxable years beginning after December 31, 2018, retirement income from the uniformed services, including the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service, National Oceanic Atmospheric Administration, reserves, and National Guard, paid by the United States or by this state after December 31, 2018, including any survivorship annuities, to the extent included in federal adjusted gross income for the taxable year.

(D) In the event that any of the provisions of this subdivision are found by a court of competent jurisdiction to violate either the Constitution of this state or of the United States, or is held to be extended to persons other than specified in this subdivision, this subdivision shall become null and void by operation of law.

(8) Decreasing modification for social security income.

~~(A) For taxable years beginning on and after January 1, 2020, 35 percent of the amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(D) of this code.~~

~~(B) For taxable years beginning on or after January 1, 2021, 65 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*,~~

~~included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(D) of this code.~~

(C) (A) For taxable years beginning on or after January 1, 2022, 100 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in ~~§11-21-12(c)(8)(D)~~ §11-21-12(c)(8)(B) of this code.

~~(D) (B)~~ The deduction allowed by ~~§11-21-12(c)(8)(A), §11-21-12(c)(8)(B), and §11-21-12(c)(8)(C)~~ §11-21-12(c)(8)(A) of this code are allowable only when the federal adjusted gross income of a married couple filing a joint return does not exceed \$100,000, or \$50,000 in the case of a single individual or a married individual filing a separate return.

(C) For taxable years beginning on and after January 1, 2024, 35 percent of the amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(D) For taxable years beginning on or after January 1, 2025, 65 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(E) For taxable years beginning on or after January 1, 2026, 100 percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including, but not limited to, social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 *et. seq.* or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 *et. seq.*, included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in §11-21-12(c)(8)(F) of this code.

(F) The deduction allowed by §11-21-12(c)(8)(C), §11-21-12(c)(8)(D), and §11-21-12(c)(8)(E) of this code are allowable only when the federal adjusted gross income of a married couple filing a joint return exceeds \$100,000, or \$50,000 in the case of a single individual or a married individual filing a separate return.

(9) Federal adjusted gross income in the amount of \$8,000 received from any source after December 31, 1986, by any person who has attained the age of 65 on or before the last day of the taxable year, or by any person certified by proper authority as permanently and totally disabled, regardless of age, on or before the last day of the taxable year, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That if a person has a medical certification from a prior year and he or she

is still permanently and totally disabled, a copy of the original certificate is acceptable as proof of disability. A copy of the form filed for the federal disability income tax exclusion is acceptable: *Provided, however, That:*

(i) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is \$8,000 per person or more, no deduction shall be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is less than \$8,000 per person, the total modification allowed under this subdivision for all gross income received by that person shall be limited to the difference between \$8,000 and the sum of modifications under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection;

(10) Federal adjusted gross income in the amount of \$8,000 received from any source after December 31, 1986, by the surviving spouse of any person who had attained the age of 65 or who had been certified as permanently and totally disabled, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided, That:*

(i) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is \$8,000 or more, no deduction shall be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), (7), and (8) of this subsection is less than \$8,000 per person, the total modification allowed under this subdivision for all gross income received by that person shall be limited to the difference between \$8,000 and the sum of subdivisions (1), (2), (5), (6), (7), and (8) of this subsection;

(11) Contributions from any source to a medical savings account established by or for the individual pursuant to §33-15-20 or §33-16-15 of this code, plus interest earned on the account, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided, That* the amount subtracted pursuant to this subdivision for any one taxable year may not exceed \$2,000 plus

interest earned on the account. For married individuals filing a joint return, the maximum deduction is computed separately for each individual; and

(12) Any other income which this state is prohibited from taxing under the laws of the United States including, but not limited to, tier I retirement benefits as defined in Section 86(d)(4) of the Internal Revenue Code.

(d) Modification for West Virginia fiduciary adjustment. — There shall be added to or subtracted from federal adjusted gross income, as the case may be, the taxpayer's share, as beneficiary of an estate or trust, of the West Virginia fiduciary adjustment determined under §11-21-19 of this code.

(e) Partners and S corporation shareholders. — The amounts of modifications required to be made under this section by a partner or an S corporation shareholder, which relate to items of income, gain, loss or deduction of a partnership or an S corporation, shall be determined under §11-21-17 of this code.

(f) Husband and wife. — If husband and wife determine their federal income tax on a joint return but determine their West Virginia income taxes separately, they shall determine their West Virginia adjusted gross incomes separately as if their federal adjusted gross incomes had been determined separately.

(g) Effective date. —

(1) Changes in the language of this section enacted in the year 2000 shall apply to taxable years beginning after December 31, 2000.

(2) Changes in the language of this section enacted in the year 2002 shall apply to taxable years beginning after December 31, 2002.

(3) Changes in the language of this section enacted in the year 2019 shall apply to taxable years beginning after December 31, 2018.

(4) Changes in the language of this section enacted in the year 2024 shall apply retroactively to taxable years beginning after December 31, 2023.

Following discussion,

Senator Smith requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Smith would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of Senator Tarr's amendment to the bill, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 4880 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4880) passed.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 4883, Relating to increasing annual salaries of certain employees of the state.

On third reading, coming up out of regular order, with the unreported Finance committee amendment pending, and with the right having been granted on March 7, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the bill was withdrawn.

Engrossed Committee Substitute for House Bill 4883 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4883 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4883) passed.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

Senator Weld moved that the bill take effect July 1, 2024.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4883) takes effect July 1, 2024.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. Com. Sub. for House Bill 5105, To eliminate the vaccine requirements for public virtual schools.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 5105 pass?"

Senator Roberts requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate, as he is a pastor and a private school is affiliated with his church.

The Chair replied that any impact on Senator Roberts would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Deeds, Grady, Hunt, Karnes, Martin, Maynard, Phillips,

Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, and Blair (Mr. President)—20.

The nays were: Caputo, Clements, Hamilton, Jeffries, Maroney, Nelson, Oliverio, Plymale, Stover, Weld, Woelfel, and Woodrum—12.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5105) passed.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5105—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to eliminating the vaccine requirements for private schools, parochial schools, or virtual public schools in specified situations; providing private or parochial school may elect to develop a policy that exempts the private or parochial school from the mandatory vaccination requirements; providing no cause of action against private or parochial school, administrator, employee, board, owner or operator who choose to maintain compliance with mandatory vaccination requirements; providing no cause of action against private or parochial school, administrator, employee, board, owner or operator who choose to adopt a policy of exemption provided certain requirements are met; requiring all students in any West Virginia Secondary School Activities Commission sponsored activities meet the mandatory vaccination requirements or have an exemption; requiring all students participating in any school sponsored club activities resulting in competition meet the mandatory vaccination requirements or have an exemption; providing that a full time virtual public school student meeting specified circumstances is exempt from the mandatory vaccination requirements; and requiring that a student enrolled in virtual public school classes that also attend a private or parochial school shall be subject to specific requirements.

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

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senators Maroney, Trump, and Woelfel as to the passage of Engrossed Committee Substitute for House Bill 5105 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for House Bill 5262, Relating generally to teacher's bill of rights.

On third reading, coming up out of regular order, was read a third time.

At the request of Senator Grady, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Grady, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18b. School counselors in public schools.

(a) A school counselor means a professional educator who holds a valid school counselor's certificate in accordance with §18A-1-1 of this code.

(b) Each county board shall provide counseling services for each pupil enrolled in the public schools of the county.

(c) The school counselor shall work with individual pupils and groups of pupils in providing developmental, preventive and remedial guidance and counseling programs to meet academic, social, emotional, and physical needs; including programs to identify and address the problem of potential school dropouts. The school counselor also may provide consultant services for parents,

teachers, and administrators and may use outside referral services, when appropriate, if no additional cost is incurred by the county board.

(d) The state board may adopt rules consistent with the provisions of this section that define the role of a school counselor based on the "National Standards for School Counseling Programs" of the American School Counselor Association. A school counselor is authorized to perform such services as are not inconsistent with the provisions of the rule as adopted by the state board. To the extent that any funds are made available for this purpose, county boards shall provide training for counselors and administrators to implement the rule as adopted by the state board.

(e) Each county board shall develop a comprehensive drop-out prevention program utilizing the expertise of school counselors and any other appropriate resources available.

(f) School counselors shall be full-time professional personnel, shall spend at least 80 percent of work time in a direct counseling relationship with pupils, and shall devote no more than 20 percent of the ~~work-day~~ workday to administrative activities: *Provided*, That such activities are ~~counselor-related~~ directly related to their counseling duties: *Provided further*, That school counselors may not perform the following duties without a written agreement:

(1) Administering cognitive, aptitude, and achievement testing programs: *Provided*, That school counselors may administer make up tests and any tests that are required for virtual students, should no other person be available to administer the test;

(2) Routinely signing excuses for students who are tardy or absent;

(3) Performing disciplinary actions or assigning discipline consequences;

(4) Routinely covering classes when teachers are absent or to create teacher planning time;

(5) Maintaining student records: *Provided*, That school counselors may have access to student records;

(6) Computing grade-point averages: *Provided*, That school counselors may compute grade-point averages for the purpose of determining a student's eligibility for scholarships or post-secondary goals;

(7) Routinely supervising classrooms or common areas;

(8) Keeping clerical records: *Provided*, That school counselors may access clerical records;

(9) Coordinating Individual Education Plans: *Provided*, That this does not preclude school counselors from otherwise participating in Individual Education Plans when appropriate;

(10) Coordinating 504 Plans: *Provided*, That this does not preclude school counselors from otherwise participating in 504 Plans when appropriate; and

(11) Coordinating Student Study Teams; *Provided*, That this does not preclude school counselors from otherwise participating in Student Study Teams when appropriate.

(g) Beginning with the 2024—25 school year, school counselors shall participate in the training set forth below.

(1) At least once every two years, school counselors serving students in grades Pre-K through 12 shall participate in the School Counselors Conference, which shall address the following components:

(A) Career Counseling and Life Planning;

(B) Career awareness;

(C) Career and life planning;

(D) Career and life success;

(E) Opportunities with Career Technical Education available in West Virginia;

(F) Post secondary options;

(G) Academic Counseling and Personalized Planning;

(H) Academic motivation;

(I) Goal setting;

(J) Academic scheduling;

(K) Personalized Education Plans;

(L) Dual credit;

(M) Learning skills;

(N) Personal and Social Counseling;

(O) Decision making;

(P) Personal responsibility;

(Q) Conflict resolution; and

(R) Prevention.

(2) Every two years, school counselors serving students in grades seven through 12 shall receive training regarding building and trades and apprenticeship programs available to students in West Virginia. This training shall be administered by the department of education and provided at no cost to the counselors.

~~(g)~~ (h) Nothing in this section prohibits a county board from exceeding the provisions of this section, or requires any specific level of funding by the Legislature.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-12. Special education student instructor ratio; waiver; compensation to teacher when ratio exceeded.

(a) Self-contained and resource classrooms, as well as any special education environment, shall not have a student/instructor ratio over the current limit provided for in the Individuals with Disabilities Education Act 2004 and State Board Policy 2419. A two-week waiver may be signed with the understanding that the local county board is responsible to remediate the situation while

compensating the teacher with overage pay provided by the county per county or federal funds. This waiver shall be good for two weeks to allow the district time to find an additional classroom teacher. Should the district be unable to find an additional classroom teacher, the district, upon the agreement of the teacher, may submit a waiver to the state board of education. This waiver shall have the teachers signature acknowledging that although they are over the limit, they recognize that this is a dire situation.

(b) The county may not submit a waiver to exceed the current limit of students set forth in Individuals with Disabilities Education Act 2004 and Policy 2419 without the written consent of the special education instructor. If the instructor chooses to sign the waiver to exceed the limit, that instructor shall be entitled to the full amount of compensation as provided per county.

(c) The county may not allow more than three students over the limit, even with the additional pay for the teacher.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2A. TEACHERS BILL OF RIGHTS.

§18A-2A-1. Supplemental duty calendar provisions.

(a) In this section, "supplemental duty" means a duty other than a duty assigned under an employee's contract that is generally expected to be performed during an educational day and which may be governed by an agreement, other than the employee's contract, between the district and the employee.

(b) Not later than the 15th day before the first day of the employment term of each school year, the county board shall adopt and provide to each classroom teacher, full-time counselor, and full-time librarian employed by the district a calendar that specifies the days each employee is expected to work for that school year: *Provided*, That any supplemental duty exceeding the eight hour contracted day shall be by agreement with the employee and preapproved by the county superintendent or by his or her designee, unless the supplemental duty is the result of an

unanticipated emergency, and shall be paid in accordance with the agreement between the employee and the county.

Engrossed Committee Substitute for House Bill 5262, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5262) passed.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

On motion of Senator Grady, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5262—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-20-12; and to amend said code by adding thereto a new article, designated §18A-2A-1; all relating generally to the rights of certain school professional personnel; providing that school counselors may not perform certain duties without written agreement; requiring school counselors to participate in certain training; limiting the student/instructor ratio in self-contained and resource

classrooms, as well as any special education environment; allowing for a two-week waiver with the understanding that the local county board is responsible to remediate the situation while compensating the teacher with overage pay provided by the county per county or federal funds; allowing the district upon agreement of the teacher to submit a waiver to the state board of education if the district is unable to find an additional classroom teacher; prohibiting county from submitting a waiver to exceed a certain limit of students without the written consent of the special education instructor; providing that county may not allow more than three students over the limit, even with the additional pay for the teacher; defining supplemental duty; requiring each classroom teacher, full-time counselor, and full-time librarian to be provided with a calendar that specifies the days each employee is expected to work for that school year; requiring that any supplemental duty exceeding the eight hour contracted day be by agreement with the employee unless the duty is the result of an anticipated emergency; and requiring overtime pay to be by agreement and approved by the county superintendent or designee.

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

Eng. Com. Sub. for House Bill 4956, Creating the Oral Health and Cancer Rights Act.

On third reading, coming up out of regular order, with the unreported Health and Human Resources committee amendments pending, and with the right having been granted on March 7, 2024, for further amendments to be received on third reading, was read a third time.

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 8b, line 1, by striking out the words "July 1, 2024" and inserting in lieu of the words "July 1, 2025";

On page 2, section 34, line 1, by striking out the words "July 1, 2024" and inserting in lieu of the words "January 1, 2025";

On page 2, section 24, line 1, by striking out the words "July 1, 2024" and inserting in lieu of the words "January 1, 2025";

On page 3, section 20, line 1, by striking out the words "July 1, 2024" and inserting in lieu of the words "January 1, 2025";

On page 3, section 15, line 1, by striking out the words "July 1, 2024" and inserting in lieu of the words "January 1, 2025";

On page 4, section 23, line 1, by striking out the words "July 1, 2024" and inserting in lieu of the words "January 1, 2025";

And,

On page 4, section 37, line 1, by striking out the words "July 1, 2024" and inserting in lieu of the words "January 1, 2025".

On motion of Senator Tarr, the following amendment to the bill (Eng. Com. Sub. for H. B. 4956) was next reported by the Clerk and adopted:

On page 5, after line 9, by adding the following:

ARTICLE 63. REMOTE PATIENT OUTCOME IMPROVEMENT ACT.

§33-63-1. Remote Patient Outcome Improvement Act.

(a) Definitions.

"Health Insurer" is any entity providing "health insurance coverage" as that term is defined in §33-48-1 of this code;

"Internet Service Provider" is any person or entity who provides internet access to a consumer;

"Medical Provider" is any person or entity as that term is defined in §16-33-2 of this code;

"Patient" means a person receiving medical treatment;

"WLAN" means a Wireless Local Area Network which is a group of co-located computers or other devices that form a network based on radio transmissions rather than wired connections, all connected together in one physical location.

(b) *Short title.* – This article shall be known as the Remote Patient Outcome Improvement Act.

(c) *Legislative Findings.* – The Legislature of the State of West Virginia finds and declares that many emergency medical visits could have been prevented if providers had a means to identify trends in deteriorating vital signs and medical device data in real or near-real time. Accordingly, it is the policy of the state of West Virginia to further connectivity and facilitate a clear legal framework for Patients, Health Insurers, Medical Providers, and Internet Service Providers to facilitate connectivity and medical data review in real or near-real time. Therefore, to promote public wellness, diminish unnecessary costs for service, and improve outcomes for patients, the Legislature of the State of West Virginia hereby seeks to improve remote patient statistical monitoring, most especially for those patients at greatest risk of emergent adverse health outcomes.

(d)(1) A Health Insurer or Medical Provider may elect to partner with an Internet Service Provider to build or subscribe to internet service at a Patient's home to facilitate the transmission and analysis of vital signs and medical device data in real or near-real time, if in the Health Insurer or Medical Provider's sole discretion, doing so would facilitate improved health outcomes for the Patient and a reduction in net costs for the care of that Patient. No data gathered or utilized in this way may be used to negatively impact the patient's costs or availability of services provided by the Health Insurer or the Medical Provider. A Patient may refuse such a subscription contemplated by this Act.

(2) If a Health Insurer or Medical Provider elects to subscribe to internet service to facilitate data transmission, an Internet Service Provider may share with the WLAN information, if any, maintained by the Internet Service Provider with the Health Insurer or Medical Provider. Health Insurers and Medical Providers may

share the WLAN information with a medical device manufacturer, dealer, or distributor to facilitate preprogramming and any necessary troubleshooting for network connectivity. Each of these actions shall be free from liability, except as it relates to the Health Insurance Portability and Accountability Act of 1996 and any other federal law, rule or regulation.

(e) Utilization. – Each Health Insurer shall report utilization data to an employer in the case of employer sponsored health insurance coverage but shall not include data regarding any internet traffic.

Engrossed Committee Substitute for House Bill 4956, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4956) passed.

On motion of Senator Tarr, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4956—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §9-5-34; to amend said code by adding thereto a new section, designated §33-15-24; to amend said code by adding thereto a new section, designated §33-16-20; to amend said code by adding thereto a new section, designated §33-24-15; to amend said code by adding thereto a new section designated §33-25-23; to amend said code by adding thereto a new section designated §33-25A-37; and to amend said code by adding thereto

a new section, designated, §33-63-1; all relating to health insurance; requiring health benefit plan coverage; requiring coverage for medically necessary dental procedures that result from cancer treatment; explaining scope of procedures covered as a result of certain cancer treatments; creating of the Remote Patient Outcome Improvement Act; providing for definitions; providing for a short title; providing findings; allowing certain health insurance plans or health providers to partner with internet service providers to improve health outcomes; and providing for utilization.

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

Eng. Com. Sub. for House Bill 5162, Establish a program to promote creation and expansion of registered apprenticeship programs.

On third reading, coming up out regular order, with the unreported Education committee amendment pending, and with the right having been granted on March 7, 2024, for further amendments to be received on third reading, was read a third time.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

On motion of Senator Grady, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7G. Youth Apprenticeship Program.

(a) In addition to any other registered apprenticeship programs, there is herein created the "Youth Apprenticeship Program," which shall allow for any public, private, or home school student in the

eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship programs.

(b) For the purposes of this section, "apprenticeship program" shall have the same meaning as defined in §21-1E-2 of this code.

(c) Any student participating in the program may receive secondary credit or other credentialing for the apprenticeship when the apprenticeship is approved by the local county board of education and in keeping with the rules of the Division of Labor (hereinafter "the division.")

(d) The West Virginia Department of Education (hereinafter "the department") is responsible for establishing the Youth Apprenticeship Program, including setting standards, providing guidelines for county boards of education to approve local enterprise and granting release time from public schools to participate in the program.

(1) The Youth Apprenticeship Program shall include a broad range of skills, including those specifically focused on manufacturing, engineering technology, administration and office technology, and health care.

(2) The county boards of education shall develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment.

(3) The program shall create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student.

(e) The department shall develop pilot projects for the 2024-2025 school year and shall implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year.

(f) Each apprenticeship shall meet the department's criteria which shall include, but is not limited to:

(1) A detailed training plan between the employer and the apprentice that identifies specific work tasks that will develop workplace competency;

(2) A minimum of 135 classroom hours of related academic instruction and training;

(3) A minimum of 400 hours of on-the-job training;

(4) A progressive wage schedule established by the participating employer;

(5) On-site evaluation of the student's performance; and

(6) Training remediation as necessary at the school site.

CHAPTER 21. LABOR

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS

§21-1E-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

"Apprentice" means someone who is enrolled in an apprenticeship program.

"Apprenticeship program" means a program offered by an employer to provide supervised on-the-job training to employees approved by the United States Department of Labor.

"Employer sponsored training program" means a program approved in accordance with a rule promulgated pursuant to authority established in §21-1E-4 of this code.

"License" means a valid and current certification or license issued by the Commissioner of Labor in accordance with the provisions of this article.

"Career technical education" means programs of study, clusters, and pathways approved by the West Virginia Board of Education pursuant to state board policy.

"Youth Apprenticeship Program" means the program created in §18-2-7g of this code and is subject to the definition of "apprentice" set forth in this section.

§21-1E-3. Recognition of training and apprenticeships; maintenance of current list of apprenticeships.

(a) Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply training hours earned via career technical education provided by West Virginia public schools or an apprenticeship program or employer-sponsored training program towards the requirements for certification and/or licensure in the same occupation in accordance with the standards and procedures authorized in accordance with this article. The training hours accumulated by a student's participation in the "Youth Apprenticeship Program" created in §18-2-7g of this code shall count towards the student's certifications or licensures, if appropriate.

(b) The State Board of Education, Higher Education Policy Commission, and Department of Commerce shall jointly maintain a list of current apprenticeships throughout the state along with free career exploration resources and planning materials for postsecondary opportunities in addition to credentials, certifications, and/or exams that reflect industry requirements or lead to postsecondary credit.

ARTICLE 6. CHILD LABOR.

§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; ~~appeal to supreme court~~ exemptions for certain students performing roofing operations.

(a) A child under 18 years of age may not be employed, permitted, or suffered to work in, about, or in connection with any of the following occupations:

(1) Motor vehicle driver and outside helper whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivery of goods;

(2) The manufacture, storage, handling or transportation of explosives or highly flammable substances;

(3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or in any other place in which the heating, melting, or heat treatment of metals is carried on;

(4) Logging and saw milling occupations;

(5) Power-driven woodworking machine occupations;

(6) Occupations involving exposure to radioactive substances and ionizing radiations;

(7) Power-driven hoisting apparatus occupations;

(8) Power-driven metal-forming, punching, and shearing machine occupations;

(9) Mining, including coal mining;

(10) Occupations involving slaughtering, meat-packing, or processing or rendering;

(11) Power-driven bakery machines;

(12) Power-driven paper-products machine occupations;

(13) Occupations involved in the manufacturing of brick, tile, and kindred products;

(14) Occupations involved in the operation of power-driven circular saws, band saws, and guillotine shears;

(15) Occupations involved in wrecking, demolition, and ship-breaking operations;

(16) Roofing operations above ground level, subject to subsection (d) of this section; and

(17) Excavation operations.

(b) A child under 18 years of age may not be employed or permitted to work in a bar, or be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place or establishment where the consumption of alcoholic beverages is permitted by law.

(c) A child under 18 years of age may not be employed or permitted to work in any occupation prohibited by law or determined by the commissioner to be dangerous or injurious: *Provided*, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or has completed the minimum training requirements of the West Virginia State Fire Commission, West Virginia Department of Education Public Service Training, or West Virginia University fire service extension, or equivalent approved program, and who has the written consent of his or her parents or guardian, may be employed by or elected as a member of a volunteer fire department to perform firefighting functions: *Provided, however*, That no child may be permitted to operate any fire fighting vehicles, enter a burning building in the course of his or her employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending collapse of a building or explosion, unless the child is under the immediate supervision of a fire line officer.

(d) Students enrolled in a Youth Apprenticeship Program pursuant to §18-2-7g of this code are authorized to work on machinery associated with occupations listed in §21-6-2(a) of this code only on an occasional and incidental basis while under mandatory direct supervision. For the purposes of this section, the term "occasional and incidental use" means use done for training purposes and for no more than five percent of the student's training hours a day.

(e) In compliance with U.S. Child Labor Provisions for nonagricultural occupations under the Fair Labor Standards Act, Child Labor Bulletin 101, exemptions shall be made for students

16 years of age or older performing roofing operations above ground level for the express purpose of learning how to install, wire, or repair a rooftop or other equipment provided the student is employed under the following conditions:

(1) The student is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school;

(2) Written consent of the parent or legal guardian for the student to perform roofing operations pursuant to this subsection is submitted to both the cooperative vocational training program or private school, as applicable, and the employer; and

(3) The student is employed under a written agreement which stipulates that:

(A) The work will be intermittent and under the direct and close supervision of a qualified and experienced person;

(B) Safety instruction will be provided by the school and coordinated with the employer through on-the-job training; and

(C) A schedule of organized and progressive work processes be performed.

(f) Other limited exemptions for nonagricultural work in compliance with U.S. Child Labor Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101 may be permitted by the department.

Engrossed Committee Substitute for House Bill 5162, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5162) passed.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

On motion of Senator Grady, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 5162—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g; to amend and reenact §21-1E-2 of said Code; to amend and reenact §21-1E-3 of said Code; and to amend and reenact §21-6-2 of said Code, all relating to creating the Youth Apprenticeship Program which allows certain students to enroll in apprenticeship programs; allowing any student participating in the program to receive secondary credit or other credentialing for the apprenticeship under certain conditions; making the West Virginia Department of Education responsible for establishing the program; requiring the program to include a broad range of skills including those specifically focused in certain areas; requiring the county boards of education to develop materials in conjunction with industry to promote awareness of apprenticeship for students and to encourage recruitment; requiring program to create a structural linkage between secondary and postsecondary components of the program leading to the school awarding a high school diploma and postsecondary certification of occupational skills to the student; requiring the department to develop pilot projects for the 2024-2025 school year and to implement and direct a comprehensive apprenticeship program for all school systems by the beginning of the 2025-2026 school year; requiring each apprenticeship to meet the department's criteria; specifying minimum criteria; adding definition of "Youth Apprenticeship Program"; providing that training hours accumulated by a student's

participation in the program count towards the student's certifications or licensures, if appropriate; requiring maintenance of a list of current apprenticeships throughout the state along with certain other resources, planning materials, credentials, certifications, and exams; authorizing students enrolled in a Youth Apprenticeship Program to work on machinery associated with certain listed occupations otherwise prohibited for a child under 18 years of age on an occasional and incidental basis while under mandatory direct supervision; providing exemptions for certain students performing roofing operations under certain conditions; and allowing the department to grant other limited exemptions for nonagricultural work in compliance with the U.S. Child Labor Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101.

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

Eng. House Bill 5548, Relating to modifying requirements imposed on any owner, operator, or manager within a tourism development project.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Weld, at 8:47 p.m., the Senate recessed until 9:15 p.m. tonight.

The Senate reconvened at 9:48 p.m.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 200, Budget Bill.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"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 2025.

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 2025" shall mean the period from July 1, 2024, through June 30, 2025.

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

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

"From collections" shall mean that part of the total appropriation which must be collected by the spending unit to be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a "Personal Services and Employee Benefits" appropriation unless the source funds are also wholly from a "Personal Services and Employee Benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, Notwithstanding any previous provision no more than twenty-five percent of the general revenue funds appropriated to the following funds 0401, 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414 and 0415 within the Department of Health Facilities may be transferred between the aforementioned funds: and no funds may be transferred to a "Personal Services and Employee Benefits" appropriation unless

the source funds are also wholly from a "Personal Services and Employee Benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to "Personal Services and Employee Benefits," "Current Expenses," "Repairs and Alterations," "Equipment," "Other Assets," "Land," "Buildings," "Contract Nursing" and "Unclassified: to other appropriations within the same account and no funds from other appropriations shall be transferred to the "Personal Services and Employee Benefits" or the "Unclassified" appropriation except that during Fiscal Year 2025, and upon approval from the State Budget Office, agencies with the appropriation "Salary and Benefits of Cabinet Secretary and Agency Heads" and "Salary and Benefits of Elected Officials" may transfer between this appropriation and the appropriation "Personal Services and Employee Benefits" an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2025, as provided by W.V. Code §6-7-2a: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that

the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

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

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

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

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.

- SECTION 9. Appropriations from general revenue fund surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2025.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2025 Org 2100

	Appro- piation	General Revenue Fund
Compensation of Members (R).....	00300	\$ 1,010,000
Compensation and Per Diem of Officers and Employees (R)	00500	4,111,332

Current Expenses and Contingent Fund (R) .02100	321,392
Repairs and Alterations (R).....06400	35,000
Technology Repair and Modernization (R) ..29800	80,000
Expenses of Members (R).....39900	550,000
BRIM Premium (R)91300	<u>44,482</u>
Total	\$ 6,152,206

The appropriations for the Senate for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

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

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

for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

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

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

2 - House of Delegates

Fund 0170 FY 2025 Org 2200

Compensation of Members (R).....	00300	\$ 3,500,000
Compensation and Per Diem of Officers and Employees (R)	00500	575,000
Current Expenses and Contingent Fund (R)	02100	6,000,000
Expenses of Members (R).....	39900	1,350,000
Capital Outlay, Repairs and Equipment (R).....	58900	500,000
BRIM Premium (R)	91300	<u>60,000</u>
Total		\$ 11,985,000

The appropriations for the House of Delegates for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

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

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

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

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

3 - Joint Expenses

(W.V. Code Chapter 4)

Fund 0175 FY 2025 Org 2300

Joint Committee on Government

and Finance (R).....	10400	\$ 8,725,138
Legislative Printing (R).....	10500	260,000
Legislative Rule-Making Review Committee (R)	10600	147,250
Legislative Computer System (R).....	10700	1,447,500
Legislative Dues and Fees (R)	10701	600,000
BRIM Premium (R)	91300	<u>60,569</u>
Total		\$ 11,240,457

The appropriations for the Joint Expenses for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

JUDICIAL*4 - Supreme Court –**General Judicial*Fund 0180 FY 2025 Org 2400

Personal Services and

Employee Benefits (R)	00100	\$ 140,195,477
Repairs and Alterations (R).....	06400	45,000
Equipment (R).....	07000	1,814,000
Military Services Members Court (R)	09002	300,000
Judges' Retirement System (R)	11000	1,220,000
Current Expenses (R).....	13000	21,482,914
Buildings (R).....	25800	10,000
Other Assets (R).....	69000	80,000

BRIM Premium (R)	91300	<u>636,118</u>
Total		\$ 165,783,509

The appropriations to the Supreme Court of Appeals for the fiscal years 2021, 2022, 2023 and 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

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

EXECUTIVE

5 - Governor's Office

(W.V. Code Chapter 5)

Fund 0101 FY 2025 Org 0100

Personal Services and		
Employee Benefits	00100	\$ 3,334,423
Salary and Benefits of		
Elected Officials	00200	201,802
Repairs and Alterations	06400	25,000
Equipment	07000	1,000
National Governors Association	12300	60,700
Current Expenses (R)	13000	799,000
Herbert Henderson Office of		
Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	623,744
BRIM Premium	91300	<u>183,645</u>

Total..... \$ 6,626,040

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), Office of Resiliency (fund 0101, appropriation 18600) and Posey Perry Emergency Food Band Fund – Surplus (fund 0101, appropriation 42399) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

6 - Governor's Office –

Custodial Fund

(W.V. Code Chapter 5)

Fund 0102 FY 2025 Org 0100

Personal Services and

Employee Benefits.....	00100	\$ 427,269
Repairs and Alterations	06400	5,000
Equipment	07000	1,000
Current Expenses (R)	13000	<u>182,158</u>
Total		\$ 615,427

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

7 - Governor's Office –

Civil Contingent Fund

(W.V. Code Chapter 5)

Fund 0105 FY 2025 Org 0100

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

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation 22599), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), Local Economic Development Assistance (fund 0105, appropriation 81900), and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The above appropriation for Directed Transfer (fund 0105, appropriation 70000), shall be transferred to the Governor's Office, West Virginia Flood Resiliency Trust Fund (fund 1070).

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia's contribution to the Interstate Oil Compact Commission.

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency, or unplanned events which

may occur during the fiscal year and is not to be expended for the normal day-to-day operations of the Governor's Office.

8 - Auditor's Office –

General Administration

(W.V. Code Chapter 12)

Fund 0116 FY 2025 Org 1200

Personal Services and		
Employee Benefits.....	00100	\$ 2,526,780
Salary and Benefits of		
Elected Officials	00200	172,237
Current Expenses (R).....	13000	13,429
BRIM Premium.....	91300	<u>12,077</u>
Total		\$ 2,724,523

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

9 - Treasurer's Office

(W.V. Code Chapter 12)

Fund 0126 FY 2025 Org 1300

Personal Services and		
Employee Benefits.....	00100	\$ 2,673,991
Salary and Benefits of		
Elected Officials	00200	179,158
Unclassified.....	09900	31,463
Abandoned Property Program.....	11800	41,794
Current Expenses (R).....	13000	572,684
Other Assets	69000	10,000
ABLE Program	69201	150,000
BRIM Premium.....	91300	<u>59,169</u>
Total		\$ 3,718,259

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

10 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 0131 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 7,126,454
Salary and Benefits of		
Elected Officials	00200	158,702
Animal Identification Program	03900	140,226
State Farm Museum	05500	87,759
Gypsy Moth Program (R)	11900	1,156,460
WV Farmers Market	12801	150,467
Current Expenses (R)	13000	848,115
Black Fly Control.....	13700	462,894
HEMP Program.....	13701	393,442
Donated Foods Program	36300	45,000
Veterans to Agriculture Program (R)	36301	276,314
Predator Control (R)	47000	176,400
Bee Research.....	69100	177,071
Microbiology Program.....	78500	109,024
Moorefield Agriculture Center.....	78600	1,106,427
Chesapeake Bay Watershed	83000	127,793
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and		
Conference Center	94101	809,507
Threat Preparedness	94200	80,708
WV Food Banks.....	96900	426,000
Senior's Farmers' Market Nutrition		
Coupon Program.....	97000	<u>55,835</u>
Total		\$ 14,062,323

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Veterans to Agriculture Program (fund 0131, appropriation 36301), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

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

11 - West Virginia Conservation Agency

(W.V. Code Chapter 19)

Fund 0132 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	914,027
Unclassified.....	09900		77,059
Soil Conservation Projects (R).....	12000		10,293,335
Current Expenses (R).....	13000		317,848
BRIM Premium.....	91300		<u>34,428</u>
Total.....		\$	11,636,697

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000), Current Expenses (fund 0132, appropriation 13000), and Soil Conservation Projects – Surplus (fund 0132, appropriation 26900)

at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

12 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 0135 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	1,079,845
Unclassified.....	09900		7,090
Current Expenses	13000		<u>82,605</u>
Total		\$	<u>1,169,540</u>

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

13 - Department of Agriculture –

Agricultural Awards Fund

(W.V. Code Chapter 19)

Fund 0136 FY 2025 Org 1400

Programs and Awards for 4-H Clubs

and FFA/FHA	57700	\$	15,000
Commissioner's Awards and Programs	73700		<u>39,250</u>
Total		\$	<u>54,250</u>

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(W.V. Code Chapter 8A)

Fund 0607 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	108,743
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Unclassified.....	09900	<u>950</u>
Total		\$ 109,693

15 - Attorney General

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

Fund 0150 FY 2025 Org 1500

Personal Services and		
Employee Benefits (R)	00100	\$ 3,599,891
Salary and Benefits of		
Elected Officials	00200	156,799
Repairs and Alterations	06400	1,000
Equipment	07000	7,500
Unclassified (R)	09900	24,428
Current Expenses (R)	13000	681,295
Criminal Convictions and Habeas		
Corpus Appeals (R)	26000	1,010,387
Better Government Bureau	74000	292,286
BRIM Premium	91300	<u>120,654</u>
Total		\$ 5,894,240

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the

spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

16 - Secretary of State

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

Fund 0155 FY 2025 Org 1600

Salary and Benefits of

Elected Officials	00200	\$	158,702
Unclassified (R)	09900		8,352
Current Expenses (R)	13000		781,584
BRIM Premium	91300		34,500
Total		\$	983,138

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

17 - State Election Commission

(W.V. Code Chapter 3)

Fund 0160 FY 2025 Org 1601

Personal Services and

Employee Benefits	00100	\$	2,477
Unclassified	09900		75
Current Expenses	13000		4,956
Total		\$	7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0186 FY 2025 Org 0201

Personal Services and

Employee Benefits.....	00100	\$	494,563
Salary and Benefits of Cabinet			
Secretary and Agency Heads	00201		153,400
Repairs and Alterations	06400		100
Equipment	07000		1,000
Unclassified.....	09900		9,177
Current Expenses	13000		85,009
Financial Advisor (R).....	30400		27,546
Lease Rental Payments	51600		14,850,000
Design-Build Board	54000		4,000
Other Assets	69000		100
BRIM Premium.....	91300		5,736
Total		\$	15,630,631

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

19 - Consolidated Public Retirement Board

(W.V. Code Chapter 5)

Fund 0195 FY 2025 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission, and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(W.V. Code Chapter 5A)

Fund 0203 FY 2025 Org 0209

Personal Services and

Employee Benefits.....	00100	\$	67,855
Unclassified.....	09900		1,400
GAAP Project (R)	12500		667,274
Current Expenses	13000		53,563
BRIM Premium.....	91300		<u>12,675</u>
Total		\$	810,767

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

21 - Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2025 Org 0211

Personal Services and

Employee Benefits.....	00100	\$	3,147,415
Repairs and Alterations	06400		500
Equipment	07000		5,000
Unclassified.....	09900		20,000
Fire Service Fee	12600		14,000
Current Expenses	13000		1,148,349
Preservation and Maintenance of			
Statues and Monuments			
on Capitol Grounds.....	37100		68,000
Capital Outlay, Repairs and Equipment (R)	58900		21,610,888
BRIM Premium.....	91300		<u>379,983</u>
Total		\$	26,394,135

Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation

58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Consolidated State Laboratory – Surplus (fund 0230, appropriation 37799) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

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

22 - Division of Purchasing

(W.V. Code Chapter 5A)

Fund 0210 FY 2025 Org 0213

Personal Services and		
Employee Benefits.....	00100	\$ 1,138,111
Repairs and Alterations.....	06400	200
Unclassified.....	09900	144
Current Expenses	13000	1,285
BRIM Premium.....	91300	<u>6,922</u>
Total.....		\$ 1,146,662

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

23 - Travel Management

(W.V. Code Chapter 5A)

Fund 0615 FY 2025 Org 0215

Personal Services and		
Employee Benefits.....	00100	\$ 866,731

Repairs and Alterations	06400	1,000
Equipment	07000	5,000
Unclassified	09900	12,032
Current Expenses	13000	440,247
Buildings	25800	100
Other Assets	69000	100
Total		<u>\$ 1,325,210</u>

24 - Commission on Uniform State Laws

(W.V. Code Chapter 29)

Fund 0214 FY 2025 Org 0217

Current Expenses	13000	\$ 45,550
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To pay expenses for members of the Commission on Uniform State Laws.

25 - West Virginia Public Employees Grievance Board

(W.V. Code Chapter 6C)

Fund 0220 FY 2025 Org 0219

Personal Services and		
Employee Benefits	00100	\$ 1,058,141
Equipment	07000	50
Unclassified	09900	1,000
Current Expenses	13000	145,295
BRIM Premium	91300	<u>8,000</u>
Total		<u>\$ 1,212,486</u>

26 - Ethics Commission

(W.V. Code Chapter 6B)

Fund 0223 FY 2025 Org 0220

Personal Services and		
Employee Benefits	00100	\$ 660,353
Repairs and Alterations	06400	500

Unclassified.....	09900	2,200
Current Expenses	13000	105,501
Other Assets	69000	100
BRIM Premium.....	91300	4,574
Total.....		\$ 773,228

27 - Public Defender Services

(W.V. Code Chapter 29)

Fund 0226 FY 2025 Org 0221

Personal Services and		
Employee Benefits.....	00100	\$ 2,007,935
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	119,000
Unclassified.....	09900	333,300
Current Expenses	13000	12,740
Public Defender Corporations.....	35200	23,021,081
Appointed Counsel Fees (R).....	78800	12,691,113
BRIM Premium.....	91300	10,575
Total.....		\$ 38,195,744

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees - Surplus (fund 0226, appropriation 43500) and Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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 - Division of Personnel

(W.V. Code Chapter 29)

Fund 0206 FY 2025 Org 0222

Directed Transfer	70000	\$ 1,800,000
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The above appropriation for Directed Transfer (fund 0206, appropriation 70000) shall be transferred to the Division of Personnel (fund 2440).

29 - Committee for the Purchase of

Commodities and Services from the Handicapped

(W.V. Code Chapter 5A)

Fund 0233 FY 2025 Org 0224

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

30 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 0557 FY 2025 Org 0228

Forensic Medical Examinations (R)	68300	\$ 571,016
Federal Funds/Grant Match (R)	74900	117,028
Total.....		\$ 688,044

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

31 - Real Estate Division

(W.V. Code Chapter 5A)

Fund 0610 FY 2025 Org 0233

Personal Services and		
Employee Benefits.....	00100	\$ 752,882
Repairs and Alterations.....	06400	100

Equipment	07000	2,500
Unclassified.....	09900	124
Current Expenses	13000	137,381
BRIM Premium.....	91300	8,284
Total.....		\$ 901,271

DEPARTMENT OF COMMERCE

32 - *Division of Forestry*

(W.V. Code Chapter 19)

Fund 0250 FY 2025 Org 0305

Personal Services and		
Employee Benefits.....	00100	\$ 5,235,593
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	111,674
Repairs and Alterations	06400	80,000
Unclassified.....	09900	21,435
Current Expenses	13000	558,024
BRIM Premium.....	91300	98,754
Total.....		\$ 6,105,480

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

Any unexpended balances remaining in the appropriations for Current Expenses – Surplus (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

33 - *Geological and Economic Survey*

(W.V. Code Chapter 29)

Fund 0253 FY 2025 Org 0306

Personal Services and		
Employee Benefits.....	00100	\$ 1,895,457

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	112,753
Repairs and Alterations	06400	968
Unclassified.....	09900	27,678
Current Expenses	13000	51,524
Mineral Mapping System (R)	20700	1,215,510
BRIM Premium.....	91300	<u>24,486</u>
Total		\$ 3,328,376

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

34 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 0260 FY 2025 Org 0308

Personal Services and

Employee Benefits.....	00100	\$ 1,738,911
Repairs and Alterations	06400	28,000
Unclassified.....	09900	15,000
Current Expenses	13000	227,000
BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 2,017,411

35 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 0265 FY 2025 Org 0310

Personal Services and

Employee Benefits.....	00100	\$ 21,378,594
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Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	113,188
Repairs and Alterations	06400	100
Equipment	07000	100
Unclassified.....	09900	184,711
Current Expenses	13000	529,654
Buildings (R).....	25800	100
Capital Outlay – Parks (R).....	28800	6,000,000
Litter Control Conservation Officers	56400	156,980
Upper Mud River Flood Control (R)	65400	176,930
Other Assets	69000	100
Land (R).....	73000	100
Law Enforcement.....	80600	2,731,281
BRIM Premium.....	91300	45,141
Total.....		\$ 31,316,979

Any unexpended balances remaining in the appropriations for Equine Enrichment - Surplus (fund 0265, appropriation 22899), Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Upper Mud River Flood Control (fund 0265, appropriation 65400), Current Expenses – Surplus (fund 0265, appropriation 13099), Capital Outlay, Repairs and Equipment – Surplus (fund 0265, appropriation 67700), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

36 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22A)

Fund 0277 FY 2025 Org 0314

Personal Services and

Employee Benefits.....	00100	\$ 10,244,651
Unclassified.....	09900	111,016

Current Expenses	13000	1,396,141
Coal Dust and Rock Dust Sampling	27000	509,584
BRIM Premium.....	91300	<u>80,668</u>
Total		\$ 12,342,060

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

37 - Board of Coal Mine Health and Safety

(W.V. Code Chapter 22A)

Fund 0280 FY 2025 Org 0319

Personal Services and		
Employee Benefits.....	00100	\$ 248,931
Unclassified.....	09900	3,480
Current Expenses	13000	<u>118,138</u>
Total		\$ 370,549

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

38 - WorkForce West Virginia

(W.V. Code Chapter 21A)

Fund 0572 FY 2025 Org 0323

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

39 - Department of Commerce –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0606 FY 2025 Org 0327

Personal Services and

Employee Benefits.....	00100	\$ 1,469,368
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	153,750
Unclassified.....	09900	1,490
Current Expenses	13000	<u>353,147</u>
Total		\$ 1,977,755

Any unexpended balance remaining in the appropriation for Jobs for WV Graduates - Surplus (fund 0606, appropriation 86399) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

*40 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(W.V. Code Chapter 18)

Fund 0310 FY 2025 Org 0932

Personal Services and

Employee Benefits.....	00100	\$ 12,795,976
Independent Living Services.....	00900	429,418
Current Expenses	13000	558,815
Workshop Development.....	16300	1,817,427
Supported Employment		
Extended Services.....	20600	77,960
Ron Yost Personal Assistance Fund	40700	333,828
Employment Attendant Care Program	59800	131,575
BRIM Premium.....	91300	<u>77,464</u>
Total		\$ 16,222,463

The above appropriation for Workshop Development (fund 0310, appropriation 16300) shall be used exclusively with the private nonprofit community rehabilitation program organizations known as work centers or sheltered workshops. The appropriation

shall also be used to continue the support of the program, services, and individuals with disabilities currently in place at those organizations.

DEPARTMENT OF TOURISM

41 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2025 Org 0304

Tourism – Brand Promotion (R)	61803	\$ 10,000,000
Tourism – Public Relations (R).....	61804	1,500,000
Tourism – Events and Sponsorships (R)	61805	8,800,000
Tourism – Industry Development (R)	61806	8,500,000
State Parks and Recreation Advertising (R).....	61900	<u>1,500,000</u>
Total		\$ 30,300,000

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0246, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), State Parks and Recreation Advertising (fund 0246, appropriation 61900), Tourism – Brand Promotion – Surplus (fund 0246, appropriation 61893), and Tourism – Industry Development – Surplus (fund 0246, appropriation 61896 at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

42 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0256 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 4,403,988
Unclassified.....	09900	108,055
Current Expenses	13000	4,738,464
National Youth Science Camp	13200	241,570
Local Economic Development		
Partnerships (R)	13300	1,250,000
ARC Assessment.....	13600	152,585
Global Economic Development		
Partnerships (R)	20201	150,000
Guaranteed Work Force Grant (R).....	24200	994,970
Mainstreet Program.....	79400	176,663
Marshall University Research		
Corporation	80701	500,000
BRIM Premium.....	91300	3,157
Hatfield McCoy Recreational Trail.....	96000	198,415
Total		\$ 12,917,867

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), Guaranteed Work Force Grant (fund 0256, appropriation 24200), and Current Expenses – Surplus (fund 0256, appropriation 13099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

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

DEPARTMENT OF EDUCATION

43 - State Board of Education –

School Lunch Program

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

Fund 0303 FY 2025 Org 0402

Personal Services and

Employee Benefits.....00100	\$	378,654
Current Expenses13000		<u>2,118,865</u>
Total	\$	2,497,519

44 - State Board of Education –

State Department of Education

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

Fund 0313 FY 2025 Org 0402

Personal Services and

Employee Benefits.....00100	\$	4,965,309
Teachers' Retirement Savings		
Realized09500		38,166,000

Unclassified (R)	09900	420,000
Center for Professional Development (R).....	11500	150,000
Current Expenses (R)	13000	4,580,000
Increased Enrollment	14000	10,440,000
Safe Schools.....	14300	4,432,241
Attendance Incentive Bonus (R)	15001	2,262,389
National Teacher Certification (R).....	16100	300,000
Jobs & Hope – Childhood Drug Prevention Education.....	21901	5,000,000
Technology Repair and Modernization.....	29800	951,003
Hope Scholarship Program	30401	18,222,183
HVAC Technicians.....	35500	555,872
Early Retirement Notification Incentive	36600	300,000
MATH Program	36800	886,532
Assessment Programs (R)	39600	4,002,567
Benedum Professional Development Collaborative (R)	42700	429,775
Governor's Honors Academy (R).....	47800	1,059,270
21st Century Fellows	50700	274,899
English as a Second Language.....	52800	96,000
Teacher Reimbursement.....	57300	297,188
Hospitality Training	60000	281,051
Youth in Government.....	61600	100,000
High Acuity Special Needs (R).....	63400	1,500,000
Foreign Student Education.....	63600	102,133
State Board of Education Administrative Costs	68400	289,328
IT Academy (R)	72100	500,000
Early Literacy Program.....	75600	5,724,015
School Based Truancy Prevention (R).....	78101	2,084,385
Communities in Schools (R).....	78103	4,912,637
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program.....	86401	1,300,000
21st Century Learners (R).....	88600	1,859,919
BRIM Premium.....	91300	342,859
21st Century Assessment and Professional Development.....	93100	2,105,254
21st Century Technology Infrastructure Network Tools and Support (R).....	93300	10,042,723

Special Olympic Games.....	96600	25,000
Educational Program Allowance.....	99600	<u>516,250</u>
Total.....		\$ 129,738,021

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

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), Attendance Incentive Bonus (fund 0313, appropriation 15001), National Teacher Certification (fund 0313, appropriation 16100), Hope Scholarship Program (fund 0313, appropriation 30401), Assessment Programs (fund 0313, appropriation 39600), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300), and Communities in Schools – Surplus (fund 0313, appropriation 78199) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000 shall be for assisting low income students with AP and CLEP exam fees.

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

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

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

45 - State Board of Education –

Aid for Exceptional Children

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

Fund 0314 FY 2025 Org 0402

Special Education – Counties	15900	\$ 7,425,757
Special Education – Institutions.....	16000	4,289,257
Education of Juveniles Held in Predispositional Juvenile Detention Centers	30200	731,666
Education of Institutionalized Juveniles and Adults (R).....	47200	<u>22,666,536</u>
Total		\$ 35,113,216

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 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

46 - State Board of Education –

State Aid to Schools

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

Fund 0317 FY 2025 Org 0402

Other Current Expenses	02200	\$ 200,472,511
Advanced Placement.....	05300	716,707
Professional Educators.....	15100	968,229,854
Service Personnel.....	15200	384,280,888
Fixed Charges	15300	116,946,777
Transportation	15400	99,231,183
Improved Instructional Programs.....	15600	64,052,249
Professional Student Support Services	65500	66,746,268
21st Century Strategic Technology		
Learning Growth.....	93600	50,599,261
Teacher and Leader Induction.....	93601	29,634,380
Basic Foundation Allowances.....		1,980,910,078
Less Local Share		(597,038,264)
Adjustments		8,212,243
Total Basic State Aid.....		1,392,084,057
Public Employees' Insurance Matching	01200	292,043,423
Teachers' Retirement System	01900	68,992,393
Retirement Systems – Unfunded Liability....	77500	281,398,607
Total		\$ 2,034,518,480

47 - State Board of Education –

Vocational Division

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

Fund 0390 FY 2025 Org 0402

Personal Services and		
Employee Benefits.....	00100	\$ 1,447,535
Unclassified.....	09900	268,800

Current Expenses	13000	883,106
Wood Products – Forestry		
Vocational Program.....	14600	82,713
Albert Yanni Vocational Program	14700	132,123
Vocational Aid.....	14800	24,826,517
Adult Basic Education	14900	5,905,442
Jobs & Hope (R)	14902	6,256,170
Program Modernization	30500	884,313
High School Equivalency Diploma		
Testing (R)	72600	820,630
FFA Grant Awards	83900	11,496
Pre-Engineering Academy Program.....	84000	265,294
Total		<u>\$ 41,784,139</u>

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0390, appropriation 14901), Jobs and Hope (fund 0390, appropriation 14902), High School Equivalency Diploma Testing (fund 0390, appropriation 72600), and Jobs & Hope – Surplus (fund 0390, appropriation 14099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

48 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

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

Fund 0320 FY 2025 Org 0403

Personal Services and		
Employee Benefits.....	00100	\$ 11,281,982
Repairs and Alterations	06400	164,675
Equipment	07000	77,000
Unclassified (R)	09900	110,000
Current Expenses (R)	13000	2,250,696
Buildings (R).....	25800	45,000
Capital Outlay and Maintenance (R)	75500	1,670,000
BRIM Premium.....	91300	<u>130,842</u>
Total		<u>\$ 15,730,195</u>

Any unexpended balances remaining in the appropriations for Unclassified (fund 0320, appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

49 - State Board of Education –

School Building Authority

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

Fund 0318 FY 2025 Org 0404

School Building Authority45300 \$ 24,000,000

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

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2025 Org 0432

Personal Services and		
Employee Benefits.....	00100	\$ 4,356,187
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	120,106
Repairs and Alterations	06400	1,000
Equipment	07000	1
Unclassified (R)	09900	28,483
Current Expenses	13000	610,843
WV Humanities Council	16800	250,000
Buildings	25800	1
Other Assets	69000	1
Educational Enhancements	69500	73,500
Land	73000	1

Culture and History Programming	73200	231,573
Capital Outlay and Maintenance (R)	75500	19,600
Historical Highway Marker Program.....	84400	57,548
BRIM Premium.....	91300	39,337
Total		\$ 5,788,181

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Capital Outlay and Maintenance (fund 0293, appropriation 75500), and Current Expenses – Surplus (fund 0293, appropriation 13099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

51 - Library Commission

(W.V. Code Chapter 10)

Fund 0296 FY 2025 Org 0432

Personal Services and		
Employee Benefits.....	00100	\$ 1,206,111
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	112,000
Repairs and Alterations	06400	6,500
Current Expenses	13000	139,624
Services to Blind & Handicapped.....	18100	161,717
BRIM Premium.....	91300	18,205
Total		\$ 1,644,157

52 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 0300 FY 2025 Org 0439

Personal Services and

Employee Benefits.....	00100	\$ 3,542,948
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	120,106
Current Expenses	13000	113,844
Mountain Stage	24900	450,000
Capital Outlay and Maintenance (R)	75500	49,250
BRIM Premium.....	91300	47,727
Total		\$ 4,323,875

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION*53 - Environmental Quality Board*

(W.V. Code Chapter 20)

Fund 0270 FY 2025 Org 0311

Personal Services and

Employee Benefits.....	00100	\$ 100,930
Repairs and Alterations	06400	800
Equipment	07000	500
Current Expenses	13000	28,453
Other Assets	69000	400
BRIM Premium.....	91300	791
Total		\$ 131,874

54 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 0273 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 4,428,232
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	168,000
Water Resources Protection and		
Management	06800	596,832
Current Expenses	13000	85,816
Environmental Response and Cleanups	27101	91,888
Dam Safety.....	60700	258,751
West Virginia Stream Partners Program.....	63700	77,396
West Virginia Drinking Water		
Treatment Revolving Fund – Transfer....	68900	647,500
W.V. Contributions to River		
Commissions.....	77600	148,485
Office of Water Resources		
Non-Enforcement Activity.....	85500	<u>1,119,545</u>
Total		\$ 7,622,445

55 - Air Quality Board

(W.V. Code Chapter 16)

Fund 0550 FY 2025 Org 0325

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

DEPARTMENT OF HEALTH*56 - Department of Health –**Central Office*

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

Personal Services and

Employee Benefits.....	00100	\$ 19,188,319
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	358,400
Chief Medical Examiner (R).....	04500	10,888,464
Unclassified.....	09900	671,795
Current Expenses	13000	5,388,459
State Aid for Local and Basic		
Public Health Services	18400	19,043,283
Safe Drinking Water Program (R).....	18700	2,094,479
Women, Infants and Children	21000	38,621
Early Intervention	22300	8,134,060
Cancer Registry.....	22500	228,162
Office of Drug Control Policy	35401	4,773
Statewide EMS Program Support (R).....	38300	1,741,608
Office of Medical Cannabis (R).....	42001	1,588,743
Black Lung Clinics	46700	170,885
Vaccine for Children	55100	341,261
Tuberculosis Control.....	55300	353,454
Maternal and Child Health Clinics,		
Clinicians and Medical		
Contracts and Fees (R).....	57500	6,255,431
Epidemiology Support	62600	1,633,693
Primary Care Support	62800	1,257,178
Commission for the Deaf and		
Hard of Hearing	70400	234,018
Sexual Assault Intervention		
and Prevention	72300	2,000,000
Health Right Free Clinics.....	72700	4,250,000
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles	77800	916,519
Maternal Mortality Review	83400	52,692
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791

State Trauma and Emergency

Care System.....	91800	1,968,716
WVU Charleston Poison		
Control Hotline	94400	<u>712,942</u>
Total.....		\$ 89,853,781

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical Cannabis-Surplus (fund 0407, appropriation 42099), Vaccine for Children (fund 0407, appropriation 55100), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), \$650,000 shall be used for the Office of Inspector General Program; an amount not less than \$100,000 shall be used for the West Virginia Cancer Coalition; \$50,000 shall be used for the West Virginia AIDS Coalition; \$100,000 shall be used for the Adolescent Immunization Education; \$73,065 shall be used for informal dispute resolution relating to nursing home

administrative appeals; and \$1,000,000 shall be used for the administration of the Telestroke program.

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

57 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 0416 FY 2025 Org 0510

Personal Services and

Employee Benefits.....	00100	\$ 1,107,869
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	114,091
Unclassified.....	09900	4,024
Current Expenses	13000	331,304
BRIM Premium.....	91300	10,764
Total		\$ 1,568,052

DEPARTMENT OF HUMAN SERVICES

58 - Division of Human Services

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

Fund 0403 FY 2025 Org 0511

Personal Services and

Employee Benefits.....	00100	\$ 51,955,815
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	\$159,250
Unclassified.....	09900	5,688,944
Current Expenses	13000	19,658,300
Child Care Development.....	14400	3,176,471
Jobs & Hope.....	14902	1

Medical Services	18900	192,686,946
Social Services	19500	225,423,865
Family Preservation Program	19600	1,565,000
Behavioral Health Program (R)	21900	62,068,956
Family Resource Networks.....	27400	1,762,464
Substance Abuse Continuum of Care (R)	35400	1
Office of Drug Control Policy (R)	35401	367,875
Domestic Violence Legal Services Fund	38400	400,000
James "Tiger" Morton Catastrophic Illness Fund.....	45500	377,871
I/DD Waiver.....	46600	108,541,736
Child Protective Services Case Workers.....	46800	31,715,573
Title XIX Waiver for Seniors	53300	24,593,620
WV Teaching Hospitals Tertiary/Safety Net.....	54700	6,356,000
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program	69800	1,535,000
Child Support Enforcement	70500	7,356,875
Temporary Assistance for Needy Families/Maintenance of Effort	70700	25,819,096
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth	75900	1,000,000
Medical Services Administrative Costs	78900	43,786,785
Traumatic Brain Injury Waiver	83500	800,000
Indigent Burials (R)	85100	550,000
CHIP Administrative Costs	85601	705,792
CHIP Services	85602	10,489,660
BRIM Premium.....	91300	945,891
Rural Hospitals Under 150 Beds.....	94000	2,596,000
Children's Trust Fund – Transfer.....	95100	220,000
PATH.....	95400	7,345,411
Total		<u>\$841,338,416</u>

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

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100), and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Human Services shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

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

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

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

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

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

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

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

Included in the appropriation for Behavioral Health Program (fund 0403, appropriation 21900), is \$100,000 for Recovery Point of Huntington.

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

From the above appropriation for Substance Abuse Continuum of Care (fund 0403, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

DEPARTMENT OF HEALTH FACILITIES

59 - Health Facilities –

Central Office

(W.V. Code Chapter 16)

Fund 0401 FY 2025 Org 0512

Personal Services and		
Employee Benefits.....	00100	\$ 1,710,519
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	245,000
Current Expenses	13000	1,257,327
BRIM Premium.....	91300	442,849
Total		\$ 3,655,695

*60 - Health Facilities –**Health Facilities Capital Projects Fund*

(W.V. Code Chapter 16)

Fund 0402 FY 2025 Org 0512

Capital Outlay and Maintenance	75500	\$ 550,000
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The Secretary shall have the ability to transfer between appropriations for Capital Outlay and Maintenance within the funds 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414 and 0415 as needed.

*61 - Health Facilities –**Hopemont Hospital*

(W.V. Code Chapter 16)

Fund 0408 FY 2025 Org 0512

Personal Services and		
Employee Benefits (R)	00100	\$ 6,580,740
Repairs and Alterations (R).....	06400	90,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	2,173,082
Buildings (R).....	25800	1
Other Assets (R).....	69000	1

Contract Nursing (R).....	72301	3,893,811
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	40,000
Total		\$ 12,827,637

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0408, appropriation 00100), Repairs and Alterations (fund 0408, appropriation 06400), Equipment (0408, appropriation 07000), Current Expenses (fund 0408, appropriation 13000), Buildings (fund 0408, appropriation 25800), Other Assets (fund 0408, appropriation 69000), Contract Nursing (fund 0408, appropriation 72301), Capital Outlay and Maintenance (fund 0408, appropriation 75500), and BRIM Premium (fund 0408, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

62 - *Health Facilities –*

Lakin Hospital

(W.V. Code Chapter 16)

Fund 0409 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 8,368,450
Repairs and Alterations (R).....	06400	60,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	2,363,676
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	3,539,262
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	70,000
Total		\$ 14,451,392

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0409, appropriation 00100), Repairs and Alterations (fund 0409, appropriation 06400), Equipment (0409, appropriation 07000), Current Expenses (fund 0409, appropriation 13000), Buildings (fund 0409, appropriation 25800), Other Assets (fund 0409, appropriation 69000), Contract Nursing (fund 0409, appropriation 72301), Capital Outlay and Maintenance (fund 0409, appropriation 75500), and BRIM Premium (fund 0409, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

63 - Health Facilities –

John Manchin Senior Health Care Center

(W.V. Code Chapter 16)

Fund 0410 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 4,199,228
Repairs and Alterations (R).....	06400	50,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	1,471,878
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	2,907,556
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	25,000
Total		\$ 8,703,666

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0410, appropriation 00100), Repairs and Alterations (fund 0410, appropriation 06400), Equipment (0410, appropriation 07000), Current Expenses (fund 0410, appropriation 13000), Buildings (fund 0410, appropriation 25800), Other Assets (fund 0410, appropriation 69000), Contract Nursing (fund 0410,

appropriation 72301), Capital Outlay and Maintenance (fund 0410, appropriation 75500), and BRIM Premium (fund 0410, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

64 - Health Facilities –

Jackie Withrow Hospital

(W.V. Code Chapter 16)

Fund 0411 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 7,380,957
Repairs and Alterations (R).....	06400	200,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	2,655,893
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	2,000,311
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	50,000
Total		\$ 12,337,165

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0411, appropriation 00100), Repairs and Alterations (fund 0411, appropriation 06400), Equipment (0411, appropriation 07000), Current Expenses (fund 0411, appropriation 13000), Buildings (fund 0411, appropriation 25800), Other Assets (fund 0411, appropriation 69000), Contract Nursing (fund 0411, appropriation 72301), Capital Outlay and Maintenance (fund 0411, appropriation 75500), and BRIM Premium (fund 0411, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

65 - Health Facilities –

Welch Community Hospital

(W.V. Code Chapter 16)

Fund 0412 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 15,111,349
Repairs and Alterations (R).....	06400	1
Equipment (R).....	07000	1
Current Expenses (R)	13000	13,199,285
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	2,576,401
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>120,000</u>
Total		\$ 31,057,039

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0412, appropriation 00100), Repairs and Alterations (fund 0412, appropriation 06400), Equipment (0412, appropriation 07000), Current Expenses (fund 0412, appropriation 13000), Buildings (fund 0412, appropriation 25800), Other Assets (fund 0412, appropriation 69000), Contract Nursing (fund 0412, appropriation 72301), Capital Outlay and Maintenance (fund 0412, appropriation 75500), and BRIM Premium (fund 0412, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

*66 - Health Facilities –**William R. Sharpe Jr. Hospital*

(W.V. Code Chapter 16)

Fund 0413 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 26,497,231
Repairs and Alterations (R).....	06400	350,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	10,280,300
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	41,969,835
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>260,000</u>
Total.....		\$ 79,407,370

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0413, appropriation 00100), Repairs and Alterations (fund 0413, appropriation 06400), Equipment (0413, appropriation 07000), Current Expenses (fund 0413, appropriation 13000), Buildings (fund 0413, appropriation 25800), Other Assets (fund 0413, appropriation 69000), Contract Nursing (fund 0413, appropriation 72301), Capital Outlay and Maintenance (fund 0413, appropriation 75500), and BRIM Premium (fund 0413, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

The above appropriation for Personal Services and Employee Benefits (fund 0413, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of \$2,202,013.

67 - Health Facilities –

Mildred Mitchell-Bateman Hospital

(W.V. Code Chapter 16)

Fund 0414 FY 2025 Org 0512

Personal Services and		
Employee Benefits (R)	00100	\$ 25,016,184
Repairs and Alterations (R).....	06400	300,001
Equipment (R).....	07000	1
Current Expenses (R).....	13000	2,967,683
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	24,957,520
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>215,000</u>
Total.....		\$ 53,506,391

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0414, appropriation 00100), Repairs and Alterations (fund 0414, appropriation 06400), Equipment (0414, appropriation 07000), Current Expenses (fund 0414, appropriation 13000), Buildings (fund 0414, appropriation 25800), Other Assets (fund 0414, appropriation 69000), Contract Nursing (fund 0414, appropriation 72301), Capital Outlay and Maintenance (fund 0414, appropriation 75500), and BRIM Premium (fund 0414, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

The above appropriation for Personal Services and Employee Benefits (fund 0414, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of \$2,067,984.

68 - Health Facilities –*William R. Sharpe Jr. Hospital -**Transitional Living Facility*

(W.V. Code Chapter 16)

Fund 0415 FY 2025 Org 0512**Personal Services and**

Employee Benefits (R)	00100	\$ 1,594,131
Repairs and Alterations (R).....	06400	2,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	171,794
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	10,000
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	20,000
Total		\$ 1,847,929

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0415, appropriation 00100), Repairs and Alterations (fund 0415, appropriation 06400), Equipment (0415, appropriation 07000), Current Expenses (fund 0415, appropriation 13000), Buildings (fund 0415, appropriation 25800), Other Assets (fund 0415, appropriation 69000), Contract Nursing (fund 0415, appropriation 72301), Capital Outlay and Maintenance (fund 0415, appropriation 75500), and BRIM Premium (fund 0415, appropriation 91300)) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

DEPARTMENT OF HOMELAND SECURITY**69 - Department of Homeland Security –***Office of the Secretary*

(W.V. Code Chapter 5F)

Fund 0430 FY 2025 Org 0601

Personal Services and		
Employee Benefits.....	00100	\$ 695,143
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	168,000
Repairs and Alterations	06400	500
Equipment	07000	500
Unclassified (R)	09900	30,000
Current Expenses	13000	91,636
Fusion Center (R).....	46900	3,052,318
Other Assets	69000	500
Directed Transfer	70000	32,000
BRIM Premium.....	91300	22,563
WV Fire and EMS Survivor Benefit (R)	93900	200,000
Total		\$ 4,293,160

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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).

70 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 0443 FY 2025 Org 0606

Personal Services and		
Employee Benefits.....	00100	\$ 2,294,279

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	61,250
Repairs and Alterations	06400	600
Unclassified.....	09900	21,022
Current Expenses	13000	51,065
Radiological Emergency Preparedness	55400	17,052
SIRN	55401	600,000
Federal Funds/Grant Match (R)	74900	1,538,775
Mine and Industrial Accident Rapid		
Response Call Center.....	78100	530,392
Early Warning Flood System (R).....	87700	1,480,890
BRIM Premium.....	91300	96,529
Total		\$ 6,691,854

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), and Early Warning Flood System (fund 0443, appropriation 87700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

*71 - Division of Corrections and Rehabilitation –**West Virginia Parole Board*

(W.V. Code Chapter 62)

Fund 0440 FY 2025 Org 0608

Personal Services and

Employee Benefits.....	00100	\$ 317,039
Unclassified.....	09900	10,000
Current Expenses	13000	334,440
Salaries of Members of West Virginia		
Parole Board	22700	786,374
BRIM Premium.....	91300	6,149
Total		\$ 1,454,002

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

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

(W.V. Code Chapter 15A)

Fund 0446 FY 2025 Org 0608

Personal Services and		
Employee Benefits.....	00100	\$ 256,747
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	126,000
Current Expenses	13000	<u>2,400</u>
Total		\$ 385,147

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

(W.V. Code Chapter 15A)

Fund 0450 FY 2025 Org 0608

Employee Benefits	01000	\$ 1,258,136
Children's Protection Act (R)	09000	838,437
Unclassified.....	09900	1,578,800
Current Expenses (R)	13000	57,690,483
Facilities Planning and		
Administration (R).....	38600	1,274,200
Charleston Correctional Center	45600	4,041,521
Beckley Correctional Center.....	49000	3,018,511
Anthony Correctional Center	50400	6,905,924
Huttonsville Correctional Center	51400	23,165,663
Northern Correctional Center.....	53400	9,593,719
Inmate Medical Expenses (R)	53500	62,226,064
Pruntytown Correctional Center	54300	10,310,325
Corrections Academy	56900	2,106,862
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	5,358,718
Parole Services.....	68600	6,512,380
Special Services	68700	6,317,554

Directed Transfer	70000	7,432,686
Investigative Services	71600	3,743,303
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center	77400	13,168,692
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center.....	79100	7,863,195
Parkersburg Correctional Center.....	82800	7,511,290
St. Mary's Correctional Center.....	88100	17,061,358
Denmar Correctional Center	88200	6,018,233
Ohio County Correctional Center	88300	2,629,742
Mt. Olive Correctional Complex	88800	27,136,647
Lakin Correctional Center.....	89600	12,619,819
BRIM Premium.....	91300	<u>2,527,657</u>
Total		\$317,211,561

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

The above appropriation for Directed Transfer (fund 0450, appropriation 70000) shall be transferred to the Regional Jails Operating Cash Control Account (fund 6678).

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

74 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(W.V. Code Chapter 15A)

Fund 0570 FY 2025 Org 0608

Statewide Reporting Centers.....	26200	\$ 7,507,863
Robert L. Shell Juvenile Center	26700	3,081,514
Resident Medical Expenses (R)	53501	3,604,999
Central Office.....	70100	1,898,385
Capital Outlay and Maintenance (R)	75500	250,000
Gene Spadaro Juvenile Center	79300	3,274,266
BRIM Premium.....	91300	115,967
Kenneth Honey Rubenstein		
Juvenile Center (R).....	98000	6,613,974
Vicki Douglas Juvenile Center.....	98100	3,142,823
Northern Regional Juvenile Center.....	98200	2,876,302
Lorrie Yeager Jr. Juvenile Center	98300	2,993,572
Sam Perdue Juvenile Center	98400	3,214,598
Tiger Morton Center	98500	3,195,339
Donald R. Kuhn Juvenile Center	98600	6,177,512
J.M. "Chick" Buckbee		
Juvenile Center	98700	<u>3,260,770</u>
Total		\$ 51,207,884

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above including Statewide Reporting Centers and Central Office and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

75 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 0453 FY 2025 Org 0612

Personal Services and

Employee Benefits.....	00100	\$ 79,006,727
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	139,300
Repairs and Alterations	06400	450,523
Children's Protection Act	09000	1,109,123
Current Expenses	13000	10,384,394
Trooper Class	52100	3,207,832
Barracks Lease Payments	55600	237,898
Communications and Other		
Equipment (R)	55800	1,070,968
Trooper Retirement Fund.....	60500	14,319,315
Handgun Administration Expense	74700	87,088
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded		
Liability.....	77500	8,626,000
Automated Fingerprint Identification		
System.....	89800	2,260,695
BRIM Premium.....	91300	5,743,921
Total		\$ 126,893,784

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800) and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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.

76 - Fire Commission

(W.V. Code Chapter 15A)

Fund 0436 FY 2025 Org 0619

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

(W.V. Code Chapter 5F)

Fund 0585 FY 2025 Org 0622

Personal Services and			
Employee Benefits.....	00100	\$	3,473,329
Repairs and Alterations	06400		8,500
Equipment (R).....	07000		64,171
Unclassified (R)	09900		21,991
Current Expenses	13000		422,981
BRIM Premium.....	91300		<u>32,602</u>
Total		\$	4,023,574

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

78 - Division of Administrative Services -

Criminal Justice Fund

(W.V. Code Chapter 15A)

Fund 0546 FY 2025 Org 0623

Personal Services and

Employee Benefits.....	00100	\$ 639,264
Repairs and Alterations	06400	1,804
Current Expenses	13000	233,360
Child Advocacy Centers (R)	45800	2,344,040
Community Corrections (R)	56100	4,614,368
Statistical Analysis Program	59700	50,739
Sexual Assault Forensic		
Examination Commission (R)	71400	283,351
Qualitative Analysis and Training		
for Youth Services (R)	76200	90,373
Law Enforcement Professional Standards	83800	182,512
Justice Reinvestment Initiative (R)	89501	2,344,040
BRIM Premium.....	91300	<u>2,123</u>
Total.....		\$ 10,656,295

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), Justice Reinvestment Initiative (fund 0546, appropriation 89501) and Victims of Crime Act – Surplus (fund 0546, appropriation 21099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

From the above appropriation for Child Advocacy Centers (fund 0546, appropriation 45800), the Division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

79 - Division of Administrative Services

(W.V. Code Chapter 15A)

Fund 0619 FY 2025 Org 0623

Personal Services and

Employee Benefits.....	00100	\$ 5,675,223
Unclassified.....	09900	50,000
Current Expenses	13000	<u>555,000</u>
Total		\$ 6,280,223

DEPARTMENT OF REVENUE*80 - Office of the Secretary*

(W.V. Code Chapter 11)

Fund 0465 FY 2025 Org 0701

Personal Services and

Employee Benefits.....	00100	\$ 388,713
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	168,000
Repairs and Alterations	06400	1,262
Equipment	07000	8,000
Unclassified.....	09900	437
Current Expenses	13000	81,594
Other Assets	69000	<u>500</u>
Total		\$ 648,506

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

81 - Tax Division

(W.V. Code Chapter 11)

Fund 0470 FY 2025 Org 0702

Personal Services and

Employee Benefits (R)	00100	\$ 20,505,046
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	147,000

Repairs and Alterations	06400	10,150
Equipment	07000	54,850
Tax Technology Upgrade	09400	3,700,000
Unclassified (R)	09900	174,578
Current Expenses (R)	13000	6,823,635
Multi State Tax Commission.....	65300	77,958
Other Assets	69000	10,000
BRIM Premium.....	91300	<u>15,579</u>
Total		\$ 31,518,796

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

82 - State Budget Office

(W.V. Code Chapter 11B)

Fund 0595 FY 2025 Org 0703

Personal Services and		
Employee Benefits.....	00100	\$ 1,055,236
Unclassified (R)	09900	9,200
Current Expenses (R)	13000	<u>119,449</u>
Total		\$ 1,183,885

Any unexpended balances remaining in the appropriations for Unclassified (fund 0595, appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

83 - West Virginia Office of Tax Appeals

(W.V. Code Chapter 11)

Fund 0593 FY 2025 Org 0709

Personal Services and

Employee Benefits.....	00100	\$	976,887
Unclassified.....	09900		5,255
Current Expenses (R).....	13000		229,374
BRIM Premium.....	91300		<u>3,062</u>
Total.....		\$	1,214,578

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

84 - State Athletic Commission

(W.V. Code Chapter 29)

Fund 0523 FY 2025 Org 0933

Personal Services and

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

DEPARTMENT OF TRANSPORTATION**85 - Division of Multimodal Transportation Facilities –**

State Rail Authority

(W.V. Code Chapter 17)

Fund 0506 FY 2025 Org 0810

Personal Services and

Employee Benefits.....	00100	\$	385,773
Current Expenses	13000		287,707
Other Assets (R).....	69000		1,270,019
BRIM Premium.....	91300		<u>201,541</u>
Total.....		\$	2,145,040

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the

fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

86 - Division of Multimodal Transportation Facilities –

Public Transit

(W.V. Code Chapter 17)

Fund 0510 FY 2025 Org 0810

Equipment (R).....	07000	\$	100,000
Current Expenses (R).....	13000		2,042,989
Buildings (R).....	25800		100,000
Other Assets (R).....	69000		50,000
Total.....		\$	2,292,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

87 - Division of Multimodal Transportation Facilities –

(W.V. Code Chapter 17)

Fund 0580 FY 2025 Org 0810

Personal Services and

Employee Benefits (R)	00100	\$	713,763
Current Expenses (R).....	13000		750,000
BRIM Premium.....	91300		7,500
Total.....		\$	1,471,263

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0580, appropriation 00100), and Current Expenses (fund 0580, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

88 - Division of Multimodal Transportation Facilities –*Aeronautics Commission*

(W.V. Code Chapter 17)

Fund 0582 FY 2025 Org 0810

Personal Services and

Employee Benefits.....00100	\$	235,249
Repairs and Alterations.....06400		100
Current Expenses (R).....13000		791,839
BRIM Premium.....91300		<u>4,438</u>
Total	\$	1,031,626

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

DEPARTMENT OF VETERANS' ASSISTANCE**89 - Department of Veterans' Assistance**

(W.V. Code Chapter 9A)

Fund 0456 FY 2025 Org 0613

Personal Services and

Employee Benefits.....00100	\$	2,560,846
Salary and Benefits of Cabinet		
Secretary and Agency Heads00201		110,880
Repairs and Alterations06400		5,000
Unclassified.....09900		20,000
Current Expenses13000		161,450
Veterans' Field Offices (R).....22800		405,550
Veterans' Nursing Home (R)28600		8,294,373
Veterans' Toll Free Assistance Line32800		2,015
Veterans' Reeducation Assistance (R).....32900		40,000
Veterans' Grant Program (R).....34200		560,000
Veterans' Grave Markers.....47300		10,000

Veterans' Cemetery (R)	80800	420,079
BRIM Premium	91300	50,000
Total		\$ 12,640,193

Any unexpended balances remaining in the appropriations for Veterans' Field Offices (fund 0456, appropriation 22800), Buildings – Surplus (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), Veterans' Cemetery (fund 0456, appropriation 80800), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

90 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 0460 FY 2025 Org 0618

Personal Services and

Employee Benefits	00100	\$ 1,525,632
Current Expenses (R)	13000	46,759
Veterans Outreach Programs	61700	213,377
Total		\$ 1,785,768

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0460, appropriation 13000) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

BUREAU OF SENIOR SERVICES

91 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 0420 FY 2025 Org 0508

Transfer to Division of Human Services
for Health Care and Title XIX

Waiver for Senior Citizens.....53900 \$ 6,580,366`

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

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

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

92 - West Virginia Council for

Community and Technical College Education –

Control Account

(W.V. Code Chapter 18B)

Fund 0596 FY 2025 Org 0420

West Virginia Council for Community and Technical Education (R).....	39200	\$	761,164
Transit Training Partnership.....	78300		34,293
Community College Workforce			
Development (R)	87800		2,791,367
College Transition Program	88700		278,222
West Virginia Advance Workforce			
Development (R)	89300		3,126,336
Technical Program Development (R)	89400		1,800,735
WV Invests Grant Program (R)	89401		<u>7,046,959</u>
Total		\$	15,839,076

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

(fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), Technical Program Development (fund 0596, appropriation 89400), and WV Invests Grant Program (fund 0596, appropriation 89401) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

93 - Mountwest Community and Technical College

(W.V. Code Chapter 18B)

Fund 0599 FY 2025 Org 0444

Mountwest Community and

Technical College48700 \$ 7,165,674

94 - New River Community and Technical College

(W.V. Code Chapter 18B)

Fund 0600 FY 2025 Org 0445

New River Community and

Technical College35800 \$ 6,624,770

95 - Pierpont Community and Technical College

(W.V. Code Chapter 18B)

Fund 0597 FY 2025 Org 0446

Pierpont Community and

Technical College93000 \$ 8,699,120

96 - Blue Ridge Community and Technical College

(W.V. Code Chapter 18B)

Fund 0601 FY 2025 Org 0447

Blue Ridge Community and

Technical College88500 \$ 8,821,525

97 - West Virginia University at Parkersburg

(W.V. Code Chapter 18B)

Fund 0351 FY 2025 Org 0464

West Virginia University – Parkersburg.....47100 \$ 11,632,093

98 - Southern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0380 FY 2025 Org 0487Southern West Virginia Community
and Technical College.....44600 \$ 9,185,300*99 - West Virginia Northern Community and Technical College*

(W.V. Code Chapter 18B)

Fund 0383 FY 2025 Org 0489West Virginia Northern Community
and Technical College.....44700 \$ 8,145,573*100 - Eastern West Virginia Community and Technical College*

(W.V. Code Chapter 18B)

Fund 0587 FY 2025 Org 0492Eastern West Virginia Community
and Technical College.....41200 \$ 2,447,264*101 - BridgeValley Community and Technical College*

(W.V. Code Chapter 18B)

Fund 0618 FY 2025 Org 0493BridgeValley Community
and Technical College.....71700 \$ 8,970,648

HIGHER EDUCATION POLICY COMMISSION*102 - Higher Education Policy Commission –**Administration –**Control Account*

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

Fund 0589 FY 2025 Org 0441

Personal Services and		
Employee Benefits.....	00100	\$ 2,914,927
RHI Program and Site Support – RHEP		
Program Administration (R)	03700	80,000
Mental Health Provider Loan		
Repayment (R).....	11301	330,000
Current Expenses	13000	1,096,902
Higher Education Grant Program	16400	40,619,864
Tuition Contract Program (R)	16500	1,225,676
Underwood-Smith Scholarship		
Program-Student Awards	16700	1,478,349
Facilities Planning and Administration	38600	1,760,254
Dual Enrollment Program	42201	4,200,000
Higher Education System Initiatives.....	48801	1,651,889
PROMISE Scholarship – Transfer	80000	18,874,400
HEAPS Grant Program (R).....	86700	5,025,376
Health Professionals' Student		
Loan Program (R).....	86701	547,470
BRIM Premium.....	91300	17,817
Total		\$ 79,448,524

Any unexpended balances remaining in the appropriations for RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation 16500), Dual Enrollment Program (fund 0589, appropriation 42201), HEAPS Grant Program (fund 0589, appropriation 86700), and Health Professionals' Student Loan Program (fund 0589, appropriation 86701) at the close of the fiscal

year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

The above appropriation for Underwood-Smith Scholarship Program - Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teaching Scholars Program Fund (4922) established by W.V. Code §18C-4-1.

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

The above appropriation for Dual Enrollment Program (fund 0589, appropriation 42201) shall be used for the Dual Enrollment Program established by House Bill 2005 during the 2023 Regular Session.

103 - West Virginia University –

School of Medicine

Medical School Fund

(W.V. Code Chapter 18B)

Fund 0343 FY 2025 Org 0463

WVU School of Health Science –

Eastern Division.....	05600	\$ 2,426,012
WVU – School of Health Sciences.....	17400	16,155,605
WVU – School of Health Sciences –		
Charleston Division	17500	2,478,576

Rural Health Outreach Programs (R).....	37700	170,278
West Virginia University School of Medicine BRIM Subsidy	46000	<u>1,203,087</u>
Total		\$ 22,433,558

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

104 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2025 Org 0463

West Virginia University.....	45900	\$ 95,207,347
West Virginia University Land		
Grant Match.....	45101	8,549,644
Jackson's Mill.....	46100	513,760
West Virginia University Institute of Technology	47900	8,901,994
State Priorities – Brownfield		
Professional Development	53100	816,556
Energy Express	86100	382,935
West Virginia University –		
Potomac State	99400	<u>5,136,407</u>
Total		\$ 119,508,643

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

Any unexpended balances remaining in the appropriations for Jackson's Mill (fund 0344, appropriation 46100), State Priorities – Brownfield Professional Development (fund 0344, appropriation 53100), National Cancer Institute - Surplus (fund 0344, appropriation 65399), and Energy Express (fund 0344,

appropriation 86100) and at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

105 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 0347 FY 2025 Org 0471

Marshall Medical School	17300	\$ 8,357,258
Rural Health Outreach Programs (R).....	37700	160,732
Forensic Lab (R)	37701	227,415
Center for Rural Health (R)	37702	169,390
Marshall University Medical School		
BRIM Subsidy	44900	<u>872,612</u>
Total		\$ 9,787,407

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0347, appropriation 37700), Forensic Lab (fund 0347, appropriation 37701), and Center for Rural Health (fund 0347, appropriation 37702) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

106 - Marshall University –

General Administration Fund

(W.V. Code Chapter 18B)

Fund 0348 FY 2025 Org 0471

Marshall University	44800	\$ 53,609,703
Marshall University Minority		
Health Institute.....	42301	100,000
Luke Lee Listening Language		
and Learning Lab (R).....	44801	157,901
VISTA E-Learning (R).....	51900	229,019
State Priorities – Brownfield		
Professional Development (R).....	53100	809,606

Marshall University Graduate

College Writing Project (R)	80700	25,412
WV Autism Training Center (R)	93200	<u>1,992,337</u>
Total		\$ 56,923,978

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), VISTA E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), WV Autism Training Center (fund 0348, appropriation 93200), Marshall University Minority Health Institute (fund 0348, appropriation 42301), and Marshall University Cybersecurity Program – Surplus (fund 0348, appropriation 42302) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

107 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 0336 FY 2025 Org 0476

West Virginia School of Osteopathic

Medicine	17200	\$ 5,588,340
Rural Health Outreach Programs (R)	37700	174,997
West Virginia School of Osteopathic		
Medicine BRIM Subsidy	40300	153,405
Rural Health Initiative – Medical		
Schools Support	58100	<u>415,363</u>
Total		\$ 6,332,105

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700), and West Virginia School of Osteopathic Medicine – Surplus (fund 0336, appropriation 17299) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

108 - Bluefield State University

(W.V. Code Chapter 18B)

Fund 0354 FY 2025 Org 0482

Bluefield State University.....40800 \$ 7,184,100

109 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2025 Org 0483

Concord University.....41000 \$ 11,600,864

110 - Fairmont State University

(W.V. Code Chapter 18B)

Fund 0360 FY 2025 Org 0484

Fairmont State University.....41400 \$ 20,805,888

111 - Glenville State University

(W.V. Code Chapter 18B)

Fund 0363 FY 2025 Org 0485

Glenville State University.....42800 \$ 7,470,766

112 - Shepherd University

(W.V. Code Chapter 18B)

Fund 0366 FY 2025 Org 0486

Shepherd University.....43200 \$ 13,935,597

113 - West Liberty University

(W.V. Code Chapter 18B)

Fund 0370 FY 2025 Org 0488

West Liberty University	43900	\$ 10,530,209
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114 - West Virginia State University

(W.V. Code Chapter 18B)

Fund 0373 FY 2025 Org 0490

West Virginia State University	44100	\$ 12,144,676
Healthy Grandfamilies (R).....	62101	800,000
West Virginia State University		
Land Grant Match.....	95600	<u>5,000,000</u>
Total		\$ 17,944,676

Any unexpended balance remaining in the appropriation for Healthy Grandfamilies (fund 0373, appropriation 62101) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

(W.V. Code Chapter 18B)

Fund 0551 FY 2025 Org 0495

WVNET	16900	\$ 1,946,515
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MISCELLANEOUS BOARDS AND COMMISSIONS*116 - Adjutant General –**State Militia*

(W.V. Code Chapter 15)

Fund 0433 FY 2025 Org 0603

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	\$ 189,000
Unclassified (R)	09900	106,798
College Education Fund.....	23200	4,000,000
Civil Air Patrol.....	23400	249,664
Armory Board Transfer	70015	2,317,555
Mountaineer ChalleNGe Academy	70900	3,570,640
Military Authority (R).....	74800	6,621,038
Drug Enforcement and Support	74801	<u>1,592,221</u>
Total		\$ 18,646,916

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), Armory Board Transfers – Surplus (fund 0433, appropriation 70299), Military Authority – Surplus (fund 0433, appropriation 74899), and Federal Funds/Grant Match (fund 0433, appropriation 85700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$3,570,640 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

117 - Adjutant General –

Military Fund

(W.V. Code Chapter 15)

Fund 0605 FY 2025 Org 0603

Personal Services and

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

Total TITLE II, Section 1 – General Revenue

(Including claims against the state) \$4,996,828,751

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 2025.

DEPARTMENT OF TRANSPORTATION*118 - Division of Motor Vehicles*

(W.V. Code Chapters 17, 17A, 17B, 17C,

17D, 20, and 24A)

Fund 9007 FY 2025 Org 0802

		State Road Fund
	Appropriation	
Personal Services and		
Employee Benefits.....	00100	\$ 43,505,517
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	129,500
Repairs and Alterations	06400	144,000
Equipment	07000	1,080,000
Current Expenses	13000	22,556,730
Buildings	25800	10,000
Other Assets	69000	2,480,000
BRIM Premium.....	91300	<u>110,000</u>
Total		\$ 70,015,747

119 - Division of Highways

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

Fund 9017 FY 2025 Org 0803

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	\$	200,000
Debt Service.....	04000		143,000,000
Maintenance.....	23700		565,235,315
Inventory Revolving	27500		4,000,000
Equipment Revolving	27600		52,950,166
General Operations	27700		186,166,680
Interstate Construction.....	27800		275,000,000
Other Federal Aid Programs	27900		450,000,000
Appalachian Programs	28000		250,000,000
Highway Litter Control.....	28200		<u>1,650,000</u>
Total.....			\$1,928,202,161

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

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

purpose of Appalachian Programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the Commissioner and approval of the Governor.

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state) \$1,998,642,908

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 2025.

LEGISLATIVE

120 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 1731 FY 2025 Org 2300

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

JUDICIAL

121 - Supreme Court –

Court Advanced Technology Subscription Fund

(W.V. Code Chapter 51)

Fund 1704 FY 2025 Org 2400

Current Expenses 13000 \$ 100,000

122 - Supreme Court –

Adult Drug Court Participation Fund

(W.V. Code Chapter 62)

Fund 1705 FY 2025 Org 2400

Current Expenses 13000 \$ 200,000

123 - Supreme Court –

Family Court Fund

(W.V. Code Chapter 51)

Fund 1763 FY 2025 Org 2400

Current Expenses 13000 \$ 900,000

124 - Supreme Court –

Court Facilities Maintenance Fund

(W.V. Code Chapter 51)

Fund 1766 FY 2025 Org 2400

Repairs and Alterations 06400 \$ 150,000

Current Expenses 13000 750,000

Total \$ 900,000

EXECUTIVE

125 - Governor's Office –

Minority Affairs Fund

(W.V. Code Chapter 5)

Fund 1058 FY 2025 Org 0100

Personal Services and

Employee Benefits.....	00100	\$	239,958
Martin Luther King, Jr.			
Holiday Celebration.....	03100		8,926
Current Expenses	13000		<u>453,200</u>
Total		\$	702,084

126 - Auditor's Office –

Grant Recovery Fund

(W.V. Code Chapter 12)

Fund 1205 FY 2025 Org 1200

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

127 - Auditor's Office –

Land Operating Fund

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

Fund 1206 FY 2025 Org 1200

Personal Services and

Employee Benefits.....	00100	\$	901,372
Repairs and Alterations	06400		2,600
Equipment	07000		426,741
Unclassified.....	09900		15,139
Current Expenses	13000		715,291
Cost of Delinquent Land Sale	76800		<u>1,841,168</u>
Total		\$	3,902,311

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

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

128 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(W.V. Code Chapter 6)

Fund 1224 FY 2025 Org 1200

Personal Services and		
Employee Benefits.....	00100	\$ 670,729
Repairs and Alterations.....	06400	6,000
Equipment.....	07000	10,805
Current Expenses	13000	282,030
Other Assets	69000	50,000
Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
Total		\$ 4,519,564

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

129 - Auditor's Office –

Securities Regulation Fund

(W.V. Code Chapter 32)

Fund 1225 FY 2025 Org 1200

Personal Services and		
Employee Benefits.....	00100	\$ 3,009,931
Repairs and Alterations.....	06400	12,400
Equipment.....	07000	594,700
Unclassified.....	09900	31,866
Current Expenses	13000	1,463,830
Other Assets	69000	<u>1,200,000</u>

Total \$ 6,312,727

130 - Auditor's Office –

Technology Support and Acquisition Fund

(W.V. Code Chapter 12)

Fund 1233 FY 2025 Org 1200

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

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

131 - Auditor's Office –

Purchasing Card Administration Fund

(W.V. Code Chapter 12)

Fund 1234 FY 2025 Org 1200

Personal Services and			
Employee Benefits	00100	\$	3,407,244
Repairs and Alterations	06400		5,500
Equipment	07000		850,000
Current Expenses	13000		2,303,622
Other Assets	69000		508,886
Statutory Revenue Distribution	74100		<u>8,000,000</u>
Total		\$	15,075,252

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy

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

132 - Auditor's Office –

Chief Inspector's Fund

(W.V. Code Chapter 6)

Fund 1235 FY 2025 Org 1200

Personal Services and

Employee Benefits.....	00100	\$ 3,910,235
Equipment	07000	50,000
Current Expenses	13000	<u>765,915</u>
Total		\$ 4,726,150

133 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(W.V. Code Chapters 12 and 33)

Fund 1239 FY 2025 Org 1200

Volunteer Fire Department Workers'

Compensation Subsidy	83200	\$ 2,500,000
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134 - Auditor's Office –

Private Trust Company Application Fund

(W.V. Code Chapters 31 and 46)

Fund 1241 FY 2025 Org 1200

Equipment	07000	\$ 30,000
Current Expenses	13000	<u>60,000</u>
Total		\$ 90,000

*135 - Department of Agriculture –**Agriculture Fees Fund*

(W.V. Code Chapters 19)

Fund 1401 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 3,102,402
Repairs and Alterations.....	06400	158,500
Equipment.....	07000	436,209
Unclassified.....	09900	37,425
Current Expenses	13000	1,856,184
Other Assets	69000	<u>10,000</u>
Total.....		\$ 5,600,720

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

(W.V. Code Chapter 19)

Fund 1408 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 85,293
Unclassified.....	09900	10,476
Current Expenses	13000	<u>2,200,000</u>
Total.....		\$ 2,295,769

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

(W.V. Code Chapter 19)

Fund 1409 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 85,545
Repairs and Alterations.....	06400	36,400

Equipment	07000	15,000
Unclassified.....	09900	2,100
Current Expenses	13000	<u>89,500</u>
Total		\$ 228,545

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

138 - Department of Agriculture –

Farm Operating Fund

(W.V. Code Chapter 19)

Fund 1412 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 932,035
Repairs and Alterations	06400	388,722
Equipment	07000	399,393
Unclassified.....	09900	15,173
Current Expenses	13000	1,367,464
Other Assets	69000	<u>20,000</u>
Total		\$ 3,122,787

139 - Department of Agriculture –

Capital Improvements Fund

(W.V. Code Chapter 19)

Fund 1413 FY 2025 Org 1400

Repairs and Alterations	06400	250,000
Equipment	07000	350,000
Unclassified.....	09900	20,000
Current Expenses	13000	510,000
Buildings	25800	670,000
Other Assets	69000	<u>200,000</u>
Total		\$ 2,000,000

*140 - Department of Agriculture –**Agriculture Development Fund*

(W.V. Code Chapter 19)

Fund 1423 FY 2025 Org 1400

Current Expenses 13000 \$ 100,000

*141 - Department of Agriculture –**Donated Food Fund*

(W.V. Code Chapter 19)

Fund 1446 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$ 1,163,783
Repairs and Alterations.....	06400	128,500
Equipment.....	07000	10,000
Unclassified.....	09900	45,807
Current Expenses	13000	3,410,542
Other Assets	69000	27,000
Land	73000	<u>250,000</u>
Total		\$ 5,035,632

*142 - Department of Agriculture –**Integrated Predation Management Fund*

(W.V. Code Chapter 7)

Fund 1465 FY 2025 Org 1400

Current Expenses 13000 \$ 112,500

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

(W.V. Code Chapter 19)

Fund 1481 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	100,000
Current Expenses	13000		<u>1,000,000</u>
Total		\$	1,100,000

*144 - Department of Agriculture –**Veterans and Warriors to Agriculture Fund*

(W.V. Code Chapter 19)

Fund 1483 FY 2025 Org 1400

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

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

Fund 1484 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	1,289,160
Repairs and Alterations	06400		82,500
Equipment	07000		76,000
Unclassified.....	09900		17,000
Current Expenses	13000		1,143,306
Buildings	25800		1,000
Other Assets	69000		10,000
Land	73000		<u>1,000</u>
Total		\$	2,619,966

*146 - Attorney General –**Antitrust Enforcement Fund*

(W.V. Code Chapter 47)

Fund 1507 FY 2025 Org 1500

Personal Services and

Employee Benefits.....	00100	\$	371,036
Repairs and Alterations	06400		1,000
Equipment	07000		1,000
Current Expenses	13000		<u>148,803</u>
Total		\$	521,839

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

(W.V. Code Chapter 47)

Fund 1513 FY 2025 Org 1500

Personal Services and

Employee Benefits.....	00100	\$	240,959
Repairs and Alterations	06400		1,000
Equipment	07000		1,000
Current Expenses	13000		<u>54,615</u>
Total		\$	297,574

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

(W.V. Code Chapter 47)

Fund 1514 FY 2025 Org 1500

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

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

Fund 1612 FY 2025 Org 1600

Personal Services and

Employee Benefits.....	00100	\$	1,196,867
Unclassified.....	09900		4,524

Current Expenses	13000	<u>8,036</u>
Total		\$ 1,209,427

150 - Secretary of State –

General Administrative Fees Account

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

Fund 1617 FY 2025 Org 1600

Personal Services and		
Employee Benefits.....	00100	\$ 3,248,467
Unclassified.....	09900	25,529
Current Expenses	13000	1,276,716
Technology Improvements.....	59900	<u>870,000</u>
Total		\$ 5,420,712

DEPARTMENT OF ADMINISTRATION

151 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(W.V. Code Chapter 4)

Fund 2041 FY 2025 Org 0201

Tobacco Settlement Securitization		
Trustee Passthru.....	65000	\$ 80,000,000

152 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(W.V. Code Chapter 18)

Fund 2044 FY 2025 Org 0201

Current Expenses13000 \$ 57,260,000

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers' Accumulation Fund (fund 2600).

153 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(W.V. Code Chapter 5A)

Fund 2020 FY 2025 Org 0209

Personal Services and		
Employee Benefits.....	00100	\$ 1,638,791
Current Expenses	13000	<u>500,000</u>
Total		\$ 2,138,791

154 - Division of Information Services and Communications

(W.V. Code Chapter 5A)

Fund 2220 FY 2025 Org 0210

Personal Services and		
Employee Benefits.....	00100	\$ 23,367,490
Equipment	07000	2,050,000
Unclassified.....	09900	344,119
Current Expenses	13000	34,418,001
Other Assets	69000	<u>1,045,000</u>
Total		\$ 61,224,610

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.

155 - Division of Purchasing –

Vendor Fee Fund

(W.V. Code Chapter 5A)

Fund 2263 FY 2025 Org 0213

Personal Services and		
Employee Benefits.....	00100	\$ 611,378
Current Expenses	13000	9,115
BRIM Premium.....	91300	<u>810</u>
Total		\$ 621,303

156 - Division of Purchasing –

Purchasing Improvement Fund

(W.V. Code Chapter 5A)

Fund 2264 FY 2025 Org 0213

Personal Services and		
Employee Benefits.....	00100	\$ 1,060,880
Repairs and Alterations	06400	500
Equipment	07000	500
Unclassified.....	09900	5,562
Current Expenses	13000	492,066
Other Assets	69000	500
BRIM Premium.....	91300	<u>850</u>
Total		\$ 1,560,858

157 - Travel Management –

Aviation Fund

(W.V. Code Chapter 5A)

Fund 2302 FY 2025 Org 0215

Repairs and Alterations	06400	\$ 1,275,237
Equipment	07000	1,000
Unclassified.....	09900	1,000
Current Expenses	13000	149,700
Buildings	25800	100
Other Assets	69000	100
Land	73000	100
Total		\$ 1,427,237

158 - Fleet Management Division Fund

(W.V. Code Chapter 5A)

Fund 2301 FY 2025 Org 0216

Personal Services and		
Employee Benefits.....	00100	\$ 839,903
Repairs and Alterations	06400	12,000
Equipment	07000	800,000
Unclassified.....	09900	4,000
Current Expenses	13000	11,630,614
Other Assets	69000	2,000
Total		\$ 13,288,517

159 - Division of Personnel

(W.V. Code Chapter 29)

Fund 2440 FY 2025 Org 0222

Personal Services and		
Employee Benefits.....	00100	\$ 5,034,147
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	122,500
Repairs and Alterations	06400	5,000
Equipment	07000	20,000
Unclassified.....	09900	51,418
Current Expenses	13000	1,262,813
Other Assets	69000	60,000

Total..... \$ 6,555,878

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

160 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 2521 FY 2025 Org 0228

Personal Services and		
Employee Benefits.....00100	\$	139,779
Salary and Benefits of Cabinet		
Secretary and Agency Heads00201		119,000
Repairs and Alterations.....06400		600
Equipment.....07000		500
Unclassified.....09900		4,023
Current Expenses13000		297,528
Other Assets69000		<u>500</u>
Total	\$	561,930

161 - Office of Technology –

Technology Infrastructure Reinvestment Fund

(W.V. Code Chapter 31)

Fund 2209 FY 2025 Org 0231

Current Expenses	13000	\$	400,000
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162 - Office of Technology –

Chief Technology Officer Administration Fund

(W.V. Code Chapter 5A)

Fund 2531 FY 2025 Org 0231

Personal Services and		
Employee Benefits.....00100	\$	469,481

Repairs and Alterations	06400	1,000
Equipment	07000	50,000
Unclassified	09900	6,949
Current Expenses	13000	2,196,504
Other Assets	69000	10,000
Total		\$ 2,733,934

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

DEPARTMENT OF COMMERCE

163 - Division of Forestry

(W.V. Code Chapter 19)

Fund 3081 FY 2025 Org 0305

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

164 - Division of Forestry –

Timbering Operations Enforcement Fund

(W.V. Code Chapter 19)

Fund 3082 FY 2025 Org 0305

Personal Services and		
Employee Benefits	00100	\$ 260,661
Repairs and Alterations	06400	11,250
Current Expenses	13000	54,873
Total		\$ 326,784

*165 - Division of Forestry –**Severance Tax Operations*

(W.V. Code Chapter 11)

Fund 3084 FY 2025 Org 0305

Current Expenses	13000	\$	282,614
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*166 - Geological and Economic Survey –**Geological and Analytical Services Fund*

(W.V. Code Chapter 29)

Fund 3100 FY 2025 Org 0306

Personal Services and

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

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

*167 - Division of Labor –**West Virginia Jobs Act Fund*

(W.V. Code Chapter 21)

Fund 3176 FY 2025 Org 0308

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

*168 - Division of Labor –**HVAC Fund*

(W.V. Code Chapter 21)

Fund 3186 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 482,855
Repairs and Alterations.....	06400	4,500
Unclassified.....	09900	4,000
Current Expenses	13000	82,000
Buildings	25800	1,000
BRIM Premium.....	91300	8,500
Total.....		<u>\$ 582,855</u>

*169 - Division of Labor –**Elevator Safety Fund*

(W.V. Code Chapter 21)

Fund 3188 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 305,995
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	123,221
Repairs and Alterations.....	06400	2,000
Unclassified.....	09900	2,261
Current Expenses	13000	94,712
Buildings	25800	1,000
BRIM Premium.....	91300	8,500
Total.....		<u>\$ 537,689</u>

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

(W.V. Code Chapter 21)

Fund 3189 FY 2025 Org 0308

Personal Services and

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

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

(W.V. Code Chapter 21)

Fund 3191 FY 2025 Org 0308

Personal Services and

Employee Benefits.....	00100	\$	203,573
Repairs and Alterations.....	06400		1,500
Unclassified.....	09900		1,380
Current Expenses	13000		51,265
Buildings.....	25800		1,000
BRIM Premium.....	91300		7,000
Total		\$	265,718

*172 - Division of Labor –**Amusement Rides and Amusement**Attraction Safety Fund*

(W.V. Code Chapter 21)

Fund 3192 FY 2025 Org 0308

Personal Services and

Employee Benefits.....	00100	\$	202,269
Repairs and Alterations.....	06400		2,000
Unclassified.....	09900		1,281

Current Expenses	13000	44,520
Buildings	25800	1,000
BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 259,570

173 - Division of Labor –

State Manufactured Housing Administration Fund

(W.V. Code Chapter 21)

Fund 3195 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 303,686
Repairs and Alterations	06400	1,000
Unclassified.....	09900	1,847
Current Expenses	13000	43,700
Buildings	25800	1,000
BRIM Premium.....	91300	<u>3,404</u>
Total		\$ 354,637

174 - Division of Labor –

Weights and Measures Fund

(W.V. Code Chapter 47)

Fund 3196 FY 2025 Org 0308

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

175 - Division of Labor –

Bedding and Upholstery Fund

(W.V. Code Chapter 47)

Fund 3198 FY 2025 Org 0308

Personal Services and

Employee Benefits.....	00100	\$	156,381
Repairs and Alterations	06400		2,000
Unclassified.....	09900		2,000
Current Expenses	13000		145,400
Buildings	25800		1,000
BRIM Premium.....	91300		8,700
Total		\$	315,481

*176 - Division of Labor –**Psychophysiological Examiners Fund*

(W.V. Code Chapter 21)

Fund 3199 FY 2025 Org 0308

Current Expenses	13000	\$	4,000
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*177 - Division of Natural Resources –**License Fund – Wildlife Resources*

(W.V. Code Chapter 20)

Fund 3200 FY 2025 Org 0310

Wildlife Resources	02300	\$	10,689,217
Administration	15500		2,417,057
Capital Improvements and			
Land Purchase (R)	24800		5,140,907
Law Enforcement.....	80600		9,989,958
Total		\$	28,237,139

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 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

178 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(W.V. Code Chapter 22)

Fund 3202 FY 2025 Org 0310

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

Nongame Fund

(W.V. Code Chapter 20)

Fund 3203 FY 2025 Org 0310

Personal Services and			
Employee Benefits.....	00100	\$	727,138
Equipment	07000		106,615
Current Expenses	13000		201,810
Total		\$	1,035,563

180 - Division of Natural Resources –

Planning and Development Division

(W.V. Code Chapter 20)

Fund 3205 FY 2025 Org 0310

Personal Services and			
Employee Benefits.....	00100	\$	482,802
Repairs and Alterations	06400		15,016
Equipment	07000		308,300
Current Expenses	13000		1,056,876
Buildings	25800		8,300
Other Assets	69000		1,900,000
Land	73000		31,700
Total		\$	3,802,994

*181 - Division of Natural Resources –**State Parks and Recreation Endowment Fund*

(W.V. Code Chapter 20)

Fund 3211 FY 2025 Org 0310

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

*182 - Division of Natural Resources –**Whitewater Study and Improvement Fund*

(W.V. Code Chapter 20)

Fund 3253 FY 2025 Org 0310

Personal Services and			
Employee Benefits	00100	\$	76,836
Equipment	07000		1,297
Current Expenses	13000		64,778
Buildings	25800		<u>6,969</u>
Total		\$	149,880

*183 - Division of Natural Resources –**Whitewater Advertising and Promotion Fund*

(W.V. Code Chapter 20)

Fund 3256 FY 2025 Org 0310

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

*184 - Division of Miners' Health, Safety and Training –**Special Health, Safety and Training Fund*

(W.V. Code Chapter 22A)

Fund 3355 FY 2025 Org 0314

Personal Services and		
Employee Benefits.....	00100	\$ 538,305
W.V. Mining Extension Service	02600	150,000
Unclassified.....	09900	23,700
Current Expenses	13000	<u>1,671,842</u>
Total		\$ 2,383,847

*185 - Department of Commerce –**Office of the Secretary –**Marketing and Communications Operating Fund*

(W.V. Code Chapter 5B)

Fund 3002 FY 2025 Org 0327

Personal Services and		
Employee Benefits.....	00100	\$ 2,285,770
Equipment	07000	36,000
Unclassified.....	09900	30,000
Current Expenses	13000	<u>1,315,078</u>
Total		\$ 3,666,848

*186 - State Board of Rehabilitation –**Division of Rehabilitation Services –**West Virginia Rehabilitation Center Special Account*

(W.V. Code Chapter 18)

Fund 8664 FY 2025 Org 0932

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

Repairs and Alterations	06400	85,500
Equipment	07000	220,000
Current Expenses	13000	1,180,122
Buildings	25800	150,000
Other Assets	69000	<u>150,000</u>
Total		\$ 1,905,360

DEPARTMENT OF ECONOMIC DEVELOPMENT

187 - Department of Economic Development –

Office of Energy –

Energy Assistance

(W.V. Code Chapter 5B)

Fund 3010 FY 2025 Org 0307

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

Office of the Secretary –

Broadband Enhancement Fund

(W.V. Code Chapter 31G)

Fund 3013 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 131,682
Current Expenses	13000	<u>1,648,318</u>
Total		\$ 1,780,000

189 - Department of Economic Development –

Office of the Secretary –

Entrepreneurship and Innovation Investment Fund

(W.V. Code Chapter 5B)

Fund 3014 FY 2025 Org 0307

Entrepreneurship and Innovation

Investment Fund	70301	\$	1,500,000
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*190 - Department of Economic Development –**Office of the Secretary –**Broadband Development Fund*

(W.V. Code Chapter 31G)

Fund 3034 FY 2025 Org 0307

Personal Services and

Employee Benefits.....	00100	\$	682,669
Unclassified.....	09900		2,000,000
Current Expenses	13000		<u>235,302,925</u>
Total		\$	237,985,594

*191 - Department of Economic Development –**Office of the Secretary –**Office of Coalfield Community Development*

(W.V. Code Chapter 5B)

Fund 3162 FY 2025 Org 0307

Personal Services and

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

DEPARTMENT OF EDUCATION*192 - State Board of Education –**Strategic Staff Development*

(W.V. Code Chapter 18)

Fund 3937 FY 2025 Org 0402

Personal Services and

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

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

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

Fund 3952 FY 2025 Org 0404

SBA Construction Grants.....	24000	\$	102,345,818
Directed Transfer	70000		<u>1,516,472</u>
Total		\$	103,862,290

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

194 - School Building Authority

(W.V. Code Chapter 18)

Fund 3959 FY 2025 Org 0404

Personal Services and

Employee Benefits.....	00100	\$	1,233,127
Repairs and Alterations	06400		13,150
Equipment	07000		26,000
Current Expenses	13000		<u>244,195</u>
Total		\$	1,516,472

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*195 - Division of Culture and History –**Public Records and Preservation Revenue Account*

(W.V. Code Chapter 5A)

Fund 3542 FY 2025 Org 0432

Personal Services and		
Employee Benefits.....	00100	\$ 254,946
Equipment	07000	75,000
Current Expenses	13000	862,241
Buildings	25800	1,000
Other Assets	69000	52,328
Land	73000	<u>1,000</u>
Total		\$ 1,246,515

DEPARTMENT OF ENVIRONMENTAL PROTECTION*196 - Solid Waste Management Board*

(W.V. Code Chapter 22C)

Fund 3288 FY 2025 Org 0312

Personal Services and		
Employee Benefits.....	00100	\$ 922,334
Repairs and Alterations	06400	1,000
Equipment	07000	5,000
Current Expenses	13000	2,059,457
Other Assets	69000	<u>4,403</u>
Total		\$ 2,992,194

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

(W.V. Code Chapter 22)

Fund 3023 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	831,098
Repairs and Alterations	06400		500
Equipment	07000		1,505
Unclassified.....	09900		8,072
Current Expenses	13000		155,969
Other Assets	69000		2,000
Total		\$	999,144

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

(W.V. Code Chapter 22)

Fund 3024 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	590,995
Repairs and Alterations	06400		13,000
Equipment	07000		53,105
Unclassified.....	09900		12,919
Current Expenses	13000		612,291
Other Assets	69000		20,000
Total		\$	1,302,310

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

(W.V. Code Chapter 22)

Fund 3321 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	1,778,866
Repairs and Alterations	06400		79,950
Equipment	07000		130,192
Current Expenses	13000		16,185,006
Other Assets	69000		32,000
Total		\$	18,206,014

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

(W.V. Code Chapter 22)

Fund 3322 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 562,296
Current Expenses	13000	<u>956,094</u>
Total		\$ 1,518,390

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

(W.V. Code Chapter 22)

Fund 3323 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 3,080,953
Repairs and Alterations	06400	9,500
Equipment	07000	230,500
Unclassified.....	09900	30,700
Current Expenses	13000	937,300
Other Assets	69000	<u>500</u>
Total		\$ 4,289,453

*202 - Division of Environmental Protection –**Mining and Reclamation Operations Fund*

(W.V. Code Chapter 22)

Fund 3324 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 2,774,699
Repairs and Alterations	06400	60,260
Equipment	07000	83,000

Unclassified.....	09900	920
Current Expenses	13000	1,479,231
Other Assets	69000	<u>57,500</u>
Total		\$ 4,455,610

203 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(W.V. Code Chapter 22)

Fund 3325 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 503,574
Repairs and Alterations	06400	5,350
Equipment	07000	3,610
Unclassified.....	09900	7,520
Current Expenses	13000	318,420
Other Assets	69000	<u>3,500</u>
Total		\$ 841,974

204 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(W.V. Code Chapter 22)

Fund 3331 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 354,585
Repairs and Alterations	06400	7,014
Equipment	07000	9,000
Unclassified.....	09900	10,616
Current Expenses	13000	767,905
Other Assets	69000	<u>3,500</u>
Total		\$ 1,152,620

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

(W.V. Code Chapter 22)

Fund 3332 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	904,165
Repairs and Alterations.....	06400		25,000
Equipment.....	07000		106,500
Unclassified.....	09900		22,900
Current Expenses	13000		3,929,737
Buildings.....	25800		500
Other Assets	69000		<u>1,000</u>
Total.....		\$	4,989,802

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

(W.V. Code Chapter 22)

Fund 3333 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	3,572,719
Repairs and Alterations.....	06400		30,930
Equipment.....	07000		23,356
Unclassified.....	09900		28,460
Current Expenses	13000		932,229
Other Assets	69000		<u>20,554</u>
Total.....		\$	4,608,248

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

(W.V. Code Chapter 22)

Fund 3336 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$ 6,452,446
Repairs and Alterations.....	06400	84,045
Equipment.....	07000	103,601
Unclassified.....	09900	70,572
Current Expenses	13000	1,469,467
Other Assets	69000	<u>52,951</u>
Total		\$ 8,233,082

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

(W.V. Code Chapter 22)

Fund 3340 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$ 389,614
Repairs and Alterations.....	06400	1,000
Unclassified.....	09900	1,120
Current Expenses	13000	201,146
Other Assets	69000	<u>163,000</u>
Total		\$ 755,880

*209 - Division of Environmental Protection –**Stream Restoration Fund*

(W.V. Code Chapter 22)

Fund 3349 FY 2025 Org 0313

Current Expenses	13000	\$ 3,682,076
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*210 - Division of Environmental Protection –**Litter Control Fund*

(W.V. Code Chapter 22)

Fund 3486 FY 2025 Org 0313

Current Expenses	13000	\$	60,000
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*211 - Division of Environmental Protection –**Recycling Assistance Fund*

(W.V. Code Chapter 22)

Fund 3487 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	717,788
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Unclassified.....	09900		400
Current Expenses	13000		2,754,258
Other Assets	69000		<u>2,500</u>
Total		\$	3,476,246

*212 - Division of Environmental Protection –**Mountaintop Removal Fund*

(W.V. Code Chapter 22)

Fund 3490 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	858,694
Repairs and Alterations.....	06400		27,612
Equipment.....	07000		23,500
Unclassified.....	09900		1,180
Current Expenses	13000		390,907
Other Assets	69000		<u>11,520</u>
Total		\$	1,313,413

*213 - Oil and Gas Conservation Commission –**Special Oil and Gas Conservation Fund*

(W.V. Code Chapter 22C)

Fund 3371 FY 2025 Org 0315

Personal Services and		
Employee Benefits.....	00100	\$ 171,356
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	9,481
Current Expenses	13000	161,225
Other Assets	69000	<u>1,500</u>
Total		\$ 344,562

DEPARTMENT OF HEALTH*214 - Department of Health –**Emergency Medical Service Workers Salary Enhancement Fund*

(W.V. Code Chapter 16A)

Fund 5049 FY 2025 Org 0506

Current Expenses	13000	\$ 10,000,000
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*215 - Department of Health –**The Vital Statistics Account*

(W.V. Code Chapter 16)

Fund 5144 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 1,198,160
Unclassified.....	09900	15,500
Current Expenses	13000	<u>3,557,788</u>
Total		\$ 4,771,448

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

Additional funds have been appropriated from General Revenue for the operation of the institutional facilities.

Necessary funds from the above appropriation for Institutional Facilities Operations may be used for medical facilities operations, either in connection with this fund or in connection with the appropriations designated for Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

216 - Department of Health –

Laboratory Services Fund

(W.V. Code Chapter 16)

Fund 5163 FY 2025 Org 0506

Personal Services and

Employee Benefits.....	00100	\$ 1,083,838
Unclassified.....	09900	18,114
Current Expenses	13000	<u>2,209,105</u>
Total		\$ 3,311,057

217 - Department of Health –

The Health Facility Licensing Account

(W.V. Code Chapter 16)

Fund 5172 FY 2025 Org 0506

Personal Services and

Employee Benefits.....	00100	\$ 712,839
Unclassified.....	09900	7,113

Current Expenses	13000	<u>98,247</u>
Total		\$ 818,199

*218 - Department of Health –**Hepatitis B Vaccine*

(W.V. Code Chapter 16)

Fund 5183 FY 2025 Org 0506

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

(W.V. Code Chapter 16)

Fund 5204 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 19,100
Unclassified.....	09900	373
Current Expenses	13000	<u>17,875</u>
Total		\$ 37,348

*220 - Department of Health –**West Virginia Birth-to-Three Fund*

(W.V. Code Chapter 16)

Fund 5214 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 769,278
Unclassified.....	09900	223,999
Current Expenses	13000	<u>35,693,134</u>
Total		\$ 36,686,411

*221 - Department of Health –**Tobacco Control Special Fund*

(W.V. Code Chapter 16)

Fund 5218 FY 2025 Org 0506

Current Expenses	13000	\$	7,579
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*222 - Department of Health –**Medical Cannabis Program Fund*

(W.V. Code Chapter 16A)

Fund 5420 FY 2025 Org 0506

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

*223 - West Virginia Health Care Authority –**Health Care Cost Review Fund*

(W.V. Code Chapter 16)

Fund 5375 FY 2025 Org 0507

Personal Services and			
Employee Benefits.....	00100	\$	366,513
Unclassified.....	09900		13,500
Current Expenses	13000		<u>536,586</u>
Total		\$	<u>916,599</u>

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

*224 - West Virginia Health Care Authority –**Certificate of Need Program Fund*

(W.V. Code Chapter 16)

Fund 5377 FY 2025 Org 0507

Personal Services and

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

DEPARTMENT OF HUMAN SERVICES*225 - Department of Human Services –**Health Care Provider Tax –**Medicaid State Share Fund*

(W.V. Code Chapter 11)

Fund 5090 FY 2025 Org 0511

Medical Services.....	18900	\$ 393,594,315
Medical Services Administrative Costs	78900	<u>268,451</u>
Total		\$ 393,862,766

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 Human Services for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

*226 - Department of Human Services –**Child Support Enforcement Fund*

(W.V. Code Chapter 48A)

Fund 5094 FY 2025 Org 0511

Personal Services and

Employee Benefits.....	00100	\$ 27,809,509
Unclassified.....	09900	380,000

Current Expenses	13000	<u>12,810,491</u>
Total		\$ 41,000,000

227 - Department of Human Services –

Ryan Brown Addiction Prevention and Recovery Fund

(W.V. Code Chapter 19)

Fund 5111 FY 2025 Org 0511

Current Expenses	13000	\$ 10,667,392
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228 - Department of Human Services –

Medical Services Trust Fund

(W.V. Code Chapter 9)

Fund 5185 FY 2025 Org 0511

Medical Services	18900	\$ 55,000,000
Medical Services Administrative Costs	78900	<u>738,149</u>
Total		\$ 55,738,149

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

229 - Department of Human Services –

James "Tiger" Morton Catastrophic Illness Fund

(W.V. Code Chapter 16)

Fund 5454 FY 2025 Org 0511

Personal Services and

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

*230 - Department of Human Services –**Domestic Violence Legal Services Fund*

(W.V. Code Chapter 48)

Fund 5455 FY 2025 Org 0511

Current Expenses	13000	\$	900,000
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*231 - Department of Human Services –**West Virginia Works Separate State College Program Fund*

(W.V. Code Chapter 9)

Fund 5467 FY 2025 Org 0511

Current Expenses	13000	\$	500,000
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*232 - Department of Human Services –**West Virginia Works Separate State Two-Parent Program Fund*

(W.V. Code Chapter 9)

Fund 5468 FY 2025 Org 0511

Current Expenses	13000	\$	1,500,000
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*233 - Department of Human Services –**Marriage Education Fund*

(W.V. Code Chapter 9)

Fund 5490 FY 2025 Org 0511

Personal Services and

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

DEPARTMENT OF HEALTH FACILITIES*234 - Department of Health Facilities –**Hospital Services Revenue Account**Special Fund**Capital Improvement, Renovation and Operations*

(W.V. Code Chapter 16)

Fund 5156 FY 2025 Org 0512

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

DEPARTMENT OF HOMELAND SECURITY*235 - Department of Homeland Security –**Office of the Secretary –**Law-Enforcement, Safety and Emergency Worker**Funeral Expense Payment Fund*

(W.V. Code Chapter 15)

Fund 6003 FY 2025 Org 0601

Current Expenses	13000	\$	32,000
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*236 - Division of Emergency Management –**Statewide Interoperable Radio Network Account*

(W.V. Code Chapter 15)

Fund 6208 FY 2025 Org 0606

Current Expenses	13000	\$	80,000
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*237 - Division of Emergency Management –
West Virginia Interoperable Radio Project*

(W.V. Code Chapter 24)

Fund 6295 FY 2025 Org 0606

Repairs and Alterations	06400	\$	950,000
Equipment	07000		550,000
Unclassified.....	09900		20,000
Current Expenses	13000		<u>3,980,000</u>
Total		\$	5,500,000

238 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(W.V. Code Chapter 15A)

Fund 6362 FY 2025 Org 0608

Personal Services and			
Employee Benefits.....	00100	\$	1,247,729
Equipment	07000		30,000
Unclassified.....	09900		9,804
Current Expenses	13000		758,480
Other Assets	69000		<u>40,129</u>
Total		\$	2,086,142

239 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(W.V. Code Chapter 15A)

Fund 6675 FY 2025 Org 0608

Personal Services and

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

*240 - West Virginia State Police –**Motor Vehicle Inspection Fund*

(W.V. Code Chapter 17C)

Fund 6501 FY 2025 Org 0612

Personal Services and

Employee Benefits.....	00100	\$ 2,092,049
Repairs and Alterations.....	06400	204,500
Equipment.....	07000	3,770,751
Current Expenses	13000	1,488,211
Buildings.....	25800	534,000
Other Assets	69000	5,000
BRIM Premium.....	91300	<u>302,432</u>
Total		\$ 8,396,943

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.

*241 - West Virginia State Police –**Forensic Laboratory Fund*

(W.V. Code Chapter 15)

Fund 6511 FY 2025 Org 0612

Personal Services and

Employee Benefits.....	00100	\$ 1,637,078
Repairs and Alterations.....	06400	5,000

Equipment	07000	545,000
Current Expenses	13000	<u>90,000</u>
Total		\$ 2,277,078

242 - West Virginia State Police –

Drunk Driving Prevention Fund

(W.V. Code Chapter 15)

Fund 6513 FY 2025 Org 0612

Equipment	07000	\$ 3,491,895
Current Expenses	13000	1,327,000
BRIM Premium	91300	<u>154,452</u>
Total		\$ 4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.V. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

243 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(W.V. Code Chapter 15)

Fund 6516 FY 2025 Org 0612

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

244 - West Virginia State Police –

Surplus Transfer Account

(W.V. Code Chapter 15)

Fund 6519 FY 2025 Org 0612

Repairs and Alterations	06400	\$	20,000
Equipment	07000		250,000
Current Expenses	13000		225,000
Buildings	25800		40,000
Other Assets	69000		45,000
BRIM Premium.....	91300		5,000
Total		\$	585,000

245 - West Virginia State Police –

Central Abuse Registry Fund

(W.V. Code Chapter 15)

Fund 6527 FY 2025 Org 0612

Personal Services and			
Employee Benefits.....	00100	\$	289,971
Repairs and Alterations	06400		500
Equipment	07000		300,500
Current Expenses	13000		376,443
Other Assets	69000		300,500
BRIM Premium.....	91300		18,524
Total		\$	1,286,438

246 - West Virginia State Police –

Bail Bond Enforcer Account

(W.V. Code Chapter 15)

Fund 6532 FY 2025 Org 0612

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

State Police Academy Post Exchange

(W.V. Code Chapter 15)

Fund 6544 FY 2025 Org 0612

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

*248 - Fire Commission –**Fire Marshal Fees*

(W.V. Code Chapter 15A)

Fund 6152 FY 2025 Org 0619

Personal Services and			
Employee Benefits	00100	\$	3,893,612
Repairs and Alterations	06400		58,500
Equipment	07000		140,800
Unclassified	09900		3,800
Current Expenses	13000		1,646,550
BRIM Premium	91300		<u>65,000</u>
Total		\$	5,808,262

*249 - Division of Administrative Services –**W.V. Community Corrections Fund*

(W.V. Code Chapter 62)

Fund 6386 FY 2025 Org 0623

Personal Services and			
Employee Benefits	00100	\$	176,985
Repairs and Alterations	06400		1,000
Unclassified	09900		750
Current Expenses	13000		<u>1,846,250</u>
Total		\$	2,024,985

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

(W.V. Code Chapter 51)

Fund 6804 FY 2025 Org 0623

Personal Services and

Employee Benefits.....	00100	\$	26,462
Current Expenses	13000		<u>1,478,135</u>
Total		\$	1,504,597

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

(W.V. Code Chapter 17B)

Fund 6810 FY 2025 Org 0623

Current Expenses	13000	\$	125,000
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DEPARTMENT OF REVENUE*252 - Division of Financial Institutions*

(W.V. Code Chapter 31A)

Fund 3041 FY 2025 Org 0303

Personal Services and

Employee Benefits.....	00100	\$	2,815,127
Salary and Benefits of Cabinet			
Secretary and Agency Heads	00201		119,000
Equipment	07000		8,500
Current Expenses	13000		<u>650,475</u>
Total		\$	3,593,102

*253 - Office of the Secretary –**State Debt Reduction Fund*

(W.V. Code Chapter 29)

Fund 7007 FY 2025 Org 0701

Retirement Systems – Unfunded

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

254 - Home Rule Board Operations

(W.V. Code Chapter 8)

Fund 7010 FY 2025 Org 0701

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

255 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(W.V. Code Chapter 47)

Fund 7092 FY 2025 Org 0702

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

256 - State Budget Office –

Public Employees Insurance Reserve Fund

(W.V. Code Chapter 11B)

Fund 7400 FY 2025 Org 0703

Public Employees Insurance		
Reserve Fund – Transfer.....	90300	\$ 6,800,000

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

257 - Insurance Commissioner –

Examination Revolving Fund

(W.V. Code Chapter 33)

Fund 7150 FY 2025 Org 0704

Personal Services and		
Employee Benefits.....	00100	\$ 782,104
Repairs and Alterations	06400	3,000
Equipment	07000	81,374
Current Expenses	13000	1,357,201
Buildings	25800	8,289
Other Assets	69000	11,426
Total		<u>\$ 2,243,394</u>

258 - Insurance Commissioner –

Consumer Advocate

(W.V. Code Chapter 33)

Fund 7151 FY 2025 Org 0704

Personal Services and		
Employee Benefits.....	00100	\$ 602,587
Repairs and Alterations	06400	5,000
Equipment	07000	34,225
Current Expenses	13000	202,152
Buildings	25800	4,865
Other Assets	69000	19,460
Total		<u>\$ 868,289</u>

259 - Insurance Commissioner –

Insurance Commission Fund

(W.V. Code Chapter 33)

Fund 7152 FY 2025 Org 0704

Personal Services and

Employee Benefits.....	00100	\$ 23,351,665
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	136,500
Repairs and Alterations	06400	68,614
Equipment	07000	302,688
Current Expenses	13000	8,797,758
Buildings	25800	25,000
Other Assets	69000	<u>50,000</u>
Total		\$ 32,732,225

*260 - Insurance Commissioner –**Insurance Fraud Prevention Fund*

(W.V. Code Chapter 33)

Fund 7153 FY 2025 Org 0704

Current Expenses	13000	\$ 15,000
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*261 - Insurance Commissioner –**Workers' Compensation Old Fund*

(W.V. Code Chapter 23)

Fund 7162 FY 2025 Org 0704

Employee Benefits.....	01000	\$ 50,000
Current Expenses	13000	<u>250,500,000</u>
Total		\$250,550,000

*262 - Insurance Commissioner –**Workers' Compensation Uninsured Employers' Fund*

(W.V. Code Chapter 23)

Fund 7163 FY 2025 Org 0704

Current Expenses 13000 \$ 15,000,000

*263 - Insurance Commissioner –**Self-Insured Employer Guaranty Risk Pool*

(W.V. Code Chapter 23)

Fund 7164 FY 2025 Org 0704

Current Expenses 13000 \$ 9,000,000

*264 - Insurance Commissioner –**Self-Insured Employer Security Risk Pool*

(W.V. Code Chapter 23)

Fund 7165 FY 2025 Org 0704

Current Expenses 13000 \$ 14,000,000

265 - Municipal Bond Commission

(W.V. Code Chapter 13)

Fund 7253 FY 2025 Org 0706

Personal Services and

Employee Benefits.....	00100	\$	383,671
Equipment.....	07000		100
Current Expenses	13000		<u>154,344</u>
Total.....		\$	538,115

*266 - Racing Commission –**Relief Fund*

(W.V. Code Chapter 19)

Fund 7300 FY 2025 Org 0707

Medical Expenses – Total24500 \$ 154,000

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.

267 - Racing Commission –

Administration and Promotion Account

(W.V. Code Chapter 19)

Fund 7304 FY 2025 Org 0707

Personal Services and

Employee Benefits.....	00100	\$ 288,127
Current Expenses	13000	85,433
Other Assets	69000	<u>5,000</u>
Total		\$ 378,560

268 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7305 FY 2025 Org 0707

Personal Services and

Employee Benefits.....	00100	\$ 2,523,239
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	59,533
Repairs and Alterations	06400	5,000
Current Expenses	13000	497,284
Other Assets	69000	<u>40,000</u>
Total		\$ 3,125,056

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

(W.V. Code Chapter 19)

Fund 7307 FY 2025 Org 0707

Personal Services and

Employee Benefits.....	00100	\$	937,171
Current Expenses	13000		160,099
Other Assets	69000		<u>200,000</u>
Total		\$	1,297,270

*270 - Racing Commission –**Advanced Depositing Wagering Fund*

(W.V. Code Chapter 19)

Fund 7309 FY 2025 Org 0707

Current Expenses	13000	\$	1,116,000
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*271 - Alcohol Beverage Control Administration –**Wine License Special Fund*

(W.V. Code Chapter 60)

Fund 7351 FY 2025 Org 0708

Personal Services and

Employee Benefits.....	00100	\$	156,111
Repairs and Alterations	06400		7,263
Equipment	07000		10,000
Current Expenses	13000		160,436
Buildings	25800		100,000
Transfer Liquor Profits and Taxes.....	42500		30,750

Other Assets	69000	<u>350,100</u>
Total	\$	814,660

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

272 - Alcohol Beverage Control Administration

(W.V. Code Chapter 60)

Fund 7352 FY 2025 Org 0708

Personal Services and		
Employee Benefits.....	00100	\$ 6,239,729
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	122,500
Repairs and Alterations	06400	91,000
Equipment	07000	108,000
Current Expenses	13000	2,890,577
Buildings	25800	375,100
Purchase of Supplies for Resale.....	41900	104,000,000
Transfer Liquor Profits and Taxes.....	42500	33,400,000
Other Assets	69000	125,100
Land	73000	<u>100</u>
Total		\$ 147,352,106

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

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

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

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for

the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

273 - State Athletic Commission Fund

(W.V. Code Chapter 29)

Fund 7009 FY 2025 Org 0933

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

DEPARTMENT OF TRANSPORTATION

274 - Division of Motor Vehicles –

Dealer Recovery Fund

(W.V. Code Chapter 17)

Fund 8220 FY 2025 Org 0802

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

Motor Vehicle Fees Fund

(W.V. Code Chapter 17B)

Fund 8223 FY 2025 Org 0802

Personal Services and		
Employee Benefits.....	00100	\$ 4,478,448
Repairs and Alterations	06400	16,000
Equipment	07000	75,000
Current Expenses	13000	4,337,712
Other Assets	69000	10,000
BRIM Premium.....	91300	<u>110,000</u>
Total		\$ 9,027,160

276 - Division of Highways –*A. James Manchin Fund*

(W.V. Code Chapter 22)

Fund 8319 FY 2025 Org 0803

Current Expenses 13000 \$ 2,900,000

277 - WV Division of Multimodal Transportation Facilities -*State Rail Authority -**West Virginia Commuter Rail Access Fund*

(W.V. Code Chapter 29)

Fund 8402 FY 2025 Org 0810

Current Expenses 13000 \$ 600,000

DEPARTMENT OF VETERANS' ASSISTANCE**278 - Veterans' Facilities Support Fund**

(W.V. Code Chapter 9A)

Fund 6703 FY 2025 Org 0613

Personal Services and

Employee Benefits.....01000 \$ 99,135

Current Expenses 13000 1,654,234

Other Assets69000 10,000

Total..... \$ 1,763,369

279 - Department of Veterans' Assistance –*W.V. Veterans' Home –**Special Revenue Operating Fund*

(W.V. Code Chapter 9A)

Fund 6754 FY 2025 Org 0618

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

BUREAU OF SENIOR SERVICES*280 - Bureau of Senior Services –**Community Based Service Fund*

(W.V. Code Chapter 29)

Fund 5409 FY 2025 Org 0508

Personal Services and			
Employee Benefits	00100	\$	160,628
Salary and Benefits of Cabinet			
Secretary and Agency Heads	00201		30,000
Current Expenses	13000		<u>14,399,338</u>
Total		\$	14,529,966

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION*281 - Higher Education Policy Commission –**System –**Tuition Fee Capital Improvement Fund**(Capital Improvement and Bond Retirement Fund)**Control Account*

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

Fund 4903 FY 2025 Org 0442

Debt Service.....	04000	\$ 27,411,984
General Capital Expenditures	30600	5,000,000
Facilities Planning and Administration	38600	<u>479,369</u>
Total		\$ 32,891,353

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.V. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

282 - Tuition Fee Revenue Bond Construction Fund

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

Fund 4906 FY 2025 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.V. Code §18-12B-8, which have since been refunded.

283 - West Virginia University –

West Virginia University Health Sciences Center

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

Fund 4179 FY 2025 Org 0463

Personal Services and

Employee Benefits.....	00100	\$ 11,795,211
Repairs and Alterations	06400	425,000
Equipment	07000	512,000
Current Expenses	13000	4,524,300
Buildings	25800	150,000
Other Assets	69000	<u>50,000</u>
Total		\$ 17,456,511

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

(W.V. Code Chapter 18B)

Fund 4271 FY 2025 Org 0471

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

(W.V. Code Chapter 18B)

Fund 4272 FY 2025 Org 0476

West Virginia School of

Osteopathic Medicine	17200	\$ 4,115,931
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MISCELLANEOUS BOARDS AND COMMISSIONS*286 - Board of Barbers and Cosmetologists –**Barbers and Beauticians Special Fund*

(W.V. Code Chapters 16 and 30)

Fund 5425 FY 2025 Org 0505

Personal Services and

Employee Benefits.....	00100	\$ 607,945
Repairs and Alterations	06400	5,000
Current Expenses	13000	<u>234,969</u>
Total		\$ 847,914

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

287 - Hospital Finance Authority –

Hospital Finance Authority Fund

(W.V. Code Chapter 16)

Fund 5475 FY 2025 Org 0509

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

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the W.V. Code.

288 - State Armory Board –

General Armory Fund

(W.V. Code Chapter 15)

Fund 6057 FY 2025 Org 0603

Personal Services and		
Employee Benefits.....	00100	\$ 1,690,382
Repairs and Alterations	06400	385,652
Equipment	07000	250,000
Current Expenses	13000	650,000
Buildings	25800	520,820
Other Assets	69000	350,000
Land	73000	<u>200,000</u>
Total		\$ 4,046,854

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

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

Licensed Practical Nurses

(W.V. Code Chapter 30)

Fund 8517 FY 2025 Org 0906

Personal Services and		
Employee Benefits.....	00100	\$ 1,002,286
Current Expenses	13000	<u>253,007</u>
Total		\$ 1,255,293

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

Registered Professional Nurses

(W.V. Code Chapter 30)

Fund 8520 FY 2025 Org 0907

Personal Services and		
Employee Benefits.....	00100	\$ 1,432,788
Repairs and Alterations	06400	3,000
Equipment	07000	25,000
Current Expenses	13000	312,655
Other Assets	69000	<u>4,500</u>
Total		\$ 1,777,943

291 - Public Service Commission

(W.V. Code Chapter 24)

Fund 8623 FY 2025 Org 0926

Personal Services and

Employee Benefits.....	00100	\$ 14,410,245
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	318,640
Repairs and Alterations	06400	120,000
Equipment	07000	160,000
Unclassified.....	09900	147,643
Current Expenses	13000	2,157,202
Buildings	25800	10
PSC Weight Enforcement	34500	5,199,295
Debt Payment/Capital Outlay	52000	350,000
Land	73000	10
BRIM Premium.....	91300	172,216
Total		\$ 23,035,261

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625) due to the amendment and reenactment of W.V. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

292 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(W.V. Code Chapter 24B)

Fund 8624 FY 2025 Org 0926

Personal Services and

Employee Benefits.....	00100	\$ 394,133
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	11,949
Repairs and Alterations	06400	4,000
Unclassified.....	09900	3,851

Current Expenses	13000	<u>93,115</u>
Total		\$ 507,048

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

293 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8625 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 2,536,213
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	67,711
Repairs and Alterations	06400	23,000
Equipment	07000	50,000
Unclassified.....	09900	29,233
Current Expenses	13000	<u>577,557</u>
Total		\$ 3,283,714

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

294 - Public Service Commission –

Consumer Advocate Fund

(W.V. Code Chapter 24)

Fund 8627 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 992,100
Equipment	07000	9,872

Current Expenses	13000	536,472
BRIM Premium.....	91300	<u>4,660</u>
Total		\$ 1,543,104

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

295 - Real Estate Commission –

Real Estate License Fund

(W.V. Code Chapter 30)

Fund 8635 FY 2025 Org 0927

Personal Services and		
Employee Benefits.....	00100	\$ 665,295
Repairs and Alterations	06400	2,500
Equipment	07000	5,000
Current Expenses	13000	<u>293,122</u>
Total		\$ 965,917

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

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

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(W.V. Code Chapter 30)

Fund 8646 FY 2025 Org 0930

Personal Services and		
Employee Benefits.....	00100	\$ 129,733
Current Expenses	13000	<u>63,499</u>
Total		\$ 193,232

*297 - W.V. Board of Respiratory Care –**Board of Respiratory Care Fund*

(W.V. Code Chapter 30)

Fund 8676 FY 2025 Org 0935

Personal Services and		
Employee Benefits.....	00100	\$ 125,073
Current Expenses	13000	<u>62,709</u>
Total		\$ 187,782

*298 - W.V. Board of Licensed Dietitians –**Dietitians Licensure Board Fund*

(W.V. Code Chapter 30)

Fund 8680 FY 2025 Org 0936

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

*299 - Massage Therapy Licensure Board –**Massage Therapist Board Fund*

(W.V. Code Chapter 30)

Fund 8671 FY 2025 Org 0938

Personal Services and		
Employee Benefits.....	00100	\$ 122,310
Current Expenses	13000	<u>47,388</u>
Total		\$ 169,698

*300 - Board of Medicine –**Medical Licensing Board Fund*

(W.V. Code Chapter 30)

Fund 9070 FY 2025 Org 0945

Personal Services and

Employee Benefits.....	00100	\$ 1,669,378
Repairs and Alterations	06400	8,000
Current Expenses	13000	<u>1,268,064</u>
Total		\$ 2,945,442

*301 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(W.V. Code Chapter 12)

Fund 9080 FY 2025 Org 0947

Personal Services and

Employee Benefits.....	00100	\$ 5,690,654
Repairs and Alterations	06400	300
Equipment	07000	502,000
Unclassified.....	09900	132,000
Current Expenses	13000	19,214,993
Buildings	25800	2,000
Other Assets	69000	<u>2,004,500</u>
Total		\$ 27,546,447

*302 - Board of Treasury Investments –**Board of Treasury Investments Fee Fund*

(W.V. Code Chapter 12)

Fund 9152 FY 2025 Org 0950

Personal Services and

Employee Benefits.....	00100	\$ 982,714
Unclassified.....	09900	14,850
Current Expenses	13000	580,889

BRIM Premium.....	91300	31,547
Fees of Custodians, Fund Advisors and Fund Managers.....	93800	<u>5,500,000</u>
Total		\$ 7,110,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the W.V. Code.

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

303 - Contractor Licensing Board Fund

(W.V. Code Chapter 21)

Fund 3187 FY 2025 Org 0951

Personal Services and		
Employee Benefits.....	00100	\$ 2,559,000
Repairs and Alterations	06400	10,000
Unclassified.....	09900	21,000
Current Expenses	13000	500,000
BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 3,098,500

Total TITLE II, Section 3 – Other Funds

(Including claims against the state) \$2,141,776,021

Sec. 4. Appropriations from lottery net profits.—Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.V. Code §29-22-18, the

Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

304 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(W.V. Code Chapter 5)

Fund 2252 FY 2025 Org 0211

	Appropriation	Lottery Funds
Debt Service – Total.....	31000	\$ 10,000,000

305 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 3067 FY 2025 Org 0304

Tourism – Telemarketing Center.....	46300	\$ 82,080
Tourism – Advertising (R)	61800	2,422,407
Tourism – Operations (R)	66200	<u>4,582,523</u>
Total		\$ 7,087,010

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

306 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 3267 FY 2025 Org 0310

Personal Services and

Employee Benefits.....	00100	\$ 2,791,307
Current Expenses	13000	26,900
Pricketts Fort State Park.....	32400	106,560
Non-Game Wildlife (R)	52700	483,485
State Parks and Recreation		
Advertising (R)	61900	<u>494,578</u>
Total		\$ 3,902,830

Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

307 - State Board of Education

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

Fund 3951 FY 2025 Org 0402

FBI Checks.....	37200	\$ 125,744
Vocational Education Equipment		
Replacement	39300	800,000
Assessment Program (R).....	39600	490,439
Literacy Project.....	89900	700,000
21st Century Technology Infrastructure		
Network Tools and Support (R).....	93300	<u>12,638,280</u>
Total		\$ 14,754,463

Any unexpended balances remaining in the appropriations for Assessment Program (fund 3951, appropriation 39600) and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

*308 - State Department of Education –**School Building Authority –**Debt Service Fund*

(W.V. Code Chapter 18)

Fund 3963 FY 2025 Org 0404

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

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

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

*309 - Division of Culture and History –**Lottery Education Fund*

(W.V. Code Chapter 29)

Fund 3534 FY 2025 Org 0432

Huntington Symphony	02700	\$ 59,058
Preservation West Virginia (R).....	09200	491,921
Fairs and Festivals (R)	12200	1,346,814
Commission for National and Community Service (R).....	19300	395,744
Archeological Curation/Capital Improvements (R).....	24600	43,174
Historic Preservation Grants (R).....	31100	417,933
West Virginia Public Theater	31200	120,019
Greenbrier Valley Theater	42300	115,000

Theater Arts of West Virginia.....	46400	90,000
Marshall Artists Series	51800	36,005
Grants for Competitive Arts		
Program (R)	62400	811,500
West Virginia State Fair	65700	31,241
Save the Music	68000	40,000
Contemporary American Theater		
Festival.....	81100	57,281
Independence Hall	81200	27,277
Mountain State Forest Festival	86400	38,187
WV Symphony.....	90700	59,058
Wheeling Symphony.....	90800	59,058
Appalachian Childrens' Chorus.....	91600	54,554
Total		\$ 4,293,824

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Commission for National and Community Service (fund 3534, appropriation 19300), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), and Grants for Competitive Arts Program (fund 3534, appropriation 62400) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

310 - Division of Culture and History –

Library Commission -

Lottery Education Fund

(W.V. Code Chapter 10)

Fund 3559 FY 2025 Org 0432

Books and Films	17900	\$	360,784
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Services to Libraries	18000	550,000
Grants to Public Libraries	18200	9,439,571
Digital Resources	30900	219,992
Infomine Network	88400	<u>943,353</u>
Total		\$ 11,513,700

311 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 3587 FY 2025 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

312 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

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

Fund 4925 FY 2025 Org 0441

RHI Program and Site Support (R)	03600	\$ 1,922,710
RHI Program and Site Support –		
RHEP Program Administration	03700	146,653
RHI Program and Site Support – Grad		
Med Ed and Fiscal Oversight (R)	03800	90,192
Minority Doctoral Fellowship (R)	16600	129,604
Health Sciences Scholarship (R)	17600	226,251
Vice Chancellor for Health Sciences –		
Rural Health Residency Program (R)	60100	62,725
WV Engineering, Science, and		
Technology Scholarship Program	86800	<u>452,831</u>
Total		\$ 3,030,966

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

313 - Community and Technical College –

Capital Improvement Fund

(W.V. Code Chapter 18B)

Fund 4908 FY 2025 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) and Capital Improvements - Total (fund 4908, appropriation 95800) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

314 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4185 FY 2025 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R).....03500	\$ 1,246,059
MA Public Health Program and Health Science Technology (R)62300	52,445
Health Sciences Career Opportunities Program (R)86900	336,987
HSTA Program (R).....87000	1,903,647
Center for Excellence in Disabilities (R)96700	<u>328,292</u>
Total.....	\$ 3,867,430

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

*315 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(W.V. Code Chapter 18B)

Fund 4896 FY 2025 Org 0471

Marshall Medical School –

RHI Program and Site Support (R).....03300	\$ 453,525
Vice Chancellor for Health Sciences – Rural Health Residency Program (R)60100	<u>179,773</u>
Total.....	\$ 633,298

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

316 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(W.V. Code Chapter 29)

Fund 5405 FY 2025 Org 0508

Personal Services and		
Employee Benefits.....00100	\$	160,387
Salary and Benefits of Cabinet		
Secretary and Agency Heads00201		86,000
Repairs and Alterations06400		1,000
Current Expenses13000		332,284
Local Programs Service		
Delivery Costs20000		2,435,250
Silver Haired Legislature20200		18,500
Transfer to Division of Human Services		
for Health Care and Title XIX		
Waiver for Senior Citizens.....53900		27,986,092
Roger Tompkins Alzheimers		
Respite Care.....64300		2,308,914
WV Alzheimers Hotline.....72400		45,000
Regional Aged and Disabled		
Resource Center.....76700		425,000
Senior Services Medicaid Transfer87100		16,400,070
Legislative Initiatives for the Elderly.....90400		9,671,239
Long Term Care Ombudsmen.....90500		297,226
BRIM Premium.....91300		7,718
In-Home Services and Nutrition		
for Senior Citizens (R).....91700		<u>6,845,941</u>
Total	\$	67,020,621

Any unexpended balances remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) and In-Home Services and Nutrition for Senior Citizens (fund 5405, appropriation 91700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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 the Department of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 5405, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

Total TITLE II, Section 4 – Lottery Revenue \$ 149,104,142

Sec. 5. Appropriations from state excess lottery revenue fund.—In accordance with W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

317 - Governor's Office

(W.V. Code Chapter 5)

Fund 1046 FY 2025 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

318 - Office of Technology

(W.V. Code Chapter 5A)

Fund 2532 FY 2025 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

319 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(W.V. Code Chapter 5B)

Fund 3170 FY 2025 Org 0307

Any unexpended balance remaining in the appropriation for Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

320 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2025 Org 0310

	Appropriation	Excess Lottery Funds
Repairs and Alterations (R).....	06400	\$ 161,200
Equipment (R).....	07000	200,000
Current Expenses (R).....	13000	23,300
Buildings (R).....	25800	100,000
Other Assets (R).....	69000	<u>1,020,500</u>
Total		\$ 1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

321 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2025 Org 0316

Directed Transfer70000 \$ 46,000,000

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

322 - Department of Education –

School Building Authority

Fund 3514 FY 2025 Org 0404

Debt Service - Total	31000	\$ 18,948,000
Directed Transfer	70000	<u>52,000</u>
Total		\$ 19,000,000

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

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

323 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2025 Org 0441

PROMISE Scholarship – Transfer80000 \$ 29,000,000

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296,) established by W.V. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

324 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2025 Org 0441

Directed Transfer70000 \$ 15,000,000

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

325 - Higher Education Policy Commission –*Administration –**Control Account*Fund 4932 FY 2025 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

326 - Department of Human Services

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

Fund 5365 FY 2025 Org 0511

Medical Services 18900 \$ 63,232,578

327 - Division of Corrections and Rehabilitation –*Correctional Units*

(W.V. Code Chapter 15A)

Fund 6283 FY 2025 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 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

328 - Lottery Commission –*General Purpose Account*Fund 7206 FY 2025 Org 0705

General Revenue Fund – Transfer 70011 \$ 65,000,000

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.V. Code §29-22-18a.

329 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2025 Org 0705

Directed Transfer70000 \$ 10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.V. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the Commissioner's request.

330 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2025 Org 0705

Parking Garage Fund – Transfer	70001	\$	500,000
2004 Capitol Complex Parking			
Garage Fund – Transfer	70002		216,478
Capitol Dome and Improvements			
Fund – Transfer	70003		1,796,256
Capitol Renovation and Improvement			
Fund – Transfer	70004		2,381,252
Economic Development Promotion and			
Closing Fund - Transfer	70005		1,298,864
Research Challenge Fund – Transfer	70006		1,731,820
Tourism Promotion Fund – Transfer	70007		4,808,142
Cultural Facilities and Capital Resources			
Matching Grant Program Fund –			
Transfer	70008		1,500,000
State Debt Reduction Fund – Transfer	70010		20,000,000
General Revenue Fund – Transfer	70011		1,167,799

West Virginia Racing Commission

Racetrack Video Lottery Account.....	70012	3,463,637
Historic Resort Hotel Fund	70013	24,010
Licensed Racetrack Regular		
Purse Fund	70014	<u>22,383,247</u>
Total		\$ 61,271,505

*331 - Racing Commission*Fund 7308 FY 2025 Org 0707

Special Breeders Compensation

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

*332 - Economic Development Authority –**Economic Development Project Fund*Fund 9065 FY 2025 Org 0944

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

Pursuant to W.V. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the Economic Development Project fund pursuant to section four of this title and W.V. Code §29-22-18, subsection (f).

*333 - Economic Development Authority –**Cacapon and Beech Fork State Parks –**Lottery Revenue Debt Service*Fund 9067 FY 2025 Org 0944

Debt Service.....04000 \$ 2,032,000

*334 - Economic Development Authority –**State Parks Lottery Revenue Debt Service Fund*Fund 9068 FY 2025 Org 0944

Debt Service.....04000 \$ 4,395,000

Total TITLE II, Section 5 –

Excess Lottery Funds..... \$ 337,436,083

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 2025.

LEGISLATIVE

335 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 8738 FY 2025 Org 2300

	Appro- priation	Federal Funds
Economic Loss Claim Payment		
Fund	33400	\$ 442,000

JUDICIAL

336 - Supreme Court

Fund 8867 FY 2025 Org 2400

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

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

(W.V. Code Chapter 4)

Fund 8823 FY 2025 Org 0100

Repairs and Alterations	06400	\$	1,000
Equipment	07000		1,000
Unclassified.....	09900		500,000
Current Expenses	13000		25,497,000
Other Assets	69000		1,000
Total		\$	26,000,000

338 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 8736 FY 2025 Org 1400

Personal Services and			
Employee Benefits.....	00100	\$	2,722,216
Repairs and Alterations	06400		650,000
Equipment	07000		910,500
Unclassified.....	09900		50,534
Current Expenses	13000		6,841,987
Buildings	25800		1,000,000
Other Assets	69000		550,000
Land	73000		500,000
Federal Coronavirus Pandemic	89101		4,721,430
Total		\$	17,946,667

339 - Department of Agriculture –*Meat Inspection Fund*

(W.V. Code Chapter 19)

Fund 8737 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 739,966
Repairs and Alterations.....	06400	5,500
Equipment.....	07000	114,478
Unclassified.....	09900	8,755
Current Expenses	13000	<u>136,012</u>
Total.....		\$ 1,004,711

340 - Department of Agriculture –

State Conservation Committee

(W.V. Code Chapter 19)

Fund 8783 FY 2025 Org 1400

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

341 - Department of Agriculture –

Land Protection Authority

(W.V. Code Chapter 19)

Fund 8896 FY 2025 Org 1400

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

342 - Attorney General –

Medicaid Fraud Unit

(W.V. Code Chapter 5)

Fund 8882 FY 2025 Org 1500

Personal Services and

Employee Benefits.....	00100	\$ 1,850,458
Repairs and Alterations	06400	4,313
Equipment	07000	7,500
Unclassified.....	09900	15,336
Current Expenses	13000	611,287
Other Assets	69000	<u>11,336</u>
Total		\$ 2,500,230

343 - Secretary of State –*State Election Fund*

(W.V. Code Chapter 3)

Fund 8854 FY 2025 Org 1600

Personal Services and

Employee Benefits.....	00100	\$ 210,240
Repairs and Alterations	06400	15,000
Unclassified.....	09900	7,484
Current Expenses	13000	415,727
Other Assets	69000	<u>100,000</u>
Total		\$ 748,451

DEPARTMENT OF COMMERCE**344 - Division of Forestry**

(W.V. Code Chapter 19)

Fund 8703 FY 2025 Org 0305

Personal Services and

Employee Benefits.....	00100	\$ 637,000
Repairs and Alterations	06400	155,795
Equipment	07000	1,000,000
Unclassified.....	09900	51,050
Current Expenses	13000	3,062,013
Other Assets	69000	<u>3,078,847</u>
Total		\$ 7,984,705

345 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 8704 FY 2025 Org 0306

Personal Services and		
Employee Benefits.....	00100	\$ 204,432
Repairs and Alterations.....	06400	305,000
Equipment.....	07000	187,500
Unclassified.....	09900	2,803
Current Expenses	13000	195,639
Buildings	25800	1,500,000
Other Assets	69000	15,000
Total.....		\$ 2,410,374

346 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 8706 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 460,197
Repairs and Alterations.....	06400	500
Unclassified.....	09900	5,572
Current Expenses	13000	167,098
Total.....		\$ 633,367

347 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 8707 FY 2025 Org 0310

Personal Services and		
Employee Benefits.....	00100	\$ 11,474,295
Repairs and Alterations.....	06400	566,250
Equipment	07000	2,126,141
Unclassified.....	09900	107,693
Current Expenses	13000	7,887,660
Administration	15500	50,325

Buildings	25800	951,000
Other Assets	69000	4,768,670
Land	73000	<u>2,893,920</u>
Total		\$ 30,825,954

348 - Division of Miners' Health,

Safety and Training

(W.V. Code Chapter 22)

Fund 8709 FY 2025 Org 0314

Personal Services and		
Employee Benefits.....	00100	\$ 705,030
Current Expenses	13000	<u>150,000</u>
Total		\$ 855,030

349 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 8835 FY 2025 Org 0323

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

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.V. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

350 - State Board of Rehabilitation –*Division of Rehabilitation Services*

(W.V. Code Chapter 18)

Fund 8734 FY 2025 Org 0932

Personal Services and

Employee Benefits.....00100 \$ 12,642,892

Salary and Benefits of Cabinet

Secretary and Agency Heads00201 153,000

Repairs and Alterations06400 350,400

Equipment07000 1,275,870

Current Expenses13000 68,440,940

Total \$ 82,863,102

351 - State Board of Rehabilitation –*Division of Rehabilitation Services –**Disability Determination Services*

(W.V. Code Chapter 18)

Fund 8890 FY 2025 Org 0932

Personal Services and

Employee Benefits.....00100 \$ 14,889,790

Repairs and Alterations06400 1,100

Equipment07000 83,350

Current Expenses13000 13,383,206

Total \$ 28,357,446

DEPARTMENT OF TOURISM**352 - Department of Tourism –***Tourism Workforce Development Fund*

(W.V. Code Chapter 5B)

Fund 8903 FY 2025 Org 0304

Federal Coronavirus Pandemic89101 \$ 2,765,115

DEPARTMENT OF ECONOMIC DEVELOPMENT

353 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 8705 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 5,346,497
Unclassified.....	09900	50,000
Current Expenses	13000	<u>809,776,339</u>
Total		\$ 815,172,836

354 - Department of Economic Development –

Office of Energy

(W.V. Code Chapter 5B)

Fund 8892 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 1,007,411
Unclassified.....	09900	7,350
Current Expenses	13000	<u>8,266,076</u>
Total		\$ 9,280,837

355 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity

(W.V. Code Chapter 5)

Fund 8901 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 854,189

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

DEPARTMENT OF EDUCATION

356 - State Board of Education –

State Department of Education

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

Fund 8712 FY 2025 Org 0402

Personal Services and		
Employee Benefits.....	00100	\$ 6,146,942
Repairs and Alterations	06400	10,000
Equipment	07000	10,000
Unclassified.....	09900	2,000,000
Current Expenses	13000	1,434,146,008
Other Assets	69000	10,000
Federal Coronavirus Pandemic	89101	<u>4,990,123</u>
Total		\$1,447,313,073

357 - State Board of Education –

School Lunch Program

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

Fund 8713 FY 2025 Org 0402

Personal Services and		
Employee Benefits.....	00100	\$ 2,010,501
Repairs and Alterations	06400	20,000
Equipment	07000	100,000
Unclassified.....	09900	1,150,500
Current Expenses	13000	258,781,265
Other Assets	69000	25,000
Federal Coronavirus Pandemic	89101	<u>743,436</u>
Total		\$262,830,702

358 - State Board of Education –*Vocational Division*

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

Fund 8714 FY 2025 Org 0402

Personal Services and		
Employee Benefits.....	00100	\$ 2,032,898
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Unclassified.....	09900	155,000
Current Expenses	13000	20,820,081
Other Assets	69000	<u>10,000</u>
Total		\$ 23,037,979

359 - State Board of Education –*Aid for Exceptional Children*

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

Fund 8715 FY 2025 Org 0402

Personal Services and		
Employee Benefits.....	00100	\$ 3,671,135
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Unclassified.....	09900	1,000,000
Current Expenses	13000	139,346,390
Other Assets	69000	10,000
Federal Coronavirus Pandemic	89101	<u>17,336,635</u>
Total		\$ 161,384,160

360 - WV Professional Charter School Board

(W.V. Code Chapter 18)

Fund 8828 FY 2025 Org 0405

Personal Services and		
Employee Benefits.....	00100	\$ 98,605

Repairs and Alterations	06400	500
Equipment	07000	500
Current Expenses	13000	3,012,108
Other Assets	69000	500
Total		\$ 3,112,213

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

361 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 8718 FY 2025 Org 0432

Personal Services and		
Employee Benefits	00100	\$ 927,795
Repairs and Alterations	06400	1,000
Equipment	07000	1,000
Current Expenses	13000	1,947,372
Buildings	25800	1,000
Other Assets	69000	1,000
Land	73000	360
Federal Coronavirus Pandemic	89101	765,400
Total		\$ 3,644,927

362 - Library Commission

(W.V. Code Chapter 10)

Fund 8720 FY 2025 Org 0432

Personal Services and		
Employee Benefits	00100	\$ 387,033
Equipment	07000	543,406
Current Expenses	13000	1,076,162
Federal Coronavirus Pandemic	89101	2,388,880
Total		\$ 4,395,481

363 - Commission for National and Community Service

(W.V. Code Chapter 5F)

Fund 8841 FY 2025 Org 0432

Personal Services and

Employee Benefits.....	00100	\$	471,153
Repairs and Alterations.....	06400		1,000
Current Expenses	13000		5,587,325
Federal Coronavirus Pandemic	89101		1,960,558
Total.....		\$	8,020,036

364 - National Coal Heritage Area Authority

(W.V. Code Chapter 29)

Fund 8869 FY 2025 Org 0432

Personal Services and

Employee Benefits.....	00100	\$	201,942
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Current Expenses	13000		328,008
Other Assets	69000		2,000
Total.....		\$	539,950

DEPARTMENT OF ENVIRONMENTAL PROTECTION*365 - Division of Environmental Protection*

(W.V. Code Chapter 22)

Fund 8708 FY 2025 Org 0313

Personal Services and

Employee Benefits.....	00100	\$	37,148,357
Repairs and Alterations.....	06400		739,783
Equipment.....	07000		1,712,238
Unclassified.....	09900		1,923,580
Current Expenses	13000		347,447,019
West Virginia Drinking Water Treatment			
Revolving Fund – Transfer	68900		80,753,300
Other Assets	69000		2,177,261
Land	73000		80,000
Total.....		\$	471,981,538

DEPARTMENT OF HEALTH**366 - Department of Health –***Central Office*

(W.V. Code Chapter 16)

Fund 8802 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 21,101,605
Equipment	07000	456,972
Unclassified.....	09900	856,614
Current Expenses	13000	139,553,476
Buildings	25800	155,000
Other Assets	69000	380,000
Federal Coronavirus Pandemic	89101	<u>40,061,935</u>
Total		\$ 202,565,602

367 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 8725 FY 2025 Org 0510

Personal Services and		
Employee Benefits.....	00100	\$ 737,485
Unclassified.....	09900	5,050
Current Expenses	13000	<u>164,950</u>
Total		\$ 907,485

DEPARTMENT OF HUMAN SERVICES**368 - Department of Human Services**

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

Fund 8722 FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 88,722,032

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	73,500
Unclassified.....	09900	22,855,833
Current Expenses	13000	180,311,984
Medical Services	18900	4,151,432,776
Medical Services Administrative Costs	78900	170,074,119
CHIP Administrative Costs	85601	6,753,105
CHIP Services	85602	59,012,014
Federal Coronavirus Pandemic	89101	<u>4,000,000</u>
Total		\$4,683,235,363

*369 - Department of Health –**Consolidated Medical Service Fund*

(W.V. Code Chapter 16)

Fund 8723 FY 2025 Org 0511

Personal Services and

Employee Benefits.....	00100	\$ 1,485,132
Unclassified.....	09900	73,307
Current Expenses	13000	98,197,690
Federal Coronavirus Pandemic	89101	<u>564,772</u>
Total		\$100,320,901

DEPARTMENT OF HOMELAND SECURITY*370 - Division of Emergency Management*

(W.V. Code Chapter 15)

Fund 8727 FY 2025 Org 0606

Personal Services and

Employee Benefits.....	00100	\$ 2,035,385
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	61,250
Repairs and Alterations	06400	5,000
Equipment	07000	100,000
Current Expenses	13000	<u>20,429,281</u>

Total..... \$ 22,630,916

371 - Division of Corrections and Rehabilitation

(W.V. Code Chapters 15A)

Fund 8836 FY 2025 Org 0608

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

372 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 8741 FY 2025 Org 0612

Personal Services and			
Employee Benefits.....	00100	\$	3,266,412
Repairs and Alterations	06400		42,000
Equipment	07000		13,356,035
Current Expenses	13000		2,250,971
Buildings	25800		1,740,500
Other Assets	69000		1,065,750
Land	73000		<u>500</u>
Total		\$	21,722,168

373 - Fire Commission

(W.V. Code Chapter 15A)

Fund 8819 FY 2025 Org 0619

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

(W.V. Code Chapter 15)

Fund 8803 FY 2025 Org 0623

Personal Services and			
Employee Benefits.....	00100	\$	1,363,346

Repairs and Alterations	06400	1,750
Unclassified.....	09900	25,185
Current Expenses	13000	<u>75,381,973</u>
Total		\$ 76,772,254

DEPARTMENT OF REVENUE

375 - Insurance Commissioner

(W.V. Code Chapter 33)

Fund 8883 FY 2025 Org 0704

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

DEPARTMENT OF TRANSPORTATION

376 - Division of Motor Vehicles

(W.V. Code Chapter 17B)

Fund 8787 FY 2025 Org 0802

Personal Services and		
Employee Benefits.....	00100	\$ 900,000
Repairs and Alterations	06400	500
Current Expenses	13000	<u>5,448,106</u>
Total		\$ 6,348,606

377 - Division of Multimodal Transportation Facilities -

Public Transit

(W.V. Code Chapter 17)

Fund 8745 FY 2025 Org 0810

Personal Services and		
Employee Benefits.....	00100	\$ 1,089,934

Repairs and Alterations	06400	2,500
Equipment	07000	3,501,714
Current Expenses	13000	20,863,149
Buildings	25800	2,450,000
Other Assets	69000	<u>250,000</u>
Total		\$ 28,157,297

378 - Division of Multimodal Transportation Facilities -

Aeronautics Commission

(W.V. Code Chapter 29)

Fund 8831 FY 2025 Org 0810

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

DEPARTMENT OF VETERANS' ASSISTANCE

379 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 8858 FY 2025 Org 0613

Personal Services and		
Employee Benefits	00100	\$ 3,257,327
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	57,120
Repairs and Alterations	06400	20,000
Equipment	07000	25,000
Current Expenses	13000	3,840,300
Buildings	25800	22,750,000
Land	73000	500
Veterans' Cemetery	80800	175,000
Federal Coronavirus Pandemic	89101	<u>1,900,000</u>
Total		\$ 32,025,247

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

(W.V. Code Chapter 9A)

Fund 8728 FY 2025 Org 0618

Personal Services and		
Employee Benefits.....	00100	\$ 1,050,031
Repairs and Alterations.....	06400	60,500
Equipment.....	07000	10,500
Current Expenses	13000	595,700
Buildings.....	25800	500
Other Assets	69000	6,500
Land	73000	100
Federal Coronavirus Pandemic	89101	<u>1,600,000</u>
Total.....		\$ 3,323,831

BUREAU OF SENIOR SERVICES*381 - Bureau of Senior Services*

(W.V. Code Chapter 29)

Fund 8724 FY 2025 Org 0508

Personal Services and		
Employee Benefits.....	00100	\$ 842,593
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	12,000
Repairs and Alterations.....	06400	3,000
Current Expenses	13000	<u>13,811,853</u>
Total.....		\$ 14,669,446

MISCELLANEOUS BOARDS AND COMMISSIONS*382 - Adjutant General –**State Militia*

(W.V. Code Chapter 15)

Fund 8726 FY 2025 Org 0603

Unclassified.....	09900	\$ 982,705
Mountaineer ChalleNGe Academy	70900	12,312,486
Martinsburg Starbase	74200	590,990
Charleston Starbase.....	74300	557,297
Military Authority	74800	<u>90,033,787</u>
Total.....		\$ 104,477,265

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

383 - Adjutant General –*West Virginia National Guard Counterdrug Forfeiture Fund*

(W.V. Code Chapter 15)

Fund 8785 FY 2025 Org 0603

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

384 - Public Service Commission –*Motor Carrier Division*

(W.V. Code Chapter 24A)

Fund 8743 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 1,600,289
Repairs and Alterations	06400	39,000
Equipment	07000	1,000

Current Expenses	13000	<u>368,953</u>
Total		\$ 2,009,242

385 - Public Service Commission –

Gas Pipeline Division

(W.V. Code Chapter 24B)

Fund 8744 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 725,664
Equipment	07000	3,000
Unclassified.....	09900	4,072
Current Expenses	13000	<u>124,628</u>
Total		\$ 857,364

386 - Economic Development Authority

(W.V. Code Chapter 31)

Fund 8893 FY 2025 Org 0944

Current Expenses	13000	5,000,000
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Total TITLE II, Section 6 –

Federal Funds..... \$8,776,500,819s

Sec. 7. Appropriations from federal block grants.—The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2025.

387 - Department of Economic Development –

Office of the Secretary –

Community Development

Fund 8746 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 10,662,609

Unclassified.....	09900	2,375,000
Current Expenses	13000	<u>224,476,883</u>
Total		\$ 237,514,492

388 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 771,289
Repairs and Alterations	06400	1,500
Equipment	07000	9,000
Unclassified.....	09900	125,000
Current Expenses	13000	<u>17,781,811</u>
Total		\$ 18,688,600

389 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2025 Org 0323

Personal Services and		
Employee Benefits.....	00100	\$ 3,036,190
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	124,018
Repairs and Alterations	06400	1,600
Equipment	07000	500
Unclassified.....	09900	23,023
Current Expenses	13000	63,381,511
Buildings	25800	<u>1,100</u>
Total		\$ 66,567,942

390 - Department of Health –

Maternal and Child Health

Fund 8750 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 2,509,103
Unclassified.....	09900	81,439
Current Expenses	13000	<u>7,294,267</u>
Total		\$ 9,884,809

*391 - Department of Health –**Preventive Health*Fund 8753 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 283,642
Equipment.....	07000	165,642
Unclassified.....	09900	22,457
Current Expenses	13000	<u>1,895,366</u>
Total		\$ 2,367,107

*392 - Department of Human Services –**Energy Assistance*Fund 8755 FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 2,733,782
Salary and Benefits of Cabinet		
Secretary And Agency Heads	00201	2,450
Unclassified.....	09900	350,000
Current Expenses	13000	<u>57,082,035</u>
Total		\$ 60,168,267

*393 - Department of Human Services –**Social Services*Fund 8757 FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 9,709,574

Unclassified.....	09900	171,982
Current Expenses	13000	<u>8,870,508</u>
Total		\$ 18,752,064

394 - Department of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 736,598
Unclassified.....	09900	115,924
Current Expenses	13000	10,853,740
Federal Coronavirus Pandemic	89101	<u>4,225,212</u>
Total		\$ 15,931,474

395 - Department of Health –

Community Mental Health Services

Fund 8794 FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 607,341
Unclassified.....	09900	33,533
Current Expenses	13000	5,376,330
Federal Coronavirus Pandemic	89101	<u>6,570,960</u>
Total		\$ 12,588,164

396 - Department of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 22,903,080
Salary and Benefits of Cabinet		
Secretary And Agency Head	00201	7,350
Unclassified.....	09900	1,250,000
Current Expenses	13000	<u>110,504,134</u>

Total..... \$ 134,664,564

397 - Department of Human Services –

Child Care and Development

Fund 8817 FY 2025 Org 0511

Personal Services and

Employee Benefits.....00100 \$ 3,753,484

Salary and Benefits of Cabinet

Secretary And Agency Head.....00201 2,450

Unclassified.....09900 350,000

Current Expenses13000 107,150,000

Total..... \$111,255,934

Total TITLE II, Section 7 –

Federal Block Grants \$688,383,417

Sec. 8. Awards for claims against the state.—There are hereby appropriated for fiscal year 2025, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$1,700,000, special revenue funds in the amount of \$100,000, and state road funds in the amount of \$425,000 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued.—The following items are hereby appropriated from the state fund, general revenue, and are to be available for expenditure during the fiscal year 2025 out of surplus funds only, accrued from the fiscal year ending June 30, 2024, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2024 from the fiscal year ending June 30, 2024, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2024, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that

surplus funds are available as of the date mandated to meet the appropriations in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

398 - Department of Human Services –

Division of Human Services

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

Fund 0403 FY 2025 Org 0511

Medical Services - Surplus63300 \$ 101,600,000

399 - Governor's Office –

Civil Contingency Fund

(W.V. Code Chapters 5)

Fund 0105 FY 2025 Org 0100

Congressional Earmark

Maintenance of Effort.....63300 \$ 50,000,000

Directed Transfe.....70000 \$ 50,000,000

Total TITLE II, Section 9 – General Revenue

Surplus Accrued..... \$ 201,600,000

Sec. 10. Appropriations from lottery net profits surplus accrued.—The following items are hereby appropriated from the lottery net profits, and are to be available for expenditure during the fiscal year 2025 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2024, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2024.

In the event that surplus revenues available from the fiscal year ending June 30, 2024, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

400 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(W.V. Code Chapter 29)

Fund 5405 FY 2025 Org 0508

Senior Services Medicaid

Transfer – Lottery Surplus	68199	\$ 14,750,000
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In-Home Services and Nutrition

for Senior Citizens – Surplus	76699	<u>2,000,000</u>
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Total		16,750,000
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Total TITLE II, Section 10 –

Surplus Accrued.....		<u>\$ 16,750,000</u>
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Sec. 11. Appropriations from state excess lottery revenue surplus accrued.—The following items are hereby appropriated from the state excess lottery revenue fund, and are to be available for expenditure during the fiscal year 2025 out of surplus funds only, as determined by the Director of Lottery, accrued from the fiscal year ending June 30, 2024, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2024.

In the event that surplus revenues available from the fiscal year ending June 30, 2024, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

401 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7308 FY 2025 Org 0707

Directed Transfer70000 \$ 800,000

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

402 - Department of Human Services

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

Fund 5365 FY 2025 Org 0511

Medical Services – Lottery Surplus68100 \$ 17,000,000

Total TITLE II, Section 11 –

Surplus Accrued..... \$ 17,800,000

Sec. 12. Special revenue appropriations.—There are hereby appropriated for expenditure during the fiscal year 2025 special revenues collected pursuant to general law enactment of the Legislature which are not paid into the state fund as general revenue under the provisions of W.V. Code §12-2-2 and are not expressly appropriated under this act: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.V. Code §12-2-1 et seq., W.V. Code §12-3-1 et seq., and W.V. Code §11B-2-1 et seq., unless the spending unit has filed with the Director of the Budget and the Legislative Auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended: *Provided, however*, That federal funds received by the state may be expended only in accordance with Sections (6) or (7) of this Title and with W.V. Code §4-11-1, *et seq.* *Provided further*, That federal funds that become available to a

spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W.V. Code §4-11-5(d): *And provided further*, That no provision of this act may be construed to authorize the expenditure of federal funds except as provided in this section.

Sec. 13. State improvement fund appropriations.—Requests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2025, 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 2025 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts.—A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment.—Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the

Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies.—There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the Mortgage Finance Bond Insurance fund of the West Virginia Housing Development Fund which is under the supervision and control of the Municipal Bond Commission as provided by W.V. Code §31-18-20b, or in the funds of the Municipal Bond Commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the Municipal Bond Commission as may be necessary for these purposes.

The Municipal Bond Commission shall reimburse the State of West Virginia through the Governor from the first remittance collected from the West Virginia Housing Development Fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments.—There are hereby appropriated for payment to counties, districts, and municipal corporations such amounts as will be necessary to pay taxes due counties, districts, and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations.—Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically

provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund.—The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.V. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional.—The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality.—If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

On motion of Senator Tarr, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 200) was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2025.

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 2025" shall mean the period from July 1, 2024, through June 30, 2025.

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

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

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

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

"Personal services" shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual payments paid to consultants or to independent

contractors engaged by the spending unit. "Personal services" shall include "annual increment" for "eligible employees" and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

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

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

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

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

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

by each spending unit from its "current expenses" appropriation, "unclassified" appropriation or other appropriate appropriation.

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

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

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

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

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

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

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

From appropriations made to the spending units of state government, upon approval of the Governor there may be

transferred to a special account an amount sufficient to match federal funds under any federal act.

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a "Personal Services and Employee Benefits" appropriation unless the source funds are also wholly from a "Personal Services and Employee Benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, Notwithstanding any previous provision no more than twenty-five percent of the general revenue funds appropriated to the following funds 0401, 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414 and 0415 within the Department of Health Facilities may be transferred between the aforementioned funds: and no funds may be transferred to a "Personal Services and Employee Benefits" appropriation unless the source funds are also wholly from a "Personal Services and Employee Benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to "Personal Services and Employee Benefits," "Current Expenses," "Repairs and Alterations," "Equipment," "Other Assets," "Land,"

"Buildings," "Contract Nursing" and "Unclassified: to other appropriations within the same account and no funds from other appropriations shall be transferred to the "Personal Services and Employee Benefits" or the "Unclassified" appropriation except that during Fiscal Year 2025, and upon approval from the State Budget Office, agencies with the appropriation "Salary and Benefits of Cabinet Secretary and Agency Heads" and "Salary and Benefits of Elected Officials" may transfer between this appropriation and the appropriation "Personal Services and Employee Benefits" an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2025, as provided by W.V. Code §6-7-2a: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature creates new, consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

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

Sec. 4. Method of expenditure. — Money appropriated by this bill, unless otherwise specifically directed, shall be

appropriated, and expended according to the provisions of Article 3, Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

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

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

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

SECTION 15. Appropriations for refunding erroneous payment.

SECTION 16. Sinking fund deficiencies.

SECTION 17. Appropriations for local governments.

SECTION 18. Total appropriations.

SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2025.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2025 Org 2100

	Appro- piation	General Revenue Fund
Compensation of Members (R).....	00300	\$ 1,010,000
Compensation and Per Diem of Officers and Employees (R)	00500	4,111,332
Current Expenses and Contingent Fund (R)	02100	321,392
Repairs and Alterations (R).....	06400	35,000
Technology Repair and Modernization (R) ..	29800	80,000
Expenses of Members (R).....	39900	550,000
BRIM Premium (R)	91300	44,482
Total		\$ 6,152,206

The appropriations for the Senate for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

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

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

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

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than \$5,000 is to be used

for the West Virginia Academy of Family Physicians - Doc of the Day Program.

2 - House of Delegates

Fund 0170 FY 2025 Org 2200

Compensation of Members (R).....	00300	\$ 3,500,000
Compensation and Per Diem of		
Officers and Employees (R)	00500	575,000
Current Expenses and Contingent Fund (R)....	02100	6,000,000
Expenses of Members (R).....	39900	1,350,000
Capital Outlay, Repairs and Equipment (R)	58900	500,000
BRIM Premium (R)	91300	60,000
Total.....		\$ 11,985,000

The appropriations for the House of Delegates for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

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

The Speaker of the House of Delegates shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, in addition to personnel designated in the House resolution, and the compensation of all personnel shall

be as fixed in such House resolution for the session or fixed by the Speaker during and between sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

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

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

3 - Joint Expenses

(W.V. Code Chapter 4)

Fund 0175 FY 2025 Org 2300

Joint Committee on Government

and Finance (R).....	10400	\$ 8,725,138
Legislative Printing (R).....	10500	260,000
Legislative Rule-Making Review		
Committee (R)	10600	147,250
Legislative Computer System (R).....	10700	1,447,500
Legislative Dues and Fees (R)	10701	600,000
BRIM Premium (R)	91300	<u>60,569</u>
Total		\$ 11,240,457

The appropriations for the Joint Expenses for the fiscal year 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

JUDICIAL

4 - *Supreme Court –*

General Judicial

Fund 0180 FY 2025 Org 2400

Personal Services and

Employee Benefits (R)	00100	\$ 140,730,477
Repairs and Alterations (R).....	06400	45,000
Equipment (R).....	07000	1,812,000
Military Services Members Court (R)	09002	300,000
Judges' Retirement System (R)	11000	1,220,000
Current Expenses (R).....	13000	21,482,914
Buildings (R).....	25800	10,000
Other Assets (R).....	69000	80,000
BRIM Premium (R)	91300	<u>636,118</u>
Total		\$ 166,316,509

The appropriations to the Supreme Court of Appeals for the fiscal years 2021, 2022, 2023 and 2024 are to remain in full force and effect and are hereby reappropriated to June 30, 2025. Any balances so reappropriated may be transferred and credited to the fiscal year 2024 accounts.

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

The appropriation for the Judges' Retirement System (fund 0180, appropriation 11000) is to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating

thereto, upon requisition of the Administrative Director of the Supreme Court of Appeals.

EXECUTIVE

5 - Governor's Office

(W.V. Code Chapter 5)

Fund 0101 FY 2025 Org 0100

Personal Services and

Employee Benefits.....	00100	\$ 3,334,423
Salary and Benefits of Elected Officials	00200	201,802
Repairs and Alterations	06400	25,000
Equipment	07000	1,000
National Governors Association	12300	60,700
Current Expenses (R)	13000	799,000
Herbert Henderson Office of		
Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	623,744
BRIM Premium	91300	183,645
Total		\$ 6,626,040

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), Office of Resiliency (fund 0101, appropriation 18600) and Posey Perry Emergency Food Band Fund – Surplus (fund 0101, appropriation 42399) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

6 - Governor's Office –

Custodial Fund

(W.V. Code Chapter 5)

Fund 0102 FY 2025 Org 0100

Personal Services and

Employee Benefits.....	00100	\$	427,269
Repairs and Alterations	06400		5,000
Equipment	07000		1,000
Current Expenses (R)	13000		<u>182,158</u>
Total		\$	615,427

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

*7 - Governor's Office –**Civil Contingent Fund*

(W.V. Code Chapter 5)

Fund 0105 FY 2025 Org 0100

Congressional Earmark

Maintenance of Effort.....	XXXXX	\$	0
Directed Transfer	70000		0
Milton Flood Wall (R).....	75701		3,500,000
Local Economic Development			
Assistance (R)	81900		<u>5,000,000</u>
Total		\$	8,500,000

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus

(fund 0105, appropriation 13500), Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation 22599), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), Local Economic Development Assistance (fund 0105, appropriation 81900), and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia's contribution to the Interstate Oil Compact Commission.

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

8 - Auditor's Office –

General Administration

(W.V. Code Chapter 12)

Fund 0116 FY 2025 Org 1200

Personal Services and

Employee Benefits.....	00100	\$ 2,526,780
Salary and Benefits of		
Elected Officials	00200	172,237
Current Expenses (R)	13000	13,429
BRIM Premium.....	91300	12,077
Total		\$ 2,724,523

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

9 - Treasurer's Office

(W.V. Code Chapter 12)

Fund 0126 FY 2025 Org 1300

Personal Services and		
Employee Benefits.....	00100	\$ 2,673,991
Salary and Benefits of		
Elected Officials	00200	179,158
Unclassified.....	09900	31,463
Abandoned Property Program.....	11800	41,794
Current Expenses (R)	13000	572,684
Other Assets	69000	10,000
ABLE Program	69201	150,000
BRIM Premium.....	91300	59,169
Total		\$ 3,718,259

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

10 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 0131 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 7,126,454
Salary and Benefits of		
Elected Officials	00200	158,702
Animal Identification Program	03900	140,226
State Farm Museum	05500	87,759
Gypsy Moth Program (R)	11900	1,156,460

WV Farmers Market	12801	150,467
Current Expenses (R)	13000	848,115
Black Fly Control.....	13700	462,894
HEMP Program.....	13701	393,442
Donated Foods Program	36300	45,000
Veterans to Agriculture Program (R)	36301	276,314
Predator Control (R)	47000	176,400
Bee Research.....	69100	77,071
Microbiology Program.....	78500	109,024
Moorefield Agriculture Center.....	78600	1,106,427
Chesapeake Bay Watershed	83000	127,793
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	809,507
Threat Preparedness	94200	80,708
WV Food Banks.....	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 13,962,323

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Veterans to Agriculture Program (fund 0131, appropriation 36301), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

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

11 - West Virginia Conservation Agency

(W.V. Code Chapter 19)

Fund 0132 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 914,027
Unclassified.....	09900	77,059
Soil Conservation Projects (R).....	12000	10,293,335
Current Expenses (R).....	13000	317,848
BRIM Premium.....	91300	<u>34,428</u>
Total.....		\$ 11,636,697

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000), Current Expenses (fund 0132, appropriation 13000), and Soil Conservation Projects – Surplus (fund 0132, appropriation 26900) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

12 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 0135 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 1,079,845
Unclassified.....	09900	7,090
Current Expenses	13000	<u>82,605</u>
Total.....		\$ 1,169,540

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

13 - Department of Agriculture –

Agricultural Awards Fund

(W.V. Code Chapter 19)

Fund 0136 FY 2025 Org 1400

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

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(W.V. Code Chapter 8A)

Fund 0607 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 108,743
Unclassified.....	09900	<u>950</u>
Total.....		\$ 109,693

15 - Attorney General

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

Fund 0150 FY 2025 Org 1500

Personal Services and		
Employee Benefits (R)	00100	\$ 3,599,891
Salary and Benefits of		
Elected Officials	00200	156,799
Repairs and Alterations.....	06400	1,000

Equipment	07000	7,500
Unclassified (R)	09900	24,428
Current Expenses (R)	13000	681,295
Criminal Convictions and Habeas Corpus Appeals (R)	26000	1,010,387
Better Government Bureau	74000	292,286
BRIM Premium	91300	<u>120,654</u>
Total		\$ 5,894,240

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

16 - Secretary of State

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

Fund 0155 FY 2025 Org 1600

Salary and Benefits of

Elected Officials	00200	\$ 158,702
Unclassified (R)	09900	8,352

Current Expenses (R).....	13000	781,584
BRIM Premium.....	91300	<u>34,500</u>
Total.....		\$ 983,138

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

17 - State Election Commission

(W.V. Code Chapter 3)

Fund 0160 FY 2025 Org 1601

Personal Services and		
Employee Benefits.....	00100	\$ 2,477
Unclassified.....	09900	75
Current Expenses	13000	<u>4,956</u>
Total.....		\$ 7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0186 FY 2025 Org 0201

Personal Services and		
Employee Benefits.....	00100	\$ 494,563
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	153,400
Repairs and Alterations	06400	100
Equipment	07000	1,000
Unclassified.....	09900	9,177
Current Expenses	13000	86,009
Financial Advisor (R).....	30400	27,546
Lease Rental Payments	51600	14,850,000

Design-Build Board	54000	4,000
Other Assets	69000	100
BRIM Premium.....	91300	<u>5,736</u>
Total		\$ 15,631,631

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

19 - Consolidated Public Retirement Board

(W.V. Code Chapter 5)

Fund 0195 FY 2025 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission, and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(W.V. Code Chapter 5A)

Fund 0203 FY 2025 Org 0209

Personal Services and		
Employee Benefits.....	00100	\$ 67,855
Unclassified.....	09900	1,400
GAAP Project (R)	12500	667,274
Current Expenses	13000	61,563
BRIM Premium.....	91300	<u>12,675</u>
Total		\$ 810,767

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

21 - Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2025 Org 0211

Personal Services and

Employee Benefits.....	00100	\$ 3,147,415
Repairs and Alterations	06400	500
Equipment.....	07000	5,000
Unclassified.....	09900	20,000
Fire Service Fee	12600	14,000
Current Expenses	13000	1,148,349

Preservation and Maintenance of

Statues and Monuments on		
Capitol Grounds.....	37100	68,000
Capital Outlay, Repairs and		
Equipment (R)	58900	21,610,888
BRIM Premium.....	91300	<u>379,983</u>
Total.....		\$ 26,394,135

Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Consolidated State Laboratory – Surplus (fund 0230, appropriation 37799) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

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

22 - Division of Purchasing

(W.V. Code Chapter 5A)

Fund 0210 FY 2025 Org 0213

Personal Services and

Employee Benefits.....	00100	\$ 1,138,111
Repairs and Alterations	06400	200
Unclassified.....	09900	144
Current Expenses	13000	1,285
BRIM Premium.....	91300	<u>6,922</u>
Total		\$ 1,146,662

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

23 - Travel Management

(W.V. Code Chapter 5A)

Fund 0615 FY 2025 Org 0215

Personal Services and

Employee Benefits.....	00100	\$ 866,731
Repairs and Alterations	06400	1,000
Equipment	07000	5,000
Unclassified.....	09900	12,032
Current Expenses	13000	440,247
Buildings	25800	100
Other Assets	69000	<u>100</u>
Total		\$ 1,325,210

24 - Commission on Uniform State Laws

(W.V. Code Chapter 29)

Fund 0214 FY 2025 Org 0217

Current Expenses	13000	\$	45,550
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To pay expenses for members of the Commission on Uniform State Laws.

25 - West Virginia Public Employees Grievance Board

(W.V. Code Chapter 6C)

Fund 0220 FY 2025 Org 0219

Personal Services and			
Employee Benefits.....	00100	\$	1,058,141
Equipment	07000		50
Unclassified.....	09900		1,000
Current Expenses	13000		146,035
BRIM Premium.....	91300		8,000
Total		\$	1,213,226

26 - Ethics Commission

(W.V. Code Chapter 6B)

Fund 0223 FY 2025 Org 0220

Personal Services and			
Employee Benefits.....	00100	\$	660,353
Repairs and Alterations	06400		500
Unclassified.....	09900		2,200
Current Expenses	13000		105,501
Other Assets	69000		100
BRIM Premium.....	91300		4,574
Total		\$	773,228

27 - Public Defender Services

(W.V. Code Chapter 29)

Fund 0226 FY 2025 Org 0221

Personal Services and

Employee Benefits.....	00100	\$ 2,007,935
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	119,000
Unclassified.....	09900	333,300
Current Expenses	13000	12,740
Public Defender Corporations.....	35200	23,021,081
Appointed Counsel Fees (R).....	78800	12,691,113
BRIM Premium.....	91300	<u>10,575</u>
Total		\$ 38,195,744

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees - Surplus (fund 0226, appropriation 43500) and Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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 - Division of Personnel

(W.V. Code Chapter 29)

Fund 0206 FY 2025 Org 0222

Directed Transfer	70000	\$ 1,800,000
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The above appropriation for Directed Transfer (fund 0206, appropriation 70000) shall be transferred to the Division of Personnel (fund 2440).

29 - Committee for the Purchase of

Commodities and Services from the Handicapped

(W.V. Code Chapter 5A)

Fund 0233 FY 2025 Org 0224

Personal Services and

Employee Benefits.....	00100	\$	3,187
Current Expenses	13000		<u>868</u>
Total		\$	4,055

30 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 0557 FY 2025 Org 0228

Forensic Medical Examinations (R)	68300	\$	571,016
Federal Funds/Grant Match (R)	74900		<u>117,028</u>
Total		\$	688,044

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

31 - Office of Technology

(W.V. Code Chapter 5A)

Fund 0204 FY 2025 Org 0231

Directed Transfer	70000	\$	5,000,000
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The above appropriation for Directed Transfer (fund 0204, appropriation 70000) shall be transferred to the Information Services and Communication Fund(fund 2440).

32 - Real Estate Division

(W.V. Code Chapter 5A)

Fund 0610 FY 2025 Org 0233

Personal Services and

Employee Benefits.....	00100	\$	752,882
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Repairs and Alterations	06400	100
Equipment	07000	2,500
Unclassified.....	09900	124
Current Expenses	13000	138,881
BRIM Premium.....	91300	8,284
Total		\$ 902,771

DEPARTMENT OF COMMERCE

33 - *Division of Forestry*

(W.V. Code Chapter 19)

Fund 0250 FY 2025 Org 0305

Personal Services and		
Employee Benefits.....	00100	\$ 5,235,593
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	111,674
Repairs and Alterations	06400	80,000
Unclassified.....	09900	21,435
Current Expenses	13000	558,024
BRIM Premium.....	91300	98,754
Total		\$ 6,105,480

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

Any unexpended balances remaining in the appropriations for Current Expenses – Surplus (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

34 - *Geological and Economic Survey*

(W.V. Code Chapter 29)

Fund 0253 FY 2025 Org 0306

Personal Services and		
Employee Benefits.....	00100	\$ 1,895,457

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	112,753
Repairs and Alterations	06400	968
Unclassified.....	09900	27,678
Current Expenses	13000	51,524
Mineral Mapping System (R)	20700	1,215,510
BRIM Premium.....	91300	<u>24,486</u>
Total		\$ 3,328,376

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 0260 FY 2025 Org 0308

Personal Services and

Employee Benefits.....	00100	\$ 1,738,911
Repairs and Alterations	06400	28,000
Unclassified.....	09900	15,000
Current Expenses	13000	227,000
BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 2,017,411

36 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 0265 FY 2025 Org 0310

Personal Services and

Employee Benefits.....	00100	\$ 21,378,594
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Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	113,188
Repairs and Alterations	06400	100
Equipment	07000	100
Unclassified.....	09900	184,711
Current Expenses	13000	529,654
Buildings (R).....	25800	100
Capital Outlay – Parks (R).....	28800	6,000,000
Litter Control Conservation Officers	56400	156,980
Upper Mud River Flood Control (R)	65400	176,930
Other Assets	69000	100
Land (R).....	73000	100
Law Enforcement.....	80600	2,731,281
BRIM Premium.....	91300	45,141
Total		\$ 31,316,979

Any unexpended balances remaining in the appropriations for Equine Enrichment - Surplus (fund 0265, appropriation 22899), Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Upper Mud River Flood Control (fund 0265, appropriation 65400), Current Expenses – Surplus (fund 0265, appropriation 13099), Capital Outlay, Repairs and Equipment – Surplus (fund 0265, appropriation 67700), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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.

37 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22A)

Fund 0277 FY 2025 Org 0314

Personal Services and

Employee Benefits.....	00100	\$ 10,244,651
Unclassified.....	09900	111,016

Current Expenses	13000	1,396,141
Coal Dust and Rock Dust Sampling	27000	509,584
BRIM Premium.....	91300	<u>80,668</u>
Total		\$ 12,342,060

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

38 - Board of Coal Mine Health and Safety

(W.V. Code Chapter 22A)

Fund 0280 FY 2025 Org 0319

Personal Services and		
Employee Benefits.....	00100	\$ 248,931
Unclassified.....	09900	3,480
Current Expenses	13000	<u>118,138</u>
Total		\$ 370,549

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

39 - WorkForce West Virginia

(W.V. Code Chapter 21A)

Fund 0572 FY 2025 Org 0323

Personal Services and		
Employee Benefits.....	00100	\$ 51,433
Unclassified.....	09900	584
Current Expenses	13000	<u>23,683</u>
Total		\$ 75,700

40 - Department of Commerce –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0606 FY 2025 Org 0327

Personal Services and

Employee Benefits.....	00100	\$ 1,469,368
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	153,750
Unclassified.....	09900	1,490
Current Expenses	13000	353,147
Total		\$ 1,977,755

Any unexpended balance remaining in the appropriation for Jobs for WV Graduates - Surplus (fund 0606, appropriation 86399) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

*41 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(W.V. Code Chapter 18)

Fund 0310 FY 2025 Org 0932

Personal Services and

Employee Benefits.....	00100	\$ 12,795,976
Independent Living Services.....	00900	429,418
Current Expenses	13000	558,815
Workshop Development.....	16300	1,817,427
Supported Employment Extended		
Services.....	20600	77,960
Ron Yost Personal Assistance Fund	40700	333,828
Employment Attendant Care Program	59800	131,575
BRIM Premium.....	91300	77,464
Total		\$ 16,222,463

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

and individuals with disabilities currently in place at those organizations.

DEPARTMENT OF TOURISM

42 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2025 Org 0304

Tourism – Brand Promotion (R)	61803	\$ 8,000,000
Tourism – Public Relations (R).....	61804	1,500,000
Tourism – Events and Sponsorships (R)	61805	500,000
Tourism – Industry Development (R)	61806	2,500,000
State Parks and Recreation		
Advertising (R)	61900	<u>1,500,000</u>
Total		\$ 14,000,000

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0246, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), State Parks and Recreation Advertising (fund 0246, appropriation 61900), Tourism – Brand Promotion – Surplus (fund 0246, appropriation 61893), and Tourism – Industry Development – Surplus (fund 0246, appropriation 61896 at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

43 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0256 FY 2025 Org 0307

Personal Services and		
Employee Benefits.....	00100	\$ 4,403,988
Unclassified.....	09900	108,055
Current Expenses	13000	4,738,464
National Youth Science Camp	13200	241,570
Local Economic Development		
Partnerships (R)	13300	1,250,000
ARC Assessment.....	13600	152,585
Global Economic Development		
Partnerships (R)	20201	150,000
Guaranteed Work Force Grant (R).....	24200	994,970
Mainstreet Program.....	79400	176,663
Marshall University Research		
Corporation	80701	500,000
BRIM Premium.....	91300	3,157
Hatfield McCoy Recreational Trail.....	96000	198,415
Total		\$ 12,917,867

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), Guaranteed Work Force Grant (fund 0256, appropriation 24200), and Current Expenses – Surplus (fund 0256, appropriation 13099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

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

DEPARTMENT OF EDUCATION

44 - State Board of Education –

School Lunch Program

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

Fund 0303 FY 2025 Org 0402

Personal Services and

Employee Benefits.....00100	\$	378,654
Current Expenses13000		<u>2,118,865</u>
Total	\$	2,497,519

45 - State Board of Education –

State Department of Education

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

Fund 0313 FY 2025 Org 0402

Personal Services and

Employee Benefits.....00100	\$	4,965,309
Teachers' Retirement Savings		
Realized09500		38,166,000

Unclassified (R)	09900	420,000
Center for Professional		
Development (R)	11500	150,000
Current Expenses (R)	13000	4,580,000
Increased Enrollment	14000	10,440,000
Safe Schools.....	14300	4,432,241
Attendance Incentive Bonus (R).....	15001	2,262,389
National Teacher Certification (R).....	16100	300,000
Jobs & Hope – Childhood Drug		
Prevention Education.....	21901	5,000,000
Technology Repair and Modernization.....	29800	951,003
Hope Scholarship Program	30401	18,222,183
HVAC Technicians.....	35500	555,872
Early Retirement Notification		
Incentive	36600	300,000
MATH Program	36800	886,532
Assessment Programs (R).....	39600	4,002,567
Benedum Professional		
Development Collaborative (R).....	42700	429,775
Governor's Honors Academy (R).....	47800	1,059,270
21st Century Fellows	50700	274,899
English as a Second Language.....	52800	96,000
Teacher Reimbursement.....	57300	297,188
Hospitality Training	60000	281,051
Youth in Government.....	61600	100,000
High Acuity Special Needs (R).....	63400	1,500,000
Foreign Student Education.....	63600	102,133
State Board of Education		
Administrative Costs	68400	289,328
IT Academy (R)	72100	500,000
Early Literacy Program.....	75600	5,724,015
School Based Truancy		
Prevention (R).....	78101	2,084,385
Communities in Schools (R).....	78103	4,912,637
Mastery Based Education	78104	125,000
Mountain State Digital		
Literacy Program	86401	415,500
21st Century Learners (R).....	88600	1,859,919
BRIM Premium.....	91300	342,859

21st Century Assessment and Professional Development	93100	2,015,254
21st Century Technology Infrastructure Network Tools and Support (R)	93300	10,042,723
Special Olympic Games	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total		\$ 128,627,282

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

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), Attendance Incentive Bonus (fund 0313, appropriation 15001), National Teacher Certification (fund 0313, appropriation 16100), Hope Scholarship Program (fund 0313, appropriation 30401), Assessment Programs (fund 0313, appropriation 39600), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300), and Communities in Schools – Surplus (fund 0313, appropriation 78199) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000 shall be for assisting low income students with AP and CLEP exam fees.

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

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

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

46 - State Board of Education –

Aid for Exceptional Children

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

Fund 0314 FY 2025 Org 0402

Special Education – Counties	15900	\$ 7,425,757
Special Education – Institutions.....	16000	4,289,257
Education of Juveniles Held in		
Predispositional Juvenile Detention		
Centers	30200	731,666
Education of Institutionalized		
Juveniles and Adults (R).....	47200	<u>22,666,536</u>
Total		\$ 35,113,216

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 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

47 - State Board of Education –

State Aid to Schools

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

Fund 0317 FY 2025 Org 0402

Other Current Expenses	02200	\$ 200,472,511
Advanced Placement.....	05300	716,707
Professional Educators.....	15100	968,229,854
Service Personnel.....	15200	384,280,888
Fixed Charges	15300	116,946,777
Transportation	15400	99,231,183
Improved Instructional Programs.....	15600	64,052,249
Professional Student Support Services	65500	66,746,268
21st Century Strategic Technology		
Learning Growth.....	93600	50,599,261
Teacher and Leader Induction.....	93601	<u>29,634,380</u>
Basic Foundation Allowances.....		1,980,910,078
Less Local Share		(597,038,264)
Adjustments		<u>8,212,243</u>
Total Basic State Aid.....		1,392,084,057
Public Employees' Insurance Matching	01200	292,043,423
Teachers' Retirement System	01900	71,801,418
Retirement Systems – Unfunded Liability....	77500	<u>283,652,958</u>
Total		\$2,039,581,856

48 - State Board of Education –

Vocational Division

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

Fund 0390 FY 2025 Org 0402

Personal Services and		
Employee Benefits.....	00100	\$ 1,447,535
Unclassified.....	09900	268,800
Current Expenses	13000	883,106
Wood Products – Forestry		
Vocational Program.....	14600	88,600
Albert Yanni Vocational Program	14700	132,123
Vocational Aid.....	14800	24,826,517
Adult Basic Education	14900	5,905,442
Jobs & Hope (R)	14902	6,256,170
Program Modernization	30500	884,313
High School Equivalency		
Diploma Testing (R)	72600	820,630
FFA Grant Awards.....	83900	11,496
Pre-Engineering Academy Program.....	84000	<u>265,294</u>
Total.....		\$ 41,790,026

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0390, appropriation 14901), Jobs and Hope (fund 0390, appropriation 14902), High School Equivalency Diploma Testing (fund 0390, appropriation 72600), and Jobs & Hope – Surplus (fund 0390, appropriation 14099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

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

Fund 0320 FY 2025 Org 0403

Personal Services and		
Employee Benefits.....	00100	\$ 11,281,982
Repairs and Alterations	06400	164,675
Equipment	07000	77,000

Unclassified (R)	09900	110,000
Current Expenses (R)	13000	2,250,696
Buildings (R).....	25800	45,000
Capital Outlay and Maintenance (R)	75500	1,670,000
BRIM Premium.....	91300	<u>130,842</u>
Total		\$ 15,730,195

Any unexpended balances remaining in the appropriations for Unclassified (fund 0320, appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

50 - State Board of Education –

School Building Authority

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

Fund 0318 FY 2025 Org 0404

School Building Authority	45300	\$ 24,000,000
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The above appropriation for School Building Authority (fund 0318, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

51 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2025 Org 0432

Personal Services and		
Employee Benefits.....	00100	\$ 4,356,187
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	120,106
Repairs and Alterations	06400	1,000
Equipment	07000	1

Unclassified (R)	09900	28,483
Current Expenses	13000	610,843
WV Humanities Council.....	16800	250,000
Buildings	25800	1
Other Assets	69000	1
Educational Enhancements	69500	73,500
Land	73000	1
Culture and History Programming.....	73200	231,573
Capital Outlay and Maintenance (R)	75500	19,600
Historical Highway Marker Program.....	84400	57,548
BRIM Premium.....	91300	39,337
Total		\$ 5,788,181

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Capital Outlay and Maintenance (fund 0293, appropriation 75500), and Current Expenses – Surplus (fund 0293, appropriation 13099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

52 - Library Commission

(W.V. Code Chapter 10)

Fund 0296 FY 2025 Org 0432

Personal Services and

Employee Benefits.....00100 \$ 1,206,111

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	112,000
Repairs and Alterations	06400	6,500
Current Expenses	13000	139,624
Services to Blind & Handicapped.....	18100	161,717
BRIM Premium.....	91300	18,205
Total		\$ 1,644,157

53 - Educational Broadcasting Commission

(W.V. Code Chapter 10)

Fund 0300 FY 2025 Org 0439

Personal Services and

Employee Benefits.....	00100	\$ 3,542,948
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	120,106
Current Expenses	13000	113,844
Mountain Stage	24900	450,000
Capital Outlay and Maintenance (R)	75500	49,250
BRIM Premium.....	91300	47,727
Total		\$ 4,323,875

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION*54 - Environmental Quality Board*

(W.V. Code Chapter 20)

Fund 0270 FY 2025 Org 0311

Personal Services and

Employee Benefits.....	00100	\$ 100,930
Repairs and Alterations	06400	800
Equipment	07000	500

Current Expenses	13000	28,453
Other Assets	69000	400
BRIM Premium.....	91300	791
Total	\$	131,874

55 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 0273 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 4,428,232
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	168,000
Water Resources Protection		
and Management.....	06800	596,832
Current Expenses	13000	85,816
Environmental Response and		
Cleanups	27101	91,888
Dam Safety.....	60700	258,751
West Virginia Stream Partners		
Program.....	63700	77,396
West Virginia Drinking Water		
Treatment Revolving Fund – Transfer....	68900	647,500
W.V. Contributions to River Commissions ...	77600	148,485
Office of Water Resources		
Non-Enforcement Activity.....	85500	1,119,545
Total	\$	7,622,445

56 - Air Quality Board

(W.V. Code Chapter 16)

Fund 0550 FY 2025 Org 0325

Personal Services and		
Employee Benefits.....	00100	\$ 60,737
Repairs and Alterations	06400	800
Equipment	07000	400
Current Expenses	13000	11,612

Other Assets	69000	200
BRIM Premium.....	91300	<u>2,304</u>
Total		\$ 76,053

DEPARTMENT OF HEALTH

57 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 3,362,243
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	358,400
Chief Medical Examiner (R).....	04500	0
Unclassified.....	09900	6,459
Current Expenses	13000	225,201
State Aid for Local and Basic		
Public Health Services	18400	0
Safe Drinking Water Program (R).....	18700	0
Women, Infants and Children	21000	0
Early Intervention	22300	0
Cancer Registry.....	22500	0
Office of Drug Control Policy	35401	0
Statewide EMS Program		
Support (R)	38300	0
Office of Medical Cannabis (R).....	42001	0
Black Lung Clinics	46700	0
Vaccine for Children	55100	0
Tuberculosis Control.....	55300	0
Maternal and Child Health Clinics,		
Clinicians and Medical Contracts		
and Fees (R).....	57500	0
Epidemiology Support	62600	0
Primary Care Support	62800	0

Commission for the Deaf and		
Hard of Hearing	70400	0
Sexual Assault Intervention and		
Prevention	72300	0
Health Right Free Clinics.....	72700	0
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles	77800	0
Maternal Mortality Review	83400	0
Diabetes Education and Prevention	87300	0
BRIM Premium.....	91300	169,791
State Trauma and Emergency		
Care System.....	91800	0
WVU Charleston Poison Control		
Hotline	94400	<u>0</u>
Total.....		\$ 4,192,094

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any unexpended balances remaining in the appropriation Chief Medical Examiner (fund 0407, appropriation 04500) at the close of fiscal year 2024 shall be transferred to Chief Medical Examiner appropriation (fund xxxx, appropriation 04500).

Any unexpended balances remaining in the appropriation Safe Drinking Water Program (fund 0407, appropriation 18700) at the close of fiscal year 2024 shall be transferred to Environmental Health Services appropriation (fund xxxx, appropriation xxxxx).

Any unexpected balances remaining in the appropriation Statewide EMS Program Support (fund 0407, appropriation 38300) at the close of fiscal year 2024 shall be transferred to Statewide EMS Program Support appropriation (fund xxxx appropriation 38300)

Any unexpended balances remaining in the appropriation Office of Medical Cannabis (fund 0407, appropriation 42001) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis appropriation (fund xxxx, appropriation 42001).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis - Surplus (fund 0407, appropriation 42009) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis - Surplus appropriation (fund xxxx, appropriation 42099).

Any unexpended balances remaining in the appropriation Vaccine for Children (fund 0407, appropriation 55100) at the close of fiscal year 2024 shall be transferred to Vaccine for Children appropriation (fund xxxx, appropriation 55100).

Any unexpended balances remaining in the appropriation Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) at the close of fiscal year 2024 shall be transferred to the Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees appropriation (fund xxxx, appropriation 57500).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy (fund 0407, appropriation 35401) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy (fund 0403, appropriation 35401).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402).

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

be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Health shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session.

58 - Department of Health—

Office of the Shared Administration

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 4,149,452
Unclassified.....	09900	62,815
Current Expenses	13000	<u>1,083,876</u>
Total		\$ 5,296,143

59 - Bureau for Public Health –

Office of the Commissioner

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 2,456,006
Unclassified.....	09900	594,893
Maternal and Child Health Clinics,		
Clinicians and Medical Contracts		
and Fees (R).....	57500	<u>834,807</u>
Total		\$ 3,885,706

Any unexpended balances remaining in the appropriations for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund xxxx, appropriation 57500), at the close

of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

60 - Bureau for Public Health –

Health Statistics Center

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Personal Services and

Employee Benefits.....	00100	\$	459,923
Current Expenses	13000		<u>76,026</u>
Total		\$	535,949

61 - Bureau for Public Health –

Office of Community Health and Health Promotion

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Black Lung Clinics	46700	\$	170,885
Primary Care Support	62800		2,001,696
Health Right Free Clinic	72700		4,250,000
Healthy Lifestyles	77800		907,229
Diabetes Education and Prevention	87300		<u>97,125</u>
Total		\$	7,426,935

From the above appropriation for Primary Care Support (fund xxxx, appropriation 62800), an amount not less than \$100,000 shall be used for the West Virginia Cancer Coalition

62 - Bureau for Public Health –

Office of Environmental Health Services -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Environmental Health Services (R)xxxxx 2,771,537

Any unexpended balances remaining in the appropriations for Environmental Health Services (fund xxxx, appropriation 18700), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

63 - Bureau for Public Health –

Office of Epidemiology and Prevention Services -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Cancer Registry.....	22500	\$	221,211
Vaccine for Children (R).....	55100		341,261
Tuberculosis Control.....	55300		350,013
Epidemiology Support	62600		<u>1,967,979</u>
Total		\$	2,880,464

From the above appropriation for Epidemiology Support (fund xxxx, appropriation 62600), \$50,000 shall be used for the West Virginia AIDS Coalition; and \$100,000 shall be used for Adolescent Immunization Education

Any unexpended balances remaining in the appropriations for Vaccine for Children (fund xxxx, appropriation 55100), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

64 - Bureau for Public Health –

Office of Laboratory Services -

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Laboratory Servicesxxxxx \$ 3,275,870

*65 - Bureau for Public Health –**Office of Maternal, Child, and Family Health -**Children's Specialty Care*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Children's Specialty Carexxxxx \$ 1,500,830

*66 - Bureau for Public Health –**Office of Maternal, Child, and Family Health -**Infant, Child, Adolescent, and Young Adult Health*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Sexual Assault Intervention

and Prevention72300 \$ 2,000,000

Infant, Child Adolescent and Young

Adult Health and Administrationxxxxx 27,036Total \$ 2,027,036*67 - Bureau for Public Health –**Office of Maternal, Child, and Family Health -**Maternal, Child, and Family Health Epidemiology*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Maternal Mortality Review83400 \$ 51,660

Maternal, Child and Family

Health Epidemiologyxxxxx 360,076Total \$ 411,736

*68 - Bureau for Public Health –**Office of Maternal, Child and Family Health -**Community Health*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Maternal and Child Health

Community Healthxxxxx \$ 382,989

From the above appropriation for Maternal and Child Health Community Health and Fees (fund xxxx, appropriation xxxxx) \$11,000 shall be used for the Marshall County Health Department for dental services.

*69 - Bureau for Public Health –**Office of Maternal Child and Family Health -**Women's and Family Health*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Women's and Family Healthxxxxx \$ 2,300,505

From the above appropriation for Women's and Family Health (fund xxxx, appropriation xxxxx) up to \$400,000 may be transferred to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197).

*70 - Bureau for Public Health –**Office of Maternal Child and Family Health -**West Virginia Birth to Three*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

West Virginia Birth to Threexxxxx \$ 9,291,855

*71 - Bureau for Public Health –**Office of Medical Cannabis -*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Office of Medical Cannabis (R).....42001 1,020,075

Any unexpended balances remaining in the appropriations for Office of Medical Cannabis fund xxxx, appropriation 42001), and Office of Drug Control Policy – Surplus (fund xxxx, appropriation 42099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

*72 - Bureau for Public Health –**Office of Nutrition Services -*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Women, Infants, and Children21000 \$ 38,621

73 - Deaf and Hard of Hearing

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Commission for Deaf and

Hard of Hearing70400 \$ 238,259

74 - Center for Local Health–

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

State Aid for Local and Basic

Public Health Services	18400	15,571,992
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75 - Office of Chief Medical Examiner

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Chief Medical Examiner (R).....	04500	13,852,264
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Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund xxxx, appropriation 04500), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

76 - Office of Emergency Medical Services

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Statewide EMS Program

Support (R)	38300	\$ 1,664,582
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State Trauma and Emergency

Care System.....	91800	1,954,953
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WVU Charleston Poison Control

Hotline	94400	712,942
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Telestroke.....	xxxxxx	<u>1,000,000</u>
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Total		\$ 5,332,477
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Any unexpended balances remaining in the appropriations for Statewide EMS Program Support (fund xxxx, appropriation 38300), at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

77 - Office of Threat Preparedness

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0506

Threat Preparedness and

Administration	xxxxx	\$	5,036
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78 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund xxxx FY 2025 Org xxxx

Personal Services and

Employee Benefits.....	00100	\$	5,583,690
Unclassified.....	09900		57,469
Current Expenses	13000		<u>1,583,603</u>
Total		\$	7,224,762

From the above appropriation for Current Expenses (fund xxxx, appropriation 13000), \$73,065 shall be used for informal dispute resolution relating to nursing home administrative appeals.

79 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 0416 FY 2025 Org 0510

Personal Services and

Employee Benefits.....	00100	\$	1,107,869
Salary and Benefits of Cabinet			
Secretary and Agency Heads	00201		114,091
Unclassified.....	09900		4,024
Current Expenses	13000		331,304
BRIM Premium.....	91300		<u>10,764</u>
Total		\$	1,568,052

DEPARTMENT OF HUMAN SERVICES*80 - Division of Human Services*

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

Fund 0403 FY 2025 Org 0511

Personal Services and

Employee Benefits.....	00100	\$ 32,554,845
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	159,250
Unclassified.....	09900	5,120,050
Current Expenses	13000	5,557,409
Child Care Development.....	14400	3,138,536
Jobs & Hope.....	14902	2,357,000
Medical Services.....	18900	0
Social Services.....	19500	46,136
Family Preservation Program	19600	0
Behavioral Health Program (R)	21900	66,864,419
Family Resource Networks.....	27400	1,762,464
Substance Abuse Continuum		
of Care (R)	35400	1,656,000
Office of Drug Control Policy (R)	35401	567,875
Domestic Violence Legal		
Services Fund.....	38400	0
James "Tiger" Morton Catastrophic		
Illness Fund.....	45500	373,424
I/DD Waiver.....	46600	0
Child Protective Services		
Case Workers	46800	0
Title XIX Waiver for Seniors	53300	0
WV Teaching Hospitals		
Tertiary/Safety Net.....	54700	0
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program	69800	1,381,500
Child Support Enforcement	70500	6,227,186
Temporary Assistance for Needy		
Families/Maintenance of Effort	70700	23,237,186
Child Care – Maintenance of		
Effort Match.....	70800	5,693,743
Grants for Licensed Domestic Violence		
Programs and Statewide Prevention	75000	0
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and		
Pilot Programs for Youth	75900	0
Medical Services Administrative Costs	78900	58,017

Traumatic Brain Injury Waiver	83500	0
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	633,107
CHIP Services	85602	12,122,368
BRIM Premium	91300	945,891
Rural Hospitals Under 150 Beds	94000	0
Children's Trust Fund – Transfer	95100	220,000
PATH	95400	0
Total		\$173,258,504

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

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100), and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Human Services shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Human Services shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session.

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.

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

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

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.

Included in the appropriation for Behavioral Health Program (fund 0403, appropriation 21900), is \$100,000 for Recovery Point of Huntington.

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

From the above appropriation for Substance Abuse Continuum of Care (fund 0403, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

81 - Department of Human Services–

Office of the Shared Administration

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 9,445,934
Unclassified.....	09900	252,842
Current Expenses	13000	6,417,369
PATH.....	95400	<u>7,282,925</u>
Total.....		\$ 23,399,070

*82 - Bureau for Medical Services –**Office of the Commissioner*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 389,895
Current Expenses	13000	<u>405,621</u>
Total.....		\$ 795,516

*83 - Bureau for Medical Services –**Medical Services Administration*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 7,939
Current Expenses	13000	1,057
Medical Services Administration		
Costs	78900	<u>42,290,777</u>
Total.....		\$ 42,299,773

*84 - Bureau for Medical Services –**Policy and Programming*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Medical Services	18900	\$ 67,704,620
WV Teaching Hospitals		
Tertiary/Safety Net.....	54700	5,720,400
Rural Hospitals Under 150 Beds.....	94000	2,336,400
Case Management.....	xxxxx	110,938
Chiropractic Services	xxxxx	5,206
Clinic Services	xxxxx	144,471
Dental Services	xxxxx	166,390
Diagnostic, Screening, Preventive and Rehabilitative Services.....	xxxxx	3,176
Health Homes for Enrollees with Chronic Conditions.....	xxxxx	127,329
Hospice	xxxxx	1,398,793
Institution for Mental Disease Services.....	xxxxx	1,276,985
Intermediate Care Facility Services	xxxxx	3,233,567
Managed Care Organizations	xxxxx	113,493,869
Prescription Drugs	xxxxx	19,740,698
Physical and Occupational Therapy.....	xxxxx	68,792
Podiatry Services, Optometry Services and Prosthetics	xxxxx	31,078
Private Duty Nurses, Personal Care and Other Practitioner Services	xxxxx	11,847,294
Respiratory Care Services.....	xxxxx	10,083
Speech, Hearing, and Language Disorders.....	xxxxx	12,813
Total		\$227,432,902

The Commissioner of the Bureau for Medical Services shall have the authority to transfer between the above items of appropriation.

85 - Bureau for Medical Services –

Home and Community Based Waiver Programs

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

I/DD Waiver.....	46600	\$ 97,687,562
Title XIX for Seniors Citizens	53300	13,593,620
Traumatic Brain Injury Waiver	83500	720,000
Substance Use Disorder Waiver.....	xxxxx	<u>842,151</u>
Total		\$ 112,843,333

*86 - Bureau for Social Services –**Office of the Commissioner*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 8,319,214
Current Expenses	13000	1,869,474
Social Services	19500	6,308,727
Domestic Violence Legal Services		
Fund	38400	400,000
Child Protective Services Case		
Workers.....	46800	6,337,162
Grants for Licensed Domestic Violence		
Programs and Statewide Prevention	75000	<u>2,500,000</u>
Total		\$ 25,734,577

Included in the above appropriation for Social Services (fund xxxx, 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 xxxx, appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund 5455).

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund xxxx, appropriation 75000), 50 percent of the total shall be divided equally and distributed among the 14 licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV).

The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund xxxx, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board

87 - Bureau for Social Services –

Children's Services

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	\$ 36,472,739
Family Preservation Program	19600	1,408,500
Current Expenses	13000	1,800
Community Based Services and Pilot Program for Youth	75900	<u>0</u>
Total		\$ 37,883,039

88 - Bureau for Social Services –

Adoption

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	\$ 39,855,069
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89 - Bureau for Social Services –

Foster Care

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	\$ 110,230,811
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90 - Bureau for Social Services –

Adult Services

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	\$	5,450,513
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91 - Bureau for Social Services –

Child Protective Services Case Workers

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Social Services	19500	\$	4,334,300
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Child Protective Services			
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Case Workers	46800		<u>22,079,385</u>
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Total		\$	26,770,365
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92 - Bureau for Social Services –

Social Service Case Workers

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and			
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Employee Benefits	00100		1,860,603
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Current Expenses	13000		227,280
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Social Services	19500		6,370,702
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Child Protective Services			
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Case Workers	46800		<u>2,000,000</u>
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Total		\$	10,458,585
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93 - Bureau for Social Services –

Adult Protective Services Case Workers

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and

Employee Benefits.....	00100	\$ 3,803,727
Current Expenses	13000	<u>181,267</u>
Total		\$ 3,984,994

*94 - Bureau for Social Services –**Youth Service Case Workers*

(W.V. Code Chapter 16)

Fund xxxx FY 2025 Org 0511

Personal Services and

Employee Benefits.....	00100	693,745
Current Expenses	13000	123,159
Social Services	19500	<u>3,881,340</u>
Total		\$ 4,698,244

DEPARTMENT OF HEALTH FACILITIES*95 - Health Facilities –**Central Office*

(W.V. Code Chapter 16)

Fund 0401 FY 2025 Org 0512

Personal Services and

Employee Benefits.....	00100	\$ 1,710,519
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	245,000
Shared Administration	xxxxx	1
Current Expenses	13000	1,257,327
BRIM Premium.....	91300	<u>442,849</u>
Total		\$ 3,655,696

*96 - Health Facilities –**Health Facilities Capital Projects Fund*

(W.V. Code Chapter 16)

Fund 0402 FY 2025 Org 0512

Capital Outlay and Maintenance75500 \$ 550,000

The Secretary shall have the ability to transfer between appropriations for Capital Outlay and Maintenance within the funds 0402, 0408, 0409, 0410, 0411, 0412, 0413, 0414 and 0415 as needed.

*97 - Health Facilities –**Hopemont Hospital*

(W.V. Code Chapter 16)

Fund 0408 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 6,580,740
Repairs and Alterations (R).....	06400	90,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	2,173,082
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	3,893,811
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	40,000
Total		\$ 12,827,637

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0408, appropriation 00100), Repairs and Alterations (fund 0408, appropriation 06400), Equipment (0408, appropriation 07000), Current Expenses (fund 0408, appropriation 13000), Buildings (fund 0408, appropriation 25800), Other Assets (fund 0408, appropriation 69000), Contract Nursing (fund 0408, appropriation 72301), Capital Outlay and Maintenance (fund 0408, appropriation 75500), and BRIM Premium (fund 0408, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

98 - Health Facilities –

Lakin Hospital

(W.V. Code Chapter 16)

Fund 0409 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 8,368,450
Repairs and Alterations (R).....	06400	60,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	2,363,676
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	3,539,262
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>70,000</u>
Total		\$ 14,451,392

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0409, appropriation 00100), Repairs and Alterations (fund 0409, appropriation 06400), Equipment (0409, appropriation 07000), Current Expenses (fund 0409, appropriation 13000), Buildings (fund 0409, appropriation 25800), Other Assets (fund 0409, appropriation 69000), Contract Nursing (fund 0409, appropriation 72301), Capital Outlay and Maintenance (fund 0409, appropriation 75500), and BRIM Premium (fund 0409, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

*99 - Health Facilities –**John Manchin Senior Health Care Center*

(W.V. Code Chapter 16)

Fund 0410 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 4,199,228
Repairs and Alterations (R).....	06400	50,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	1,471,878
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	2,907,556
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>25,000</u>
Total		\$ 8,703,666

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0410, appropriation 00100), Repairs and Alterations (fund 0410, appropriation 06400), Equipment (0410, appropriation 07000), Current Expenses (fund 0410, appropriation 13000), Buildings (fund 0410, appropriation 25800), Other Assets (fund 0410, appropriation 69000), Contract Nursing (fund 0410, appropriation 72301), Capital Outlay and Maintenance (fund 0410, appropriation 75500), and BRIM Premium (fund 0410, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

*100 - Health Facilities –**Jackie Withrow Hospital*

(W.V. Code Chapter 16)

Fund 0411 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 7,380,957
Repairs and Alterations (R).....	06400	200,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	2,655,893
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	2,000,311
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	50,000
Total.....		\$ 12,337,165

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0411, appropriation 00100), Repairs and Alterations (fund 0411, appropriation 06400), Equipment (0411, appropriation 07000), Current Expenses (fund 0411, appropriation 13000), Buildings (fund 0411, appropriation 25800), Other Assets (fund 0411, appropriation 69000), Contract Nursing (fund 0411, appropriation 72301), Capital Outlay and Maintenance (fund 0411, appropriation 75500), and BRIM Premium (fund 0411, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

*101 - Health Facilities –**Welch Community Hospital*

(W.V. Code Chapter 16)

Fund 0412 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 15,111,349
Repairs and Alterations (R).....	06400	1
Equipment (R).....	07000	1

Current Expenses (R)	13000	13,199,285
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	2,576,401
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>120,000</u>
Total.....		\$ 31,057,039

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0412, appropriation 00100), Repairs and Alterations (fund 0412, appropriation 06400), Equipment (0412, appropriation 07000), Current Expenses (fund 0412, appropriation 13000), Buildings (fund 0412, appropriation 25800), Other Assets (fund 0412, appropriation 69000), Contract Nursing (fund 0412, appropriation 72301), Capital Outlay and Maintenance (fund 0412, appropriation 75500), and BRIM Premium (fund 0412, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

102 - Health Facilities –

William R. Sharpe Jr. Hospital

(W.V. Code Chapter 16)

Fund 0413 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 26,497,231
Repairs and Alterations (R).....	06400	350,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	10,280,300
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	41,969,835
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>260,000</u>

Total..... \$ 79,407,370

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0413, appropriation 00100), Repairs and Alterations (fund 0413, appropriation 06400), Equipment (0413, appropriation 07000), Current Expenses (fund 0413, appropriation 13000), Buildings (fund 0413, appropriation 25800), Other Assets (fund 0413, appropriation 69000), Contract Nursing (fund 0413, appropriation 72301), Capital Outlay and Maintenance (fund 0413, appropriation 75500), and BRIM Premium (fund 0413, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

The above appropriation for Personal Services and Employee Benefits (fund 0413, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of \$2,202,013.

103 - Health Facilities –

Mildred Mitchell-Bateman Hospital

(W.V. Code Chapter 16)

Fund 0414 FY 2025 Org 0512

Personal Services and		
Employee Benefits (R)	00100	\$ 25,016,184
Repairs and Alterations (R).....	06400	300,001
Equipment (R).....	07000	1
Current Expenses (R).....	13000	2,967,683
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	24,957,520
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	<u>215,000</u>
Total.....		\$ 53,506,391

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0414, appropriation 00100), Repairs and Alterations (fund 0414, appropriation 06400), Equipment (0414, appropriation 07000), Current Expenses (fund 0414, appropriation 13000), Buildings (fund 0414, appropriation 25800), Other Assets (fund 0414, appropriation 69000), Contract Nursing (fund 0414, appropriation 72301), Capital Outlay and Maintenance (fund 0414, appropriation 75500), and BRIM Premium (fund 0414, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

The above appropriation for Personal Services and Employee Benefits (fund 0414, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of \$2,067,984.

104 - Health Facilities –

William R. Sharpe Jr. Hospital -

Transitional Living Facility

(W.V. Code Chapter 16)

Fund 0415 FY 2025 Org 0512

Personal Services and

Employee Benefits (R)	00100	\$ 1,594,131
Repairs and Alterations (R).....	06400	2,001
Equipment (R).....	07000	1
Current Expenses (R)	13000	171,794
Buildings (R).....	25800	1
Other Assets (R).....	69000	1
Contract Nursing (R).....	72301	10,000
Capital Outlay and Maintenance (R)	75500	50,000
BRIM Premium (R)	91300	20,000
Total.....		\$ 1,847,929

Any unexpended balances remaining in Personal Services and Employee Benefits (fund 0415, appropriation 00100), Repairs and Alterations (fund 0415, appropriation 06400), Equipment (0415, appropriation 07000), Current Expenses (fund 0415, appropriation 13000), Buildings (fund 0415, appropriation 25800), Other Assets (fund 0415, appropriation 69000), Contract Nursing (fund 0415, appropriation 72301), Capital Outlay and Maintenance (fund 0415, appropriation 75500), and BRIM Premium (fund 0415, appropriation 91300) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Secretary of the Department of Health Facilities shall have the authority to transfer between the items of appropriation in order to maintain staffing and other issues that arise in a timely manner.

DEPARTMENT OF HOMELAND SECURITY

105 - Department of Homeland Security –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0430 FY 2025 Org 0601

Personal Services and

Employee Benefits.....	00100	\$	695,143
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Salary and Benefits of Cabinet

Secretary and Agency Heads	00201		168,000
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Repairs and Alterations	06400		500
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Equipment	07000		500
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Unclassified (R)	09900		30,000
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Current Expenses	13000		91,636
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Fusion Center (R).....	46900		3,052,318
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Other Assets	69000		500
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Directed Transfer	70000		32,000
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BRIM Premium.....	91300		22,563
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WV Fire and EMS Survivor

Benefit (R)	93900		200,000
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Total		\$	4,293,160
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Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Current Expenses – Surplus (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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).

106 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 0443 FY 2025 Org 0606

Personal Services and

Employee Benefits.....	00100	\$ 2,294,279
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Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	61,250
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Repairs and Alterations	06400	600
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Unclassified.....	09900	21,022
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Current Expenses	13000	51,065
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Radiological Emergency Preparedness	55400	17,052
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SIRN	55401	600,000
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Federal Funds/Grant Match (R)	74900	1,538,775
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Mine and Industrial Accident Rapid

Response Call Center.....	78100	530,392
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Early Warning Flood System (R).....	87700	1,480,890
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BRIM Premium.....	91300	96,529
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Total		\$ 6,691,854
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Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), and Early Warning Flood System (fund 0443, appropriation 87700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

*107 - Division of Corrections and Rehabilitation –**West Virginia Parole Board*

(W.V. Code Chapter 62)

Fund 0440 FY 2025 Org 0608

Personal Services and		
Employee Benefits.....	00100	\$ 317,039
Unclassified.....	09900	10,000
Current Expenses	13000	334,440
Salaries of Members of		
West Virginia Parole Board.....	22700	786,374
BRIM Premium.....	91300	<u>6,149</u>
Total.....		\$ 1,454,002

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

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

(W.V. Code Chapter 15A)

Fund 0446 FY 2025 Org 0608

Personal Services and		
Employee Benefits.....	00100	\$ 256,747
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	126,000
Current Expenses	13000	<u>2,400</u>
Total.....		\$ 385,147

*109 - Division of Corrections and Rehabilitation –**Correctional Units*

(W.V. Code Chapter 15A)

Fund 0450 FY 2025 Org 0608

Employee Benefits	01000	\$ 1,258,136
Children's Protection Act (R)	09000	838,437
Unclassified.....	09900	1,578,800
Current Expenses (R)	13000	57,690,483
Facilities Planning and Administration (R)...	38600	1,274,200
Charleston Correctional Center	45600	4,041,521
Beckley Correctional Center.....	49000	3,018,511
Anthony Correctional Center	50400	6,905,924
Huttonsville Correctional Center	51400	23,165,663
Northern Correctional Center.....	53400	9,593,719
Inmate Medical Expenses (R)	53500	62,226,064
Pruntytown Correctional Center	54300	10,310,325
Corrections Academy	56900	2,106,862
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	5,358,718
Parole Services.....	68600	6,512,380
Special Services	68700	6,317,554
Directed Transfer	70000	7,432,686
Investigative Services	71600	3,743,303
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center	77400	13,168,692
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center.....	79100	7,863,195
Parkersburg Correctional Center.....	82800	7,511,290
St. Mary's Correctional Center.....	88100	17,061,358
Denmar Correctional Center	88200	6,018,233
Ohio County Correctional Center	88300	2,629,742
Mt. Olive Correctional Complex	88800	27,136,647
Lakin Correctional Center.....	89600	12,619,819
BRIM Premium.....	91300	<u>2,527,657</u>
Total		\$ 317,211,561

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital

Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

The above appropriation for Directed Transfer (fund 0450, appropriation 70000) shall be transferred to the Regional Jails Operating Cash Control Account (fund 6678).

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

110 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(W.V. Code Chapter 15A)

Fund 0570 FY 2025 Org 0608

Statewide Reporting Centers.....	26200	\$ 7,507,863
Robert L. Shell Juvenile Center	26700	3,081,514
Resident Medical Expenses (R)	53501	3,604,999
Central Office.....	70100	1,898,385
Capital Outlay and Maintenance (R)	75500	250,000
Gene Spadaro Juvenile Center	79300	3,274,266
BRIM Premium.....	91300	115,967
Kenneth Honey Rubenstein		
Juvenile Center (R).....	98000	6,613,974
Vicki Douglas Juvenile Center.....	98100	3,142,823
Northern Regional Juvenile Center.....	98200	2,876,302

Lorrie Yeager Jr. Juvenile Center	98300	2,993,572
Sam Perdue Juvenile Center	98400	3,214,598
Tiger Morton Center	98500	3,195,339
Donald R. Kuhn Juvenile Center	98600	6,177,512
J.M. "Chick" Buckbee Juvenile Center.....	98700	<u>3,260,770</u>
Total		\$ 51,207,884

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above including Statewide Reporting Centers and Central Office and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

111 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 0453 FY 2025 Org 0612

Personal Services and

Employee Benefits.....	00100	\$ 79,006,727
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	139,300
Repairs and Alterations	06400	450,523
Children's Protection Act	09000	1,109,123
Current Expenses	13000	10,384,394
Trooper Class	52100	3,207,832
Barracks Lease Payments	55600	237,898
Communications and Other		
Equipment (R)	55800	1,070,968
Trooper Retirement Fund.....	60500	14,319,315

Handgun Administration Expense	74700	87,088
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems –		
Unfunded Liability.....	77500	8,633,000
Automated Fingerprint Identification		
System.....	89800	2,260,695
BRIM Premium.....	91300	<u>5,743,921</u>
Total		\$ 126,900,784

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800) and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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.

112 - Fire Commission

(W.V. Code Chapter 15A)

Fund 0436 FY 2025 Org 0619

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

(W.V. Code Chapter 5F)

Fund 0585 FY 2025 Org 0622

Personal Services and		
Employee Benefits.....	00100	\$ 3,473,329
Repairs and Alterations	06400	8,500
Equipment (R).....	07000	64,171
Unclassified (R)	09900	21,991
Current Expenses	13000	422,981

BRIM Premium.....	91300	<u>32,602</u>
Total.....		\$ 4,023,574

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

114 - Division of Administrative Services -

Criminal Justice Fund

(W.V. Code Chapter 15A)

Fund 0546 FY 2025 Org 0623

Personal Services and		
Employee Benefits.....	00100	\$ 639,264
Repairs and Alterations.....	06400	1,804
Current Expenses.....	13000	233,360
Child Advocacy Centers (R).....	45800	2,214,361
Community Corrections (R).....	56100	4,614,368
Statistical Analysis Program.....	59700	50,739
Sexual Assault Forensic		
Examination Commission (R).....	71400	283,351
Qualitative Analysis and Training		
for Youth Services (R).....	76200	90,373
Law Enforcement Professional		
Standards.....	83800	182,512
Justice Reinvestment Initiative (R).....	89501	2,344,040
BRIM Premium.....	91300	<u>2,123</u>
Total.....		\$ 10,656,295

Any unexpended balances remaining in the appropriations for Victims of Crime Act (fund 0546, appropriation 21601), Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), Justice Reinvestment Initiative

(fund 0546, appropriation 89501) and Victims of Crime Act – Surplus (fund 0546, appropriation 21099) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

From the above appropriation for Child Advocacy Centers (fund 0546, appropriation 45800), the Division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

115 - Division of Administrative Services

(W.V. Code Chapter 15A)

Fund 0619 FY 2025 Org 0623

Personal Services and

Employee Benefits.....	00100	\$ 5,675,223
Unclassified.....	09900	50,000
Current Expenses	13000	<u>555,000</u>
Total		\$ 6,280,223

DEPARTMENT OF REVENUE

116 - Office of the Secretary

(W.V. Code Chapter 11)

Fund 0465 FY 2025 Org 0701

Personal Services and

Employee Benefits.....	00100	\$ 388,713
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	168,000
Repairs and Alterations	06400	1,262
Equipment	07000	8,000
Unclassified.....	09900	437
Current Expenses	13000	81,594

Other Assets	69000	<u>500</u>
Total	\$	648,506

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

117 - Tax Division

(W.V. Code Chapter 11)

Fund 0470 FY 2025 Org 0702

Personal Services and		
Employee Benefits (R)	00100	\$ 20,505,046
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	147,000
Repairs and Alterations	06400	10,150
Equipment	07000	54,850
Tax Technology Upgrade	09400	3,700,000
Unclassified (R)	09900	174,578
Current Expenses (R)	13000	6,823,635
Multi State Tax Commission.....	65300	77,958
Other Assets	69000	10,000
BRIM Premium.....	91300	<u>15,579</u>
Total		\$ 31,518,796

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

118 - State Budget Office

(W.V. Code Chapter 11B)

Fund 0595 FY 2025 Org 0703

Personal Services and

Employee Benefits.....	00100	\$ 1,055,236
Unclassified (R)	09900	9,200
Current Expenses (R)	13000	<u>119,449</u>
Total		\$ 1,183,885

Any unexpended balances remaining in the appropriations for Unclassified (fund 0595, appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

119 - West Virginia Office of Tax Appeals

(W.V. Code Chapter 11)

Fund 0593 FY 2025 Org 0709

Personal Services and

Employee Benefits.....	00100	\$ 976,887
Unclassified.....	09900	5,255
Current Expenses (R)	13000	229,374
BRIM Premium.....	91300	<u>3,062</u>
Total		\$ 1,214,578

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

120 - State Athletic Commission

(W.V. Code Chapter 29)

Fund 0523 FY 2025 Org 0933

Personal Services and

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

DEPARTMENT OF TRANSPORTATION

121 - Division of Multimodal Transportation Facilities –

State Rail Authority

(W.V. Code Chapter 17)

Fund 0506 FY 2025 Org 0810

Personal Services and		
Employee Benefits.....	00100	\$ 385,773
Current Expenses	13000	287,707
Other Assets (R).....	69000	1,270,019
BRIM Premium.....	91300	<u>201,541</u>
Total.....		\$ 2,145,040

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

122 - Division of Multimodal Transportation Facilities –

Public Transit

(W.V. Code Chapter 17)

Fund 0510 FY 2025 Org 0810

Equipment (R).....	07000	\$ 100,000
Current Expenses (R).....	13000	2,042,989
Buildings (R).....	25800	100,000
Other Assets (R).....	69000	<u>50,000</u>
Total.....		\$ 2,292,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

123 - Division of Multimodal Transportation Facilities –

(W.V. Code Chapter 17)

Fund 0580 FY 2025 Org 0810

Personal Services and

Employee Benefits (R)	00100	\$ 713,763
Current Expenses (R)	13000	750,000
BRIM Premium.....	91300	<u>7,500</u>
Total		\$ 1,471,263

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0580, appropriation 00100), and Current Expenses (fund 0580, appropriation 13000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

124 - Division of Multimodal Transportation Facilities –

Aeronautics Commission

(W.V. Code Chapter 17)

Fund 0582 FY 2025 Org 0810

Personal Services and

Employee Benefits.....	00100	\$ 235,249
Repairs and Alterations	06400	100
Current Expenses (R)	13000	791,839
BRIM Premium.....	91300	<u>4,438</u>
Total		\$ 1,031,626

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

DEPARTMENT OF VETERANS' ASSISTANCE*125 - Department of Veterans' Assistance*

(W.V. Code Chapter 9A)

Fund 0456 FY 2025 Org 0613

Personal Services and

Employee Benefits.....	00100	\$ 2,560,846
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	110,880
Repairs and Alterations	06400	5,000
Unclassified.....	09900	20,000
Current Expenses	13000	161,450
Veterans' Field Offices (R).....	22800	405,550
Veterans' Nursing Home (R)	28600	11,294,373
Veterans' Toll Free Assistance Line	32800	2,015
Veterans' Reeducation Assistance (R)	32900	40,000
Veterans' Grant Program (R).....	34200	560,000
Veterans' Grave Markers	47300	10,000
Veterans' Cemetery (R)	80800	420,079
BRIM Premium.....	91300	50,000
Total		\$ 15,640,193

Any unexpended balances remaining in the appropriations for Veterans' Field Offices (fund 0456, appropriation 22800), Buildings – Surplus (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), Veterans' Cemetery (fund 0456, appropriation 80800), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

(W.V. Code Chapter 9A)

Fund 0460 FY 2025 Org 0618

Personal Services and

Employee Benefits.....	00100	\$ 1,525,632
Current Expenses (R).....	13000	46,759
Veterans Outreach Programs.....	61700	<u>213,377</u>
Total.....		\$ 1,785,768

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0460, appropriation 13000) and Capital Outlay, Repairs and Equipment – Surplus (fund 0460, appropriation 67700) are hereby reappropriated for expenditure during the fiscal year 2025.

BUREAU OF SENIOR SERVICES*127 - Bureau of Senior Services*

(W.V. Code Chapter 29)

Fund 0420 FY 2025 Org 0508

Transfer to Division of Human

Services for Health Care and

Title XIX Waiver for Senior Citizens53900 \$ 6,580,366

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

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

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION***128 - West Virginia Council for*

Community and Technical College Education –

Control Account

(W.V. Code Chapter 18B)

Fund 0596 FY 2025 Org 0420

West Virginia Council for Community and Technical Education (R).....	39200	\$	761,164
Transit Training Partnership.....	78300		34,293
Community College Workforce Development (R)	87800		2,791,367
College Transition Program	88700		278,222
West Virginia Advance Workforce Development (R)	89300		3,126,336
Technical Program Development (R)	89400		1,800,735
WV Invests Grant Program (R)	89401		<u>7,046,959</u>
Total		\$	<u>15,839,076</u>

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), Technical Program Development (fund 0596, appropriation 89400), and WV Invests Grant Program (fund 0596, appropriation 89401) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

129 - Mountwest Community and Technical College

(W.V. Code Chapter 18B)

Fund 0599 FY 2025 Org 0444

Mountwest Community and Technical College	48700	\$	7,062,120
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130 - New River Community and Technical College

(W.V. Code Chapter 18B)

Fund 0600 FY 2025 Org 0445

New River Community and
Technical College35800 \$ 6,569,820

131 - Pierpont Community and Technical College

(W.V. Code Chapter 18B)

Fund 0597 FY 2025 Org 0446

Pierpont Community and
Technical College93000 \$ 8,613,156

132 - Blue Ridge Community and Technical College

(W.V. Code Chapter 18B)

Fund 0601 FY 2025 Org 0447

Blue Ridge Community and
Technical College88500 \$ 8,972,984

133 - West Virginia University at Parkersburg

(W.V. Code Chapter 18B)

Fund 0351 FY 2025 Org 0464

West Virginia University –
Parkersburg47100 \$ 11,561,838

134 - Southern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0380 FY 2025 Org 0487

Southern West Virginia Community
and Technical College.....44600 \$ 9,217,907

135 - West Virginia Northern Community and Technical College

(W.V. Code Chapter 18B)

Fund 0383 FY 2025 Org 0489

West Virginia Northern Community
and Technical College.....44700 \$ 8,252,020

136 - Eastern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0587 FY 2025 Org 0492

Eastern West Virginia Community
and Technical College.....41200 \$ 2,412,016

137 - BridgeValley Community and Technical College

(W.V. Code Chapter 18B)

Fund 0618 FY 2025 Org 0493

BridgeValley Community and
Technical College71700 \$ 8,888,187

HIGHER EDUCATION POLICY COMMISSION

138 - Higher Education Policy Commission –

Administration –

Control Account

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

Fund 0589 FY 2025 Org 0441

Personal Services and
Employee Benefits.....00100 \$ 2,914,927
RHI Program and Site Support –
RHEP Program Administration (R)03700 80,000
Mental Health Provider Loan
Repayment (R).....11301 330,000
Current Expenses13000 1,096,902
Higher Education Grant Program16400 40,619,864
Tuition Contract Program (R)16500 1,225,676

Underwood-Smith Scholarship

Program-Student Awards	16700	1,478,349
Facilities Planning and Administration	38600	1,760,254
Dual Enrollment Program	42201	5,810,625
Higher Education System Initiatives.....	48801	1,651,889
PROMISE Scholarship – Transfer	80000	18,500,000
HEAPS Grant Program (R).....	86700	5,025,376
Health Professionals' Student		
Loan Program (R).....	86701	547,470
BRIM Premium.....	91300	<u>17,817</u>
Total		\$ 81,059,149

Any unexpended balances remaining in the appropriations for RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation 16500), Dual Enrollment Program (fund 0589, appropriation 42201), HEAPS Grant Program (fund 0589, appropriation 86700), and Health Professionals' Student Loan Program (fund 0589, appropriation 86701) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

The above appropriation for Underwood-Smith Scholarship Program - Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teaching Scholars Program Fund (4922) established by W.V. Code §18C-4-1.

The above appropriation for PROMISE Scholarship-Transfer (fund 0589, appropriation 80000) shall be transferred to the

PROMISE Scholarship Fund (fund 4296) established by W.V. Code §18C-7-7.

The above appropriation for Dual Enrollment Program (fund 0589, appropriation 42201) shall be used for the Dual Enrollment Program established by House Bill 2005 during the 2023 Regular Session.

139 - West Virginia University –

School of Medicine

Medical School Fund

(W.V. Code Chapter 18B)

Fund 0343 FY 2025 Org 0463

WVU School of Health Science –

Eastern Division.....	05600	\$ 2,426,012
WVU – School of Health Sciences.....	17400	16,155,605
WVU – School of Health Sciences –		
Charleston Division	17500	2,478,576
Rural Health Outreach Programs (R).....	37700	170,278
West Virginia University School of		
Medicine BRIM Subsidy	46000	<u>1,203,087</u>
Total		\$ 22,433,558

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

140 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2025 Org 0463

West Virginia University.....45900 \$ 95,189,730

West Virginia University Land		
Grant Match	45101	8,549,644
Jackson's Mill (R)	46100	513,760
West Virginia University		
Institute of Technology	47900	8,915,719
State Priorities – Brownfield		
Professional Development (R)	53100	816,556
Energy Express (R)	86100	382,935
West Virginia University –		
Potomac State	99400	<u>5,138,046</u>
Total		\$ 119,506,390

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

Any unexpended balances remaining in the appropriations for Jackson's Mill (fund 0344, appropriation 46100), State Priorities – Brownfield Professional Development (fund 0344, appropriation 53100), National Cancer Institute - Surplus (fund 0344, appropriation 65399), and Energy Express (fund 0344, appropriation 86100) and at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

141 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 0347 FY 2025 Org 0471

Marshall Medical School	17300	\$ 8,357,258
Rural Health Outreach Programs (R)	37700	160,732
Forensic Lab (R)	37701	227,415
Center for Rural Health (R)	37702	169,390
Marshall University Medical School		
BRIM Subsidy	44900	<u>872,612</u>
Total		\$ 9,787,407

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0347, appropriation 37700), Forensic Lab (fund 0347, appropriation 37701), and Center for Rural Health (fund 0347, appropriation 37702) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

142 - Marshall University –

General Administration Fund

(W.V. Code Chapter 18B)

Fund 0348 FY 2025 Org 0471

Marshall University	44800	\$ 53,411,505
Marshall University Minority		
Health Institute.....	42301	100,000
Luke Lee Listening Language		
and Learning Lab (R).....	44801	157,901
VISTA E-Learning (R).....	51900	229,019
State Priorities – Brownfield		
Professional Development (R).....	53100	809,606
Marshall University Graduate		
College Writing Project (R)	80700	25,412
WV Autism Training Center (R).....	93200	<u>1,992,337</u>
Total		\$ 56,725,780

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), VISTA E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), WV Autism Training Center (fund 0348, appropriation 93200), Marshall University Minority Health Institute (fund 0348, appropriation 42301), and Marshall University Cybersecurity Program – Surplus (fund 0348, appropriation 42302) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

143 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 0336 FY 2025 Org 0476

West Virginia School of		
Osteopathic Medicine	17200	\$ 5,588,340
Rural Health Outreach Programs (R).....	37700	174,997
West Virginia School of		
Osteopathic Medicine BRIM Subsidy	40300	153,405
Rural Health Initiative – Medical		
Schools Support	58100	<u>415,363</u>
Total		\$ 6,332,105

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700), and West Virginia School of Osteopathic Medicine – Surplus (fund 0336, appropriation 17299) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

144 - Bluefield State University

(W.V. Code Chapter 18B)

Fund 0354 FY 2025 Org 0482

Bluefield State University.....	40800	\$ 7,081,263
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145 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2025 Org 0483

Concord University	41000	\$ 11,491,763
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146 - Fairmont State University

(W.V. Code Chapter 18B)

Fund 0360 FY 2025 Org 0484

Fairmont State University.....41400 \$ 20,671,494

147 - Glenville State University

(W.V. Code Chapter 18B)

Fund 0363 FY 2025 Org 0485

Glenville State University.....42800 \$ 7,420,879

148 - Shepherd University

(W.V. Code Chapter 18B)

Fund 0366 FY 2025 Org 0486

Shepherd University.....43200 \$ 13,734,975

149 - West Liberty University

(W.V. Code Chapter 18B)

Fund 0370 FY 2025 Org 0488

West Liberty University.....43900 \$ 10,380,743

150 - West Virginia State University

(W.V. Code Chapter 18B)

Fund 0373 FY 2025 Org 0490

West Virginia State University.....44100 \$ 11,969,170

Healthy Grandfamilies (R).....62101 800,000

West Virginia State University

Land Grant Match.....95600 5,000,000

Total..... \$ 17,769,170

Any unexpended balance remaining in the appropriation for Healthy Grandfamilies (fund 0373, appropriation 62101) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

(W.V. Code Chapter 18B)

Fund 0551 FY 2025 Org 0495

WVNET 16900 \$ 1,946,515

MISCELLANEOUS BOARDS AND COMMISSIONS*152 - Adjutant General –**State Militia*

(W.V. Code Chapter 15)

Fund 0433 FY 2025 Org 0603

Salary and Benefits of Cabinet

Secretary and Agency Heads	00201	\$	189,000
Unclassified (R)	09900		106,798
College Education Fund.....	23200		4,000,000
Civil Air Patrol.....	23400		249,664
Armory Board Transfer	70015		2,317,555
Mountaineer ChalleNGe Academy	70900		3,570,640
Military Authority (R).....	74800		6,621,038
Drug Enforcement and Support	74801		<u>1,592,221</u>
Total		\$	18,646,916

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), Armory Board Transfers – Surplus (fund 0433, appropriation 70299), Military Authority – Surplus (fund 0433, appropriation 74899), and Federal Funds/Grant Match (fund 0433, appropriation 85700) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

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

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$3,570,640 to the Mountaineer Challenge Academy to meet anticipated program demand.

153 - Adjutant General –

Military Fund

(W.V. Code Chapter 15)

Fund 0605 FY 2025 Org 0603

Personal Services and

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

Total TITLE II, Section 1 – General Revenue

(Including claims against the state) \$4,996,598,939

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 2025.

DEPARTMENT OF TRANSPORTATION

154 - Division of Motor Vehicles

(W.V. Code Chapters 17, 17A, 17B, 17C,

17D, 20, and 24A)

Fund 9007 FY 2025 Org 0802

	Appro- Priaion	State Road Fund
Personal Services and		
Employee Benefits.....00100		\$ 43,505,517
Salary and Benefits of Cabinet		
Secretary and Agency Heads00201		129,500
Repairs and Alterations.....06400		144,000
Equipment.....07000		1,080,000
Current Expenses13000		22,556,730
Buildings.....25800		10,000
Other Assets69000		2,480,000
BRIM Premium.....91300		<u>110,000</u>
Total.....		\$ 70,015,747

155 - Division of Highways

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

Fund 9017 FY 2025 Org 0803

Salary and Benefits of Cabinet		
Secretary and Agency Heads00201	\$	200,000
Debt Service.....04000		143,000,000
Maintenance.....23700		565,235,315
Inventory Revolving27500		4,000,000
Equipment Revolving27600		52,950,166
General Operations27700		186,166,680
Interstate Construction.....27800		275,000,000
Other Federal Aid Programs27900		450,000,000
Appalachian Programs.....28000		250,000,000
Highway Litter Control.....28200		<u>1,650,000</u>
Total.....		\$1,928,202,161

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

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

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state) \$1,998,604,764

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 2025.

LEGISLATIVE

156 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 1731 FY 2025 Org 2300

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

JUDICIAL

157 - Supreme Court –

Court Advanced Technology Subscription Fund

(W.V. Code Chapter 51)

Fund 1704 FY 2025 Org 2400

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

Adult Drug Court Participation Fund

(W.V. Code Chapter 62)

Fund 1705 FY 2025 Org 2400

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

Family Court Fund

(W.V. Code Chapter 51)

Fund 1763 FY 2025 Org 2400

Current Expenses	13000	\$	900,000
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*160 - Supreme Court –**Court Facilities Maintenance Fund*

(W.V. Code Chapter 51)

Fund 1766 FY 2025 Org 2400

Repairs and Alterations	06400	\$	150,000
Current Expenses	13000		<u>750,000</u>
Total		\$	900,000

EXECUTIVE*161 - Governor's Office –**Minority Affairs Fund*

(W.V. Code Chapter 5)

Fund 1058 FY 2025 Org 0100

Personal Services and			
Employee Benefits	00100	\$	239,958
Martin Luther King, Jr.			
Holiday Celebration	03100		8,926
Current Expenses	13000		<u>453,200</u>
Total		\$	702,084

*162 - Auditor's Office –**Grant Recovery Fund*

(W.V. Code Chapter 12)

Fund 1205 FY 2025 Org 1200

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

*163 - Auditor's Office –**Land Operating Fund*

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

Fund 1206 FY 2025 Org 1200

Personal Services and		
Employee Benefits.....	00100	\$ 901,372
Repairs and Alterations.....	06400	2,600
Equipment.....	07000	426,741
Unclassified.....	09900	15,139
Current Expenses	13000	715,291
Cost of Delinquent Land Sale	76800	<u>1,841,168</u>
Total.....		\$ 3,902,311

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

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

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

(W.V. Code Chapter 6)

Fund 1224 FY 2025 Org 1200

Personal Services and		
Employee Benefits.....	00100	\$ 670,729
Repairs and Alterations.....	06400	6,000
Equipment.....	07000	10,805
Current Expenses	13000	282,030
Other Assets	69000	50,000
Statutory Revenue Distribution.....	74100	<u>3,500,000</u>

Total..... \$ 4,519,564

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

165 - Auditor's Office –

Securities Regulation Fund

(W.V. Code Chapter 32)

Fund 1225 FY 2025 Org 1200

Personal Services and

Employee Benefits.....00100	\$ 3,009,931
Repairs and Alterations.....06400	12,400
Equipment.....07000	594,700
Unclassified.....09900	31,866
Current Expenses.....13000	1,463,830
Other Assets.....69000	<u>1,200,000</u>
Total.....	\$ 6,312,727

166 - Auditor's Office –

Technology Support and Acquisition Fund

(W.V. Code Chapter 12)

Fund 1233 FY 2025 Org 1200

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

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

*167 - Auditor's Office –**Purchasing Card Administration Fund*

(W.V. Code Chapter 12)

Fund 1234 FY 2025 Org 1200

Personal Services and		
Employee Benefits.....	00100	\$ 3,407,244
Repairs and Alterations	06400	5,500
Equipment	07000	850,000
Current Expenses	13000	2,303,622
Other Assets	69000	508,886
Statutory Revenue Distribution.....	74100	<u>8,000,000</u>
Total		\$ 15,075,252

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.V. Code §12-3-10d.

*168 - Auditor's Office –**Chief Inspector's Fund*

(W.V. Code Chapter 6)

Fund 1235 FY 2025 Org 1200

Personal Services and		
Employee Benefits.....	00100	\$ 3,910,235
Equipment	07000	50,000
Current Expenses	13000	<u>765,915</u>
Total		\$ 4,726,150

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

(W.V. Code Chapters 12 and 33)

Fund 1239 FY 2025 Org 1200

Volunteer Fire Department

Workers' Compensation Subsidy83200 \$ 2,500,000

*170 - Auditor's Office –**Private Trust Company Application Fund*

(W.V. Code Chapters 31 and 46)

Fund 1241 FY 2025 Org 1200

Equipment	07000	\$	30,000
Current Expenses	13000		<u>60,000</u>
Total		\$	90,000

*171 - Department of Agriculture –**Agriculture Fees Fund*

(W.V. Code Chapters 19)

Fund 1401 FY 2025 Org 1400

Personal Services and

Employee Benefits	00100	\$	3,102,402
Repairs and Alterations	06400		158,500
Equipment	07000		436,209
Unclassified	09900		37,425
Current Expenses	13000		1,856,184
Other Assets	69000		<u>10,000</u>
Total		\$	5,600,720

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

(W.V. Code Chapter 19)

Fund 1408 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	85,293
Unclassified.....	09900		10,476
Current Expenses	13000		<u>2,200,000</u>
Total		\$	2,295,769

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

(W.V. Code Chapter 19)

Fund 1409 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	85,545
Repairs and Alterations	06400		36,400
Equipment	07000		15,000
Unclassified.....	09900		2,100
Current Expenses	13000		<u>89,500</u>
Total		\$	228,545

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

*174 - Department of Agriculture –**Farm Operating Fund*

(W.V. Code Chapter 19)

Fund 1412 FY 2025 Org 1400

Personal Services and

Employee Benefits.....	00100	\$	932,035
Repairs and Alterations	06400		388,722
Equipment	07000		399,393
Unclassified.....	09900		15,173
Current Expenses	13000		1,367,464
Other Assets	69000		<u>20,000</u>
Total		\$	3,122,787

*175 - Department of Agriculture –**Capital Improvements Fund*

(W.V. Code Chapter 19)

Fund 1413 FY 2025 Org 1400

Repairs and Alterations	06400	250,000
Equipment	07000	350,000
Unclassified.....	09900	20,000
Current Expenses	13000	510,000
Buildings	25800	670,000
Other Assets	69000	<u>200,000</u>
Total		\$ 2,000,000

*176 - Department of Agriculture –**Agriculture Development Fund*

(W.V. Code Chapter 19)

Fund 1423 FY 2025 Org 1400

Current Expenses	13000	\$ 100,000
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*177 - Department of Agriculture –**Donated Food Fund*

(W.V. Code Chapter 19)

Fund 1446 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 1,163,783
Repairs and Alterations	06400	128,500
Equipment	07000	10,000
Unclassified.....	09900	45,807
Current Expenses	13000	3,410,542
Other Assets	69000	27,000
Land	73000	<u>250,000</u>

Total..... \$ 5,035,632

*178 - Department of Agriculture –
Integrated Predation Management Fund
(W.V. Code Chapter 7)*

Fund 1465 FY 2025 Org 1400

Current Expenses13000 \$ 112,500

*179 - Department of Agriculture –
West Virginia Spay Neuter Assistance Fund
(W.V. Code Chapter 19)*

Fund 1481 FY 2025 Org 1400

Personal Services and

Employee Benefits.....00100 \$ 100,000

Current Expenses13000 1,000,000

Total..... \$ 1,100,000

*180 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund
(W.V. Code Chapter 19)*

Fund 1483 FY 2025 Org 1400

Current Expenses13000 \$ 7,500

*181 - Department of Agriculture –
State FFA-FHA Camp and Conference Center
(W.V. Code Chapters 18 and 18A)*

Fund 1484 FY 2025 Org 1400

Personal Services and

Employee Benefits.....00100 \$ 1,289,160

Repairs and Alterations	06400	82,500
Equipment	07000	76,000
Unclassified	09900	17,000
Current Expenses	13000	1,143,306
Buildings	25800	1,000
Other Assets	69000	10,000
Land	73000	1,000
Total		\$ 2,619,966

182 - Attorney General –

Antitrust Enforcement Fund

(W.V. Code Chapter 47)

Fund 1507 FY 2025 Org 1500

Personal Services and		
Employee Benefits	00100	\$ 371,036
Repairs and Alterations	06400	1,000
Equipment	07000	1,000
Current Expenses	13000	148,803
Total		\$ 521,839

183 - Attorney General –

Preneed Burial Contract Regulation Fund

(W.V. Code Chapter 47)

Fund 1513 FY 2025 Org 1500

Personal Services and		
Employee Benefits	00100	\$ 240,959
Repairs and Alterations	06400	1,000
Equipment	07000	1,000
Current Expenses	13000	54,615
Total		\$ 297,574

184 - Attorney General –

Preneed Funeral Guarantee Fund

(W.V. Code Chapter 47)

Fund 1514 FY 2025 Org 1500

Current Expenses 13000 \$ 901,135

*185 - Secretary of State –**Service Fees and Collection Account*

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

Fund 1612 FY 2025 Org 1600

Personal Services and

Employee Benefits.....00100 \$ 1,196,867

Unclassified.....09900 4,524

Current Expenses 13000 8,036

Total \$ 1,209,427

*186 - Secretary of State –**General Administrative Fees Account*

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

Fund 1617 FY 2025 Org 1600

Personal Services and

Employee Benefits.....00100 \$ 3,248,467

Unclassified.....09900 25,529

Current Expenses 13000 1,276,716

Technology Improvements.....59900 870,000

Total \$ 5,420,712

DEPARTMENT OF ADMINISTRATION*187 - Department of Administration –**Office of the Secretary –**Tobacco Settlement Fund*

(W.V. Code Chapter 4)

Fund 2041 FY 2025 Org 0201

Tobacco Settlement Securitization

Trustee Passthru.....65000 \$ 80,000,000

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

(W.V. Code Chapter 18)

Fund 2044 FY 2025 Org 0201

Current Expenses13000 \$ 38,166,000

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers' Accumulation Fund (fund 2600).

*189 - Department of Administration –**Division of Finance –**Shared Services Section Fund*

(W.V. Code Chapter 5A)

Fund 2020 FY 2025 Org 0209

Personal Services and

Employee Benefits.....00100 \$ 1,638,791

Current Expenses13000 500,000

Total \$ 2,138,791

190 - Division of Information Services and Communications

(W.V. Code Chapter 5A)

Fund 2220 FY 2025 Org 0210

Personal Services and

Employee Benefits.....	00100	\$ 23,367,490
Equipment.....	07000	2,050,000
Unclassified.....	09900	344,119
Current Expenses	13000	34,418,001
Other Assets	69000	<u>1,045,000</u>
Total		\$ 61,224,610

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.

*191 - Division of Purchasing –**Vendor Fee Fund*

(W.V. Code Chapter 5A)

Fund 2263 FY 2025 Org 0213

Personal Services and

Employee Benefits.....	00100	\$ 611,378
Current Expenses	13000	9,115
BRIM Premium.....	91300	<u>810</u>
Total		\$ 621,303

*192 - Division of Purchasing –**Purchasing Improvement Fund*

(W.V. Code Chapter 5A)

Fund 2264 FY 2025 Org 0213

Personal Services and

Employee Benefits.....	00100	\$ 1,060,880
Repairs and Alterations.....	06400	500
Equipment.....	07000	500
Unclassified.....	09900	5,562
Current Expenses	13000	492,066
Other Assets	69000	500
BRIM Premium.....	91300	850
Total		<u>\$ 1,560,858</u>

*193 - Travel Management –**Aviation Fund*

(W.V. Code Chapter 5A)

Fund 2302 FY 2025 Org 0215

Repairs and Alterations.....	06400	\$ 1,275,237
Equipment.....	07000	1,000
Unclassified.....	09900	1,000
Current Expenses	13000	149,700
Buildings.....	25800	100
Other Assets	69000	100
Land	73000	100
Total		<u>\$ 1,427,237</u>

194 - Fleet Management Division Fund

(W.V. Code Chapter 5A)

Fund 2301 FY 2025 Org 0216

Personal Services and

Employee Benefits.....	00100	\$ 839,903
Repairs and Alterations.....	06400	12,000
Equipment.....	07000	800,000
Unclassified.....	09900	4,000
Current Expenses	13000	11,630,614
Other Assets	69000	2,000
Total		<u>\$ 13,288,517</u>

195 - Division of Personnel

(W.V. Code Chapter 29)

Fund 2440 FY 2025 Org 0222

Personal Services and

Employee Benefits.....	00100	\$ 5,034,147
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	122,500
Repairs and Alterations	06400	5,000
Equipment	07000	20,000
Unclassified.....	09900	51,418
Current Expenses	13000	1,262,813
Other Assets	69000	60,000
Total		\$ 6,555,878

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

196 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 2521 FY 2025 Org 0228

Personal Services and

Employee Benefits.....	00100	\$ 139,779
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	119,000
Repairs and Alterations	06400	600
Equipment	07000	500
Unclassified.....	09900	4,023
Current Expenses	13000	297,528
Other Assets	69000	500
Total		\$ 561,930

*197 - Office of Technology –**Technology Infrastructure Reinvestment Fund*

(W.V. Code Chapter 31)

Fund 2209 FY 2025 Org 0231

Current Expenses	13000	\$	400,000
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*198 - Office of Technology –**Chief Technology Officer Administration Fund*

(W.V. Code Chapter 5A)

Fund 2531 FY 2025 Org 0231

Personal Services and			
Employee Benefits.....	00100	\$	469,481
Repairs and Alterations	06400		1,000
Equipment	07000		50,000
Unclassified.....	09900		6,949
Current Expenses	13000		2,196,504
Other Assets	69000		10,000
Total		\$	2,733,934

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

DEPARTMENT OF COMMERCE*199 - Division of Forestry*

(W.V. Code Chapter 19)

Fund 3081 FY 2025 Org 0305

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

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

(W.V. Code Chapter 19)

Fund 3082 FY 2025 Org 0305

Personal Services and		
Employee Benefits.....	00100	\$ 260,661
Repairs and Alterations.....	06400	11,250
Current Expenses	13000	<u>54,873</u>
Total.....		\$ 326,784

*201 - Division of Forestry –**Severance Tax Operations*

(W.V. Code Chapter 11)

Fund 3084 FY 2025 Org 0305

Current Expenses	13000	\$ 282,614
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*202 - Geological and Economic Survey –**Geological and Analytical Services Fund*

(W.V. Code Chapter 29)

Fund 3100 FY 2025 Org 0306

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

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

*203 - Division of Labor –**West Virginia Jobs Act Fund*

(W.V. Code Chapter 21)

Fund 3176 FY 2025 Org 0308

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

*204 - Division of Labor –**HVAC Fund*

(W.V. Code Chapter 21)

Fund 3186 FY 2025 Org 0308

Personal Services and			
Employee Benefits	00100	\$	482,855
Repairs and Alterations	06400		4,500
Unclassified	09900		4,000
Current Expenses	13000		82,000
Buildings	25800		1,000
BRIM Premium	91300		<u>8,500</u>
Total		\$	582,855

*205 - Division of Labor –**Elevator Safety Fund*

(W.V. Code Chapter 21)

Fund 3188 FY 2025 Org 0308

Personal Services and			
Employee Benefits	00100	\$	305,995
Salary and Benefits of Cabinet			
Secretary and Agency Heads	00201		123,221
Repairs and Alterations	06400		2,000

Unclassified.....	09900	2,261
Current Expenses	13000	94,712
Buildings	25800	1,000
BRIM Premium.....	91300	8,500
Total		\$ 537,689

206 - Division of Labor –

Steam Boiler Fund

(W.V. Code Chapter 21)

Fund 3189 FY 2025 Org 0308

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

207 - Division of Labor –

Crane Operator Certification Fund

(W.V. Code Chapter 21)

Fund 3191 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 203,573
Repairs and Alterations	06400	1,500
Unclassified.....	09900	1,380
Current Expenses	13000	51,265
Buildings	25800	1,000
BRIM Premium.....	91300	7,000
Total		\$ 265,718

*208 - Division of Labor –**Amusement Rides and Amusement Attraction Safety Fund*

(W.V. Code Chapter 21)

Fund 3192 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 202,269
Repairs and Alterations.....	06400	2,000
Unclassified.....	09900	1,281
Current Expenses	13000	44,520
Buildings	25800	1,000
BRIM Premium.....	91300	8,500
Total.....		\$ 259,570

*209 - Division of Labor –**State Manufactured Housing Administration Fund*

(W.V. Code Chapter 21)

Fund 3195 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 303,686
Repairs and Alterations.....	06400	1,000
Unclassified.....	09900	1,847
Current Expenses	13000	43,700
Buildings	25800	1,000
BRIM Premium.....	91300	3,404
Total.....		\$ 354,637

*210 - Division of Labor –**Weights and Measures Fund*

(W.V. Code Chapter 47)

Fund 3196 FY 2025 Org 0308

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

211 - Division of Labor –

Bedding and Upholstery Fund

(W.V. Code Chapter 47)

Fund 3198 FY 2025 Org 0308

Personal Services and			
Employee Benefits.....	00100	\$	156,381
Repairs and Alterations.....	06400		2,000
Unclassified.....	09900		2,000
Current Expenses	13000		145,400
Buildings.....	25800		1,000
BRIM Premium.....	91300		8,700
Total		\$	315,481

212 - Division of Labor –

Psychophysiological Examiners Fund

(W.V. Code Chapter 21)

Fund 3199 FY 2025 Org 0308

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

License Fund – Wildlife Resources

(W.V. Code Chapter 20)

Fund 3200 FY 2025 Org 0310

Wildlife Resources	02300	\$	10,689,217
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Administration	15500	2,417,057
Capital Improvements and		
Land Purchase (R)	24800	5,140,907
Law Enforcement.....	80600	<u>9,989,958</u>
Total		\$ 28,237,139

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 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

214 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(W.V. Code Chapter 22)

Fund 3202 FY 2025 Org 0310

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

Nongame Fund

(W.V. Code Chapter 20)

Fund 3203 FY 2025 Org 0310

Personal Services and		
Employee Benefits.....	00100	\$ 727,138
Equipment	07000	106,615
Current Expenses	13000	<u>201,810</u>
Total		\$ 1,035,563

216 - Division of Natural Resources –

Planning and Development Division

(W.V. Code Chapter 20)

Fund 3205 FY 2025 Org 0310

Personal Services and		
Employee Benefits.....	00100	\$ 482,802
Repairs and Alterations	06400	15,016
Equipment	07000	308,300
Current Expenses	13000	1,056,876
Buildings	25800	8,300
Other Assets	69000	1,900,000
Land	73000	31,700
Total		\$ 3,802,994

*217 - Division of Natural Resources –**State Parks and Recreation Endowment Fund*

(W.V. Code Chapter 20)

Fund 3211 FY 2025 Org 0310

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

*218 - Division of Natural Resources –**Whitewater Study and Improvement Fund*

(W.V. Code Chapter 20)

Fund 3253 FY 2025 Org 0310

Personal Services and		
Employee Benefits.....	00100	\$ 76,836
Equipment	07000	1,297
Current Expenses	13000	64,778

Buildings	25800	<u>6,969</u>
Total		\$ 149,880

219 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(W.V. Code Chapter 20)

Fund 3256 FY 2025 Org 0310

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

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

Special Health, Safety and Training Fund

(W.V. Code Chapter 22A)

Fund 3355 FY 2025 Org 0314

Personal Services and		
Employee Benefits.....	00100	\$ 538,305
W.V. Mining Extension Service	02600	150,000
Unclassified.....	09900	23,700
Current Expenses	13000	<u>1,671,842</u>
Total		\$ 2,383,847

221 - Department of Commerce –

Office of the Secretary –

Marketing and Communications Operating Fund

(W.V. Code Chapter 5B)

Fund 3002 FY 2025 Org 0327

Personal Services and		
Employee Benefits.....	00100	\$ 2,285,770
Equipment	07000	36,000

Unclassified.....	09900	30,000
Current Expenses	13000	<u>1,315,078</u>
Total		\$ 3,666,848

222 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(W.V. Code Chapter 18)

Fund 8664 FY 2025 Org 0932

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

223 - Department of Economic Development –

Office of Energy –

Energy Assistance

(W.V. Code Chapter 5B)

Fund 3010 FY 2025 Org 0307

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

Office of the Secretary –

Broadband Enhancement Fund

(W.V. Code Chapter 31G)

Fund 3013 FY 2025 Org 0307

Personal Services and

Employee Benefits.....	00100	\$	131,682
Current Expenses	13000		<u>1,648,318</u>
Total		\$	1,780,000

225 - Department of Economic Development –

Office of the Secretary –

Entrepreneurship and Innovation Investment Fund

(W.V. Code Chapter 5B)

Fund 3014 FY 2025 Org 0307

Entrepreneurship and Innovation

Investment Fund	70301	\$	1,500,000
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226 - Department of Economic Development –

Office of the Secretary –

Broadband Development Fund

(W.V. Code Chapter 31G)

Fund 3034 FY 2025 Org 0307

Personal Services and

Employee Benefits.....	00100	\$	682,669
Unclassified.....	09900		2,000,000
Current Expenses	13000		<u>235,302,925</u>
Total		\$	237,985,594

227 - Department of Economic Development –

Office of the Secretary –

Office of Coalfield Community Development

(W.V. Code Chapter 5B)

Fund 3162 FY 2025 Org 0307

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

DEPARTMENT OF EDUCATION*228 - State Board of Education –**Strategic Staff Development*

(W.V. Code Chapter 18)

Fund 3937 FY 2025 Org 0402

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

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

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

Fund 3952 FY 2025 Org 0404

SBA Construction Grants.....	24000	\$ 102,345,818
Directed Transfer	70000	<u>1,516,472</u>
Total		\$ 103,862,290

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

230 - School Building Authority

(W.V. Code Chapter 18)

Fund 3959 FY 2025 Org 0404

Personal Services and

Employee Benefits.....	00100	\$ 1,233,127
Repairs and Alterations.....	06400	13,150
Equipment.....	07000	26,000
Current Expenses	13000	<u>244,195</u>
Total		\$ 1,516,472

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*231 - Division of Culture and History –**Public Records and Preservation Revenue Account*

(W.V. Code Chapter 5A)

Fund 3542 FY 2025 Org 0432

Personal Services and

Employee Benefits.....	00100	\$ 254,946
Equipment.....	07000	75,000
Current Expenses	13000	862,241
Buildings	25800	1,000
Other Assets	69000	52,328
Land	73000	<u>1,000</u>
Total		\$ 1,246,515

DEPARTMENT OF ENVIRONMENTAL PROTECTION*232 - Solid Waste Management Board*

(W.V. Code Chapter 22C)

Fund 3288 FY 2025 Org 0312

Personal Services and

Employee Benefits.....	00100	\$ 922,334
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Repairs and Alterations	06400	1,000
Equipment	07000	5,000
Current Expenses	13000	2,059,457
Other Assets	69000	<u>4,403</u>
Total		\$ 2,992,194

233 - Division of Environmental Protection –

Hazardous Waste Management Fund

(W.V. Code Chapter 22)

Fund 3023 FY 2025 Org 0313

Personal Services and		
Employee Benefits	00100	\$ 831,098
Repairs and Alterations	06400	500
Equipment	07000	1,505
Unclassified	09900	8,072
Current Expenses	13000	155,969
Other Assets	69000	<u>2,000</u>
Total		\$ 999,144

234 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(W.V. Code Chapter 22)

Fund 3024 FY 2025 Org 0313

Personal Services and		
Employee Benefits	00100	\$ 590,995
Repairs and Alterations	06400	13,000
Equipment	07000	53,105
Unclassified	09900	12,919
Current Expenses	13000	612,291
Other Assets	69000	<u>20,000</u>
Total		\$ 1,302,310

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

(W.V. Code Chapter 22)

Fund 3321 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 1,778,866
Repairs and Alterations.....	06400	79,950
Equipment.....	07000	130,192
Current Expenses	13000	16,185,006
Other Assets	69000	<u>32,000</u>
Total		\$ 18,206,014

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

(W.V. Code Chapter 22)

Fund 3322 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 562,296
Current Expenses	13000	<u>956,094</u>
Total		\$ 1,518,390

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

(W.V. Code Chapter 22)

Fund 3323 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 3,080,953
Repairs and Alterations.....	06400	9,500
Equipment.....	07000	230,500
Unclassified.....	09900	<u>30,700</u>

Current Expenses	13000	937,300
Other Assets	69000	<u>500</u>
Total		\$ 4,289,453

238 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(W.V. Code Chapter 22)

Fund 3324 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 2,774,699
Repairs and Alterations.....	06400	60,260
Equipment.....	07000	83,000
Unclassified.....	09900	920
Current Expenses	13000	1,479,231
Other Assets	69000	<u>57,500</u>
Total		\$ 4,455,610

239 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(W.V. Code Chapter 22)

Fund 3325 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 503,574
Repairs and Alterations.....	06400	5,350
Equipment.....	07000	3,610
Unclassified.....	09900	7,520
Current Expenses	13000	318,420
Other Assets	69000	<u>3,500</u>
Total		\$ 841,974

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

(W.V. Code Chapter 22)

Fund 3331 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 354,585
Repairs and Alterations.....	06400	7,014
Equipment.....	07000	9,000
Unclassified.....	09900	10,616
Current Expenses	13000	767,905
Other Assets	69000	<u>3,500</u>
Total.....		\$ 1,152,620

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

(W.V. Code Chapter 22)

Fund 3332 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 904,165
Repairs and Alterations.....	06400	25,000
Equipment.....	07000	106,500
Unclassified.....	09900	22,900
Current Expenses	13000	3,929,737
Buildings.....	25800	500
Other Assets	69000	<u>1,000</u>
Total.....		\$ 4,989,802

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

(W.V. Code Chapter 22)

Fund 3333 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 3,572,719
Repairs and Alterations	06400	30,930
Equipment	07000	23,356
Unclassified.....	09900	28,460
Current Expenses	13000	932,229
Other Assets	69000	<u>20,554</u>
Total		\$ 4,608,248

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

(W.V. Code Chapter 22)

Fund 3336 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 6,452,446
Repairs and Alterations	06400	84,045
Equipment	07000	103,601
Unclassified.....	09900	70,572
Current Expenses	13000	1,469,467
Other Assets	69000	<u>52,951</u>
Total		\$ 8,233,082

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

(W.V. Code Chapter 22)

Fund 3340 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 389,614
Repairs and Alterations	06400	1,000
Unclassified.....	09900	1,120

Current Expenses	13000	201,146
Other Assets	69000	<u>163,000</u>
Total	\$	755,880

245 - Division of Environmental Protection –

Stream Restoration Fund

(W.V. Code Chapter 22)

Fund 3349 FY 2025 Org 0313

Current Expenses	13000	\$	3,682,076
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246 - Division of Environmental Protection –

Litter Control Fund

(W.V. Code Chapter 22)

Fund 3486 FY 2025 Org 0313

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

Recycling Assistance Fund

(W.V. Code Chapter 22)

Fund 3487 FY 2025 Org 0313

Personal Services and			
Employee Benefits.....	00100	\$	717,788
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Unclassified.....	09900		400
Current Expenses	13000		2,754,258
Other Assets	69000		<u>2,500</u>
Total.....		\$	3,476,246

*248 - Division of Environmental Protection –**Mountaintop Removal Fund*

(W.V. Code Chapter 22)

Fund 3490 FY 2025 Org 0313

Personal Services and		
Employee Benefits.....	00100	\$ 858,694
Repairs and Alterations.....	06400	27,612
Equipment.....	07000	23,500
Unclassified.....	09900	1,180
Current Expenses	13000	390,907
Other Assets	69000	<u>11,520</u>
Total		\$ 1,313,413

*249 - Oil and Gas Conservation Commission –**Special Oil and Gas Conservation Fund*

(W.V. Code Chapter 22C)

Fund 3371 FY 2025 Org 0315

Personal Services and		
Employee Benefits.....	00100	\$ 171,356
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	9,481
Current Expenses	13000	161,225
Other Assets	69000	<u>1,500</u>
Total		\$ 344,562

DEPARTMENT OF HEALTH*250 - Department of Health –**Emergency Medical Service Workers Salary Enhancement Fund*

(W.V. Code Chapter 16A)

Fund 5049 FY 2025 Org 0506

Current Expenses	13000	\$ 10,000,000
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*251 - Department of Health –**The Vital Statistics Account*

(W.V. Code Chapter 16)

Fund 5144 FY 2025 Org 0506

Personal Services and

Employee Benefits.....	00100	\$ 1,198,160
Unclassified.....	09900	15,500
Current Expenses	13000	<u>3,557,788</u>
Total		\$ 4,771,448

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

Additional funds have been appropriated from General Revenue for the operation of the institutional facilities.

Necessary funds from the above appropriation for Institutional Facilities Operations may be used for medical facilities operations, either in connection with this fund or in connection with the appropriations designated for Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

*252 - Department of Health –**Laboratory Services Fund*

(W.V. Code Chapter 16)

Fund 5163 FY 2025 Org 0506

Personal Services and

Employee Benefits.....	00100	\$ 1,083,838
Unclassified.....	09900	18,114

Current Expenses	13000	<u>2,209,105</u>
Total		\$ 3,311,057

253 - Department of Health –

The Health Facility Licensing Account

(W.V. Code Chapter 16)

Fund 5172 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 712,839
Unclassified.....	09900	7,113
Current Expenses	13000	<u>98,247</u>
Total		\$ 818,199

254 - Department of Health –

Hepatitis B Vaccine

(W.V. Code Chapter 16)

Fund 5183 FY 2025 Org 0506

Current Expenses	13000	\$ 9,740
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255 - Department of Health –

Lead Abatement Account

(W.V. Code Chapter 16)

Fund 5204 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 19,100
Unclassified.....	09900	373
Current Expenses	13000	<u>17,875</u>
Total		\$ 37,348

256 - Department of Health –

West Virginia Birth-to-Three Fund

(W.V. Code Chapter 16)

Fund 5214 FY 2025 Org 0506

Personal Services and		
Employee Benefits.....	00100	\$ 769,278
Unclassified.....	09900	223,999
Current Expenses	13000	<u>35,693,134</u>
Total		\$ 36,686,411

*257 - Department of Health –**Tobacco Control Special Fund*

(W.V. Code Chapter 16)

Fund 5218 FY 2025 Org 0506

Current Expenses	13000	\$ 7,579
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*258 - Department of Health –**Medical Cannabis Program Fund*

(W.V. Code Chapter 16A)

Fund 5420 FY 2025 Org 0506

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

*259 - West Virginia Health Care Authority –**Health Care Cost Review Fund*

(W.V. Code Chapter 16)

Fund 5375 FY 2025 Org 0507

Personal Services and		
Employee Benefits.....	00100	\$ 366,513

Unclassified.....	09900	13,500
Current Expenses	13000	<u>536,586</u>
Total		\$ 916,599

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

260 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(W.V. Code Chapter 16)

Fund 5377 FY 2025 Org 0507

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

DEPARTMENT OF HUMAN SERVICES

261 - Department of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(W.V. Code Chapter 11)

Fund 5090 FY 2025 Org 0511

Medical Services.....	18900	\$393,594,315
Medical Services Administrative Costs	78900	<u>268,451</u>
Total		\$393,862,766

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 Human Services for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

*262 - Department of Human Services –**Child Support Enforcement Fund*

(W.V. Code Chapter 48A)

Fund 5094 FY 2025 Org 0511

Personal Services and		
Employee Benefits.....	00100	\$ 27,809,509
Unclassified.....	09900	380,000
Current Expenses	13000	<u>12,810,491</u>
Total		\$ 41,000,000

*263 - Department of Human Services –**Ryan Brown Addiction Prevention and Recovery Fund*

(W.V. Code Chapter 19)

Fund 5111 FY 2025 Org 0511

Current Expenses	13000	\$ 10,667,392
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*264 - Department of Human Services –**Medical Services Trust Fund*

(W.V. Code Chapter 9)

Fund 5185 FY 2025 Org 0511

Medical Services	18900	\$ 55,000,000
Medical Services Administrative Costs	78900	<u>738,149</u>
Total		\$ 55,738,149

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

moneys deposited in the fund shall be transferred to the Department of Human Services accounts.

265 - Department of Human Services –

James "Tiger" Morton Catastrophic Illness Fund

(W.V. Code Chapter 16)

Fund 5454 FY 2025 Org 0511

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

266 - Department of Human Services –

Domestic Violence Legal Services Fund

(W.V. Code Chapter 48)

Fund 5455 FY 2025 Org 0511

Current Expenses	13000	\$ 900,000
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267 - Department of Human Services –

West Virginia Works Separate State College Program Fund

(W.V. Code Chapter 9)

Fund 5467 FY 2025 Org 0511

Current Expenses	13000	\$ 500,000
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268 - Department of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(W.V. Code Chapter 9)

Fund 5468 FY 2025 Org 0511

Current Expenses	13000	\$	1,500,000
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269 - Department of Human Services –

Marriage Education Fund

(W.V. Code Chapter 9)

Fund 5490 FY 2025 Org 0511

Personal Services and

Employee Benefits.....	00100	\$	10,000
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Current Expenses	13000		<u>25,000</u>
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Total		\$	<u>35,000</u>
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DEPARTMENT OF HEALTH FACILITIES

270 - Department of Health Facilities –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(W.V. Code Chapter 16)

Fund 5156 FY 2025 Org 0512

Institutional Facilities Operations	33500	\$	59,195,646
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Medical Services Trust Fund –

Transfer	51200		<u>27,800,000</u>
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Total		\$	<u>86,995,646</u>
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DEPARTMENT OF HOMELAND SECURITY

271 - Department of Homeland Security –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(W.V. Code Chapter 15)

Fund 6003 FY 2025 Org 0601

Current Expenses	13000	\$	32,000
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*272 - Division of Emergency Management –**Statewide Interoperable Radio Network Account*

(W.V. Code Chapter 15)

Fund 6208 FY 2025 Org 0606

Current Expenses	13000	\$	80,000
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*273 - Division of Emergency Management –**West Virginia Interoperable Radio Project*

(W.V. Code Chapter 24)

Fund 6295 FY 2025 Org 0606

Repairs and Alterations	06400	\$	950,000
Equipment	07000		550,000
Unclassified.....	09900		20,000
Current Expenses	13000		<u>3,980,000</u>
Total		\$	5,500,000

*274 - Division of Corrections and Rehabilitation –**Parolee Supervision Fees*

(W.V. Code Chapter 15A)

Fund 6362 FY 2025 Org 0608

Personal Services and

Employee Benefits.....	00100	\$	1,247,729
Equipment	07000		30,000
Unclassified.....	09900		9,804
Current Expenses	13000		758,480

Other Assets	69000	<u>40,129</u>
Total		\$ 2,086,142

275 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(W.V. Code Chapter 15A)

Fund 6675 FY 2025 Org 0608

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

276 - West Virginia State Police –

Motor Vehicle Inspection Fund

(W.V. Code Chapter 17C)

Fund 6501 FY 2025 Org 0612

Personal Services and		
Employee Benefits.....	00100	\$ 2,092,049
Repairs and Alterations	06400	204,500
Equipment	07000	3,770,751
Current Expenses	13000	1,488,211
Buildings	25800	534,000
Other Assets	69000	5,000
BRIM Premium.....	91300	<u>302,432</u>
Total		\$ 8,396,943

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.

*277 - West Virginia State Police –**Forensic Laboratory Fund*

(W.V. Code Chapter 15)

Fund 6511 FY 2025 Org 0612

Personal Services and		
Employee Benefits.....	00100	\$ 1,637,078
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	545,000
Current Expenses	13000	<u>90,000</u>
Total		\$ 2,277,078

*278 - West Virginia State Police –**Drunk Driving Prevention Fund*

(W.V. Code Chapter 15)

Fund 6513 FY 2025 Org 0612

Equipment.....	07000	\$ 3,491,895
Current Expenses	13000	1,327,000
BRIM Premium.....	91300	<u>154,452</u>
Total		\$ 4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.V. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

*279 - West Virginia State Police –**Surplus Real Property Proceeds Fund*

(W.V. Code Chapter 15)

Fund 6516 FY 2025 Org 0612

Buildings.....	25800	\$ 1,022,778
Land	73000	1,000

BRIM Premium.....	91300	<u>77,222</u>
Total		\$ 1,101,000

280 - West Virginia State Police –

Surplus Transfer Account

(W.V. Code Chapter 15)

Fund 6519 FY 2025 Org 0612

Repairs and Alterations	06400	\$ 20,000
Equipment	07000	250,000
Current Expenses	13000	225,000
Buildings	25800	40,000
Other Assets	69000	45,000
BRIM Premium.....	91300	<u>5,000</u>
Total		\$ 585,000

281 - West Virginia State Police –

Central Abuse Registry Fund

(W.V. Code Chapter 15)

Fund 6527 FY 2025 Org 0612

Personal Services and		
Employee Benefits.....	00100	\$ 289,971
Repairs and Alterations	06400	500
Equipment	07000	300,500
Current Expenses	13000	376,443
Other Assets	69000	300,500
BRIM Premium.....	91300	<u>18,524</u>
Total		\$ 1,286,438

282 - West Virginia State Police –

Bail Bond Enforcer Account

(W.V. Code Chapter 15)

Fund 6532 FY 2025 Org 0612

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

State Police Academy Post Exchange

(W.V. Code Chapter 15)

Fund 6544 FY 2025 Org 0612

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

284 - Fire Commission –

Fire Marshal Fees

(W.V. Code Chapter 15A)

Fund 6152 FY 2025 Org 0619

Personal Services and			
Employee Benefits.....	00100	\$	3,893,612
Repairs and Alterations	06400		58,500
Equipment	07000		140,800
Unclassified.....	09900		3,800
Current Expenses	13000		1,646,550
BRIM Premium.....	91300		<u>65,000</u>
Total		\$	5,808,262

285 - Division of Administrative Services –

W.V. Community Corrections Fund

(W.V. Code Chapter 62)

Fund 6386 FY 2025 Org 0623

Personal Services and			
Employee Benefits.....	00100	\$	176,985

Repairs and Alterations	06400	1,000
Unclassified.....	09900	750
Current Expenses	13000	<u>1,846,250</u>
Total		\$ 2,024,985

286 - Division of Administrative Services –

Court Security Fund

(W.V. Code Chapter 51)

Fund 6804 FY 2025 Org 0623

Personal Services and		
Employee Benefits.....	00100	\$ 26,462
Current Expenses	13000	<u>1,478,135</u>
Total		\$ 1,504,597

287 - Division of Administrative Services –

Second Chance Driver's License Program Account

(W.V. Code Chapter 17B)

Fund 6810 FY 2025 Org 0623

Current Expenses	13000	\$ 125,000
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DEPARTMENT OF REVENUE

288 - Division of Financial Institutions

(W.V. Code Chapter 31A)

Fund 3041 FY 2025 Org 0303

Personal Services and		
Employee Benefits.....	00100	\$ 2,815,127
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	119,000
Equipment.....	07000	8,500
Current Expenses	13000	<u>650,475</u>
Total		\$ 3,593,102

*289 - Office of the Secretary –**State Debt Reduction Fund*

(W.V. Code Chapter 29)

Fund 7007 FY 2025 Org 0701

Retirement Systems – Unfunded

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

290 - Home Rule Board Operations

(W.V. Code Chapter 8)

Fund 7010 FY 2025 Org 0701

Personal Services and

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

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

(W.V. Code Chapter 47)

Fund 7092 FY 2025 Org 0702

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

*292 - State Budget Office –**Public Employees Insurance Reserve Fund*

(W.V. Code Chapter 11B)

Fund 7400 FY 2025 Org 0703

Public Employees Insurance

Reserve Fund – Transfer.....90300 \$ 6,800,000

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

*293 - Insurance Commissioner –**Examination Revolving Fund*

(W.V. Code Chapter 33)

Fund 7150 FY 2025 Org 0704

Personal Services and

Employee Benefits.....	00100	\$ 782,104
Repairs and Alterations.....	06400	3,000
Equipment.....	07000	81,374
Current Expenses	13000	1,357,201
Buildings.....	25800	8,289
Other Assets	69000	<u>11,426</u>
Total.....		\$ 2,243,394

*294 - Insurance Commissioner –**Consumer Advocate*

(W.V. Code Chapter 33)

Fund 7151 FY 2025 Org 0704

Personal Services and

Employee Benefits.....	00100	\$ 602,587
Repairs and Alterations.....	06400	5,000

Equipment	07000	34,225
Current Expenses	13000	202,152
Buildings	25800	4,865
Other Assets	69000	19,460
Total		\$ 868,289

295 - Insurance Commissioner –

Insurance Commission Fund

(W.V. Code Chapter 33)

Fund 7152 FY 2025 Org 0704

Personal Services and		
Employee Benefits	00100	\$ 23,351,665
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	136,500
Repairs and Alterations	06400	68,614
Equipment	07000	302,688
Current Expenses	13000	8,797,758
Buildings	25800	25,000
Other Assets	69000	50,000
Total		\$ 32,732,225

296 - Insurance Commissioner –

Insurance Fraud Prevention Fund

(W.V. Code Chapter 33)

Fund 7153 FY 2025 Org 0704

Current Expenses	13000	\$ 15,000
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297 - Insurance Commissioner –

Workers' Compensation Old Fund

(W.V. Code Chapter 23)

Fund 7162 FY 2025 Org 0704

Employee Benefits	01000	\$ 50,000
Current Expenses	13000	<u>250,500,000</u>
Total		\$250,550,000

298 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(W.V. Code Chapter 23)

Fund 7163 FY 2025 Org 0704

Current Expenses	13000	\$ 15,000,000
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299 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(W.V. Code Chapter 23)

Fund 7164 FY 2025 Org 0704

Current Expenses	13000	\$ 9,000,000
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300 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(W.V. Code Chapter 23)

Fund 7165 FY 2025 Org 0704

Current Expenses	13000	\$ 14,000,000
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301 - Municipal Bond Commission

(W.V. Code Chapter 13)

Fund 7253 FY 2025 Org 0706

Personal Services and		
Employee Benefits	00100	\$ 383,671
Equipment	07000	100
Current Expenses	13000	<u>154,344</u>
Total		\$ 538,115

*302 - Racing Commission –**Relief Fund*

(W.V. Code Chapter 19)

Fund 7300 FY 2025 Org 0707

Medical Expenses – Total	24500	\$	154,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care, and/or funeral expenses for persons contributing to this fund.

*303 - Racing Commission –**Administration and Promotion Account*

(W.V. Code Chapter 19)

Fund 7304 FY 2025 Org 0707

Personal Services and			
Employee Benefits.....	00100	\$	288,127
Current Expenses	13000		85,433
Other Assets	69000		<u>5,000</u>
Total		\$	378,560

*304 - Racing Commission –**General Administration*

(W.V. Code Chapter 19)

Fund 7305 FY 2025 Org 0707

Personal Services and			
Employee Benefits.....	00100	\$	2,523,239
Salary and Benefits of Cabinet			
Secretary and Agency Heads	00201		59,533

Repairs and Alterations	06400	5,000
Current Expenses	13000	497,284
Other Assets	69000	<u>40,000</u>
Total		\$ 3,125,056

305 - Racing Commission –

Administration, Promotion, Education, Capital Improvement

and Greyhound Adoption Programs

to include Spaying and Neutering Account

(W.V. Code Chapter 19)

Fund 7307 FY 2025 Org 0707

Personal Services and		
Employee Benefits.....	00100	\$ 937,171
Current Expenses	13000	160,099
Other Assets	69000	<u>200,000</u>
Total		\$ 1,297,270

306 - Racing Commission –

Advance Deposit Wagering Account

(W.V. Code Chapter 19)

Fund 7309 FY 2025 Org 0707

Current Expenses	13000	\$ 1,116,000
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307 - Alcohol Beverage Control Administration –

Wine License Special Fund

(W.V. Code Chapter 60)

Fund 7351 FY 2025 Org 0708

Personal Services and		
Employee Benefits.....	00100	\$ 156,111

Repairs and Alterations	06400	7,263
Equipment	07000	10,000
Current Expenses	13000	160,436
Buildings	25800	100,000
Transfer Liquor Profits and Taxes.....	42500	30,750
Other Assets	69000	350,100
Total		\$ 814,660

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

308 - Alcohol Beverage Control Administration

(W.V. Code Chapter 60)

Fund 7352 FY 2025 Org 0708

Personal Services and		
Employee Benefits.....	00100	\$ 6,239,729
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	122,500
Repairs and Alterations	06400	91,000
Equipment	07000	108,000
Current Expenses	13000	2,890,577
Buildings	25800	375,100
Purchase of Supplies for Resale.....	41900	104,000,000
Transfer Liquor Profits and Taxes.....	42500	33,400,000
Other Assets	69000	125,100
Land	73000	100
Total		\$ 147,352,106

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

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

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

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

309 - State Athletic Commission Fund

(W.V. Code Chapter 29)

Fund 7009 FY 2025 Org 0933

Personal Services and

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

DEPARTMENT OF TRANSPORTATION

310 - Division of Motor Vehicles –

Dealer Recovery Fund

(W.V. Code Chapter 17)

Fund 8220 FY 2025 Org 0802

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

Motor Vehicle Fees Fund

(W.V. Code Chapter 17B)

Fund 8223 FY 2025 Org 0802

Personal Services and

Employee Benefits.....	00100	\$	4,478,448
Repairs and Alterations	06400		16,000
Equipment	07000		75,000

Current Expenses	13000	4,337,712
Other Assets	69000	10,000
BRIM Premium.....	91300	<u>110,000</u>
Total		\$ 9,027,160

312 - Division of Highways –

A. James Manchin Fund

(W.V. Code Chapter 22)

Fund 8319 FY 2025 Org 0803

Current Expenses	13000	\$ 2,900,000
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313 - WV Division of Multimodal Transportation Facilities -

State Rail Authority -

West Virginia Commuter Rail Access Fund

(W.V. Code Chapter 29)

Fund 8402 FY 2025 Org 0810

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

314 - Veterans' Facilities Support Fund

(W.V. Code Chapter 9A)

Fund 6703 FY 2025 Org 0613

Personal Services and		
Employee Benefits.....	01000	\$ 99,135
Current Expenses	13000	1,654,234
Other Assets	69000	<u>10,000</u>
Total		\$ 1,763,369

*315 - Department of Veterans' Assistance –**W.V. Veterans' Home –**Special Revenue Operating Fund**(W.V. Code Chapter 9A)**Fund 6754 FY 2025 Org 0618*

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

BUREAU OF SENIOR SERVICES*316 - Bureau of Senior Services –**Community Based Service Fund**(W.V. Code Chapter 29)**Fund 5409 FY 2025 Org 0508*

Personal Services and			
Employee Benefits	00100	\$	160,628
Salary and Benefits of Cabinet			
Secretary and Agency Heads	00201		30,000
Current Expenses	13000		<u>14,399,338</u>
Total		\$	14,589,966

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION*317 - Higher Education Policy Commission –**System –**Tuition Fee Capital Improvement Fund*

*(Capital Improvement and Bond Retirement Fund)**Control Account*

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

Fund 4903 FY 2025 Org 0442

Debt Service.....	04000	\$ 27,411,984
General Capital Expenditures	30600	5,000,000
Facilities Planning and		
Administration	38600	<u>479,369</u>
Total		\$ 32,891,353

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.V. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

318 - Tuition Fee Revenue Bond Construction Fund

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

Fund 4906 FY 2025 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.V. Code §18-12B-8, which have since been refunded.

*319 - West Virginia University –**West Virginia University Health Sciences Center*

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

Fund 4179 FY 2025 Org 0463

Personal Services and		
Employee Benefits.....	00100	\$ 11,795,211
Repairs and Alterations.....	06400	425,000
Equipment.....	07000	512,000
Current Expenses	13000	4,524,300
Buildings	25800	150,000
Other Assets	69000	<u>50,000</u>
Total.....		\$ 17,456,511

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

(W.V. Code Chapter 18B)

Fund 4271 FY 2025 Org 0471

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

(W.V. Code Chapter 18B)

Fund 4272 FY 2025 Org 0476

West Virginia School of		
Osteopathic Medicine	17200	\$ 4,115,931

MISCELLANEOUS BOARDS AND COMMISSIONS*322 - Board of Barbers and Cosmetologists –**Barbers and Beauticians Special Fund*

(W.V. Code Chapters 16 and 30)

Fund 5425 FY 2025 Org 0505

Personal Services and

Employee Benefits.....	00100	\$	607,945
Repairs and Alterations.....	06400		5,000
Current Expenses	13000		<u>234,969</u>
Total		\$	847,914

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.

*323 - Hospital Finance Authority –**Hospital Finance Authority Fund*

(W.V. Code Chapter 16)

Fund 5475 FY 2025 Org 0509

Personal Services and

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

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the W.V. Code.

*324 - State Armory Board –**General Armory Fund*

(W.V. Code Chapter 15)

Fund 6057 FY 2025 Org 0603

Personal Services and

Employee Benefits.....	00100	\$	1,690,382
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Repairs and Alterations	06400	385,652
Equipment	07000	250,000
Current Expenses	13000	650,000
Buildings	25800	520,820
Other Assets	69000	350,000
Land	73000	<u>200,000</u>
Total		\$ 4,046,854

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).

325 - W.V. State Board of Examiners for Licensed

Practical Nurses –

Licensed Practical Nurses

(W.V. Code Chapter 30)

Fund 8517 FY 2025 Org 0906

Personal Services and		
Employee Benefits	00100	\$ 1,002,286
Current Expenses	13000	<u>253,007</u>
Total		\$ 1,255,293

326 - W.V. Board of Examiners for Registered

Professional Nurses –

Registered Professional Nurses

(W.V. Code Chapter 30)

Fund 8520 FY 2025 Org 0907

Personal Services and		
Employee Benefits	00100	\$ 1,432,788
Repairs and Alterations	06400	3,000
Equipment	07000	25,000

Current Expenses	13000	312,655
Other Assets	69000	<u>4,500</u>
Total		\$ 1,777,943

327 - Public Service Commission

(W.V. Code Chapter 24)

Fund 8623 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 14,410,245
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	318,640
Repairs and Alterations	06400	120,000
Equipment	07000	160,000
Unclassified.....	09900	147,643
Current Expenses	13000	2,157,202
Buildings	25800	10
PSC Weight Enforcement	34500	5,199,295
Debt Payment/Capital Outlay	52000	350,000
Land	73000	10
BRIM Premium.....	91300	<u>172,216</u>
Total		\$ 23,035,261

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625) due to the amendment and reenactment of W.V. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

328 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(W.V. Code Chapter 24B)

Fund 8624 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 394,133
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	11,949
Repairs and Alterations	06400	4,000
Unclassified.....	09900	3,851
Current Expenses	13000	93,115
Total		<u>\$ 507,048</u>

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.

*329 - Public Service Commission –**Motor Carrier Division*

(W.V. Code Chapter 24A)

Fund 8625 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 2,536,213
Salary and Benefits of Cabinet		
Secretary and Agency Heads	00201	67,711
Repairs and Alterations	06400	23,000
Equipment	07000	50,000
Unclassified.....	09900	29,233
Current Expenses	13000	577,557
Total		<u>\$ 3,283,714</u>

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.

330 - Public Service Commission –

Consumer Advocate Fund

(W.V. Code Chapter 24)

Fund 8627 FY 2025 Org 0926

Personal Services and		
Employee Benefits.....	00100	\$ 992,100
Equipment	07000	9,872
Current Expenses	13000	536,472
BRIM Premium.....	91300	<u>4,660</u>
Total		\$ 1,543,104

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

331 - Real Estate Commission –

Real Estate License Fund

(W.V. Code Chapter 30)

Fund 8635 FY 2025 Org 0927

Personal Services and		
Employee Benefits.....	00100	\$ 665,295
Repairs and Alterations	06400	2,500
Equipment	07000	5,000
Current Expenses	13000	<u>293,122</u>
Total		\$ 965,917

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

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

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(W.V. Code Chapter 30)

Fund 8646 FY 2025 Org 0930

Personal Services and		
Employee Benefits.....	00100	\$ 129,733
Current Expenses	13000	<u>63,499</u>
Total		\$ 193,232

333 - *W.V. Board of Respiratory Care* –*Board of Respiratory Care Fund*

(W.V. Code Chapter 30)

Fund 8676 FY 2025 Org 0935

Personal Services and		
Employee Benefits.....	00100	\$ 125,073
Current Expenses	13000	<u>62,709</u>
Total		\$ 187,782

334 - *W.V. Board of Licensed Dietitians* –*Dietitians Licensure Board Fund*

(W.V. Code Chapter 30)

Fund 8680 FY 2025 Org 0936

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

335 - *Massage Therapy Licensure Board* –*Massage Therapist Board Fund*

(W.V. Code Chapter 30)

Fund 8671 FY 2025 Org 0938

Personal Services and

Employee Benefits.....	00100	\$	122,310
Current Expenses	13000		<u>47,388</u>
Total		\$	169,698

*336 - Board of Medicine –**Medical Licensing Board Fund*

(W.V. Code Chapter 30)

Fund 9070 FY 2025 Org 0945

Personal Services and

Employee Benefits.....	00100	\$	1,669,378
Repairs and Alterations	06400		8,000
Current Expenses	13000		<u>1,268,064</u>
Total		\$	2,945,442

*337 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(W.V. Code Chapter 12)

Fund 9080 FY 2025 Org 0947

Personal Services and

Employee Benefits.....	00100	\$	5,690,654
Repairs and Alterations	06400		300
Equipment	07000		502,000
Unclassified.....	09900		132,000
Current Expenses	13000		19,214,993
Buildings	25800		2,000
Other Assets	69000		<u>2,004,500</u>
Total		\$	27,546,447

*338 - Board of Treasury Investments –**Board of Treasury Investments Fee Fund*

(W.V. Code Chapter 12)

Fund 9152 FY 2025 Org 0950

Personal Services and

Employee Benefits.....	00100	\$	982,714
Unclassified.....	09900		14,850
Current Expenses	13000		580,889
BRIM Premium.....	91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers.....	93800		<u>5,500,000</u>
Total		\$	7,110,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the W.V. Code.

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

339 - Contractor Licensing Board Fund

(W.V. Code Chapter 21)

Fund 3187 FY 2025 Org 0951

Personal Services and

Employee Benefits.....	00100	\$	2,559,000
Repairs and Alterations	06400		10,000
Unclassified.....	09900		21,000
Current Expenses	13000		500,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	3,098,500

Total TITLE II, Section 3 – Other Funds

(Including claims against the state) \$2,122,797,718

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The

Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.V. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

340 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(W.V. Code Chapter 5)

Fund 2252 FY 2025 Org 0211

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

341 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 3067 FY 2025 Org 0304

Tourism – Telemarketing Center.....	46300	\$ 82,080
Tourism – Advertising (R)	61800	2,422,407
Tourism – Operations (R)	66200	<u>4,582,523</u>
Total		\$ 7,087,010

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

342 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 3267 FY 2025 Org 0310

Personal Services and

Employee Benefits.....	00100	\$ 2,791,307
Current Expenses	13000	26,900
Pricketts Fort State Park.....	32400	106,560
Non-Game Wildlife (R)	52700	483,485
State Parks and Recreation		
Advertising (R)	61900	<u>494,578</u>
Total		\$ 3,902,830

Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

343 - State Board of Education

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

Fund 3951 FY 2025 Org 0402

FBI Checks.....	37200	\$ 125,744
Vocational Education Equipment		
Replacement	39300	800,000
Assessment Program (R).....	39600	490,439
Literacy Project.....	89900	700,000
21st Century Technology Infrastructure		
Network Tools and Support (R).....	93300	<u>12,638,280</u>

Total..... \$ 14,754,463

Any unexpended balances remaining in the appropriations for Assessment Program (fund 3951, appropriation 39600) and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

344 - State Department of Education –

School Building Authority –

Debt Service Fund

(W.V. Code Chapter 18)

Fund 3963 FY 2025 Org 0404

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

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

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

345 - Division of Culture and History –

Lottery Education Fund

(W.V. Code Chapter 29)

Fund 3534 FY 2025 Org 0432

Huntington Symphony	02700	\$ 59,058
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Preservation West Virginia (R).....	09200	491,921
Fairs and Festivals (R)	12200	1,346,814
Commission for National and Community Service (R).....	19300	395,744
Archeological Curation/Capital Improvements (R).....	24600	43,174
Historic Preservation Grants (R).....	31100	417,933
West Virginia Public Theater	31200	120,019
Greenbrier Valley Theater.....	42300	115,000
Theater Arts of West Virginia.....	46400	90,000
Marshall Artists Series	51800	36,005
Grants for Competitive Arts Program (R)	62400	811,500
West Virginia State Fair	65700	31,241
Save the Music.....	68000	40,000
Contemporary American Theater Festival.....	81100	57,281
Independence Hall	81200	27,277
Mountain State Forest Festival	86400	38,187
WV Symphony.....	90700	59,058
Wheeling Symphony.....	90800	59,058
Appalachian Childrens' Chorus.....	91600	<u>54,554</u>
Total		\$ 4,293,824

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Commission for National and Community Service (fund 3534, appropriation 19300), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), and Grants for Competitive Arts Program (fund 3534, appropriation 62400) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$20,000, Arts Monongahela

(Monongalia) \$11,881, Barbour County Arts and Humanities Council (Barbour) \$891, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,500, Chuck Mathena Center (Mercer) \$62,532, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company (Cabell) \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$9,029, Hardy County Tour and Crafts Association (Hardy) \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Henderson Hall (Wood) \$20,000, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society (Jefferson) \$2,970, Jefferson County Historical Landmark Commission (Jefferson) \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society (Marshall) \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Oil and Gas Museum (Wood) \$20,000, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House (Pocahontas) \$3,564, Raleigh County All Wars Museum (Raleigh) \$5,941, Roane County 4-H and FFA Youth Livestock Program (Roane) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum (Raleigh) \$3,393, Summers County Historic Landmark Commission (Summers) \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth

Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$4,456, Allegheny Echo (Pocahontas) \$6,683, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Armed Forces Day-South Charleston (Kanawha) \$2,000, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Artists of the New (Fayette) \$2,000, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Back Home Festival (Wetzel) \$5,000, Barbour County Fair (Barbour) \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$3,340, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Beckley Honey Festival (Raleigh) \$1,710, Beckley Main Street (Raleigh) \$2,000, Belleville Homecoming (Wood) \$11,881, Berkeley County Youth Fair (Berkeley) \$10,990, BEX Arts Festival (Raleigh) \$2,000, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blacksville VFD Memorial Day Celebration (Monongalia) \$1,000, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Labor Day Celebration (Boone) \$2,376, Boone Day (Kanawha) \$1,000, Bradshaw Fall Festival (McDowell) \$1,188, Bramwell Labor Day (Mercer) \$5,000, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair (Braxton) \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival (Braxton) \$1,000, Brooke County Fair (Brooke) \$2,079, Buckwheat Festival (Preston) \$5,050, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Auxiliary (Mineral) \$13,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burlington Volunteer Fire and Rescue Carnival (Mineral) \$4,000, Burnsville Freedom Festival (Braxton) \$1,407, Calhoun County Wood Festival

(Calhoun) \$1,188, Cameron 4th of July (Marshall) \$500, Cameron VFD Fireman's Festival (Marshall) \$2,500, Campbell's Creek Community Fair (Kanawha) \$2,000, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$500, Capon Springs Ruritan 4th of July (Hampshire) \$2,500, Cass Homecoming (Pocahontas) \$1,188, Cedar Grove - Annual Fallfest (Kanawha) \$2,000, Celebration of America (Monongalia) \$3,564, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester 4th of July Festivities (Hancock) \$2,970, Chester Fireworks (Hancock) \$891, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Chillin' on the Elk (Kanawha) \$1,000, Christmas In Our Town (Marion) \$3,127, Christmas In Our Town (Wetzel) \$2,000, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, Christmas on Main Street (Hancock) \$11,881, City of Dunbar Critter Dinner (Kanawha) \$6,000, Clay County Golden Delicious Apple Festival (Clay) \$4,158, Clay District Fair (Monongalia) \$3,341, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Wetzel) \$2,000, Covered Bridge Festival (Marion) \$3,000, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$3,200, Day in the Valley - McCutcheon Car Show (Marion) \$3,000, Delbarton Homecoming (Mingo) \$2,079, Dirt Days (Mingo) \$2,000, Doddridge County Fair (Doddridge) \$4,158, Durbin Days (Pocahontas) \$2,970, East Bank End of Summer Celebration (Kanawha) \$2,000, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$12,000, Fly in Festival (Cabell) \$5,000, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin

Fishing Derby (Pendleton) \$10,709, Freedom Festival (Wood) \$8,000, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$8,000, Gassaway Days Celebration (Braxton) \$2,970, Gilmer County Farm Show (Gilmer) \$2,376, Grant County Arts Council (Grant) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration (Hampshire) \$11,881, Hampshire County Fair (Hampshire) \$5,002, Hampshire County Festival (Hampshire) \$2,752, Hancock County Oldtime Fair (Hancock) \$2,970, Hardy County Commission - 4th of July (Hardy) \$5,940, Harvest Moon Festival (Wood) \$2,000, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Reunion Festival (Logan) \$2,000, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Head For the Hills Festival (Ritchie) \$3,000, Head of the Dragon (McDowell) \$1,500, Heritage Craft Festival (Monroe) \$3,000, Hilltop Festival (Cabell) \$1,500, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hometown Trail Days (McDowell) \$1,188, Hundred 4th of July (Wetzel) \$4,307, Huntersville Traditions Day (Pocahontas) \$1,188, Iaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair (Jackson) \$2,970, Jefferson County Fair Association (Jefferson) \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Keg and Barrel Fest (Mineral) \$2,000, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, Knights of Columbus Irish Road Bowling (Marshall) \$3,000, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Larry Joe Harless Center Octoberfest Hatfield

McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$3,000, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair (Lewis) \$3,000, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival (Lincoln) \$4,752, Lincoln County Winterfest (Lincoln) \$3,000, Lindside 4th of July Parade (Monroe) \$1,000, Lindside Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Main Street Martinsburg Food Truck Fest (Berkeley) \$4,700, Malden Salt Fest (Kanawha) \$3,000, Mannington District Fair (Marion) \$3,564, Marmet Labor Day Celebration (Kanawha) \$3,500, Marshall County Antique Power Show (Marshall) \$1,485, Marshall County Fair (Marshall) \$3,564, Martinsburg Roundhouse Railfest (Berkeley) \$2,000, Mason County Fair (Mason) \$2,970, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County (McDowell) \$11,881, McGrew House History Day (Preston) \$1,188, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer County Fair (Mercer) \$1,188, Mercer County Heritage Festival (Mercer) \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Veterans Day Parade (Mineral) \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Monongalia County Fair (Monongalia) \$7,250, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon (Morgan) \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain Roots Community Theater (Kanawha) \$5,000, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Boys' State (Lewis) (Lewis) \$5,000, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$12,000, Nettlefest \$2,970, New Cumberland 4th of July

(Hancock) \$2,970, New Cumberland Christmas Parade (Hancock) \$1,782, New Martinsville Regatta (Wetzel) \$9,000, New Martinsville Vintage Regatta (Wetzel) \$5,000, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Potato Festival (Nicholas) \$5,000, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$4,000, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Old Brick Playhouse (Randolph) \$7,000, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Osage Street Fair (Monongalia) \$2,188, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend (Pendleton) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$3,500, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair (Pleasants) \$2,970, Pocahontas County Pioneer Days (Pocahontas) \$4,159, Pratt Fall Festival (Kanawha) \$2,500, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair (Putnam) \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$2,500, Randolph County Community Arts Council (Randolph) \$1,782, Randolph County Fair (Randolph) \$4,158, Randolph County Ramps and Rails (Randolph) \$2,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Rhododendron Girl's State (Ohio) (Ohio) \$5,941, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days (Ritchie) \$684, River City Festival (Preston) \$684, Rivesville Christmas Festival (Marion) \$2,000, Rivesville Riverfront Festival (Marion) \$2,000, Roane County Agriculture Field Day (Roane) \$1,782, Rock the Park (Kanawha) \$1,500, Rockin New Years Eve (Grant) \$2,000, Rowlesburg Labor Day Festival (Preston) \$684, Ruby Summer Concert Series (Monongalia) \$2,000, Ruddell Park Jamboree (Pendleton) \$2,000,

Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sissonville Christmas Festival (Kanawha) \$2,000, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$7,500, Southern Wayne County Fall Festival (Wayne) \$684, Spirit of Grafton Celebration (Taylor) \$6,240, Spring Mountain Festival (Grant) \$2,500, St. Albans City of Lights - December (Kanawha) \$3,000, St. Albans Train Fest (Kanawha) \$6,000, Sternwheel Festival (Wood) \$1,782, STOCO Festival (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair (Taylor) \$3,567, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming (Putnam) \$3,240, Treasure Mountain Festival (Pendleton) \$18,000, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration (Tucker) \$10,692, Tucker County Fair (Tucker) \$2,821, Tucker County Health Fair (Tucker) \$1,188, Turkey Festival (Hardy) \$1,782, Tyler County Fireworks Celebration (Tyler) \$2,000, Upper Kanawha Valley Oktoberfest (Kanawha) \$2,000, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair (Wayne) \$2,970, Wayne County Fall Festival (Wayne) \$2,970, Webster County Fair (Webster) \$3,600, Webster County Wood Chopping Festival (Webster) \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County (Brooke) \$2,970, West Virginia Chestnut

Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Freedom Festival (Logan) \$4,456, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$5,166, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Rivers and Rails Festival (Pleasants) \$1,099, West Virginia State Folk Festival (Gilmer) \$2,970, Wetzel County Autumnfest (Wetzel) \$3,267, Wetzel County Town and Country Days (Wetzel) \$10,098, Wheeling City of Lights (Ohio) \$4,752, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Whitehall Community Event (Marion) \$2,000, Winfield Watersports Weekend (Putnam) \$3,240, Wirt County Fair (Wirt) \$1,485, Wirt County Pioneer Days (Wirt) \$1,188, Youth Stockman Beef Expo (Lewis) \$1,188

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

346 - Division of Culture and History –

Library Commission -

Lottery Education Fund

(W.V. Code Chapter 10)

Fund 3559 FY 2025 Org 0432

Books and Films	17900	\$	360,784
Services to Libraries	18000		550,000
Grants to Public Libraries	18200		9,439,571
Digital Resources	30900		219,992
Infomine Network	88400		943,353
Total		\$	11,513,700

347 - Educational Broadcasting Commission

(W.V. Code Chapter 10)

Fund 3587 FY 2025 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

*348 - Higher Education Policy Commission –**Lottery Education –**Higher Education Policy Commission –**Control Account*

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

Fund 4925 FY 2025 Org 0441

RHI Program and Site Support (R).....03600	\$ 1,922,710
RHI Program and Site Support –	
RHEP Program Administration03700	146,653
RHI Program and Site Support –	
Grad Med Ed and Fiscal Oversight (R) ..03800	90,192
State Doctoral Fellowship (R)16600	129,604
Health Sciences Scholarship (R).....17600	226,251
Vice Chancellor for Health Sciences –	
Rural Health Residency Program (R)60100	62,725
WV Engineering, Science, and	
Technology Scholarship Program.....86800	<u>452,831</u>
Total	\$ 3,030,966

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), State 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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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

349 - Community and Technical College –

Capital Improvement Fund

(W.V. Code Chapter 18B)

Fund 4908 FY 2025 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) and Capital Improvements - Total (fund 4908, appropriation 95800) at the close of fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

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

350 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4185 FY 2025 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R).....	03500	\$ 1,246,059
MA Public Health Program and		
Health Science Technology (R)	62300	52,445
Health Sciences Career Opportunities		
Program (R)	86900	336,987
HSTA Program (R).....	87000	1,903,647
Center for Excellence in Disabilities (R)	96700	<u>328,292</u>
Total		\$ 3,867,430

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

*351 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(W.V. Code Chapter 18B)

Fund 4896 FY 2025 Org 0471

Marshall Medical School –

RHI Program and Site Support (R).....	03300	\$ 453,525
Vice Chancellor for Health Sciences –		
Rural Health Residency Program (R)	60100	<u>179,773</u>
Total		\$ 633,298

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 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

352 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(W.V. Code Chapter 29)

Fund 5405 FY 2025 Org 0508

Personal Services and		
Employee Benefits.....00100	\$	160,387
Salary and Benefits of Cabinet		
Secretary and Agency Heads00201		86,000
Repairs and Alterations06400		1,000
Current Expenses13000		332,284
Local Programs Service		
Delivery Costs20000		2,435,250
Silver Haired Legislature20200		18,500
Transfer to Division of Human Services		
for Health Care and Title XIX		
Waiver for Senior Citizens.....53900		27,986,092
Roger Tompkins Alzheimers Respite		
Care.....64300		2,308,914
WV Alzheimers Hotline.....72400		45,000
Regional Aged and Disabled		
Resource Center.....76700		425,000
Senior Services Medicaid Transfer87100		16,400,070
Legislative Initiatives for the Elderly.....90400		9,671,239
Long Term Care Ombudsmen.....90500		297,226
BRIM Premium.....91300		7,718
In-Home Services and Nutrition for		
Senior Citizens (R)91700		<u>6,845,941</u>
Total.....	\$	67,020,621

Any unexpended balances remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) and In-Home Services and Nutrition for Senior Citizens (fund 5405, appropriation 91700) at the close of the fiscal year

2024 are hereby reappropriated for expenditure during the fiscal year 2025.

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 the Department of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 5405, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

Total TITLE II, Section 4 – Lottery Revenue \$149,104,142

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

353 - Governor's Office

(W.V. Code Chapter 5)

Fund 1046 FY 2025 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year

2024 is hereby reappropriated for expenditure during the fiscal year 2025.

354 - Office of Technology

(W.V. Code Chapter 5A)

Fund 2532 FY 2025 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

355 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(W.V. Code Chapter 5B)

Fund 3170 FY 2025 Org 0307

Any unexpended balance remaining in the appropriation for Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300) at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

356 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2025 Org 0310

	Appro- priation		Excess Lottery Funds
Repairs and Alterations (R).....	06400	\$	161,200
Equipment (R).....	07000		200,000

Current Expenses (R)	13000	23,300
Buildings (R)	25800	100,000
Other Assets (R)	69000	<u>1,020,500</u>
Total		\$ 1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

357 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2025 Org 0316

Directed Transfer 70000 \$ 46,000,000

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

358 - Department of Education –

School Building Authority

Fund 3514 FY 2025 Org 0404

Debt Service - Total	31000	\$ 18,948,000
Directed Transfer	70000	<u>52,000</u>
Total		\$ 19,000,000

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

The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority,

School Construction Fund (fund 3952,) to be used for school construction and maintenance projects.

359 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2025 Org 0441

PROMISE Scholarship – Transfer80000 \$ 29,000,000

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296,) established by W.V. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

360 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2025 Org 0441

Directed Transfer70000 \$ 15,000,000

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

361 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2025 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800)

at the close of the fiscal year 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

362 - Department of Human Services

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

Fund 5365 FY 2025 Org 0511

Medical Services.....18900 \$ 63,232,578

363 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 6283 FY 2025 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 2024 is hereby reappropriated for expenditure during the fiscal year 2025.

364 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2025 Org 0705

General Revenue Fund – Transfer70011 \$ 65,000,000

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.V. Code §29-22-18a.

365 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2025 Org 0705

Directed Transfer70000 \$ 10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.V. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the Commissioner's request.

366 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2025 Org 0705

Parking Garage Fund – Transfer	70001	\$	500,000
2004 Capitol Complex Parking			
Garage Fund – Transfer	70002		216,478
Capitol Dome and Improvements			
Fund – Transfer	70003		1,796,256
Capitol Renovation and Improvement			
Fund – Transfer	70004		2,381,252
Economic Development Promotion and			
Closing Fund - Transfer	70005		1,298,864
Research Challenge Fund – Transfer	70006		1,731,820
Tourism Promotion Fund – Transfer	70007		4,808,142
Cultural Facilities and Capital Resources			
Matching Grant Program Fund –			
Transfer	70008		1,500,000
State Debt Reduction Fund – Transfer	70010		20,000,000
General Revenue Fund – Transfer	70011		1,167,799
West Virginia Racing Commission			
Racetrack Video Lottery Account	70012		3,463,637
Historic Resort Hotel Fund	70013		24,010
Licensed Racetrack Regular Purse Fund	70014		<u>22,383,247</u>
Total		\$	61,271,505

367 - Racing Commission

Fund 7308 FY 2025 Org 0707

Special Breeders Compensation

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

*368 - Economic Development Authority –**Economic Development Project Fund*Fund 9065 FY 2025 Org 0944

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

Pursuant to W.V. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the Economic Development Project fund pursuant to section four of this title and W.V. Code §29-22-18, subsection (f).

*369 - Economic Development Authority –**Cacapon and Beech Fork State Parks –**Lottery Revenue Debt Service*Fund 9067 FY 2025 Org 0944

Debt Service.....04000 \$ 2,032,000

*370 - Economic Development Authority –**State Parks Lottery Revenue Debt Service Fund*Fund 9068 FY 2025 Org 0944

Debt Service.....04000 \$ 4,395,000

Total TITLE II, Section 5 –

Excess Lottery Funds..... \$337,436,083

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 2025.

LEGISLATIVE*371 - Crime Victims Compensation Fund*

(W.V. Code Chapter 14)

Fund 8738 FY 2025 Org 2300

	Appropriation	Federal Funds
Economic Loss Claim Payment Fund.....	33400	\$ 442,000

JUDICIAL*372 - Supreme Court*Fund 8867 FY 2025 Org 2400

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

EXECUTIVE*373 - Governor's Office –**Coronavirus State Fiscal Recovery Fund*

(W.V. Code Chapter 4)

Fund 8823 FY 2025 Org 0100

Repairs and Alterations	06400	\$ 1,000
Equipment	07000	1,000
Unclassified.....	09900	500,000
Current Expenses	13000	25,497,000
Other Assets	69000	<u>1,000</u>
Total		\$ 26,000,000

374 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 8736 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 2,722,216
Repairs and Alterations.....	06400	650,000
Equipment.....	07000	910,500
Unclassified.....	09900	50,534
Current Expenses	13000	6,841,987
Buildings	25800	1,000,000
Other Assets	69000	550,000
Land	73000	500,000
Federal Coronavirus Pandemic	89101	<u>4,721,430</u>
Total		\$ 17,946,667

*375 - Department of Agriculture –**Meat Inspection Fund*

(W.V. Code Chapter 19)

Fund 8737 FY 2025 Org 1400

Personal Services and		
Employee Benefits.....	00100	\$ 739,966
Repairs and Alterations.....	06400	5,500
Equipment.....	07000	114,478
Unclassified.....	09900	8,755
Current Expenses	13000	<u>136,012</u>
Total		\$ 1,004,711

*376 - Department of Agriculture –**State Conservation Committee*

(W.V. Code Chapter 19)

Fund 8783 FY 2025 Org 1400

Personal Services and

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

*377 - Department of Agriculture –**Land Protection Authority**(W.V. Code Chapter 19)*Fund 8896 FY 2025 Org 1400

Personal Services and

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

*378 - Attorney General –**Medicaid Fraud Unit**(W.V. Code Chapter 5)*Fund 8882 FY 2025 Org 1500

Personal Services and

Employee Benefits.....	00100	\$ 1,850,458
Repairs and Alterations	06400	4,313
Equipment	07000	7,500
Unclassified.....	09900	15,336
Current Expenses	13000	611,287
Other Assets	69000	<u>11,336</u>
Total		\$ 2,500,230

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

Fund 8854 FY 2025 Org 1600

Personal Services and		
Employee Benefits.....	00100	\$ 210,240
Repairs and Alterations.....	06400	15,000
Unclassified.....	09900	7,484
Current Expenses	13000	415,727
Other Assets	69000	<u>100,000</u>
Total		\$ 748,451

DEPARTMENT OF COMMERCE*380 - Division of Forestry*

(W.V. Code Chapter 19)

Fund 8703 FY 2025 Org 0305

Personal Services and		
Employee Benefits.....	00100	\$ 637,000
Repairs and Alterations.....	06400	155,795
Equipment.....	07000	1,000,000
Unclassified.....	09900	51,050
Current Expenses	13000	3,062,013
Other Assets	69000	<u>3,078,847</u>
Total		\$ 7,984,705

381 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 8704 FY 2025 Org 0306

Personal Services and		
Employee Benefits.....	00100	\$ 204,432
Repairs and Alterations.....	06400	305,000
Equipment.....	07000	187,500
Unclassified.....	09900	2,803
Current Expenses	13000	195,639
Buildings.....	25800	1,500,000
Other Assets	69000	<u>15,000</u>
Total		\$ 2,410,374

382 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 8706 FY 2025 Org 0308

Personal Services and		
Employee Benefits.....	00100	\$ 460,197
Repairs and Alterations	06400	500
Unclassified.....	09900	5,572
Current Expenses	13000	<u>167,098</u>
Total		\$ 633,367

383 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 8707 FY 2025 Org 0310

Personal Services and		
Employee Benefits.....	00100	\$ 11,474,295
Repairs and Alterations	06400	566,250
Equipment	07000	2,126,141
Unclassified.....	09900	107,693
Current Expenses	13000	7,887,660
Administration	15500	50,325
Buildings	25800	951,000
Other Assets	69000	4,768,670
Land	73000	<u>2,893,920</u>
Total		\$ 30,825,954

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

(W.V. Code Chapter 22)

Fund 8709 FY 2025 Org 0314

Personal Services and		
Employee Benefits.....	00100	\$ 705,030
Current Expenses	13000	<u>150,000</u>
Total		\$ 855,030