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April 9, 2021
FIFTY-NINTH DAY

Friday, April 9, 2021

FIFTY-NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, April 8, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 7, Com. Sub. for S. J. R. 9, Com. Sub. for S. J. R. 11 and Com. Sub. for S. B. 702, on Third reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 492, on Third reading, Special Calendar, had been moved to the foot of all bills; Com. Sub. for S. B. 562, on Third reading, House Calendar, had been transferred to the Special Calendar; and Com. Sub. for S. B. 368 and Com. Sub. for S. B. 718, on House Calendar, Second reading, had been transferred to the Special Calendar.

Committee Reports

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of April, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2793, Permit out of state residents to obtain West Virginia concealed carry permits.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of April, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 78, Relating to rehabilitative spousal support,

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements,

Com. Sub. for S. B. 377, Relating to extension for boil water advisories by water utility or public service district,

S. B. 437, Extending contingent increase of tax rate on certain eligible acute care hospitals

Com. Sub. for S. B. 514, Providing criteria for Natural Resource Commission appointment and compensation,

Com. Sub. for S. B. 518, Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships,

And,

S. B. 644, Exempting certain persons pursuing degree in speech pathology and audiology from license requirements.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3295, Making a supplemental appropriation to Division of Human Services and Division of Health Central Office.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3297, Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

S. B. 359, Informing landowners when fencing that may contain livestock is damaged due to accident.

On motion of Delegate Summers, the House of Delegates concurred in the following further amendment by the Senate:

On page one, section seventeen, after the word "land", by striking out the words "by immediately reporting the fence damage to dispatch to initiate an attempt".

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 541**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 359) passed.

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

Resolutions Introduced

Delegate Linville offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 27 - "Requesting the Joint Committee on Government and Finance to study the extent to which various federal, state, and local entities have dedicated or appropriated real and financial resources to expanding and improving broadband access in West Virginia over the next year."

Whereas, The Legislature recognizes that broadband improvement and expansion is critical to maintaining, improving, and diversifying West Virginia's economy; and

Whereas, The citizens of West Virginia have repeatedly expressed concern as to the inadequacy of broadband access throughout the state; and

Whereas, There have been various federal, state, and local initiatives aimed at improving broadband access to the citizens of West Virginia over the next year; and

Whereas, A study into the various federal, state, and local initiatives targeted toward expanding and improving broadband access in West Virginia over the next year would leave the Legislature better equipped to consider legislation responsive to the citizenry's needs during the second session of the 85th Legislature; therefore, be it

Resolved by the House of Delegates:

That the Joint Committee on Government and Finance shall undertake a study of any federal, state, and/or local initiatives dedicating or appropriating real and/or financial resources to expanding and improving broadband access in West Virginia over the next year; and, be it

Further Resolved, That the Joint Committee on Government and Finance shall report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation or resolutions necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from the legislative appropriations to the Joint Committee on Government and Finance.

Special Calendar

Unfinished Business

Com. Sub. for S. C. R. 3, Urging Congress reopen public lands in WV; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

S. C. R. 55, Supporting Atlantic Coast Pipeline; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. R. 22, Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

Com. Sub. for H. R. 24, Urging the Governor of West Virginia to form a task force regarding Mylan Pharmaceuticals plant in Morgantown; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

H. R. 25, Support the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan); coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

H. C. R. 95, Requesting Joint Committee and Government and Finance study the effect losing a Congressional district would have on boards, commissions and others; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 102, A resolution to study attracting and retaining remote workers in West Virginia; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 103, Interim study to improve the education system in West Virginia; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

Third Reading

Com. Sub. for S. B. 34, Creating exemption to state sales and use tax for rental and leasing of equipment; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 542**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 34) passed.

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

Com. Sub. for S. B. 34 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the creation of an exemption to the State Sales and Use Tax for the rental of equipment among certain business entities.”

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

On this question, the yeas and nays were taken (**Roll No. 543**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 34) takes effect July 1, 2021.

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

Com. Sub. for S. B. 332, Providing procedure for WV to select delegates to Article V Convention; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment, recommended by the Committee on the Judiciary was reported by the Clerk on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 11A. AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

§3-11A-1. Definitions.

For the purposes of this article:

‘Article V convention’ means a convention for proposing amendments as expressly provided in Article V of the Constitution of the United States of America.

‘Article V application’ means a joint resolution passed by the Legislature on the same subject, or containing the same proposed amendment text, as 33 other sovereign states requiring Congress to call an Article V convention by setting the time and place.

‘Delegate’ or ‘alternate’ means a person selected by the Legislature or any other method provided by law to represent the State of West Virginia at an Article V convention.

‘Legislative instructions’ mean instructions given by the Legislature to delegates and alternates before and during an Article V convention.

‘Unauthorized amendment’ means a proposed amendment that is outside the subject matter of the Article V application, the call, the commission, or any legislative instructions.

§3-11A-2. Committee of correspondence for Article V convention.

(a) The Legislature shall designate one or more legislative committees for purposes of communicating, exchanging information, and otherwise engaging in discussion and dialogue with the several states and the state's congressional delegation regarding acts, resolutions, and issues that may be the subject of an Article V convention, and the rules, processes, potential amendments, procedures for proposing amendments, interstate compacts, common credentials, and instructions for delegates that may govern an Article V convention.

(b) The Legislature may vest this function in the Joint Committee on Government and Finance, in existing committees of each chamber, other legislative committees, or committees it may establish.

§3-11A-3. Prohibition against participation in Article V convention requiring proportional representation.

Delegates from West Virginia may only be authorized to attend an Article V convention for proposing amendments where each state has one equal vote. A delegate or alternate from West Virginia may not attend an Article V convention for the purpose of proposing amendments that require proportional representation of any state based on its respective populations.

§3-11A-4. Delegate duties and responsibilities.

(a) Every candidate for delegate or alternate from West Virginia to the Article V convention shall take the following oath: 'I do solemnly swear or affirm that, to the best of my abilities, I will, as a delegate or alternate to an Article V convention, uphold the constitution and laws of the United States of America and the State of West Virginia. I will not vote to allow consideration of or to approve any unauthorized amendment proposed for ratification to the United States of America Constitution. So help me God.'

(b) The Legislature, or an official or committee authorized pursuant to §3-11A-2(b) of this code, shall certify in writing to the Article V convention the delegates and alternates selected, the amendments a delegate or alternate is authorized to consider and vote to approve, the recall procedures set forth in subsection (c) of this section, and the mandatory nullification of any votes cast by a delegate or alternate on an unauthorized amendment.

(c) Delegates may not vote to allow consideration of, or vote to approve, an unauthorized amendment for ratification to the Constitution of the United States. Any such vote is an unauthorized vote and is void.

(d) Any delegate casting a vote to allow consideration or approval of an unauthorized amendment shall be immediately recalled by an official or committee authorized pursuant to §3-11A-2(b) of this code and be replaced by an alternate.

(e) Any delegate or alternate is a public official, as that term is defined in §6B-1-3 of this code, and is subject to the requirements of the West Virginia Governmental Ethics Act.

§3-11A-5. Violation of oath; criminal penalty.

Any delegate who violates the oath set forth in §3-11A-4 of this code is guilty of a felony and, upon conviction thereof, shall be fined not less than \$100,000 nor more than \$500,000 and be confined in a state correctional facility for not more than 10 years."

Delegate Keaton moved to amend the amendment on page 12, line 11, by inserting the following new section:

“§3-11A-2. Issuance of call for Article V convention.

(a) By passage of this section in the 2021 Regular Legislative Session, the West Virginia Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states.

(b) This Convention is to be limited to proposing amendments to the Constitution of the United States that

(1) impose fiscal restraints on the federal government,

(2) limit the power and jurisdiction of the federal government, and

(3) limit the terms of office for its officials and for members of Congress.

Absolutely no other business will be authorized or permitted at this convention.

(c) This application constitutes a continuing application, in accordance with the provisions of Article V of the Constitution of the United States, until the legislatures of at least two thirds of the several states shall have made applications on the same subject.

(d) Upon enactment of this legislation, and authorization of the same by the Governor, the Clerk of the West Virginia House of Delegates and the Clerk of the West Virginia Senate, are hereby directed to jointly forward a copy of the engrossed and approved legislation

(1) as an application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives,

(2) to transmit copies of the same to the members of West Virginia’s congressional delegation, and

(3) to the presiding officers of each of the legislative houses in the several states requesting their cooperation.”

And,

By renumbering the remaining sections accordingly.

Delegate Lovejoy arose to a point of inquiry as to the germaneness of the amendment offered by Delegate Keaton.

The Speaker sustained the point raised by Delegate Lovejoy.

The Judiciary Committee amendment was then adopted.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 544**), and there were—yeas 82, nays 17, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Kelly, Lovejoy, Pushkin, Rowe, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 332) passed.

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

Com. Sub. for S. B. 334, Establishing license application process for needle exchange programs; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment, recommended by the Committee on the Judiciary was reported by the Clerk on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 63. SYRINGE SERVICES PROGRAMS.

§16-63-1. Definitions.

As used in this article, the term:

‘Administrator’ means a person having the authority and responsibility for operation of the syringe services program and serves as the contact for communication with the director of the Harm Reduction Program.

‘Applicant’ means the entity applying for a license under this article.

‘Board of Review’ means the board established in §9-2-6(13) of this code.

‘Director’ means the Director of the Office of Health Facility Licensure and Certification.

‘Fixed site’ means a building or single location where syringe exchange services are provided.

‘Harm reduction program’ means a program that provides services intended to lessen the adverse consequences of drug use and protect public health and safety, by providing direct access to or a referral to: syringe services program; substance use disorder treatment programs; screenings; vaccinations; education about overdose prevention; wound care; opioid antagonist distribution and education; and other medical services.

‘HIV’ means the etiologic virus of AIDS or Human Immunodeficiency Virus.

‘License’ means the document issued by the office authorizing the syringe services program to operate.

'Local health department' means a health department operated by local boards of health, created, established, and maintained pursuant to §16-2-1 et seq. of this code.

'Location' means a site within the service area of a local health department. A location can be a fixed site or a mobile site.

'Mobile site' means a location accessible by foot or vehicle that is not at a fixed indoor setting.

'Syringe services program' means a community based program that provides access to sterile syringes, facilitates safe disposal of used syringes, and is part of a harm reduction program.

'Syringe stick injury' means a penetrating wound from a syringe that may result in exposure to blood.

'Syringe stick injury protocol' means policies and procedures to prevent syringe stick injury to syringe exchange staff, including volunteers, community members, and to syringe exchange participants.

'Service area' means the territorial jurisdiction of the syringe services program.

'Sharps waste' means used syringes and lancets.

'Staff' means a person who provides syringe services or harm reduction services on behalf of a program.

'Syringe' means both the needle and syringe used to inject fluids into the body.

§16-63-2. Application for license to offer a syringe services program.

(a) All new and existing syringe services programs shall obtain a license from the Office for Health Facility Licensure and Certification.

(b) To be eligible for a license, a syringe services program shall:

(1) Submit an application on a form approved and provided by the office director;

(2) Provide the name of the program;

(3) Provide a description of the harm reduction program it is associated with and the harm reduction services provided in accordance with §16-2-3;

(4) Provide the contact information of the individual designated by the applicant as the administrator of the harm reduction program;

(5) Provide the hours of operation, location, and staffing. The description of hours of operation must include the specific days the syringe services program is open, opening and closing times, and frequency of syringe exchange services. The description of staffing must include number of staff, titles of positions, and descriptions of their functions;

(6) Provide a specific description of the applicant's ability to refer to or facilitate entry into substance use treatment;

(7) Provide a specific description of the applicant's ability to encourage usage of medical care and mental health services as well as social welfare and health promotion; and

(8) Pay an application fee in amount not to exceed \$500, to be determined by the director by legislative rule.

§16-63-3. Program requirements.

(a) To be approved for a license, a syringe services program shall be part of a harm reduction program which offers or refers an individual to the following services which shall be documented in the application:

(1) HIV, hepatitis and sexually transmitted diseases screening;

(2) Vaccinations;

(3) Birth control and long-term birth control;

(4) Behavioral health services;

(5) Overdose prevention supplies and education;

(6) Syringe collection and sharps disposal;

(7) Educational services related to disease transmission;

(8) Assist or refer an individual to a substance use treatment program;

(9) Refer to a health care practitioner or treat medical conditions; and

(10) Programmatic guidelines including a sharps disposal plan, a staff training plan, a data collection and program evaluation plan, and a community relations plan.

(b) A syringe services program:

(1) Shall offer services, at every visit, from a qualified licensed health care provider;

(2) Shall exclude minors from participation in the syringe exchange, but may provide minors with harm reduction services;

(3) Shall ensure a syringe is unique to the syringe services program;

(4) Shall distribute syringes with a goal of a 1:1 model;

(5) May substitute weighing the volume of syringes returned versus dispensed as specified. This substitution is only permissible if it can be done accurately and in the following manner:

(A) The syringes shall be contained in a see-through container; and

(B) A visual inspection of the container shall take place prior to the syringes being weighed;

(6) Shall distribute the syringe directly to the program recipient;

(7) Shall train staff on:

(A) The services and eligibility requirements of the program;

(B) The services provided by the program;

(C) The applicant's policies and procedures concerning syringe exchange transactions;

(D) Disposing of infectious waste;

(E) Sharps waste disposal education that ensures familiarity with the state law regulating proper disposal of home-generated sharps waste;

(F) Procedures for obtaining or making referrals;

(G) Opioid antagonist administration;

(H) Cultural diversity and sensitivity to protected classes under state and federal law; and

(I) Completion of attendance logs for participation in mandatory training.

(8) Maintain a program for the public to report syringe litter and shall endeavor to collect all syringe litter in the community.

(c) Each syringe services program shall have a syringe dispensing plan which includes, but is not limited to the following:

(1) Maintaining records of returned syringes by participants for two years;

(2) Preventing syringe stick injuries;

(3) Tracking the number of syringes dispensed;

(4) Tracking the number of syringes collected;

(5) Tracking the number of syringes collected as a result of community reports of syringe litter;

(6) Eliminating direct handling of sharps waste;

(7) Following a syringe stick protocol and plan;

(8) A budget for sharps waste disposal or an explanation if no cost is associated with sharps waste disposal; and

(9) A plan to coordinate with the continuum of care, including the requirements set forth in this section.

(d) If an applicant does not submit all of the documentation required in §16-63-2 of this code, the application shall be denied and returned to the applicant for completion.

(e) If an applicant fails to comply with the program requirements, the application shall be denied and returned to the applicant for completion.

(f) A license is effective for one year.

§16-63-4. Procedure for revocation or limitation of the syringe services programs.

(a) The director may revoke, suspend or limit a syringe services program's ability to offer services for the following reasons:

(1) The syringe services program provides false or misleading information to the director;

(2) An inspection indicates the syringe services programs is in violation of the law or legislative rule; or

(3) The syringe services program fails to cooperate with the director during a complaint investigation.

(b) The director shall send written notice to the syringe services program of revocation, suspension, or limitation of its operations. The written notice shall include the following:

(1) Effective date of the revocation, suspension, or limitation;

(2) The basis for the revocation, suspension or limitation;

(3) The location to which the revocation, suspension or limitation applies;

(4) The remedial measures the syringe services programs shall take, if any, to consider reinstatement of the program or removal of the limitation; and

(5) Steps to appeal of the decision.

§16-63-5. Administrative due process.

(a) A syringe services program who disagrees with an administrative decision may, within 30 days after receiving notice of the decision, appeal the decision to the department's board of review.

(b) All pertinent provisions of §29A-5-1 et seq. apply to and govern any hearing authorized by this statute.

(c) The filing of a request for a hearing does not stay or supersede enforcement of the final decision of the director. The director may, upon good cause shown, stay such enforcement.

§16-63-6. Administrative appeals and judicial review.

(a) A syringe services program who disagrees with the final administrative decision may, within 30 days after the date the appellant received notice of the decision of the board of review, appeal the decision to the Circuit Court of Kanawha County or in the county where the petitioner resides or does business.

(b) The filing of the petition for appeal does not stay or supersede enforcement of the final decision or order of the director. An appellant may apply to the circuit court for a stay of or to supersede the final decision or order for good cause shown.

(c) No circuit court has jurisdiction to consider a decision of the board if the petitioner has failed to file a request for review with the board of review within the time frame set forth in this article.

§16-63-7. Reporting requirements; renewal; rulemaking.

(a) A syringe services program shall renew its license annually on the anniversary date of license approval.

(b) A syringe services program shall file an annual report with the director. The report shall include:

(1) The total number of persons served;

(2) The total numbers and types of syringes and syringe s dispensed, collected, and disposed of;

(3) The total number of syringe stick injuries to non-participants;

(4) Statistics regarding the number of individuals entering substance use treatment; and

(5) The total and types of referrals made to substance use treatment and other services.

(c) The office shall promulgate and propose rules and regulations under §29A-1-1 *et seq.* of this code to carry out the intent and purposes of this article. Such rules and regulations shall be in accordance with evidence-based practices. The office shall promulgate an emergency rule by July 1, 2021, which shall require compliance of the provisions of this article by December 1, 2021. The emergency rule shall effectuate the provisions of this article in accordance with evidence-based practices.

§16-63-8. Immunity.

(a) Notwithstanding any provision of this code to the contrary, an employee, volunteer, or participant of a licensed syringe services program may not be arrested, charged with or prosecuted for possession of any of the following:

(1) Sterile or used syringes, hypodermic syringes, injection supplies obtained from or returned to a program, or other safer drug use materials obtained from a program established pursuant to this article, including testing supplies for illicit substances.

(2) Residual amounts of a controlled substance contained in a used syringe, used injection supplies obtained from or returned to a program.

(b) A law enforcement officer who, acting on good faith, arrests or charges a person who is thereafter determined to be entitled to immunity from prosecution under this section is not liable for the arrest or filing of charges.

(c) An individual who is wrongly detained, arrested or prosecuted under this section shall have the public record associated with the detainment, arrest or prosecution expunged.

(d) A health care professional, or an employee or volunteer of a licensed syringe services program is not subject to professional sanction, detainment, arrest, or prosecution for carrying out the provisions of this article.

§16-63-9. Civil penalties and injunctive relief.

(a) The Office of Health Facilities Licensure and Certification may assess an administrative penalty of not less than \$500 nor more than \$10,000 per violation of this article.

(b) The Office of Health Facilities Licensure and Certification may seek injunctive relief to enforce the provisions of this article.

§16-63-10. Coordination of care.

(a) A syringe service program shall coordinate with other health care providers in its services to render care to the individuals as set forth in the program requirements.

(b) In the event that the syringe services program is closed, the syringe services program shall notify the participant of the closure of the service, prior to closure, in a conspicuous location, and provide an individual with a transition care plan.

(c) The Bureau for Medical Services shall submit a state plan amendment to permit harm programs to be an eligible provider.”

An amendment recommended by the Committee on the Judiciary was reported by the Clerk, and adopted, amending the amendment on page 7, section 10, subsection (c), lines 10 and 11, by striking out everything after the word “amendment” and inserting in lieu thereof the following:

“to permit harm reduction programs to be an eligible provider, except that the syringe exchange services shall not be eligible for reimbursement under the state plan.”

Delegates Capito and Kessinger, respectively, were recognized to explain the following amendments to the committee amendment.

Delegate Capito moved to amend the bill on page 1, section 2, line 2 after the word “Certification.”, by inserting the following language:

“Upon receipt of an application for a syringe services program, the Office for Health Facility Licensure and Certification shall provide notice to the municipality or county commission, as applicable. A municipality or county commission may adopt an ordinance prohibiting syringe services programs in its jurisdiction. The municipality shall submit such ordinance to the Office for Health Facility Licensure and Certification. Upon receipt of such ordinance from a municipality or county commission, the Office for Health Facility Licensure and Certification shall not consider applications for a syringe services program in such jurisdiction until such jurisdiction repeals the ordinance.”

And,

On page 7, section 9, line 16, by inserting a new subsection (e) to read as follows:

“(e) A business that has syringe litter on its property is immune from civil or criminal liability in any action relating to the needle on its property unless the business owner acted in reckless disregard for the safety of others.”

Delegate Kessinger offered an amendment for which the Delegate was recognized to explain as follows:

On page 2, section 2, line 17, by striking out the word “and”;

And,

On page 2, section 2, line 19, by striking out the period, inserting a semicolon and the following:

“and,

“(9) Provide a written statement from a majority of the members of the county commission and a majority of the members of a governing body of a municipality in which it is located or is proposing to locate.”

On page 4, section 4, line 5, by striking the word “or”;

On page 4, section 4, line 7 by striking the period and inserting and a semicolon and the following:

“or,

“(4) Recission of the letter of approval from majority of the county commissioners or the governing body of a municipality.”

And,

On page 7, section 9, line 16, by inserting a new subsection (e) to read as follows:

“(e) A business that has syringe litter on its property is immune from civil or criminal liability in any action relating to the needle on its property unless the business owner acted in reckless disregard for the safety of others.”

On the adoption of the amendment to the amendment offered by Delegate Capito, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 545**), and there were— yeas 36, nays 62, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Barach, Barrett, Bates, Boggs, Brown, Capito, Cooper, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hanna, Hansen, Higginbotham, Hornbuckle, D. Kelly, Lovejoy, Mallow, Nestor, L. Pack, Pethtel, Pushkin, Queen, Reed, Rowe, Skaff, Storch, Walker, Westfall, Williams, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: J. Kelly and Thompson.

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

The question then being on the adoption of the amendment to the amendment offered by Delegate Kessinger, the same was put and the amendment to the amendment was adopted.

The Judiciary Committee amendment, as amended, was then adopted.

The bill was read a third time.

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

Nays: Doyle, Fleischauer, Foster, Hansen, Kimes, Miller, Pritt, Reed, Statler, Steele, Walker, Williams and Young.

Absent and Not Voting: McGeehan and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 334) passed.

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

Com. Sub. for S. B. 334 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, and §16-63-10, all relating to syringe services programs; defining terms; providing license application requirements and process; establishing program requirements; providing procedure for revocation or limitation of the syringe services programs; setting forth administrative due process; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; providing for rulemaking; providing criminal immunity in certain circumstances; providing civil immunity in certain circumstances; providing for expungement; providing immunity from professional sanction, detainment, arrest, or prosecution in certain circumstances; providing for administrative penalties and allowing Office of Health Facilities Licensure and Certification to seek injunctive relief; requiring a syringe services program to coordinate with health care providers; requiring that a syringe services program that is closing to post notice and provide transition care plan for individuals; and requiring the Bureau of Medical Services to amend the state plan.”

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

Com. Sub. for S. B. 398, Limiting eligibility of certain employers to participate in PEIA plans; on third reading, coming up in regular order, was read a third time.

Delegate Boggs requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 547**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Bates, Hornbuckle, Lovejoy, Pushkin, Rowe, Young and Zukoff.

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 398) passed.

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

On this question, the yeas and nays were taken (**Roll No. 548**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bates, Pushkin, Rowe and Zukoff.

Absent and Not Voting: Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 398) takes effect from its passage.

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

Com. Sub. for S. B. 464, Requiring composting of organic materials and commercial composting products comply with WV Fertilizer Law; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 549**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Bridges, Burkhammer, Hanna, J. Jeffries, Keaton, Kimble, Mazzocchi, Paynter and Pritt.

Absent and Not Voting: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 464) passed.

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

Com. Sub. for S. B. 470, Limiting release of certain personal information maintained by state agencies; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted on page 3, section 5A-8-24, line 33, by inserting “publicly” prior to the word “available”.

On page 4, section 5A-8-24, line 49, by inserting “publicly” prior to the word “available”.

On page 4, section 5A-8-24, line 56, by inserting “publicly” prior to the word “available”.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted on page 4, section 5A-8-24, line 50, by inserting “in violation of subparagraph (e)” following the word “association”

On page 4, section 5A-8-24, line 57, by inserting “in violation of subparagraph (e)” following the word “association”.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page 2, section 5A-8-24, line 4, by inserting “public defenders, defense counsel,” after the word “prosecutors”.

On page 3, section 5A-8-24, line 15, by inserting “public defenders, defense counsel,” after the word “prosecutor”.

On page 3, section 5A-8-24, line 31, by inserting “public defenders, defense counsel,” after the word “prosecutor.”

On page 4, section 5A-8-24, line 35, by inserting “public defenders, defense counsel,” after the word “prosecutor.”

On page 4, section 5A-8-24, line 40, by inserting “public defenders, defense counsel,” after the word “prosecutor.”

On page 4, section 5A-8-24, line 56, by inserting “public defenders, defense counsel,” after the word “prosecutor.”

And,

On page 5, section 5A-8-24, line 72, by inserting “public defenders, defense counsel,” after the word “prosecutor.”

Whereupon,

Delegate Capito obtained unanimous consent that the amendment be withdrawn and the following amendment offered in lieu thereof.

Whereupon,

On motion of Delegate Capito, the bill was amended on page 2, section 5A-8-24, line 4, by inserting “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” after the word “prosecutors”.

On page 3, section 5A-8-24, line 15, by inserting “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” after the word “prosecutors”.

On page 3, section 5A-8-24, line 31, by inserting “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” after the word “prosecutor.”

On page 4, section 5A-8-24, line 35, by inserting “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” after the word “prosecutor.”

On page 4, section 5A-8-24, line 40, by inserting “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” after the word “prosecutor.”

On page 4, section 5A-8-24, line 56, by inserting “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” after the word “prosecutor.”

And,

On page 5, section 5A-8-24, line 72, by inserting “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” after the word “prosecutor”.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 550**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Miller.

Absent and Not Voting: Pinson, Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 470) passed.

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

Com. Sub. for S. B. 478, Permitting use of established federal marketplace programs to purchase supplies; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 551**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Pinson, Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 478) passed.

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

Com. Sub. for S. B. 485, Relating to use or presentation of firearm during commission of felony; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 552**), and there were—yeas 83, nays 15, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Bridges, Burkhammer, Ferrell, Fleischauer, Fluharty, Graves, Horst, J. Jeffries, Kimes, McGeehan, Phillips, Pritt, Pushkin, Walker and Young.

Absent and Not Voting: Thompson and Worrell.

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

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

Com. Sub. for S. B. 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 553**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Thompson and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 502) passed.

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

On this question, the yeas and nays were taken (**Roll No. 554**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Thompson and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 502) takes effect from its passage.

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

S. B. 532, Limiting claims for state tax credits and rebates; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 555**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer and Pushkin.

Absent and Not Voting: Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 532) passed.

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

On this question, the yeas and nays were taken (**Roll No. 556**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Conley and Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 532) takes effect July 1, 2021.

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

S. B. 537, Relating generally to kidnapping; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 557**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Conley, Thompson and Wamsley.

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

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

Com. Sub. for S. B. 542, Relating generally to public electric utilities and facilities fuel supply for existing coal-fired plants; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Evans moved to amend the bill on page 3, following Section 21 after line 24, by inserting a new section to read as follows:

“§24-2-22. Coal community comeback planning required; Coal Community Comeback Advisory Committee established; Coal Community Comeback Plan.”

(a) The West Virginia Public Service Commission shall facilitate a process to create a Coal Community Comeback Plan for the State of West Virginia, which shall include, at a minimum:

(1) The maintenance and development of water and wastewater, broadband, and other infrastructure needed to revitalize impacted communities;

(2) Opportunities to maintain and increase jobs in coal mines, coal-fired power plants, and other sectors that would diversify the economies of impacted communities;

(3) Grants and local, state, federal, and other sources of funding that will assist impacted communities, and recommendations to align and target existing local, state, and federal funding and leverage additional funding to support impacted communities and impacted workers;

(4) Other programs and activities that will assist impacted communities, and recommendations to align and target existing local, state, and federal programs and activities and

establish additional programs and activities to support impacted communities and impacted workers;

(5) Recommendations for legislation, studies, and other activities, including but not limited to the creation of a fund to collect and distribute public revenue to address shortfalls in funding for counties, school systems, and municipalities in impacted communities;

(6) Planning of and facilitation of innovative land use and economic development activities that impacted communities can use to diversify their economies;

(7) Projected short-term and long-term costs and benefits to the state of each plan component;

(8) Potential fiscal, economic, workforce, and other implications of extending plan components to other sectors and industries affected by similar economic disruptions; and

(9) Which components can be implemented under existing authority and which require additional legislation.

(b) There is hereby created the Coal Community Comeback Advisory Committee to develop and recommend a Coal Community Comeback Plan for the State of West Virginia. It shall consist of the following members:

(1) The Chair of the West Virginia Public Service Commission or his or her designee, who shall serve as co-chairperson of the Committee;

(2) The Secretary of the Department of Economic Development or his or her designee, who shall also serve as co-chairperson of the Committee;

(3) One representative of the Office of the Governor;

(4) One member of the Senate appointed by the president of the Senate, and one member of the House of Delegates appointed by the Speaker of the House; and the following members, to be appointed by the Governor:

(A) Two representatives of labor unions;

(B) Three representatives of impacted workers from impacted communities;

(C) Two representatives with professional economic development or workforce retraining experience; and

(D) Two representatives of utilities that, on the effective date of this section, operated one or more coal-fueled electric generating units.

(c) (1) The West Virginia Public Service Commission shall provide administrative and logistical support to the work of the Committee.

(2) The Committee shall meet at least once every three months. The chairpersons may call such additional meetings as are necessary for the Committee to complete its duties.

(3) Each member of the Committee is entitled to receive reimbursement for actual and necessary expenses pursuant to §4-2A-6 of this code.

(4) The Committee may engage additional nonvoting members or advisors and provide additional expertise as needed.

(5) The Committee shall hold at least three public hearings in the state on the Coal Community Comeback Plan, with at least one hearing held in each congressional district of the state. On or before July 1, 2022, the Committee shall present its draft Coal Community Comeback Plan to the Chair of the West Virginia Public Service Commission. On or before December 31, 2022, the Committee shall present its final Coal Community Comeback Plan to the Governor and the Legislature. Unless otherwise extended by Act of the Legislature, the Committee shall expire effective January 1, 2023.

(d) As used in this section:

(1) 'Coal-related employment' means employment in the coal industry, or an industry dependent on coal production, consumption, or distribution;

(2) 'Committee' means the Coal Community Comeback Advisory Committee established pursuant to §24-2-22(b) of this code;

(3) 'Impacted community' means a county in which a coal mine or a coal-fired plant has closed after December 31, 1999, causing a loss of at least 200 jobs;

(4) 'Impacted worker' means a West Virginia worker laid off from coal-related employment who has not found employment with similar wages or benefits."

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

The yeas and nays having been ordered, they were taken (**Roll No. 558**), and there were—yeas 49, nays 48, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Bridges, Bruce, Burkhammer, Criss, Espinosa, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hanna, Hardy, Higginbotham, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, J. Pack, L. Pack, Phillips, Pinson, Pritt, Reynolds, Rowan, Smith, Steele, Summers, Sypolt, Tully, Wamsley, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Barrett, Reed and Thompson.

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

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 559**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Linville and McGeehan.

Absent and Not Voting: Barrett and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 542) passed.

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

Com. Sub. for S. B. 542 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; and to amend said code by adding thereto three new sections, designated §24-2-1q, §24-2-21 and §24-2-22, all relating to the Public Service Commission; making legislative findings; requiring that all public electric utilities maintain a contract for a 30-day aggregate fuel supply for the remainder of the life of existing coal-fired plants; requiring that public electric utilities provide advance notice of retirement, shutdown, or sale of electricity-generating units; establishing the Coal Community Comeback Advisory Committee; providing for appointment to the committee; providing for expense reimbursement to committee members; directing the committee to develop a plan and recommendations to revitalize coal communities in the state that address economic, workforce and other actions for revitalization of coal communities; providing for public hearings and other actions for the committee; providing for submission of a committee report; defining terms; and providing for expiration of committee.”

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

Com. Sub. for S. B. 562, Relating to juvenile competency proceedings; on third reading, coming up in regular order, with amendment pending, was read a third time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page 1, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 4. COURT ACTIONS.

§49-4-712. Intervention and services by the department pursuant to initial disposition for status offenders or juvenile found incompetent to stand trial; enforcement; further disposition; detention; out-of-home placement; department custody; least restrictive alternative; appeal; prohibiting placement of status offenders or a juvenile found incompetent to stand trial in a Division Bureau of Juvenile Services facility. ~~on or after January 1, 2016~~

(a) ~~The services~~ Services provided by the department ~~to~~ for juveniles adjudicated as status offenders shall be consistent with §49-2-1001 *et seq.* of this code. ~~and Services provided by the department for juveniles adjudicated as status offenders pursuant to §49-4-711 of this code and juveniles found to be incompetent to stand trial and in need of services pursuant to §49-4-734(b)(2) of this code~~ shall be designed to develop skills and supports within families and to resolve problems related to the juveniles or conflicts within their families. Services may include, but are not limited to, referral of juveniles and parents, guardians, or custodians and other family members to services for psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the juvenile and his or her family.

(b) If the juvenile, or his or her parent, guardian, or custodian, fails to comply with the services provided in subsection (a) of this section, the department may petition the circuit court:

(1) For a valid court order, as defined in §49-1-207 of this code, to enforce compliance with a service plan or to restrain actions that interfere with or defeat a service plan; or

(2) For a valid court order to place a juvenile out of home in a nonsecure or staff-secure setting, and/or to place a juvenile in custody of the department: *Provided*, That a juvenile adjudicated as a status offender may not be placed in an out-of-home placement, excluding placements made for abuse and neglect, if that juvenile has had no prior adjudications for a status or delinquency offense, or no prior disposition to a pre-adjudatory improvement period or probation for the current matter: *Provided, however*, That if the court finds by clear and convincing evidence the existence of a significant and likely risk of harm to the juvenile, a family member, or the public and continued placement in the home is contrary to the best interests of the juvenile, ~~such~~ the juvenile may be ordered to an out-of-home placement: *Provided further*, That the court finds the department has made all reasonable efforts to prevent removal of the juvenile from his or her home, or that such reasonable efforts are not required due to an emergent situation.

(c) In ordering any further disposition under this section, the court is not limited to the relief sought in the department's petition and shall make reasonable efforts to prevent removal of the juvenile from his or her home or, as an alternative, to place the juvenile in a community-based facility which is the least restrictive alternative appropriate to the needs of the juvenile and the community. The disposition may include reasonable and relevant orders to the parents, guardians, or custodians of the juvenile ~~as is~~ that are necessary and proper to effectuate the disposition.

(d) (1) If the court finds that placement in a residential facility is necessary to provide the services under subsection (a) of this section, except as prohibited by subdivision (2), subsection (b) of this section, the court shall make findings of fact as to the necessity of this placement, stated on the record or reduced to writing and filed with the record or incorporated into the order of the court.

(2) The findings of fact shall include the factors that indicate:

(A) The likely effectiveness of placement in a residential facility for the juvenile; and

(B) The community services which were previously attempted.

(e) The disposition of the juvenile may not be affected by the fact that the juvenile demanded a trial by jury or made a plea of not guilty. Any order providing disposition other than mandatory referral to the department for services is subject to appeal to the Supreme Court of Appeals.

(f) Following any further disposition by the court, the court shall inquire of the juvenile whether or not appeal is desired and the response shall be transcribed; a negative response may not be construed as a waiver. The evidence shall be transcribed as soon as practicable and made available to the juvenile or his or her counsel if it is requested for purposes of further proceedings. A judge may grant a stay of execution pending further proceedings.

(g) A juvenile adjudicated solely as a status offender or a juvenile found to be incompetent to stand trial on or after January 1, 2016 may not be placed in a Bureau ~~Division~~ of Juvenile Services facility.

§49-4-727. Juvenile competency proceedings.

(a) Subject to the provisions of subsection (c) of this section, a juvenile's attorney, the prosecuting attorney, or the court may raise the issue of his or her competency to participate in the proceeding any time during proceedings under this article. Once competency is raised, all proceedings unrelated to competency shall be stayed until the issue of competency is resolved. A juvenile presumed incompetent under subsection (c) of this section shall not be adjudicated unless the presumption of incompetency has been rebutted as provided in subsections (b) and (c) of this section.

(b) In any delinquency proceeding pursuant to this article, a juvenile 14 years or older is presumed to be competent. A juvenile has the burden of proof to rebut this presumption by showing incompetency by a preponderance of the evidence.

(c) In any delinquency proceeding pursuant to this article, if the juvenile is under 14 years of age, there exists a rebuttable presumption that he or she is incompetent to proceed beyond the stage of the proceeding resolving the issue of competency, unless judicially determined to be competent pursuant to the procedures set forth in §49-4-728 through §49-4-734 of this code. The state has the burden of proof to rebut this presumption by showing competency by a preponderance of the evidence.

(d) Regardless of the age of the juvenile, the court may dismiss the petition without ordering a competency evaluation or competency hearing if the prosecuting attorney, the juvenile's attorney, and the guardian ad litem, if previously appointed, agree that there is compelling evidence that the juvenile is not competent to participate in the proceedings: *Provided*, That a court may not order services authorized by §49-4-733 of this code without a competency evaluation.

(e) If and when the issue of a juvenile's competency is raised under subsection (a) or a rebuttable presumption of incompetency exists under subsection (c), the court shall appoint a guardian ad litem for the juvenile. The Supreme Court of Appeals is requested to establish a training program for persons acting as guardians ad litem in juvenile competency matters.

§49-4-728. Definitions for juvenile competency proceedings.

As used in §49-4-727 through §49-4-734 of this code:

'Competent' and 'competency' refer to whether or not a juvenile has sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding and has a rational as well as factual understanding of the proceedings against him or her. A juvenile is incompetent if, due to developmental disability, intellectual disability, or mental illness, the juvenile is presently incapable of understanding the nature and objective of proceedings against him or her or of assisting in his or her defense.

'Competency attainment services' means services provided to a juvenile to assist the juvenile in attaining competency.

'Department' means the Department of Health and Human Resources.

'Developmental disability' means a severe and chronic disability that is attributable to a mental or physical impairment, including, but not limited to, neurological conditions that lead to impairment of general intellectual functioning or adaptive behavior.

'Developmental immaturity' means a condition based on a juvenile's chronological age and significant lack of developmental skills when the juvenile has no significant mental illness or intellectual disability.

'Intellectual disability' means a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical domains.

'Mental illness' means a manifestation in a person of significantly impaired capacity to maintain acceptable levels of functioning in the areas of intellect, emotion, and physical well-being.

'Proceeding' means any delinquency proceeding under this article.

'Qualified forensic evaluator' means a licensed psychologist or psychiatrist with the necessary education, training, and experience to perform juvenile competency evaluations, and who has been approved to render opinions for the court pursuant to the requirements of §49-4-729 of this code.

§49-4-729. Motion for determination of competency, time frames, order for evaluation.

(a) When the prosecuting attorney, the juvenile's attorney, or the guardian ad litem has reasonable basis to believe that:

(1) A juvenile age 14 or older is incompetent to proceed in the delinquency action, that party shall file a motion for a determination of competency. The motion shall state any known facts to the movant of in support thereof. If the court raises the issue sua sponte, it shall, by written order, set forth the basis for ordering a competency evaluation.

(2) A juvenile under the age of 14 is competent to proceed in the delinquency action, the prosecuting attorney shall file a motion for determination of competency. The motion shall state the basis to believe the juvenile is competent to proceed despite the presumption of incompetency due to age and shall state any known facts to the prosecuting attorney in support of the motion. If the court raises the issue sua sponte, the court by written order shall set forth the factual basis supporting the finding that the juvenile is competent to proceed.

(b) Within 10 judicial days after a motion is made, the court shall make one of the following determinations regardless of which presumption applies:

(1) Find that there is compelling evidence that the juvenile is not competent to participate in the proceedings and dismiss the case pursuant to §49-4-727(d) of this code;

(2) Without conducting a hearing, find that there exists a reasonable basis to conduct a competency evaluation; or

(3) Schedule a hearing to determine whether there exists a reasonable basis to conduct a competency evaluation. The hearing shall be held within 30 judicial days. The court's

determination shall be announced no later than three judicial days after the conclusion of the hearing.

(c) If the court determines there is a reasonable basis to order a competency evaluation pursuant to §49-4-731 of this code, or if the prosecutor and the juvenile's attorney agree to the evaluation, the court shall order a competency evaluation. If the court orders a competency evaluation, the court shall order that the competency evaluation be conducted in the least restrictive environment, taking into account the public safety and the best interests of the juvenile.

(1) Notwithstanding any other provisions of this code, the court shall provide in its order that the qualified forensic evaluator shall have access to all relevant confidential and public records related to the juvenile, including competency evaluations and reports conducted in prior delinquent proceedings. The court shall provide to the qualified forensic evaluator a copy of the petition and the names and contact information for the judge, prosecutor, juvenile's attorney, and parents or legal guardians.

(2) Within five judicial days after the court orders an evaluation, the prosecutor shall deliver to the evaluator copies of relevant police reports and other background information relevant to the juvenile that are in the prosecutor's possession.

(3) Within five judicial days after the court orders an evaluation, the juvenile's attorney shall deliver to the qualified forensic evaluator copies of police reports and other records including, but not limited to, educational, medical, psychological, and neurological records that are relevant to the evaluation and that are in the attorney's possession. Upon good cause shown, the court may extend the time frame to deliver these documents noting that time is of the essence.

§49-4-730. Juvenile competency qualified forensic evaluator; qualifications.

An evaluation ordered by the court shall be conducted by a qualified forensic evaluator.

(1) A qualified forensic evaluator shall have education and training in the following areas:

(A) Forensic evaluation procedures for juveniles, including accepted criteria used in evaluating competency;

(B) Evaluation, diagnosis, and treatment of children and adolescents with developmental disability, developmental immaturity, intellectual disability, or mental illness;

(C) Clinical understanding of child and adolescent development; and

(D) Familiarity with competency standards in this state.

(2) The department shall establish procedures for ensuring the training and qualifications of qualified forensic evaluators. Annually, the department shall provide a list of qualified forensic evaluators to the Administrative Office of the Supreme Court of Appeals of West Virginia.

§49-4-731. Juvenile competency evaluation.

(a) The qualified forensic evaluator shall file with the court a written competency evaluation report within 30 days after the date of entry of the order requiring the juvenile to be evaluated and appointing the qualified forensic evaluator. For good cause shown, the court may extend the time

for filing for a period not to exceed an additional 30 days. The report shall include the evaluator's opinion as to whether or not a juvenile, due to developmental disability, intellectual disability, or mental illness, has sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding and whether the juvenile has a rational as well as factual understanding of the proceedings against him or her. The report shall not include the evaluator's opinion as to whether the juvenile committed the alleged offense or recite or reference any self-incriminating or inculpatory statements as reported by the juvenile. A self-incrimination or inculpatory statement made by a juvenile during an evaluation or hearing conducted pursuant to this article shall not be admissible on the issue of responsibility or guilt in subsequent court proceedings, including adjudication and disposition or transfer hearings.

(b) A competency evaluation report shall include:

(1) A statement of the procedures used, including psychometric tests administered, records reviewed, and the identity of persons interviewed;

(2) Pertinent background information, including a history of educational performance, psychiatric or psychological history, developmental and family history;

(3) Results of the mental status examination;

(4) A diagnosis, if one has been made, which shall address any psychological or psychiatric conditions or cognitive deficiencies determined to exist; and

(5) An opinion as to the juvenile's developmental maturity or developmental immaturity as it would affect his or her ability to proceed.

(c) If the qualified forensic evaluator determines that the juvenile is not competent to participate in the proceedings, the competency evaluation report shall address the following questions:

(1) Whether the juvenile has a developmental disability, intellectual disability, or mental illness;

(2) Whether the juvenile has sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding;

(3) Whether a juvenile has a rational as well as factual understanding of the proceedings against him or her; and

(4) Whether the juvenile can attain competency in the foreseeable future if provided with a course of treatment, therapy, or training.

(d) If the qualified forensic evaluator determines that the juvenile is incompetent, but that there is a reasonable probability that he or she can attain competency within the periods set forth in §49-4-733(c)(3) of this code, the report shall include the following recommendations:

(1) A recommendation as to the treatment or therapy; and

(2) The least restrictive setting for juvenile competency attainment services consistent with the juvenile's ability to attain competency and the safety of both the juvenile and the public.

(e) The court shall provide a copy of each competency evaluation report it receives to the prosecutor, the juvenile's attorney, and guardian ad litem and may provide a copy upon request to the juvenile's parents or legal guardian.

(f) The department shall pay qualified forensic evaluators for all matters related to conducting a court-ordered competency evaluation. The department shall develop and implement a process for prompt payment of qualified forensic evaluators including a rate schedule. The amount of payment for court-ordered evaluations shall reasonably compensate qualified forensic evaluators for the work performed in a particular case.

§49-4-732. Hearing to determine juvenile's competency to participate in the proceedings.

(a) Not more than 15 judicial days after receiving the evaluator's report, the court shall conduct a hearing to determine the juvenile's competency to participate in the proceedings. The court may continue the hearing for good cause shown.

(b) The competency evaluation report is admissible as evidence in the competency proceedings. The qualified forensic evaluator may be called as a witness and is subject to cross examination by all parties. If authorized by the court, hearings held pursuant to this section may be conducted by or participated in using teleconference or video conference technology. If the court contacts the qualified forensic evaluator to obtain clarification of the report contents, the court shall promptly inform all parties and allow each party to participate in each contact.

(c) In determining the competency of the juvenile to participate in the proceedings, the court shall consider the content of all competency evaluation reports admitted as evidence. The court may consider additional evidence introduced at the hearing by the prosecuting attorney, the juvenile's attorney, or guardian ad litem.

(d) (1) Except as otherwise provided, the court shall make a written determination as to the juvenile's competency based on a preponderance of the evidence within 10 judicial days after completion of the hearing. The applicable burden of proof shall be set forth in section 49-4-727, subsections (b) and (c).

(2) The court shall not find a juvenile competent to proceed solely because the juvenile is receiving or has received in-patient treatment or is receiving or has received psychotropic or other medication, even if the juvenile might become incompetent to proceed without that medication.

§49-4-733. Procedure after determination of juvenile's competency to participate in the proceedings.

(a) After a hearing pursuant to §49-4-732 of this code, if the court determines by a preponderance of the evidence that the juvenile is competent to proceed despite any presumption that may have applied, the delinquency proceedings shall resume as provided by law.

(b) If the court determines by a preponderance of the evidence that a juvenile is incompetent to proceed, but is likely to attain competency within a reasonable time with services, the court shall stay the proceedings and order the juvenile to receive services designated to assist the juvenile in attaining competency, based upon the recommendations in the competency evaluation report, unless the court makes specific findings that the recommended services are not justified. The court shall order the juvenile's parent or legal guardian to contact a court-designated provider by a specified date to arrange for services.

(1) The competency attainment services provided to a juvenile shall be based on the recommendations contained in the qualified forensic evaluator's report described in §49-4-731(d) of this code, and are subject to the conditions and time periods required pursuant to this section measured from the date the court approves the plan.

(2) The court shall order that the competency attainment services ordered are provided in the least restrictive environment, taking into account the public safety and the best interests of the juvenile. If the juvenile has been released on temporary orders and refuses or fails to cooperate with the service provider, the court may modify the orders to require a more appropriate setting for further services. A juvenile may not be placed in a Bureau of Juvenile Services facility to receive competency attainment services. Additionally, a juvenile presumed incompetent under §49-4-727(c) of this code shall not be placed in a Bureau of Juvenile Services facility, except in compliance with §49-4-705 and §49-4-706 of this code, and corresponding Rules of Juvenile Procedure as adopted by the Supreme Court of Appeals of West Virginia.

(3) A juvenile shall not be required to participate in competency attainment services for longer than is necessary to attain competency or after the court determines that there is no reasonable likelihood that competency can be attained. The following maximum time limits apply to the participation of a juvenile:

(A) A juvenile charged with an act which would constitute a misdemeanor or nonviolent felony if committed by an adult shall not be required to participate in competency attainment services beyond his or her 19th birthday and there shall be a rebuttable presumption that competency is not attainable if the juvenile has not attained competency after 90 days of services.

(B) A juvenile charged with an act which would constitute a felony crime of violence if committed by an adult shall not be required to participate in competency attainment services beyond his or her 21st birthday and there shall be a rebuttable presumption that competency is not attainable if the juvenile has not attained competency after 180 days of services.

(4) Not later than 10 judicial days after the court orders competency attainment services, the department shall identify the appropriate entity and location to provide those services.

(5) Within 10 judicial days after the department identifies the appropriate entity and location, the provider responsible for the juvenile's competency attainment services shall commence. The court shall deliver to that provider:

(A) The name and address of the juvenile's counsel;

(B) A copy of the juvenile's petition;

(C) A copy of the competency evaluation report;

(D) The name, address, and phone number of the juvenile's parents or legal guardian;

(E) The name of the department's caseworker, if any; and

(F) Any other relevant documents or reports concerning the juvenile's health that have come to the attention of the court.

(c) The court shall order and conduct review hearings no less often than every 90 days as determined appropriate by the court. The multidisciplinary team shall meet prior to any review hearing and provide a written status report to the court prior to the hearing. Unless sooner ordered by the court, the qualified forensic evaluator shall submit a report to the court prior to any review hearing, and upon completion or termination of services, and shall include the following:

(1) The services provided to the juvenile, including medication, education, and counseling;

(2) The likelihood that the competency of the juvenile to proceed will be restored within the applicable period of time set forth in subdivision (3), subsection (b) of this section; and

(3) The progress made toward the goals and objectives for the restoration of competency identified in the recommendations from the competency evaluation adopted by the court.

(d) The provider responsible for the juvenile's competency attainment services shall report to the court within three judicial days if he or she determines that:

(1) The juvenile is failing to cooperate, and the lack of cooperation is significantly impeding or precluding the attainment of competency; or

(2) The current setting is no longer the least restrictive setting that is consistent with the juvenile's ability to attain competency taking into account public safety and the best interests of the juvenile. The provider shall include in the report an assessment of the danger the juvenile poses to himself, herself or others and an assessment of the appropriateness of the placement.

(e) The provider responsible for the juvenile's competency attainment services shall request a subsequent evaluation when the provider has reason to believe:

(1) The juvenile has achieved the goals of the plan and would be able to understand the nature and objectives of the proceedings against him or her, to assist in his or her defense, and to understand and appreciate the consequences that may be imposed or result from the proceedings with or without reasonable accommodations; and

(2) The juvenile will not achieve the goals of the plan within the applicable period of time pursuant to subdivision (3), subsection (b) of this section.

(f) The evaluator shall assess the observation of the provider and provide a written report to the court within 10 days of receiving a report from the provider pursuant to subsection (e) of this section.

(g) The court shall provide copies of any report made by the provider to the prosecuting attorney, the juvenile's attorney, the juvenile's case worker, and the juvenile's guardian ad litem, if any. The court shall provide copies of any reports made by the provider to the juvenile's parents or legal guardians, unless the court finds that doing so is not in the best interest of the juvenile.

(h) Within 15 judicial days after receiving an evaluator's report, the court may hold a hearing to determine if new, additional, or further orders are necessary.

(i) If the court determines that the juvenile is not making progress toward competency or is so uncooperative that attainment services cannot be effective, the court may order a change in

setting or services that would help the juvenile attain competency within the relevant period of time as set forth in subdivision (3), subsection (b) of this section.

§49-4-734. Disposition alternatives for incompetent juveniles.

(a) If the court determines that the juvenile has attained competency, the court shall proceed with the delinquent juvenile's proceeding in accordance with this article.

(b) After a hearing pursuant to §49-4-732 of this code, if the court determines by the preponderance of the evidence that the juvenile is incompetent to proceed and cannot attain competency within the period of time set forth in §49-4-733(b)(3) of this code, the court may dismiss the petition without prejudice, or may take the following actions or any combination thereof the court determines to be in the juvenile's best interest and the interest of protecting the public:

(1) Refer the matter to the department and request a determination on whether a child abuse or neglect petition, pursuant to §49-4-601 et seq. of this code, should be filed;

(2) Refer the juvenile to the department for services pursuant to §49-4-712 of this code. Services may include, but are not limited to, referral of the juvenile and his or her parents, guardians, or custodians and other family members to services for psychiatric or other medical care, or psychological, welfare, legal, education, or other social services, as appropriate to the needs of the juvenile and his or her family;

(3) Place the juvenile in the custody of his or her parents or other suitable person or private or public institution or agency under terms and conditions as determined to be in the best interests of the juvenile and the public, which conditions may include the provision of out-patient services by any suitable public or private agency; or

(4) Upon motion by the prosecuting attorney, stay the proceeding for no more than 20 days to allow the prosecuting attorney to initiate proceedings for civil commitment pursuant to §27-5-1 et seq. of this code if the juvenile has attained majority.

(c) A circuit court may, sua sponte or upon a motion by any party direct that a dangerous assessment be performed prior to directing the resolutions set forth in subsection (b) of this section.

§49-4-735. Stay of transfer to criminal jurisdiction.

If a juvenile is presumed incompetent under §49-4-727(c) of this code, or if the issue of the juvenile's competency to participate in the proceedings is raised at any time during the proceedings for a juvenile presumed competent under §49-4-727(b) of this code, the procedures outlined in §49-4-727 through §49-4-734 of this code shall be used to determine the juvenile's competency and if appropriate, restore the juvenile's competency regardless of whether the case is to proceed under the court's juvenile jurisdiction or transfer to adult criminal jurisdiction pursuant to §49-4-710 of this code and corresponding Rules of Juvenile Procedure adopted by the Supreme Court of Appeals of West Virginia."

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 560**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Hornbuckle, Linville, Thompson and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 562) passed.

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

Com. Sub. for S. B. 562 – “A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §49-4-727, §49-4-728, §49-4-729, §49-4-730, §49-4-731, §49-4-732, §49-4-733, §49-4-734, and §49-4-735, all relating to juvenile competency proceedings generally; creating a process to raise and resolve questions of a competency in juvenile delinquency matters; prohibiting a juvenile found to be incompetent to stand trial to be placed in Bureau of Juvenile Services facility; defining terms; creating a rebuttable presumption that juveniles 14 years of age and older are competent to proceed; creating a rebuttable presumption that juveniles under 14 years of age are incompetent to proceed; providing all proceedings stayed until competency resolved; requiring the appointment of a guardian ad litem when the issue of a juvenile’s competency is raised or a rebuttable presumption of incompetency exists; establishing qualifications for qualified forensic evaluators; requiring written competency evaluation report; requesting the Supreme Court to establish a training program for guardians ad litem; establishing time frames for jurisdiction and competency attainment services; establishing procedures for competency hearings; and providing disposition alternatives for incompetent juveniles and staying transfer to criminal jurisdiction.”

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

Com. Sub. for S. B. 569, Relating to damages for medical monitoring; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

In the absence of objection, the House proceeded to consideration of the following strike and insert amendment:

Delegate Steele moved to amend the bill on page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-32. Limitations on medical monitoring damages.

(a) In any civil action where a plaintiff who does not allege a present physical injury or disease seeks to recover future medical monitoring costs as damages, a defendant cannot be required to pay as damages or provide any other type of legal, injunctive or equitable relief for a plaintiff’s future medical surveillance, screening tests or monitoring procedures unless the plaintiff proves to a reasonable degree of certainty all of the requirements for the underlying cause of action and that:

(1) He or she has been significantly exposed;

(2) To a proven hazardous substance;

(3) Through the tortious conduct of the defendant;

(4) As a proximate result of the exposure, the plaintiff has suffered a significantly increased risk of contracting a serious latent disease relative to the general population of more than one hundred percent;

(5) The increased risk of disease makes it objectively medically necessary for the plaintiff to undergo periodic diagnostic medical examinations and such periodic diagnostic medical examinations are different from what would be prescribed in the absence of the exposure;

(6) Monitoring procedures exist that make the early detection of a disease possible; and

(7) Early detection is beneficial, meaning that a treatment exists that can significantly decrease the risk of death or the severity of the disease, according to contemporary scientific principles.

(b) A claim under this section may be brought by a Plaintiff after birth based on a prenatal exposure, regardless of whether the prenatal exposure occurred prior to fetal viability, if the Plaintiff otherwise meets the requirements of this section.

(c) In any civil action in which a court orders a defendant to pay for a plaintiff's future medical surveillance, screening tests or monitoring procedures in the absence of a present physical injury or disease, no plaintiff shall be awarded or paid any moneys to cover the cost of his or her future medical surveillance, screening tests or monitoring procedures until such surveillance, tests or monitoring procedures have been completed. With respect to payments for such damages in the future, the court shall order that the liable defendant make periodic payments into a fund established sufficient to timely pay the cost of future medical surveillance, screening tests or monitoring procedures that are required by the judgment of the court. The court shall determine how such fund will be administered. The court shall also determine the date after which such future medical surveillance, screening tests or monitoring procedures are no longer required, and, after that date, any moneys remaining in the fund that are not needed to pay for medical surveillance, screening tests or monitoring procedures completed prior to such termination date shall be repaid to the liable defendant who paid such amounts into the fund. If there are multiple such defendants, then repayments shall be made in proportion to the total contributions of each defendant into the fund.

(d) The damage award authorized by this section is not available in a civil action brought against an employer pursuant to paragraph (B), subdivision (2), subsection (d), section two, article four, chapter twenty-three of this code.

(e) No award of punitive damages shall be made with respect to damages awarded under this section.

(f) It is a defense to the award of damages authorized in this section that the benefits of medically monitoring the exposed population are outweighed by the costs of the monitoring. In making this determination, the finder of fact may consider:

(1) The number of people likely to benefit from the monitoring in relation to the population to be monitored;

(2) Whether early diagnosis of the latent disease is likely to lead to a better treatment outcome;

(3) Whether treatment currently exists for the disease that is the subject of medical monitoring or whether the condition diagnosed is an irreversible and untreatable disease; and

(4) Whether the assets of the defendant are limited such that the available funds should be reserved to compensate those who have or subsequently develop injury.

(g) Notwithstanding any provision of this code to the contrary, the venue for any civil action brought pursuant to the provisions of this section shall lie in the county where the significant exposure allegedly occurred.”

On motion of Delegate Fast, an amendment to the amendment was adopted on page 2, section 32, line 25 following the word “disease”, by striking out the following: “no plaintiff shall be awarded or paid any moneys to cover the cost of his or her future medical surveillance, screening tests or monitoring procedures until such surveillance, tests or monitoring procedures have been completed.”

Delegate J. Kelly requested to be excused from voting under the provisions of House Rule 49.

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

On the adoption of the amendment offered by Delegate Steele, as amended, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 561**), and there were— yeas 50, nays 49, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barnhart, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Ellington, Espinosa, Ferrell, Forsht, Foster, Gearheart, Graves, Hamrick, Hanna, Hardy, Haynes, Higginbotham, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Mandt, Martin, McGeehan, L. Pack, Pinson, Pritt, Queen, Reed, Riley, Rohrbach, Rowan, Storch, Summers, B. Ward, Westfall and Hanshaw (Mr. Speaker).

Absent and Not Voting: J. Pack.

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

Whereupon,

Delegate Fast obtained unanimous consent that the remaining amendments be withdrawn.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 562**), and there were—yeas 38, nays 62, absent and not voting none, with the yeas being as follows:

Yeas: Boggs, Booth, Bridges, Bruce, Capito, Cooper, Ellington, Espinosa, Forsht, Foster, Griffith, Hardy, Holstein, Householder, J. Jeffries, Keaton, Kessinger, Kimes, Longanacre, Mallow, Mazzocchi, McGeehan, Miller, Phillips, Pinson, Pritt, Reed, Reynolds, Smith, Steele, Summers, Sypolt, Toney, Tully, Wamsley, G. Ward, Worrell and Zatezalo.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 569) rejected.

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

Messages from the Senate

A message from the Senate, by

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

H. B. 3300, Relating to reducing personal income tax rates generally.

Delegate Summers moved the House concur in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 11. TAXATION.

ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.

§11-13A-3. Imposition of tax on privilege of severing coal, limestone or sandstone, or furnishing certain health care services, effective dates therefor; reduction of severance rate for coal mined by underground methods based on seam thickness.

(a) Imposition of tax. — Upon every person exercising the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use coal, limestone or sandstone, or in the business of furnishing certain health care services, there is hereby levied and shall be collected from every person exercising such privilege an annual privilege tax.

(b) Rate and measure of tax. —

(1) Subject to the provisions of subsection (h) of this section, the tax imposed in subsection (a) of this section is five percent of the gross value of the natural resource produced or the health care service provided, as shown by the gross income derived from the sale or furnishing thereof by the producer or the provider of the health care service, except as otherwise provided in this article: *Provided*, That effective July 1, 2019, the tax rate imposed by this subsection on the gross value of thermal or steam coal produced shall be reduced incrementally over the next three tax years for a total reduction of two percent by July 1, 2021. That on July 1, 2019, the reduction shall

occur at the rate of 35 percent of the two percent reduction, on July 1, 2020, the reduction shall occur at the rate of 65 percent of the two percent reduction, and on July 1, 2021, at the rate of 100 percent of the two percent reduction. In the case of coal, the rate of tax includes the thirty-five one hundredths of one percent additional severance tax on coal imposed by the state for the benefit of counties and municipalities as provided in §11-13A-6 of this code and the additional severance tax on coal imposed by the state for the benefit of coal-producing counties as provided in §11-13A-6a of this code.

(2) On and after January 1, 2022, and notwithstanding any other provision of this article, or this code, the rate of tax on the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use coal, shall be imposed and paid as follows. In the case of coal, the rate of tax includes the thirty-five one hundredths of one percent additional severance tax on coal imposed by the state for the benefit of counties and municipalities as provided in §11-13A-6 of this code and the additional severance tax on coal imposed by the state for the benefit of coal-producing counties as provided in §11-13A-6a of this code: *Provided*, That effective January 1, 2022, the thirty-five one hundredths of one percent additional severance tax levied pursuant to this section shall be deposited into the fund created pursuant to §11B-2-32 of this code.

(A) For Metallurgical Coal and Coal not elsewhere classified:

<u>When the annualized gross</u>	<u>The rate of tax on the gross value</u>
<u>value of coal per ton is:</u>	<u>of the coal is:</u>
Less than \$65.00	4.0%
\$65.00 to \$114.99	5.0%
\$115.00 to \$134.99	5.5%
\$135.00 to \$164.99	6.0%
\$165.00 to \$199.99	6.5%
\$200 or more	7.0%

(B) For Steam Coal:

<u>When the annualized gross</u>	<u>The rate of tax on the gross value</u>
<u>value of coal per ton is:</u>	<u>of the coal is:</u>
Less than \$35.00.....	2.0%
\$35.00 to \$59.99.....	3.0%
\$60.00 to \$69.99	3.5%
\$70.00 to \$84.99	4.0%
\$85.00 to \$99.99	5.0%

<u>\$100.00 to \$119.99</u>	<u>6.0%</u>
<u>\$120.00 or more.....</u>	<u>7.0%</u>

(C) For coal mined by underground methods from seams with an average thickness of 37 inches to 45 inches:

<u>When the annualized gross</u>	<u>The rate of tax on the gross value</u>
<u>value of coal per ton is:</u>	<u>of the coal is:</u>
<u>Less than \$65.00.....</u>	<u>1.5%</u>
<u>\$65.00 to \$114.99.....</u>	<u>2.0%</u>
<u>\$115.00 to \$134.99.....</u>	<u>2.5%</u>
<u>\$135.00 to \$164.99</u>	<u>3.0%</u>
<u>\$165.00 to \$199.99.....</u>	<u>4.0%</u>
<u>\$200.00 or more</u>	<u>5.0%</u>

(D) For coal mined by underground methods from seams with an average thickness of less than 37 inches:

<u>When the annualized gross</u>	<u>The rate of tax on the gross value</u>
<u>value of coal per ton is:</u>	<u>of the coal is:</u>
<u>Less than \$65.00.....</u>	<u>0.75%</u>
<u>\$65.00 to \$114.99.....</u>	<u>1.0%</u>
<u>\$115.00 to \$134.99</u>	<u>1.5%</u>
<u>\$135.00 to \$164.99</u>	<u>2.0%</u>
<u>\$165.00 to \$199.99.....</u>	<u>3.0%</u>
<u>\$200 or more</u>	<u>4.0%</u>

(c) 'Metallurgical coal' means bituminous coal suitable for the manufacture of coke used or useable for the manufacture of iron or steel, or both.

(d) 'Thermal or steam coal' defined. - For purposes of this section the term 'thermal or steam coal' means coal sold for the purpose of generating electricity.

(d) (e) 'Certain health care services' defined. — For purposes of this section, the term 'certain health care services' means, and is limited to, behavioral health services.

(f) 'Annualized gross value' defined. — For purposes of this section, the term 'annualized gross value' means, and is limited to, the average price of coal for a particular category provided in subdivision (2), subsection (b) of this section for the taxable year of the taxpayer derived by dividing the gross proceeds for the particular category by the amount of tons produced within that category.

~~(e)~~ (g) Tax in addition to other taxes. — The tax imposed by this section applies to all persons severing or processing, or both severing and processing, in this state natural resources enumerated in subsection (a) of this section and to all persons providing certain health care services in this state as enumerated in subsection (d) of this section and shall be in addition to all other taxes imposed by law.

~~(f)~~ (h) Effective date. — This section, as amended in 1993, shall apply to gross proceeds derived after May 31, 1993. The language of this section, as in effect on January 1, 1993, shall apply to gross proceeds derived prior to June 1, 1993 and, with respect to such gross proceeds, shall be fully and completely preserved.

~~(g)~~ (i) Reduction of severance tax rate. — For tax years beginning after the effective date of this subsection, any person exercising the privilege of engaging within this state in the business of severing coal for the purposes provided in subsection (a) of this section shall be allowed a reduced rate of tax on coal mined by underground methods in accordance with the following:

(1) For coal mined by underground methods from seams with an average thickness of 37 inches to 45 inches, the tax imposed in subsection (a) of this section shall be two percent of the gross value of the coal produced. For coal mined by underground methods from seams with an average thickness of less than 37 inches, the tax imposed in subsection (a) of this section shall be one percent of the gross value of the coal produced. Gross value is determined from the sale of the mined coal by the producer. This rate of tax includes the thirty-five one hundredths of one percent additional severance tax imposed by the state for the benefit of counties and municipalities as provided in §11-13A-6 of this code.

(2) This reduced rate of tax applies to any new underground mine producing coal after the effective date of this subsection, from seams of less than 45 inches in average thickness or any existing mine that has not produced coal from seams 45 inches or less in thickness in the 180 days immediately preceding the effective date of this subsection.

(3) The seam thickness shall be based on the weighted average isopach mapping of actual coal thickness by mine as certified by a professional engineer.

~~(h)~~ (j)(1) Termination and expiration of the behavioral health severance and business privilege tax. — The tax imposed upon providers of health care services under the provisions of this article shall expire, terminate and cease to be imposed with respect to privileges exercised on or after July 1, 2016. Expiration of the tax as provided in this subsection does not relieve any person from payment of any tax imposed with respect to privileges exercised before the expiration date.

(2) Refunds made. — The Tax Commissioner shall issue a requisition on the Treasury for any amount finally, administratively or judicially determined to be an overpayment of the tax terminated under this subsection. The Auditor shall issue a warrant on the Treasurer for any refund requisitioned under this subsection payable to the taxpayer entitled to the refund, and the Treasurer shall pay the warrant out of the fund into which the amount refunded was originally paid.

(j) (k) Termination and expiration of the privilege tax on limestone or sandstone. — The taxes imposed under this section for persons exercising the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use limestone or sandstone shall cease, terminate and be of no further force or effect on and after July 1, 2019. Termination of the taxes imposed under this section do not relieve any person of any liability or duty to pay tax imposed under this article with respect to privileges exercised before the effective date of the termination.

§11-13A-3a. Imposition of tax on privilege of severing natural gas or oil Tax Commissioner to develop a uniform reporting form.

(a) *Imposition of tax.* — For the privilege of engaging or continuing within this state in the business of severing natural gas or oil for sale, profit or commercial use, there is levied and shall be collected from every person exercising the privilege an annual privilege tax at the rate and measure provided in subsection (b) of this section: *Provided*, That effective for all taxable periods beginning on or after January 1, 2000, there is an exemption from the imposition of the tax provided in this article on the following: (1) Free natural gas provided to any surface owner; (2) natural gas produced from any well which produced an average of less than 5,000 cubic feet of natural gas per day during the calendar year immediately preceding a given taxable period; (3) oil produced from any oil well which produced an average of less than one-half barrel of oil per day during the calendar year immediately preceding a given taxable period; and (4) for a maximum period of 10 years, all natural gas or oil produced from any well which has not produced marketable quantities of natural gas or oil for five consecutive years immediately preceding the year in which a well is placed back into production and thereafter produces marketable quantities of natural gas or oil.

(b) *Rate and measure of tax.* — The tax imposed in subsection (a) of this section is five percent of the gross value of the natural gas or oil produced by the producer as shown by the gross proceeds derived from the sale thereof by the producer, except as otherwise provided in this article: *Provided*, That effective for taxable periods beginning on or after January 1, 2020:

(1) For all natural gas produced from any well which produced an average in excess of 60,000 cubic feet of natural gas per day during the calendar year immediately preceding a given taxable year, and for oil produced from any well which produced an average in excess of 10 barrels of oil per day, during the calendar year immediately preceding the beginning date of a given taxable year, the rate of tax is five percent of the gross value of the natural gas or oil produced as shown by the gross proceeds derived from the sale thereof by the producer: *Provided*, That beginning on and after January 1, 2022, and notwithstanding any other provision of this article or this code:

(A) All natural gas produced from any well which produced an average in excess of 60,000 cubic feet of natural gas per day, and all natural gas produced from any well utilizing horizontal drilling techniques targeting shale formations which produced an average between 5,000 cubic feet of natural gas per day and 60,000 cubic feet of natural gas per day, during the calendar year immediately preceding a given taxable year, shall be subject to the following rate of tax on the privilege of severing natural gas for sale, profit, or commercial use on wells:

<u>When the annualized gross</u>	<u>The rate of tax on the gross value</u>
<u>value of natural gas per MCF is:</u>	<u>of the natural gas produced is:</u>
Less than \$0.80	4.0%

<u>\$0.80 to \$2.99</u>	<u>5.0%</u>
<u>\$3.00 to \$4.99</u>	<u>6.0%</u>
<u>\$5.00 to \$5.99</u>	<u>6.5%</u>
<u>\$6.00 or more.....</u>	<u>7.0%</u>

(B) All oil produced from any well which produced an average in excess of 10 barrels of oil per day, and all oil produced from any well utilizing horizontal drilling techniques targeting shale formations which produced an average between one-half barrel per day and 10 barrels per day, during the calendar year immediately preceding a given taxable year, shall be subject to the following rate of tax on the privilege of severing oil for sale, profit, or commercial use on wells:

<u>When the annualized gross</u>	<u>The rate of tax on the gross value</u>
<u>value of oil per barrel is:</u>	<u>of the oil produced is:</u>
<u>Less than \$20.00.....</u>	<u>4.0%</u>
<u>\$20.00 to \$69.99.....</u>	<u>5.0%</u>
<u>\$70.00 to \$89.99</u>	<u>6.0%</u>
<u>\$90.00 to \$109.99.....</u>	<u>6.5%</u>
<u>\$110.00 or more.....</u>	<u>7.0%</u>

(2) For all natural gas produced from any well, excluding wells utilizing horizontal drilling techniques targeting shale formations, which produced an average between 5,000 cubic feet of natural gas per day and 60,000 cubic feet of natural gas per day during the calendar year immediately preceding the beginning date of a given taxable year, and for oil produced from any well, excluding wells utilizing horizontal drilling techniques targeting shale formations, which produced an average between one-half barrel per day and 10 barrels per day, during the calendar year immediately preceding the beginning date of a given taxable year, the rate of tax is two and five tenths percent of the gross value of the natural gas or oil produced as shown by the gross proceeds derived from the sale thereof by the producer; and

~~(3) For all natural gas produced from wells utilizing horizontal drilling techniques targeting shale formations, which produced an average between 5,000 cubic feet of natural gas per day and 60,000 cubic feet of natural gas per day during the calendar year immediately preceding the beginning date of a given taxable year, and for oil produced from wells utilizing horizontal drilling techniques targeting shale formations, which produced an average between one-half barrel per day and 10 barrels per day, during the calendar year immediately preceding the beginning date of a given taxable year, the rate of tax is five percent of the gross value of the natural gas or oil produced as shown by the gross proceeds derived from the sale thereof by the producer.~~

(c) *Tax in addition to other taxes.* — The tax imposed by this section applies to all persons severing gas or oil in this state, and is in addition to all other taxes imposed by law.

(d) For purposes of this section, in determining the average amount of production of gas and oil in any given calendar year, a taxpayer must calculate the actual production of such well in the calendar year and divide the same by the number of days the well was in operation and producing gas or oil in such calendar year.

(e) 'Annualized gross value' defined. – For purposes of this section, the term 'annualized gross value' means, and is limited to:

(1) For natural gas, the total gross proceeds for sales of natural gas in the taxable year divided by the number of MCF produced for the taxable year, taking into account all wells from which natural gas was produced.

(2) For oil, the total gross proceeds for sales of oil in the taxable year divided by the number of barrels produced for the taxable year, taking into account all wells from which oil was produced.

~~(e)~~ (f) After the dedication in §11-13A-5a is made, the remaining proceeds collected from the tax imposed at the rate prescribed under subdivision (2), subsection (b) of this section are dedicated to the Oil and Gas Abandoned Well Plugging Fund created under §22-6-29a of this code: *Provided*, That if on June 1, 2023, or on June 1 of any year thereafter, there exists in the Oil and Gas Abandoned Well Plugging Fund an amount equal to or exceeding the sum of \$6 million then the special rate of tax imposed under subdivision (2), subsection (b) of this section is reduced to zero for the taxable year beginning on and after the next succeeding January 1. The Tax Commissioner shall issue an Administrative Notice by July 1 of each year indicating the balance in the fund as of the immediately preceding June 1 and the rate of tax on wells pursuant to this subsection.

(g) Effective January 1, 2022, the additional severance tax levied pursuant to this section over and above the current rate of the severance tax shall be deposited into the fund created pursuant to §11B-2-32 of this code. The tax commission may promulgate procedural rules to effectuate the provisions of this subsection.

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-2. Definitions.

(a) *General.* — When used in this article and article fifteen-a of this chapter, words defined in subsection (b) of this section have the meanings ascribed to them in this section, except in those instances where a different meaning is provided in this article or the context in which the word is used clearly indicates that a different meaning is intended by the Legislature.

(b) *Definitions.* —

(1) 'Business' includes all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect, and all activities of the state and its political subdivisions which involve sales of tangible personal property or the rendering of services when those service activities compete with or may compete with the activities of other persons.

(2) 'Communication' means all telephone, radio, light, light wave, radio telephone, telegraph and other communication or means of communication, whether used for voice communication, computer data transmission or other encoded symbolic information transfers and includes commercial broadcast radio, commercial broadcast television and cable television.

(3) 'Contracting':

(A) *In general.* — 'Contracting' means and includes the furnishing of work, or both materials and work, for another (by a sole contractor, general contractor, prime contractor, subcontractor or construction manager) in fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for removal or demolition of a building or structure, or any part thereof, or for the alteration, improvement or development of real property. Contracting also includes services provided by a construction manager so long as the project for which the construction manager provides the services results in a capital improvement to a building or structure or to real property.

(B) *Form of contract not controlling.* — An activity that falls within the scope of the definition of contracting constitutes contracting regardless of whether the contract governing the activity is written or verbal and regardless of whether it is in substance or form a lump sum contract, a cost-plus contract, a time and materials contract, whether or not open-ended, or any other kind of construction contract.

(C) *Special rules.* — For purposes of this definition:

(i) The term 'structure' includes, but is not limited to, everything built up or composed of parts joined together in some definite manner and attached or affixed to real property or which adds utility to real property or any part thereof or which adds utility to a particular parcel of property and is intended to remain there for an indefinite period of time;

(ii) The term 'alteration' means, and is limited to, alterations which are capital improvements to a building or structure or to real property;

(iii) The term 'repair' means, and is limited to, repairs which are capital improvements to a building or structure or to real property;

(iv) The term 'decoration' means, and is limited to, decorations which are capital improvements to a building or structure or to real property;

(v) The term 'improvement' means, and is limited to, improvements which are capital improvements to a building or structure or to real property;

(vi) The term 'capital improvement' means improvements that are affixed to or attached to and become a part of a building or structure or the real property or which add utility to real property, or any part thereof, and that last or are intended to be relatively permanent. As used herein, 'relatively permanent' means lasting at least a year in duration without the necessity for regularly scheduled recurring service to maintain the capital improvement. 'Regular recurring service' means regularly scheduled service intervals of less than one year;

(vii) Contracting does not include the furnishing of work, or both materials and work, in the nature of hookup, connection, installation or other services if the service is incidental to the retail sale of tangible personal property from the service provider's inventory: *Provided*, That the hookup, connection or installation of the foregoing is incidental to the sale of the same and performed by the seller thereof or performed in accordance with arrangements made by the seller thereof. Examples of transactions that are excluded from the definition of contracting pursuant to this subdivision include, but are not limited to, the sale of wall-to-wall carpeting and the installation of wall-to-wall carpeting, the sale, hookup and connection of mobile homes, window air

conditioning units, dishwashers, clothing washing machines or dryers, other household appliances, drapery rods, window shades, venetian blinds, canvas awnings, free-standing industrial or commercial equipment and other similar items of tangible personal property. Repairs made to the foregoing are within the definition of contracting if the repairs involve permanently affixing to or improving real property or something attached thereto which extends the life of the real property or something affixed thereto or allows or intends to allow the real property or thing permanently attached thereto to remain in service for a year or longer; and

(viii) The term 'construction manager' means a person who enters into an agreement to employ, direct, coordinate or manage design professionals and contractors who are hired and paid directly by the owner or the construction manager. The business activities of a 'construction manager' as defined in this subdivision constitute contracting, so long as the project for which the construction manager provides the services results in a capital improvement to a building or structure or to real property.

(4) 'Directly used or consumed' in the activities of manufacturing, transportation, transmission, communication or the production of natural resources means used or consumed in those activities or operations which constitute an integral and essential part of the activities, as contrasted with and distinguished from those activities or operations which are simply incidental, convenient or remote to the activities.

(A) Uses of property or consumption of services which constitute direct use or consumption in the activities of manufacturing, transportation, transmission, communication or the production of natural resources include only:

(i) In the case of tangible personal property, physical incorporation of property into a finished product resulting from manufacturing production or the production of natural resources;

(ii) Causing a direct physical, chemical or other change upon property undergoing manufacturing production or production of natural resources;

(iii) Transporting or storing property undergoing transportation, communication, transmission, manufacturing production or production of natural resources;

(iv) Measuring or verifying a change in property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(v) Physically controlling or directing the physical movement or operation of property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(vi) Directly and physically recording the flow of property undergoing transportation, communication, transmission, manufacturing production or production of natural resources;

(vii) Producing energy for property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(viii) Facilitating the transmission of gas, water, steam or electricity from the point of their diversion to property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(ix) Controlling or otherwise regulating atmospheric conditions required for transportation, communication, transmission, manufacturing production or production of natural resources;

(x) Serving as an operating supply for property undergoing transmission, manufacturing production or production of natural resources, or for property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(xi) Maintaining or repairing of property, including maintenance equipment, directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(xii) Storing, removal or transportation of economic waste resulting from the activities of manufacturing, transportation, communication, transmission or the production of natural resources;

(xiii) Engaging in pollution control or environmental quality or protection activity directly relating to the activities of manufacturing, transportation, communication, transmission or the production of natural resources and personnel, plant, product or community safety or security activity directly relating to the activities of manufacturing, transportation, communication, transmission or the production of natural resources; or

(xiv) Otherwise using as an integral and essential part of transportation, communication, transmission, manufacturing production or production of natural resources.

(B) Uses of property or services which do not constitute direct use or consumption in the activities of manufacturing, transportation, transmission, communication or the production of natural resources include, but are not limited to:

(i) Heating and illumination of office buildings;

(ii) Janitorial or general cleaning activities;

(iii) Personal comfort of personnel;

(iv) Production planning, scheduling of work or inventory control;

(v) Marketing, general management, supervision, finance, training, accounting and administration; or

(vi) An activity or function incidental or convenient to transportation, communication, transmission, manufacturing production or production of natural resources, rather than an integral and essential part of these activities.

(5) 'Directly used or consumed' in the activities of gas storage, the generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business means used or consumed in those activities or operations which constitute an integral and essential part of those activities or operation, as contrasted with and distinguished from activities or operations which are simply incidental, convenient or remote to those activities.

(A) Uses of property or consumption of services which constitute direct use or consumption in the activities of gas storage, the generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business include only:

(i) Tangible personal property, custom software or services, including equipment, machinery, apparatus, supplies, fuel and power and appliances, which are used immediately in production or generation activities and equipment, machinery, supplies, tools and repair parts used to keep in operation exempt production or generation devices. For purposes of this subsection, production or generation activities shall commence from the intake, receipt or storage of raw materials at the production plant site;

(ii) Tangible personal property, custom software or services, including equipment, machinery, apparatus, supplies, fuel and power, appliances, pipes, wires and mains, which are used immediately in the transmission or distribution of gas, water and electricity to the public, and equipment, machinery, tools, repair parts and supplies used to keep in operation exempt transmission or distribution devices, and these vehicles and their equipment as are specifically designed and equipped for those purposes are exempt from the tax when used to keep a transmission or distribution system in operation or repair. For purposes of this subsection, transmission or distribution activities shall commence from the close of production at a production plant or wellhead when a product is ready for transmission or distribution to the public and shall conclude at the point where the product is received by the public;

(iii) Tangible personal property, custom software or services, including equipment, machinery, apparatus, supplies, fuel and power, appliances, pipes, wires and mains, which are used immediately in the storage of gas or water, and equipment, machinery, tools, supplies and repair parts used to keep in operation exempt storage devices;

(iv) Tangible personal property, custom software or services used immediately in the storage, removal or transportation of economic waste resulting from the activities of gas storage, the generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business;

(v) Tangible personal property, custom software or services used immediately in pollution control or environmental quality or protection activity or community safety or security directly relating to the activities of gas storage, generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business.

(B) Uses of property or services which would not constitute direct use or consumption in the activities of gas storage, generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business include, but are not limited to:

(i) Heating and illumination of office buildings;

(ii) Janitorial or general cleaning activities;

(iii) Personal comfort of personnel;

(iv) Production planning, scheduling of work or inventory control;

(v) Marketing, general management, supervision, finance, training, accounting and administration; or

(vi) An activity or function incidental or convenient to the activities of gas storage, generation or production or sale of electric power, the provision of public utility service or the operation of a utility business.

(6) 'Gas storage' means the injection of gas into a storage reservoir or the storage of gas for any period of time in a storage reservoir or the withdrawal of gas from a storage reservoir engaged in by businesses subject to the business and occupation tax imposed by sections two and two-e, article thirteen of this chapter.

(7) 'Generating or producing or selling of electric power' means the generation, production or sale of electric power engaged in by businesses subject to the business and occupation tax imposed by section two, two-d, two-m or two-n, article thirteen of this chapter.

(8) 'Gross proceeds' means the amount received in money, credits, property or other consideration from sales and services within this state, without deduction on account of the cost of property sold, amounts paid for interest or discounts or other expenses whatsoever. Losses may not be deducted, but any credit or refund made for goods returned may be deducted.

(9) 'Includes' and 'including', when used in a definition contained in this article, does not exclude other things otherwise within the meaning of the term being defined.

(10) 'Manufacturing' means a systematic operation or integrated series of systematic operations engaged in as a business or segment of a business which transforms or converts tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed.

(11) 'Person' means any individual, partnership, association, corporation, limited liability company, limited liability partnership or any other legal entity, including this state or its political subdivisions or an agency of either, or the guardian, trustee, committee, executor or administrator of any person.

(12) 'Personal service' includes those: (A) Compensated by the payment of wages in the ordinary course of employment; and (B) rendered to the person of an individual without, at the same time, selling tangible personal property, such as nursing, barbering, shoe shining, manicuring and similar services.

(13) 'Prepaid wireless calling service' means a telecommunications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services, ~~including the download of digital products delivered electronically,~~ content and ancillary services, which must be paid for in advance that is sold in predetermined units or dollars of which the number decline with use in a known amount: Provided, That, effective January 1, 2022, notwithstanding any provision of this code to the contrary, the download of all digital products delivered electronically shall be taxable.

(14) Production of natural resources.

(A) 'Production of natural resources' means, except for oil and gas, the performance, by either the owner of the natural resources or another, of the act or process of exploring, developing, severing, extracting, reducing to possession and loading for shipment and shipment for sale, profit or commercial use of any natural resource products and any reclamation, waste disposal or environmental activities associated therewith and the construction, installation or fabrication of

ventilation structures, mine shafts, slopes, boreholes, dewatering structures, including associated facilities and apparatus, by the producer or others, including contractors and subcontractors, at a coal mine or coal production facility.

(B) For the natural resources oil and gas, 'production of natural resources' means the performance, by either the owner of the natural resources, a contractor or a subcontractor, of the act or process of exploring, developing, drilling, well-stimulation activities such as logging, perforating or fracturing, well-completion activities such as the installation of the casing, tubing and other machinery and equipment and any reclamation, waste disposal or environmental activities associated therewith, including the installation of the gathering system or other pipeline to transport the oil and gas produced or environmental activities associated therewith and any service work performed on the well or well site after production of the well has initially commenced.

(C) All work performed to install or maintain facilities up to the point of sale for severance tax purposes is included in the 'production of natural resources' and subject to the direct use concept.

(D) 'Production of natural resources' does not include the performance or furnishing of work, or materials or work, in fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property, by persons other than those otherwise directly engaged in the activities specifically set forth in this subdivision as 'production of natural resources'.

(15) 'Providing a public service or the operating of a utility business' means the providing of a public service or the operating of a utility by businesses subject to the business and occupation tax imposed by sections two and two-d, article thirteen of this chapter.

(16) 'Purchaser' means a person who purchases tangible personal property, custom software or a service taxed by this article.

(17) 'Sale', 'sales' or 'selling' includes any transfer of the possession or ownership of tangible personal property or custom software for a consideration, including a lease or rental, when the transfer or delivery is made in the ordinary course of the transferor's business and is made to the transferee or his or her agent for consumption or use or any other purpose. 'Sale' also includes the furnishing of a service for consideration. Notwithstanding anything to the contrary in this code, effective after June 30, 2008, 'sale' also includes the furnishing of prepaid wireless calling service for consideration.

(18) 'Service' or 'selected service' includes all nonprofessional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible personal property or custom software, but does not include contracting, personal services or the services rendered by an employee to his or her employer or any service rendered for resale: *Provided*, That the term 'service' or 'selected service' does not include payments received by a vendor of tangible personal property as an incentive to sell a greater volume of such tangible personal property under a manufacturer's, distributor's or other third party's marketing support program, sales incentive program, cooperative advertising agreement or similar type of program or agreement, and these payments are not considered to be payments for a 'service' or 'selected service' rendered, even though the vendor may engage in attendant or ancillary activities associated with the sales of tangible personal property as required under the programs or agreements.

(19) 'Streamlined Sales and Use Tax Agreement' or 'agreement', when used in this article, has the same meaning as when used in article fifteen-b of this chapter, except when the context in which the word 'agreement' is used clearly indicates that a different meaning is intended by the Legislature.

(20) 'Tax' includes all taxes, additions to tax, interest and penalties levied under this article or article ten of this chapter.

(21) 'Tax Commissioner' means the State Tax Commissioner or his or her delegate. The term 'delegate' in the phrase 'or his or her delegate', when used in reference to the Tax Commissioner, means any officer or employee of the state Tax ~~Division~~ Department duly authorized by the Tax Commissioner directly, or indirectly by one or more redelegations of authority, to perform the functions mentioned or described in this article or rules promulgated for this article.

(22) 'Taxpayer' means any person liable for the tax imposed by this article or additions to tax, penalties and interest imposed by article ten of this chapter.

(23) 'Transmission' means the act or process of causing liquid, natural gas or electricity to pass or be conveyed from one place or geographical location to another place or geographical location through a pipeline or other medium for commercial purposes.

(24) 'Transportation' means the act or process of conveying, as a commercial enterprise, passengers or goods from one place or geographical location to another place or geographical location.

(25) 'Ultimate consumer' or 'consumer' means a person who uses or consumes services or personal property.

(26) 'Vendor' means any person engaged in this state in furnishing services taxed by this article or making sales of tangible personal property or custom software. 'Vendor' and 'seller' are used interchangeably in this article.

(c) *Additional definitions.* — Other terms used in this article are defined in article fifteen-b of this chapter, which definitions are incorporated by reference into article fifteen of this chapter. Additionally, other sections of this article may define terms primarily used in the section in which the term is defined.

§11-15-3. Amount of tax; allocation of tax and transfers.

(a) *Vendor to collect.* — For the privilege of selling tangible personal property or custom software and for the privilege of furnishing certain selected services defined in sections two and eight of this article, the vendor shall collect from the purchaser the tax as provided under this article and article fifteen-b of this chapter, and shall pay the amount of tax to the Tax Commissioner in accordance with the provisions of this article or article fifteen-b of this chapter.

(b) *Amount of tax.* — The general consumer sales and service tax imposed by this article shall be at the rate of 6¢ on the dollar of sales or services, excluding gasoline and special fuel sales, which remain taxable at the rate of 5¢ on the dollar of sales.

(c) *Calculation tax on fractional parts of a dollar until January 1, 2004.* — There shall be no tax on sales where the monetary consideration is 5¢ or less. The amount of the tax shall be computed as follows:

- (1) On each sale, where the monetary consideration is from 6¢ to 16¢, both inclusive, 1¢.
- (2) On each sale, where the monetary consideration is from 17¢ to 33¢, both inclusive, 2¢.
- (3) On each sale, where the monetary consideration is from 34¢ to 50¢, both inclusive, 3¢.
- (4) On each sale, where the monetary consideration is from 51¢ to 67¢, both inclusive, 4¢.
- (5) On each sale, where the monetary consideration is from 68¢ to 84¢, both inclusive, 5¢.
- (6) On each sale, where the monetary consideration is from 85¢ to \$1, both inclusive, 6¢.

(7) If the sale price is in excess of \$1, 6¢ on each whole dollar of sale price, and upon any fractional part of a dollar in excess of whole dollars as follows: 1¢ on the fractional part of the dollar if less than 17¢; 2¢ on the fractional part of the dollar if in excess of 16¢ but less than 34¢; 3¢ on the fractional part of the dollar if in excess of 33¢ but less than 51¢; 4¢ on the fractional part of the dollar if in excess of 50¢ but less than 68¢; 5¢ on the fractional part of the dollar if in excess of 67¢ but less than 85¢; and 6¢ on the fractional part of the dollar if in excess of 84¢. For example, the tax on sales from \$1.01 to \$1.16, both inclusive, 7¢; on sales from \$1.17 to \$1.33, both inclusive, 8¢; on sales from \$1.34 to \$1.50, both inclusive, 9¢; on sales from \$1.51 to \$1.67, both inclusive, 10¢; on sales from \$1.68 to \$1.84, both inclusive, 11¢ and on sales from \$1.85 to \$2, both inclusive, 12¢: *Provided*, That beginning January 1, 2004, tax due under this article shall be calculated as provided in subsection (d) of this subsection and this subsection (c) does not apply to sales made after December 31, 2003.

(d) *Calculation of tax on fractional parts of a dollar after December 31, 2003.* — Beginning January 1, 2004, the tax computation under subsection (b) of this section shall be carried to the third decimal place, and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The vendor may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period.

(e) *No aggregation of separate sales transactions, exception for coin-operated devices.* — Separate sales, such as daily or weekly deliveries, shall not be aggregated for the purpose of computation of the tax even though the sales are aggregated in the billing or payment therefor. Notwithstanding any other provision of this article, coin-operated amusement and vending machine sales shall be aggregated for the purpose of computation of this tax.

(f) *Rate of tax on certain mobile homes.* — Notwithstanding any provision of this article to the contrary, after December 31, 2003, the tax levied on sales of mobile homes to be used by the owner thereof as his or her principal year-round residence and dwelling shall be an amount equal to six percent of fifty percent of the sales price.

(g) *Construction; custom software.* — After December 31, 2003, whenever the words ‘tangible personal property’ or ‘property’ appear in this article, the same shall also include the words ‘custom software’.

(h) *Computation of tax on sales of gasoline and special fuel.* — The method of computation of tax provided in this section does not apply to sales of gasoline and special fuel.

(i) Calculation of tax after January 1, 2022 - After January 1, 2022, the general consumer sales and service tax imposed by this article shall be at the rate of 8¢ on the dollar of sales or services, excluding gasoline and special fuel sales.

§11-15-3b. Exceptions to reduced rate of tax on food and food ingredients intended for human consumption; increased rate of taxation after January 1, 2022.

The reduced rate of tax provided on food and food ingredients intended for human consumption provided in section three-a of this article shall not apply to sales, purchases and uses by consumers of 'prepared food', as defined in ~~article fifteen-b of this chapter §11-15b-1 et seq. of this code, which shall remain taxable at the general rate of tax specified in section three of this article and section two, article fifteen-a of this chapter §11-15-3 and §11-15b-2 of this code:~~ article §11-15-3-a of this code shall not apply to sales, purchases and uses by consumers of 'prepared food', 'food sold through vending machines' and 'soft drinks' as defined in ~~article fifteen-b of this chapter §11-15b-1 et seq. of this code, which shall be taxed at the general rate of tax specified in section three of this article and section two, article fifteen-a of this chapter §11-15-3 and §11-15b-2 of this code:~~ article §11-15-3 and §11-15b-2 of this code: Provided, however, That effective January 1, 2022, the rate of tax specified in §11-15-3 and §11-15b-2 of this code shall not apply to sales, purchases and uses by consumers of 'prepared food', 'food sold through vending machines' and 'soft drinks' as defined §11-15b-1 et seq. of this code, those sales, purchases and uses by consumers shall be taxed at the rate of 8¢ per dollar.

§11-15-8. Furnishing of services included; exceptions.

(a) The provisions of this article apply not only to selling tangible personal property and custom software, but also to the furnishing of all services, except professional and personal services except as otherwise provided in this article, and except those services furnished by businesses subject to the control of the Public Service Commission when the service or the manner in which it is delivered is subject to regulation by the Public Service Commission.

(b) Notwithstanding any provision of this code to the contrary, on and after January 1, 2022, the sales of professional accounting services, sales of professional legal services, sales of professional engineering services, and sales of professional architect services shall be subject to a three percent excise tax: Provided, That notwithstanding any provision of this code to the contrary, any amount over \$1000 derived through the performance of legal services provided on a contingency fee basis that result in a legal settlement shall have an excise tax imposed on it at the rate of 8 percent of the amount derived.

(c) The proceeds from the additional tax on legal services provided on a contingency basis shall be deposited in the Stabilization and Future Economic Reform Fund as set forth in §11B-2-32 of this code.

§11-15-9. Exemptions.

(a) *Exemptions for which exemption certificate may be issued.* — A person having a right or claim to any exemption set forth in this subsection may, in lieu of paying the tax imposed by this article and filing a claim for refund, execute a certificate of exemption, in the form required by the

Tax Commissioner, and deliver it to the vendor of the property or service in the manner required by the Tax Commissioner. However, the Tax Commissioner may, by rule, specify those exemptions authorized in this subsection for which exemption certificates are not required. The following sales of tangible personal property and services are exempt as provided in this subsection:

(1) Sales of gas, steam, and water delivered to consumers through mains or pipes and sales of electricity;

(2) Sales of textbooks required to be used in any of the schools of this state or in any institution in this state which qualifies as a nonprofit or educational institution subject to the West Virginia Department of Education and the Arts, the Higher Education Policy Commission, or the Council for Community and Technical College Education for universities and colleges located in this state;

(3) Sales of property or services to this state, its institutions or subdivisions, governmental units, institutions, or subdivisions of other states: *Provided*, That the law of the other state provides the same exemption to governmental units or subdivisions of this state and to the United States, including agencies of federal, state, or local governments for distribution in public welfare or relief work;

(4) Sales of vehicles which are titled by the Division of Motor Vehicles and which are subject to the tax imposed by §11-15-3c of this code or like tax;

(5) Sales of property or services to churches which make no charge whatsoever for the services they render: *Provided*, That the exemption granted in this subdivision applies only to services, equipment, supplies, food for meals, and materials directly used or consumed by these organizations and does not apply to purchases of gasoline or special fuel;

(6) Sales of tangible personal property or services to a corporation or organization which has a current registration certificate issued under §11-12-1 *et seq.* of this code, which is exempt from federal income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, and which is:

(A) A church or a convention or association of churches as defined in Section 170 of the Internal Revenue Code of 1986, as amended;

(B) An elementary or secondary school which maintains a regular faculty and curriculum and has a regularly enrolled body of pupils or students in attendance at the place in this state where its educational activities are regularly carried on;

(C) A corporation or organization which annually receives more than one half of its support from any combination of gifts, grants, direct or indirect charitable contributions, or membership fees;

(D) An organization which has no paid employees and its gross income from fundraisers, less reasonable and necessary expenses incurred to raise the gross income (or the tangible personal property or services purchased with the net income), is donated to an organization which is exempt from income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended;

(E) A youth organization, such as the Girl Scouts of the United States of America, the Boy Scouts of America, or the YMCA Indian Guide/Princess Program and the local affiliates thereof, which is organized and operated exclusively for charitable purposes and has as its primary purpose the nonsectarian character development and citizenship training of its members;

(F) For purposes of this subsection:

(i) The term 'support' includes, but is not limited to:

(I) Gifts, grants, contributions, or membership fees;

(II) Gross receipts from fundraisers which include receipts from admissions, sales of merchandise, performance of services, or furnishing of facilities in any activity which is not an unrelated trade or business within the meaning of Section 513 of the Internal Revenue Code of 1986, as amended;

(III) Net income from unrelated business activities, whether or not the activities are carried on regularly as a trade or business;

(IV) Gross investment income as defined in Section 509(e) of the Internal Revenue Code of 1986, as amended;

(V) Tax revenues levied for the benefit of a corporation or organization either paid to or expended on behalf of the organization; and

(VI) The value of services or facilities (exclusive of services or facilities generally furnished to the public without charge) furnished by a governmental unit referred to in Section 170(c)(1) of the Internal Revenue Code of 1986, as amended, to an organization without charge. This term does not include any gain from the sale or other disposition of property which would be considered as gain from the sale or exchange of a capital asset or the value of an exemption from any federal, state, or local tax or any similar benefit;

(ii) The term 'charitable contribution' means a contribution or gift to or for the use of a corporation or organization, described in Section 170(c)(2) of the Internal Revenue Code of 1986, as amended; and

(iii) The term 'membership fee' does not include any amounts paid for tangible personal property or specific services rendered to members by the corporation or organization;

(G) The exemption allowed by this subdivision does not apply to sales of gasoline or special fuel or to sales of tangible personal property or services to be used or consumed in the generation of unrelated business income as defined in Section 513 of the Internal Revenue Code of 1986, as amended. The exemption granted in this subdivision applies only to services, equipment, supplies, and materials used or consumed in the activities for which the organizations qualify as tax-exempt organizations under the Internal Revenue Code and does not apply to purchases of gasoline or special fuel which are taxable as provided in §11-14C-1 *et seq.* of this code;

(7) An isolated transaction in which any taxable service or any tangible personal property is sold, transferred, offered for sale, or delivered by the owner of the property or by his or her representative for the owner's account, the sale, transfer, offer for sale, or delivery not being made in the ordinary course of repeated and successive transactions of like character by the owner or

on his or her account by the representative: *Provided*, That nothing contained in this subdivision may be construed to prevent an owner who sells, transfers, or offers for sale tangible personal property in an isolated transaction through an auctioneer from availing himself or herself of the exemption provided in this subdivision, regardless of where the isolated sale takes place. The Tax Commissioner may propose a legislative rule for promulgation pursuant to §29A-3-1 *et seq.* of this code which he or she considers necessary for the efficient administration of this exemption;

(8) Sales of tangible personal property or of any taxable services rendered for use or consumption in connection with the commercial production of an agricultural product the ultimate sale of which is subject to the tax imposed by this article or which would have been subject to tax under this article: *Provided*, That sales of tangible personal property and services to be used or consumed in the construction of or permanent improvement to real property and sales of gasoline and special fuel are not exempt: *Provided, however*, That nails and fencing may not be considered as improvements to real property;

(9) Sales of tangible personal property to a person for the purpose of resale in the form of tangible personal property: *Provided*, That sales of gasoline and special fuel by distributors and importers is taxable except when the sale is to another distributor for resale: *Provided, however*, That sales of building materials or building supplies or other property to any person engaging in the activity of contracting, as defined in this article, which is to be installed in, affixed to or incorporated by that person or his or her agent into any real property, building, or structure is not exempt under this subdivision;

(10) Sales of newspapers when delivered to consumers by route carriers;

(11) Sales of drugs, durable medical goods, mobility-enhancing equipment and prosthetic devices dispensed upon prescription and sales of insulin to consumers for medical purposes;

~~(12) Sales of radio and television broadcasting time, preprinted advertising circulars and newspaper, and outdoor advertising space for the advertisement of goods or services;~~

~~(13)~~ (12) Sales and services performed by day care centers;

~~(14)~~ (13) Casual and occasional sales of property or services not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of like character by a corporation or organization which is exempt from tax under subdivision (6) of this subsection on its purchases of tangible personal property or services. For purposes of this subdivision, the term 'casual and occasional sales not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of like character' means sales of tangible personal property or services at fundraisers sponsored by a corporation or organization which is exempt, under subdivision (6) of this subsection, from payment of the tax imposed by this article on its purchases when the fundraisers are of limited duration and are held no more than six times during any 12-month period and 'limited duration' means no more than 84 consecutive hours: *Provided*, That sales for volunteer fire departments and volunteer school support groups, with duration of events being no more than 84 consecutive hours at a time, which are held no more than 18 times in a 12-month period for the purposes of this subdivision are considered 'casual and occasional sales not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of a like character';

~~(15)~~ (14) Sales of property or services to a school which has approval from the Higher Education Policy Commission or the Council for Community and Technical College Education to

award degrees, which has its principal campus in this state and which is exempt from federal and state income taxes under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended: *Provided*, That sales of gasoline and special fuel are taxable as provided in §11-15-18, §11-15-18b, and §11-14C-1 *et seq.* of this code;

~~(16)~~ (15) Sales of lottery tickets and materials by licensed lottery sales agents and lottery retailers authorized by the State Lottery Commission, under the provisions of §29-22-1 *et seq.* of this code;

~~(17)~~ (16) Leases of motor vehicles titled pursuant to the provisions of §17A-3-1 *et seq.* of this code to lessees for a period of 30 or more consecutive days;

~~(18)~~ (17) Notwithstanding the provisions of §11-15-18 or §11-15-18b of this code or any other provision of this article to the contrary, sales of propane to consumers for poultry house heating purposes, with any seller to the consumer who may have prior paid the tax in his or her price, to not pass on the same to the consumer, but to make application and receive refund of the tax from the Tax Commissioner pursuant to rules which are promulgated after being proposed for legislative approval in accordance with chapter 29A of this code by the Tax Commissioner;

~~(19)~~ (18) Any sales of tangible personal property or services purchased and lawfully paid for with food stamps pursuant to the federal food stamp program codified in 7 U. S. C. §2011, *et seq.*, as amended, or with drafts issued through the West Virginia special supplement food program for women, infants, and children codified in 42 U. S. C. §1786;

~~(20)~~ (19) Sales of tickets for activities sponsored by elementary and secondary schools located within this state;

~~(21)~~ Sales of electronic data processing services and related software: *Provided*, That, for the purposes of this subdivision, 'electronic data processing services' means:

~~(A) The processing of another's data, including all processes incident to processing of data such as keypunching, keystroke verification, rearranging, or sorting of previously documented data for the purpose of data entry or automatic processing and changing the medium on which data is sorted, whether these processes are done by the same person or several persons; and~~

~~(B) Providing access to computer equipment for the purpose of processing data or examining or acquiring data stored in or accessible to the computer equipment;~~

~~(22)~~ (20) Tuition charged for attending educational summer camps;

~~(23)~~ (21) Dispensing of services performed by one corporation, partnership, or limited liability company for another corporation, partnership, or limited liability company when the entities are members of the same controlled group or are related taxpayers as defined in Section 267 of the Internal Revenue Code. 'Control' means ownership, directly or indirectly, of stock, equity interests, or membership interests possessing 50 percent or more of the total combined voting power of all classes of the stock of a corporation, equity interests of a partnership or membership interests of a limited liability company entitled to vote or ownership, directly or indirectly, of stock, equity interests or membership interests possessing 50 percent or more of the value of the corporation, partnership, or limited liability company;

~~(24)~~ (22) Food for the following are exempt:

(A) Food purchased or sold by a public or private school, school-sponsored student organizations, or school-sponsored parent-teacher associations to students enrolled in the school or to employees of the school during normal school hours; but not those sales of food made to the general public;

(B) Food purchased or sold by a public or private college or university or by a student organization officially recognized by the college or university to students enrolled at the college or university when the sales are made on a contract basis so that a fixed price is paid for consumption of food products for a specific period of time without respect to the amount of food product actually consumed by the particular individual contracting for the sale and no money is paid at the time the food product is served or consumed;

(C) Food purchased or sold by a charitable or private nonprofit organization, a nonprofit organization, or a governmental agency under a program to provide food to low-income persons at or below cost;

(D) Food sold by a charitable or private nonprofit organization, a nonprofit organization, or a governmental agency under a program operating in West Virginia for a minimum of five years to provide food at or below cost to individuals who perform a minimum of two hours of community service for each unit of food purchased from the organization;

(E) Food sold in an occasional sale by a charitable or nonprofit organization, including volunteer fire departments and rescue squads, if the purpose of the sale is to obtain revenue for the functions and activities of the organization and the revenue obtained is actually expended for that purpose;

(F) Food sold by any religious organization at a social or other gathering conducted by it or under its auspices, if the purpose in selling the food is to obtain revenue for the functions and activities of the organization and the revenue obtained from selling the food is actually used in carrying out those functions and activities: *Provided*, That purchases made by the organizations are not exempt as a purchase for resale; or

(G) Food sold by volunteer fire departments and rescue squads that are exempt from federal income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, when the purpose of the sale is to obtain revenue for the functions and activities of the organization and the revenue obtained is exempt from federal income tax and actually expended for that purpose;

~~(25)~~ (23) Sales of food by little leagues, midget football leagues, youth football or soccer leagues, band boosters, or other school, or athletic booster organizations supporting activities for grades kindergarten through 12 and similar types of organizations, including scouting groups and church youth groups, if the purpose in selling the food is to obtain revenue for the functions and activities of the organization and the revenues obtained from selling the food is actually used in supporting or carrying on functions and activities of the groups: *Provided*, That the purchases made by the organizations are not exempt as a purchase for resale;

~~(26)~~ (24) Charges for room and meals by fraternities and sororities to their members: *Provided*, That the purchases made by a fraternity or sorority are not exempt as a purchase for resale;

~~(27)~~ (25) Sales of or charges for the transportation of passengers in interstate commerce;

~~(28)~~ (26) Sales of tangible personal property or services to any person which this state is prohibited from taxing under the laws of the United States or under the Constitution of this state;

~~(29)~~ (27) Sales of tangible personal property or services to any person who claims exemption from the tax imposed by this article or §11-15A-1 *et seq.* of this code, or pursuant to the provision of any other chapter of this code;

~~(30)~~ (28) Charges for the services of opening and closing a burial lot;

~~(31)~~ (29) Sales of livestock, poultry, or other farm products in their original state by the producer of the livestock, poultry, or other farm products or a member of the producer's immediate family who is not otherwise engaged in making retail sales of tangible personal property; and sales of livestock sold at public sales sponsored by breeders or registry associations or livestock auction markets: *Provided*, That the exemptions allowed by this subdivision may be claimed without presenting or obtaining exemption certificates provided the farmer maintains adequate records;

~~(32)~~ (30) Sales of motion picture films to motion picture exhibitors for exhibition if the sale of tickets or the charge for admission to the exhibition of the film is subject to the tax imposed by this article and sales of coin-operated video arcade machines or video arcade games to a person engaged in the business of providing the machines to the public for a charge upon which the tax imposed by this article is remitted to the Tax Commissioner: *Provided*, That the exemption provided in this subdivision may be claimed by presenting to the seller a properly executed exemption certificate;

~~(33)~~ (31) Sales of aircraft repair, remodeling, and maintenance services when the services are to an aircraft operated by a certified or licensed carrier of persons or property, or by a governmental entity, or to an engine or other component part of an aircraft operated by a certificated or licensed carrier of persons or property, or by a governmental entity and sales of tangible personal property that is permanently affixed or permanently attached as a component part of an aircraft owned or operated by a certificated or licensed carrier of persons or property, or by a governmental entity, as part of the repair, remodeling, or maintenance service and sales of machinery, tools, or equipment directly used or consumed exclusively in the repair, remodeling, or maintenance of aircraft, aircraft engines, or aircraft component parts for a certificated or licensed carrier of persons or property or for a governmental entity;

~~(34)~~ ~~Charges for memberships or services provided by health and fitness organizations relating to personalized fitness programs;~~

~~(35)~~ (32) Sales of services by individuals who babysit for a profit: *Provided*, That the gross receipts of the individual from the performance of baby-sitting services do not exceed \$5,000 in a taxable year;

~~(36)~~ (33) Sales of services by public libraries or by libraries at academic institutions or by libraries at institutions of higher learning;

~~(37)~~ (34) Commissions received by a manufacturer's representative;

~~(38)~~ (35) Sales of primary opinion research services when:

(A) The services are provided to an out-of-state client;

(B) The results of the service activities, including, but not limited to, reports, lists of focus group recruits and compilation of data are transferred to the client across state lines by mail, wire, or other means of interstate commerce, for use by the client outside the state of West Virginia; and

(C) The transfer of the results of the service activities is an indispensable part of the overall service.

For the purpose of this subdivision, the term 'primary opinion research' means original research in the form of telephone surveys, mall intercept surveys, focus group research, direct mail surveys, personal interviews, and other data collection methods commonly used for quantitative and qualitative opinion research studies;

~~(39)~~ (36) Sales of property or services to persons within the state when those sales are for the purposes of the production of value-added products: *Provided*, That the exemption granted in this subdivision applies only to services, equipment, supplies, and materials directly used or consumed by those persons engaged solely in the production of value-added products: *Provided, however*, That this exemption may not be claimed by any one purchaser for more than five consecutive years, except as otherwise permitted in this section.

For the purpose of this subdivision, the term 'value-added product' means the following products derived from processing a raw agricultural product, whether for human consumption or for other use. For purposes of this subdivision, the following enterprises qualify as processing raw agricultural products into value-added products: Those engaged in the conversion of:

- (A) Lumber into furniture, toys, collectibles, and home furnishings;
- (B) Fruits into wine;
- (C) Honey into wine;
- (D) Wool into fabric;
- (E) Raw hides into semi-finished or finished leather products;
- (F) Milk into cheese;
- (G) Fruits or vegetables into a dried, canned, or frozen product;
- (H) Feeder cattle into commonly accepted slaughter weights;
- (I) Aquatic animals into a dried, canned, cooked, or frozen product; and
- (J) Poultry into a dried, canned, cooked, or frozen product;

~~(40)~~ (37) Sales of music instructional services by a music teacher and artistic services or artistic performances of an entertainer or performing artist pursuant to a contract with the owner or operator of a retail establishment, restaurant, inn, bar, tavern, sports or other entertainment facility, or any other business location in this state in which the public or a limited portion of the public may assemble to hear or see musical works or other artistic works be performed for the enjoyment of the members of the public there assembled when the amount paid by the owner or operator for the artistic service or artistic performance does not exceed \$3,000: *Provided*, That

nothing contained herein may be construed to deprive private social gatherings, weddings, or other private parties from asserting the exemption set forth in this subdivision. For the purposes of this exemption, artistic performance or artistic service means and is limited to the conscious use of creative power, imagination, and skill in the creation of aesthetic experience for an audience present and in attendance and includes, and is limited to, stage plays, musical performances, poetry recitations and other readings, dance presentation, circuses and similar presentations, and does not include the showing of any film or moving picture, gallery presentations of sculptural or pictorial art, nude or strip show presentations, video games, video arcades, carnival rides, radio or television shows, or any video or audio taped presentations, or the sale or leasing of video or audio tapes, air shows, or any other public meeting, display or show other than those specified herein: *Provided, however*, That nothing contained herein may be construed to exempt the sales of tickets from the tax imposed in this article. The State Tax Commissioner shall propose a legislative rule pursuant to §29A-3-1 *et seq.* of this code establishing definitions and eligibility criteria for asserting this exemption which is not inconsistent with the provisions set forth herein: *Provided further*, That nude dancers or strippers may not be considered as entertainers for the purposes of this exemption;

~~(44)~~ (38) Charges to a member by a membership association or organization which is exempt from paying federal income taxes under Section 501(c)(3) or (c)(6) of the Internal Revenue Code of 1986, as amended, for membership in the association or organization, including charges to members for newsletters prepared by the association or organization for distribution primarily to its members, charges to members for continuing education seminars, workshops, conventions, lectures, or courses put on or sponsored by the association or organization, including charges for related course materials prepared by the association or organization or by the speaker or speakers for use during the continuing education seminar, workshop, convention, lecture, or course, but not including any separate charge or separately stated charge for meals, lodging, entertainment, or transportation taxable under this article: *Provided*, That the association or organization pays the tax imposed by this article on its purchases of meals, lodging, entertainment, or transportation taxable under this article for which a separate or separately stated charge is not made. A membership association or organization which is exempt from paying federal income taxes under Section 501(c)(3) or (c)(6) of the Internal Revenue Code of 1986, as amended, may elect to pay the tax imposed under this article on the purchases for which a separate charge or separately stated charge could apply and not charge its members the tax imposed by this article or the association or organization may avail itself of the exemption set forth in subdivision (9) of this subsection relating to purchases of tangible personal property for resale and then collect the tax imposed by this article on those items from its member;

~~(42)~~ (39) Sales of governmental services or governmental materials by county assessors, county sheriffs, county clerks, or circuit clerks in the normal course of local government operations;

~~(43)~~ (40) Direct or subscription sales by the Division of Natural Resources of the magazine currently entitled Wonderful West Virginia and by the Division of Culture and History of the magazine currently entitled Goldenseal and the journal currently entitled West Virginia History;

~~(44)~~ (41) Sales of soap to be used at car wash facilities;

~~(45)~~ (42) Commissions received by a travel agency from an out-of-state vendor;

~~(46)~~ (43) The service of providing technical evaluations for compliance with federal and state environmental standards provided by environmental and industrial consultants who have formal

certification through the West Virginia Department of Environmental Protection or the West Virginia Bureau for Public Health, or both. For purposes of this exemption, the service of providing technical evaluations for compliance with federal and state environmental standards includes those costs of tangible personal property directly used in providing such services that are separately billed to the purchaser of such services and on which the tax imposed by this article has previously been paid by the service provider;

~~(47)~~ (44) Sales of tangible personal property and services by volunteer fire departments and rescue squads that are exempt from federal income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, if the sole purpose of the sale is to obtain revenue for the functions and activities of the organization and the revenue obtained is exempt from federal income tax and actually expended for that purpose;

~~(48)~~ (45) Lodging franchise fees, including royalties, marketing fees, reservation system fees, or other fees assessed that have been or may be imposed by a lodging franchiser as a condition of the franchise agreement;

~~(49)~~ (46) Sales of the regulation size United States flag and the regulation size West Virginia flag for display; and

~~(50)~~ (47) Sales of an aircraft sold in this state on or after July 1, 2020, as evidenced by a Federal Aviation Administration Bill of Sale AC Form 8050-2 and registered outside of this state as evidenced by Federal Aviation Administration Aircraft Registration AC Form 8050-1 shall be exempt, so long as the aircraft is removed from this state within 60 days of the date of purchase on the bill of sale. The time between the date of purchase and the removal of the aircraft shall not be counted for purposes of determining whether the aircraft is subject to use tax.

(b) *Refundable exemptions.* — Any person having a right or claim to any exemption set forth in this subsection shall first pay to the vendor the tax imposed by this article and then apply to the Tax Commissioner for a refund or credit, or as provided in §11-15-9d of this code give to the vendor his or her West Virginia direct pay permit number. The following sales of tangible personal property and services are exempt from tax as provided in this subsection:

(1) Sales of property or services to bona fide charitable organizations who make no charge whatsoever for the services they render: *Provided*, That the exemption granted in this subdivision applies only to services, equipment, supplies, food, meals, and materials directly used or consumed by these organizations and does not apply to purchases of gasoline or special fuel;

(2) Sales of services, machinery, supplies, and materials directly used or consumed in the activities of manufacturing, transportation, transmission, communication, production of natural resources, gas storage, generation, or production or selling electric power, provision of a public utility service or the operation of a utility service or the operation of a utility business, in the businesses or organizations named in this subdivision and does not apply to purchases of gasoline or special fuel;

(3) Sales of property or services to nationally chartered fraternal or social organizations for the sole purpose of free distribution in public welfare or relief work: *Provided*, That sales of gasoline and special fuel are taxable;

(4) Sales and services, firefighting or station house equipment, including construction and automotive, made to any volunteer fire department organized and incorporated under the laws of the State of West Virginia: *Provided*, That sales of gasoline and special fuel are taxable; and

(5) Sales of building materials or building supplies or other property to an organization qualified under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, which are to be installed in, affixed to, or incorporated by, the organization or its agent into real property or into a building or structure which is or will be used as permanent low-income housing, transitional housing, an emergency homeless shelter, a domestic violence shelter, or an emergency children and youth shelter if the shelter is owned, managed, developed, or operated by an organization qualified under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended.

(c) *Effective date.* – The amendments to this section in 2018 shall take effect beginning July 1, 2018, and apply to former sales made on and after that date: *Provided*, That the amendments to subdivision (6), subsection (b) of this section take effect upon passage of this act of the Legislature and shall be construed to prohibit on and after January 1, 2018, all transfers to the State Road Fund established in the State Treasury pursuant to section 52, article VI of the Constitution of West Virginia, of the taxes imposed by §11-15-1 *et seq.* and §11-15A-1 *et seq.* of this code.

~~§11-15-9h. Exemptions for sales of computer hardware and software directly incorporated into manufactured products; certain leases; sales of electronic data processing service; sales of computer hardware and software directly used in communication; sales of educational software; sales of Internet advertising; sales of high-technology business services directly used in fulfillment of a government contract; sales of tangible personal property for direct use in a high-technology business or Internet advertising business; definitions.~~

(a) In order to modernize the exemptions from tax contained in this article as a result of technological advances in computers and the expanded role of computers, the Internet and global instant communications in business and to encourage computer software developers, computer hardware designers, systems engineering firms, electronic data processing companies and other high-technology companies to locate and expand their businesses in West Virginia, the following sales of tangible personal property and software are exempt:

(1) Sales of computer hardware or software (including custom designed software) to be directly incorporated by a manufacturer into a manufactured product. For purposes of this subsection, the payment of licensing fees for the right to incorporate hardware or software developed by persons other than the manufacturer into a manufactured product is exempt from the tax imposed by this article;

(2) Sales of computer hardware or software (including custom designed software) directly used in communication as defined in this article;

(3) Sales of electronic data processing services;

(4) Sales of educational software required to be used in any of the public schools of this state or in any institution in this state which qualifies as a nonprofit or educational institution subject to administration, regulation, certification or approval of the Department of Education, the ~~Department of Education and the Arts~~ or the Higher Education Policy Commission;

(5) Sales of Internet advertising of goods and services;

(6) Sales of high-technology business services to high-technology businesses which enter into contracts with this state, its institutions and subdivisions, governmental units, institutions or subdivisions of other states, or with the United States, including agencies of federal, state or local governments for direct use in fulfilling the government contract; and

(7) Sales of prewritten computer software, computers, computer hardware, servers and building materials and tangible personal property to be installed into a building or facility for direct use in a high-technology business or an Internet advertising business.

(b) *Definitions.* —

As used in this article, the following terms have the following meanings:

(1) 'Computer hardware' means a computer, as defined in article fifteen-b of this chapter, and the directly and immediately connected physical equipment involved in the performance of data processing or communications functions, including data input, data output, data processing, data storage, and data communication apparatus that is directly and immediately connected to the computer. The term 'computer hardware' does not include computer software.

(2) 'High-technology business' means and is limited to businesses primarily engaged in the following activities: Computer hardware design and development; computer software design, development, customization and upgrade; computer systems design and development; website design and development; network design and development; design and development of new manufactured products which incorporate computer hardware and software; electronic data processing; network management, maintenance, engineering, administration and security services; website management, maintenance, engineering, administration and security services and computer systems management, maintenance, engineering, administration and security services. High-technology business as defined herein is intended to include businesses which engage in the activities enumerated in this definition as their primary business activity, and not as a secondary or incidental activity and not as an activity in support of or incidental to business activity not specifically enumerated in this definition.

(3) 'High-technology business services' means and is limited to computer hardware design and development; computer software design, development, customization and upgrade; computer systems design and development; website design and development; network design and development; electronic data processing; computer systems management; computer systems maintenance; computer systems engineering; computer systems administration and computer systems security services.

(4) 'Internet advertising business' means a for-profit business that is engaged, for monetary remuneration, in the primary business activity of announcing, or calling public attention to, goods or services in order to induce the public to purchase those goods or services, and which uses the Internet as its sole advertising communications medium. For purposes of this definition, Internet advertising must be the primary business activity of the business and not a secondary or incidental activity and not an activity in support of or incidental to other business activity.

(5) 'Network' means a group of two or more computer systems linked together.

(6) 'Server' means a computer or device on a network that manages network resources.

(c) The amendments to this section made in the first extraordinary session of the Legislature in 2009 shall apply to purchases made on and after July 1, 2009.

(d) The provisions of this section shall terminate and shall not apply to any sales made on or after January 1, 2022.

ARTICLE 15A. USE TAX.

§11-15A-2. Imposition of tax; ~~six percent tax rate~~; inclusion of services as taxable; transition rules; allocation of tax and transfers.

(a) An excise tax is hereby levied and imposed on the use in this state of tangible personal property, custom software or taxable services, to be collected and paid as provided in this article or article fifteen-b of this chapter, at the rate of six percent of the purchase price of the property or taxable services, except as otherwise provided in this article; Provided, That effective January 1, 2022, for sales occurring and services provided the rate of taxation imposed by this article shall be 8% of the purchase price of the property or taxable services, unless provided otherwise in this article.

(b) *Calculation of tax on fractional parts of a dollar.* — The tax computation under subsection (a) of this section shall be carried to the third decimal place and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The vendor may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period.

(c) 'Taxable services,' for the purposes of this article, means services of the nature that are subject to the tax imposed by ~~article fifteen of this chapter~~ §11-15-1 et seq. of this code. In this article, wherever the words 'tangible personal property' or 'property' appear, the same shall include the words 'or taxable services,' where the context so requires.

(d) Use tax is hereby imposed upon every person using tangible personal property, custom software or taxable service within this state. That person's liability is not extinguished until the tax has been paid. A receipt with the tax separately stated thereon issued by a retailer engaged in business in this state, or by a foreign retailer who is authorized by the Tax Commissioner to collect the tax imposed by this article, relieves the purchaser from further liability for the tax to which the receipt refers.

(e) Purchases of tangible personal property or taxable services made for the government of the United States or any of its agencies by ultimate consumers is subject to the tax imposed by this section. Industrial materials and equipment owned by the federal government within the State of West Virginia of a character not ordinarily readily obtainable within the state, is not subject to use tax when sold, if the industrial materials and equipment would not be subject to use taxes if sold outside of the state for use in West Virginia.

(f) This article does not apply to purchases made by counties or municipal corporations.

ARTICLE 17. TOBACCO PRODUCTS EXCISE TAX ACT.

§11-17-3. Levy of tax; ratio; dedication of proceeds.

(a) *Tax on cigarettes and tobacco products other than cigarettes.* — For the purpose of providing revenue for the General Revenue Fund of the state, an excise tax is hereby levied and imposed on sales of cigarettes and tobacco products other than cigarettes.

(b) *Tax rate on cigarettes.* — Effective May 1, 2003, the excise tax rate levied and imposed on the sale of cigarettes is 55 cents on each 20 cigarettes or in like ratio on any part thereof: *Provided*, That on and after July 1, 2016, the excise tax rate levied and imposed on the sale of cigarettes is \$1.20 on each 20 cigarettes or in like ratio on any part thereof: *Provided, however*, That effective January 1, 2022, the excise tax rate levied and imposed on the sale of cigarettes is \$2.20 on each 20 cigarettes or in like ratio on any part thereof: *Provided, further*, That effective January 1, 2022, 12.5 percent of the excise tax levied pursuant to this section shall be deposited into the fund created pursuant to §11B-2-32 of this code. Only one sale of the same article shall be used in computing the amount of tax due under this subsection.

(c) *Tax on tobacco products other than cigarettes.* — Effective January 1, 2002, the excise tax levied and imposed on the sales or use of tobacco products other than cigarettes at the rate equal to seven percent of the wholesale price of each article or item of tobacco products other than cigarettes sold by the wholesaler or subjobber dealer, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer: *Provided*, That on and after July 1, 2016, the excise tax rate levied and imposed on the sales or use of tobacco products other than cigarettes is at the rate equal to 12 percent of the wholesale price of each article or item of tobacco products other than cigarettes sold by the wholesaler or subjobber dealer, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer: *Provided, however*, That on and after January 1, 2022, the excise tax rate levied and imposed on the sales or use of tobacco products other than cigarettes is at the rate equal to 19.5 percent of the wholesale price of each article or item of tobacco products other than cigarettes sold by the wholesaler or subjobber dealer, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer: *Provided, further*, That effective January 1, 2022, 7.5 percent of the excise tax levied pursuant to this section shall be deposited into the fund created pursuant to §11B-2-32 of this code. Only one sale of the same article shall be used in computing the amount of tax due under this subsection.

(d) *Effective date of amendments.* — Amendments to this section enacted in the year 2003 apply in determining tax imposed under this article from May 1, 2003, through June 30, 2016. Amendments to this section enacted in the year 2016 apply in determining tax imposed under this article effective on and after July 1, 2016.

§11-17-4b. Levy of tax on e-cigarette liquid; definitions; rate; invoice; report; payment; authority of the Tax Commissioner to inspect and examine witnesses; presumption; bond.

(a) *Definitions.* — When used in this section, words, terms and phrases defined in this subsection, and any variations thereof required by the context, have the meaning ascribed to them in this subsection, except where the context indicates a different meaning is intended.

(1) 'E-cigarette' means an electrical or electronic device that provides a smoke, vapor, fog, mist, gas or aerosol suspension of nicotine or another substance that, when used or inhaled, simulates the activity of smoking. The term e-cigarette includes, but is not limited to, a device that is composed of a heating element, battery or electrical or electronic circuit, or a combination of heating element, battery and electrical or electronic circuit, which works in combination with e-liquid to produce an inhalable product. The term e-cigarette includes, but is not limited to, any so

designed, or similarly designed, product that is manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or under any other name or descriptor. The term 'simulates the activity of smoking', in the context of this definition, means replicating, mimicking or reproducing an experience similar to inhaling, or otherwise drawing into the mouth or nose, or exhaling the smoke or combustion product of burning tobacco or any other product or material that can be used in a similar fashion.

(2) 'E-cigarette liquid' means any of the liquids or liquid mixtures used in e-cigarettes and is also known as e-juice, e-fluid, e-liquid or e-liquid product. E-cigarette liquid includes e-cigarette liquid mixing kits and e-cigarette liquid mixing kit components. When used in, or with, an e-cigarette, e-cigarette liquid is vaporized or otherwise converted into an inhalable product. E-cigarette liquid may or may not include, without limitation, propylene glycol, vegetable glycerin, nicotine from any source or flavorings.

(b) *Levy of tax; rate.* —

(1) On and after July 1, 2016, an excise tax is levied and imposed on sales of e-cigarette liquid at the rate of 7.5 cents per milliliter or fraction thereof, or if not sold, then at the same rate upon the use by the wholesaler or dealer: Provided, That on and after January 1, 2022, the excise tax levied and imposed on the sales of e-cigarette liquid is at the rate of 23 percent of the wholesale price of each article or item, or if not sold, then at the same rate upon the use by the wholesaler or dealer: Provided, however, That effective January 1, 2022, revenues received from the first 90 percent of the excise tax levied pursuant to this section shall be deposited into the fund created pursuant to §11B-2-32 of this code. For purposes of this article, any distributor, dealer, subjobber, subjobber dealer, retailer or any other person that imports or transports e-cigarette liquids into this state, or that causes e-cigarette liquids to be imported or transported into this state, is hereby deemed to be a wholesaler for purposes of this section and is liable for the tax imposed under this article. No wholesaler or other person may purchase e-cigarette liquids from any seller not approved by the Tax Commissioner. E-cigarette liquid mixing kits and e-cigarette liquid mixing kit components shall be taxed in accordance with the amount of e-cigarette liquid, in milliliters, that can be produced by or from the kit or components thereof, as determined by the Tax Commissioner.

(2) Only one sale of e-cigarette liquid shall be used in computing the amount of tax due under this section.

(c) *How tax paid; invoice required; reports required; due date; records to be kept.* —

(1) The tax imposed in this section on e-cigarette liquid shall be paid using an invoice method prescribed by the Tax Commissioner.

(2) The tax will be paid on any and all e-cigarette liquid coming into the state for the purpose of sale or use in this state on and after July 1, 2016.

(3) *Contents of delivery ticket or invoice.* — Unless otherwise permitted in writing by the Tax Commissioner, each delivery ticket or invoice for each purchase or sale of e-cigarette liquid must be recorded upon a serially numbered invoice showing:

(A) The name and address of the seller and the purchaser;

(B) The point of delivery;

(C) The date;

(D) (i) The number of e-cigarette cartridges, apparatus, containers or other devices; (ii) the quantity in milliliters of each cartridge, apparatus, container or other device; (iii) the wholesale price of each e-cigarette cartridge, apparatus, container or other device delivered in this state; or (iv) if sold outside of a cartridge or other device or container, the total quantity in milliliters of e-cigarette liquid not in cartridges, apparatus or other device or container delivered in this state and the wholesale price of the e-cigarette liquid;

(E) The invoice must either set out the amount of tax imposed by this article separately on the invoice or the invoice may instead indicate that the tax imposed under this article is included in the total price; and

(F) Any other information required by the Tax Commissioner.

(4) *Reports and payments due date.* — On or before the 15th day of each month, manufacturers, importers, every place of business as defined in this article, retail dealers, subjobbers, vending machine operators and wholesale dealers and their agents, shall file a report covering the business transacted in the previous month providing any information the Tax Commissioner determines necessary for the ascertainment or assessment of the taxes imposed by this article. Reports shall be signed under penalty of perjury and be in a form as prescribed by the Tax Commissioner. The amount of tax shown to be due on the monthly report, if any, shall be remitted on or before the due date of the monthly report. The first report due for e-liquid sales is August 15, 2016, for the sales completed in July 2016.

(5) *Reports required.* — The reports prescribed in this article are required, although a tax may not be due or no business transacted, for the period covered by the report. In the case of any failure to file a report on the date prescribed for filing when no tax is due, unless it is shown that the failure was due to reasonable cause, there is hereby imposed a penalty of \$25 for each month or fraction of a month that such report is delinquent, until the report is filed, in addition to any penalties imposed under section 19A of this article.

(6) *Records.* — Each person required to file a report shall make and keep the records necessary to substantiate the accuracy of the reports required by this section including, but not limited to, records of inventories, receipts, disbursements and sales. Records shall be retained for a period of time not less than three years from the time the report is due or the time when the report is filed, whichever is later.

(d) *Inspection of records and stocks; examination of witnesses; registration of e-cigarette sellers; presumption of nontax paid.* —

(1) The Tax Commissioner has the authority to inspect or examine the records, books and papers, and any equipment or e-cigarette apparatus, and any stock of e-cigarette liquid kept in or upon the premises of persons who sell, possess or store e-cigarette liquid, for the purpose of determining the quantity and value of e-cigarette liquid acquired, on hand or disbursed, to verify the truth and accuracy of any statement, return, form or report and to ascertain whether the tax imposed by this article has been properly paid.

(2) In addition to the Tax Commissioner's powers set forth in article 10 of this chapter, the Tax Commissioner or the Tax Commissioner's agent may examine witnesses under oath in order to ascertain the amount of taxes and reports due under this article. If a witness or person fails or

refuses to testify or grant access to records, books, papers, equipment or e-cigarette apparatus, or any stock of e-cigarette liquid, necessary or useful to ascertain the amount of taxes and reports due under this article, the Tax Commissioner shall certify the facts and names to the circuit court of the county having jurisdiction of the party and the court shall issue a summons to the party to appear before the Tax Commissioner at a place designated within the jurisdiction of the court, on a day fixed, to be continued as the occasion may require for good cause shown, to testify and give evidence and to produce for inspection any books, records and papers that may be required and to grant access to records, books, papers, equipment or e-cigarette apparatus, or any stock of e-cigarette liquid, for the purpose of ascertaining the amount of tax and reports due, if any.

(3) Each wholesale dealer of e-cigarette liquid must register with the Tax Commissioner and maintain a business registration certificate, showing the wholesale dealer of e-cigarette liquid to be registered as a seller of tobacco products or seller of both cigarettes and tobacco products prior to the sale or delivery of e-cigarette liquid to any retail dealer or subjobber in this state. A wholesale dealer may sell tax-paid e-cigarette liquid only to another wholesaler or a retail dealer or subjobber in this state. No person may purchase nontaxed e-cigarette liquid from any seller not approved by the Tax Commissioner.

(4) Whenever e-cigarette liquid is found in the place of business of any retail dealer, without evidence that the tax imposed by this section has been paid, it shall be presumed that the e-cigarette liquid is kept on the premises in violation of this article.

(e) *Bond.* — The Tax Commissioner may require wholesalers, subjobbers or retail dealers to file a continuous surety bond in an amount to be fixed by the Tax Commissioner but no less than \$1,000. The bond shall be conditioned upon faithfully complying with the provisions of this article including the filing of the returns and payment of all taxes prescribed by this article.

(f) *Administration and enforcement.* — The provisions of this article and articles nine and 10 of this chapter apply to administration and enforcement of the excise tax on e-cigarette liquid in the same manner and to the same extent as they apply to administration and enforcement of the excise tax on tobacco products, as imposed under this article.

(g) *Criminal sanctions.* — The criminal sanctions imposed in section nineteen-a of this article are hereby imposed with equal force and application with relation to actions, transactions and responsibilities prescribed under this section and under this article. For the purpose of applying and interpreting the provisions of section nineteen-a of this article, the words 'container of tobacco products' shall be interpreted to mean and include the words 'container of tobacco products or e-cigarette liquid'.

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-4g. Reduction and elimination of personal income tax.

(a). Findings.

(1) The Legislature finds that the state of West Virginia has suffered a tremendous loss of population over the past ten years. This loss in population is attributable to many factors including, in large part, the burdensome tax structure in West Virginia.

(2) There is a need to encourage the citizens to not only stay in West Virginia, but for those who may have left to return and for others to consider West Virginia an attractive alternative for

relocation. Additionally, if West Virginia is seen as attractive to citizens, business may be more inclined to locate in the state.

(3) The Legislature is committed to taking necessary measures to tackle the issues which have created the drain in population. This includes reforming an overburdensome tax structure. As a result, the Legislature is committed to reductions in the personal income tax and to ultimately reaching a complete elimination of that tax.

(4) This commitment to tax elimination should be done in a financially responsible manner to provide current and future citizens of the state greater personal income and a better quality of life.

(b). *Personal Income Tax Reduction Criteria.*

(1). Effective January 1, 2022, and thereafter, if the balance in the Stabilization and Future Economic Reform Fund as set forth in §11B-2-32 of this code is at or above \$100,000,000 at the end of any fiscal year, then the balance shall be transferred to the General Revenue Fund in increments of \$50,000,000 until the balance in the fund is less than or equal to \$100,000,000 but greater than or equal to \$50,000,000. For each \$50,000,000 incremental transfer the personal income tax shall be reduced by 12.5 basis points at the beginning of the next tax year.

(2) Effective January 1, 2022, and thereafter, there shall be a reduction in the personal income tax that is equal to the unappropriated amount of general revenue. For purposes of this section unappropriated revenue shall mean the difference between the total general revenue of the budget introduced by the Governor and the general revenue amount of the enacted budget. The reduction set forth in this subsection shall be directly proportionate to the amount each of the income brackets as set forth in §11-21-4e of this code contribute to the personal income tax collection in state fiscal year 2019. In those years in which there is no unappropriated amount of general revenue, there shall be no reduction in the personal income tax.

(3) Effective January 1, 2022, and thereafter, there shall be a dollar-for-dollar reduction in personal income tax for any increase in general revenue over the previous year's actual collections that are attributable to increases to existing revenue sources or newly created revenue sources. These revenue sources shall include, but are not limited to, increased, modifications, or additions to any tax proceeds collected pursuant to this chapter that are deposited into the general revenue. The reduction set forth in this subsection shall be directly proportionate to the amount each of the income bracket as set forth in §11-21-4e of this code contributes to the personal income tax collection in state fiscal year 2019. In those years in which there is no increase in revenue from newly created revenue sources, there shall be no reduction in the personal income tax.

(c) *Further Legislative action required.* When the rate of taxation as set forth in this section has been reduced pursuant to the provisions of this section, that rate shall not again be raised without further action of the Legislature.

(d) *Past tax liabilities.* Tax liabilities, if any, arising for taxable periods prior to the date the tax is repealed, shall be determined, administered, assessed, and collected as if the tax imposed by this article had not been repealed, and the rights and duties of taxpayers and the state shall be fully and completely preserved.

(e) Complete elimination. Upon a complete elimination of the personal income tax, every provision of this article shall be repealed for all tax periods beginning on and after January 1 of the first year in which the rate of the personal income tax becomes zero percent.

(f) Reporting. The Tax Department shall prepare an annual report to the Joint Committee on Government and Finance detailing any changes to the personal income tax and increases in revenue from increases to existing revenue sources or newly created revenue sources.

(g) Notification. The Tax Department shall at least annually notify taxpayers of any changes in the personal income tax structure. This notice should come at the beginning of each tax year.

(h) Rulemaking. The Tax Department shall promulgate procedural rules to implement the provisions of this section. These rules include:

(1) The process for a reduction of the personal income tax based upon the balance in the fund created pursuant to §11-21-4k;

(2) The process for a reduction of the personal income tax based upon unappropriated amounts of general revenue;

(3) The process for a reduction of the personal income tax based upon increases in general revenue collections over previous years collections;

(4) A means to notify taxpayers of changes to their tax liability, including their tax rate and effective tax rate; and

(5) An annual report to the Joint Committee on Government and Finance of any changes to the personal income tax in the preceding tax year and any increases in collections attributable.

§11-21-25. Sales Tax Relief Credit.

(a) Definitions – As used in this section, the following terms shall have the meaning ascribed to them in this subsection, unless the context in which the term is used clearly requires a different meaning or a specific different definition is provided:

(1) 'Household' means the claimant and his or her spouse, if any, living in the same residence, as well any dependent children that may be claimed on the taxpayer's federal income tax return. The household also includes any persons living in the same dwelling as the claimant and sharing its furnishings, facilities, and accommodation, but does not include bona fide lessees, tenants, or roomers and boarders on contract;

(2) 'Household income' means all income received by all persons of a household while members of the household;

(3) 'Income' means the sum of adjusted gross income as defined in the United States Internal Revenue Code, the modifications in §11-21-12(b), §11-21-12f and §11-21-12g of this Code increasing federal adjusted gross income, and all nontaxable income, including the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance and relief, not including relief granted under this chapter, the gross amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability pensions, all payments received under the federal social security and state

reemployment assistance or unemployment insurance laws, nontaxable interest received from the federal government or any of its instrumentalities, workers' compensation, and the gross amount of loss of time insurance, but not including gifts from nongovernmental sources, food stamps, or surplus foods, or other relief in kind provided by a public agency;

(4) 'Tax year' or 'taxable year' means the calendar year used for computing household income under this chapter. A claimant's tax year is the same period as is covered by his federal income tax return.

(b) Refundable Credit – Subject to the requirements and limitations of this section, for tax years beginning on and after January 1, 2022, any resident having a gross household income equal to or less than \$35,000 for the tax year, shall be allowed a refundable credit against the taxes imposed by this article equal to the following amounts:

(1) For all residents having a household income of less than \$10,000, the amount of refundable credit shall be \$250.

(2) For all residents having a household income between \$10,001 and \$14,999, the amount of refundable credit shall be \$150.

(3) For all residents having a household income between \$15,000 and \$20,000, the amount of refundable credit shall be \$150.

(4) For all residents having a household income between \$20,001 and \$24,999, the amount of refundable credit shall be \$100.

(5) For all residents having a household income between \$25,000 and \$29,999, the amount of refundable credit shall be \$100.

(6) For all residents having a household income between \$30,000 and \$34,999, the amount of refundable credit shall be \$50.

(c) One claim per household - Notwithstanding any other provision of this section to the contrary, only one claimant per household per tax year shall be entitled to relief under this section.

(d) Advance Refunds of Credit – The amount of credit which would (but for this subsection) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under this subsection.

(1) In General – Each claimant who would have been an eligible resident based upon their household income in the year preceding the taxable year shall be allowed a prepayment of the credit: *Provided*, That any claim for prepayment of the credit must be made on or before April 15 of the tax year to which it relates.

(2) Advanced refund amount – For the 2022 calendar year, for purposes of subdivision (1) of this subsection, the advanced refund amount is the amount that would have been allowed as a credit under this section for the 2020 taxable year if this section had applied to such taxable year.

(3) Timing and manner of payments – The Commissioner shall, subject to the provisions of this article, pay any advance refund of credit under the following guidelines:

(i) 25% of the amount of prepayment by June 15 of the taxable year;

(ii) 25% of the amount of prepayment by September 15 of the taxable year;

(iii) 25% of the amount of prepayment by December 15 of the taxable year; and

(iv) 25% of the amount of prepayment by March 15 of the year following the taxable year.

(4) Interest not accruable - No interest shall be allowed on any prepayment attributable to this subsection.

(5) Delivery of payments – Notwithstanding any provision of this Code to the contrary, the Commissioner may certify and disburse refunds using any reasonable commercial means necessary.

(e) The Commissioner may prescribe such rules as may be necessary to carry out the purposes of this section to increases to existing revenue sources or newly created revenue sources.

CHAPTER 11B. DEPARTMENT OF REVENUE.

ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-20. Reduction of appropriations; powers of Governor; Revenue Shortfall Reserve Fund and permissible expenditures therefrom.

(a) Notwithstanding any provision of this section, the Governor may reduce appropriations according to any of the methods set forth in sections twenty-one and twenty-two of this article. The Governor may, in lieu of imposing a reduction in appropriations, request an appropriation by the Legislature from the Revenue Shortfall Reserve Fund established in this section.

(b) The Revenue Shortfall Reserve Fund is continued within the State Treasury. The Revenue Shortfall Reserve Fund shall be funded continuously and on a revolving basis in accordance with this subsection up to an aggregate amount not to exceed thirteen percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended. The Revenue Shortfall Reserve Fund shall be funded as set forth in this subsection from surplus revenues, if any, in the State Fund, General Revenue, as the surplus revenues may accrue from time to time.

Except as provided otherwise in this subsection, within sixty days of the end of each fiscal year, the secretary shall cause to be deposited into the Revenue Shortfall Reserve Fund such amount of the first ~~fifty percent~~ 50% of all surplus revenues, if any, determined to have accrued during the fiscal year just ended, as may be necessary to bring the balance of the Revenue Shortfall Reserve Fund to ~~thirteen percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended.~~ If at the end of any fiscal year the Revenue Shortfall Reserve Fund is funded at an amount equal to or exceeding thirteen percent of the state's General Revenue Fund budget for the fiscal year just ended, then there shall be no further deposit by the secretary under the provisions of this section of any surplus revenues as set forth in this subsection until that time the Revenue Shortfall Reserve Fund balance is less than thirteen percent of the total appropriations from the State Fund, General Revenue. when combined with the Revenue Shortfall Reserve Fund – Part B as set forth in subsection (f) of this section is equal to or is greater than 23% of a rolling average of the actual revenue collected in the immediately

preceding seven fiscal years, the secretary shall deposit into the Stabilization and Future Economic Reform Fund as set forth in §11B-2-32 of this code 50% of the surplus after deducting any unappropriated balance which for the purposes of this section is the difference between the total general revenue of the budget introduced by the Governor and the general revenue amount of the enacted budget.

(c) Not earlier than November 1 of each calendar year, if the state's fiscal circumstances are such as to otherwise trigger the authority of the Governor to reduce appropriations under this section or §11B-2-21 or §11B-2-22 ~~of this article of this code~~, then in that event the Governor may notify the presiding officers of both houses of the Legislature in writing of his or her intention to convene the Legislature pursuant to section nineteen, article VI of the Constitution of West Virginia for the purpose of requesting the introduction of a supplementary appropriation bill or to request a supplementary appropriation bill at the next preceding regular session of the Legislature to draw money from the surplus Revenue Shortfall Reserve Fund to meet any anticipated revenue shortfall. If the Legislature fails to enact a supplementary appropriation from the Revenue Shortfall Reserve Fund during any special legislative session called for the purposes set forth in this section or during the next preceding regular session of the Legislature, then the Governor may proceed with a reduction of appropriations pursuant to §11B-2-21 or §11B-2-22 ~~of this article of this code~~. Should any amount drawn from the Revenue Shortfall Reserve Fund pursuant to an appropriation made by the Legislature prove insufficient to address any anticipated shortfall, then the Governor may also proceed with a reduction of appropriations pursuant to sections twenty-one and twenty-two of this article.

(d) Upon the creation of the fund, the Legislature is authorized and may make an appropriation from the Revenue Shortfall Reserve Fund for revenue shortfalls, for emergency revenue needs caused by acts of God or natural disasters or for other fiscal needs as determined solely by the Legislature.

(e) Prior to October 31 in any fiscal year in which revenues are inadequate to make timely payments of the state's obligations, the Governor may, by executive order, after first notifying the presiding officers of both houses of the Legislature in writing, borrow funds from the Revenue Shortfall Reserve Fund: *Provided*, That for the fiscal year 2014, pursuant to this subsection and subject to all other conditions, requirements and limitations set forth in this section, the Governor may borrow funds from the Revenue Shortfall Reserve Fund prior to the first day of April. The amount of funds borrowed under this subsection shall not exceed one and one-half percent of the general revenue estimate for the fiscal year in which the funds are to be borrowed, or the amount the Governor determines is necessary to make timely payment of the state's obligations, whichever is less. Any funds borrowed pursuant to this subsection shall be repaid, without interest, and redeposited to the credit of the Revenue Shortfall Reserve Fund within ninety days of their withdrawal.

(f) The Revenue Shortfall Reserve Fund – Part B is continued within the State Treasury. The Revenue Shortfall Reserve Fund – Part B shall consist of moneys transferred from the West Virginia Tobacco Settlement Medical Trust Fund pursuant to the provisions of section two, article eleven-a, chapter four of this code, repayments made of the loan from the West Virginia Tobacco Settlement Medical Trust Fund to the Physician's Mutual Insurance Company pursuant to the provisions of article twenty-f, chapter thirty-three of this code and all interest and other return earned on the moneys in the Revenue Shortfall Reserve Fund – Part B. Moneys in the Revenue Shortfall Reserve Fund – Part B may be expended solely for the purposes set forth in subsection (d) of this section, subject to the following conditions:

(1) No moneys in the Revenue Shortfall Reserve Fund – Part B nor any interest or other return earned thereon may be expended for any purpose unless all moneys in the Revenue Shortfall Reserve Fund described in subsection (b) of this section have first been expended, except that the interest or other return earned on moneys in the Revenue Shortfall Reserve Fund – Part B may be expended as provided in subdivision (2) of this subsection;

(2) Notwithstanding any other provision of this section to the contrary, the Legislature may appropriate any interest and other return earned thereon that may accrue on the moneys in the Revenue Shortfall Reserve Fund – Part B after June 30, 2025, for expenditure for the purposes set forth in §4-11a-3 of this code; and

(3) Any appropriation made from Revenue Shortfall Reserve Fund – Part B shall be made only in instances of revenue shortfalls or fiscal emergencies of an extraordinary nature.

(g) Subject to the conditions upon expenditures from the Revenue Shortfall Reserve Fund – Part B prescribed in subsection (f) of this section, in appropriating moneys pursuant to the provisions of this section, the Legislature may in any fiscal year appropriate from the Revenue Shortfall Reserve Fund and the Revenue Shortfall Reserve Fund – Part B a total amount up to, but not exceeding, ten percent of the total appropriations from the State Fund, General Revenue, for the fiscal year just ended.

(h) (1) Of the moneys in the Revenue Shortfall Reserve Fund, \$100 million, or such greater amount as may be certified as necessary by the Director of the Budget Office for the purposes of subsection (e) of this section, shall be made available to the West Virginia Board of Treasury Investments for management and investment of the moneys in accordance with the provisions of article six-c, chapter twelve of this code. All other moneys in the Revenue Shortfall Reserve Fund shall be made available to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of article six, chapter twelve of this code. Any balance of the Revenue Shortfall Reserve Fund, including accrued interest and other return earned thereon at the end of any fiscal year, does not revert to the General Fund but shall remain in the Revenue Shortfall Reserve Fund for the purposes set forth in this section.

(2) All of the moneys in the Revenue Shortfall Reserve Fund – Part B shall be made available to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of §12-6-1 *et seq.* of this code. Any balance of the Revenue Shortfall Reserve Fund – Part B, including accrued interest and other return earned thereon at the end of any fiscal year, shall not revert to the General Fund but shall remain in the Revenue Shortfall Reserve Fund – Part B for the purposes set forth in this section.

§11B-2-32. Stabilization and Future Economic Reform Fund.

(a) There is created in the State Treasury a special account, designated the “Stabilization and Future Economic Reform Fund”, which is an interest- and earnings-accumulating account administered by the State Treasurer in accordance with the provisions of this section.

(b) The purpose of the fund is to provide a long term smoothing mechanism for utilizing one time appropriations and volatile revenue sources for decreasing net taxation on the people of West Virginia and to provide long term financial security to the state and its citizens and to act as a means to avoid revenue shortfalls without the necessity of accessing the Revenue Shortfall Reserve Funds as set forth in §11B-2-20 of this code.

(c) The fund shall consist of the following funding sources:

(1) Appropriation by the Legislature;

(2) Income from investments;

(3) Deposits as required by §11B-2-20; and

(4) All other sums available for deposit to the account, public or private.

(d) Any balance remaining in the fund at the end of the fiscal year does not revert to the General Revenue Fund but remains in the fund and may be used in a manner consistent with this article.

(e) For fiscal years beginning on or after January 1, 2022, the Secretary of the Department of Tax and Revenue, with the written approval of the Governor, may transfer additional moneys to the fund to supplement the General Revenue Fund where budget shortfalls may have occurred. The Legislature may authorize transfers of moneys from the fund to stabilize the state's General Revenue Fund up to, but not more than, 50% of the fund's current balance as of the beginning of the fiscal year in which the transfer shall be authorized.

(f) The Stabilization and Future Economic Reform Fund may be invested in the manner permitted by §12-6-8 of this code and the Secretary of the Department of Tax and Revenue may contract with the West Virginia Investment Management Board, or the West Virginia Board of Treasury Investments, for any services with respect to fund investments that the secretary considers necessary and prudent.

(g) Upon the complete elimination of the state personal income tax as set forth in §11-21-4g of this code, the proceeds from the Stabilization and Future Economic Reform Fund may be utilized to reduce the fiscal impact of additional taxes including but not limited to, taxation on income that is not employee compensation such as interest, dividends, retirement income in the form of pensions or annuities, the manufacturing inventory and equipment tax, and to stabilize the state's annual budget.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 22. STATE LOTTERY ACT.

§29-22-9b. Personal income tax reduction instant lottery scratch-off game.

(a) Beginning January 1, 2022, the commission shall establish an instant lottery scratch-off game designated as the personal income tax reduction game, which is offered by the lottery.

(b) Notwithstanding the provisions of §29-22-18 of this code, all net profits received from the sale of personal income tax reduction benefit game lottery tickets, materials and games are deposited with the state Treasurer into the "Personal Income Tax Reduction Lottery Fund" created under subsection (c) of this section. These funds shall be transferred to the Stabilization and Future Economic Reform Fund as set forth in §11B-2-32 of this code upon written request of the Secretary of Tax and Revenue to the Investment Management Board and the state Treasurer in accordance with the provisions of this section. This transfer shall occur at least annually.

(c) There is created in the state treasury a special revenue fund designated and known as the "Personal Income Tax Reduction Lottery Fund" which shall consist of all revenues derived from the Personal Income Tax Reduction game and any appropriation to the fund by the Legislature and all interest or other returns earned by the investment of the fund.

(d) The commission shall change the design or theme of the personal income tax reduction game regularly so that the game remains competitive with the other instant lottery scratch-off games offered by the commission. The tickets for the instant lottery game created in this section shall clearly state that the profits derived from the game are being used to eliminate the personal income tax in this state.

And,

By amending the title of the bill to read as follows:

H. B. 3300 – “A Bill to amend and reenact §11-13A-3 and §11-13A-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-2, §11-15-3, §11-15-3b, §11-15-8, §11-15-9, and §11-15-9h; to amend and reenact §11-15A-2; to amend and reenact §11-17-3 and §11-17-4b; to amend said article by adding thereto new sections, designated §11-21-4g and §11-21-25; to amend and reenact §11B-2-20; to amend said code by adding thereto a new section, designated §11B-2-32; and to amend said code by adding thereto a new section, designated §29-22-9B, all relating to optimizing economic efficiency and revenue efficiency of the West Virginia tax structure, across multiple facets of the tax system, and to modernize State taxation to reflect best practices, and standards for an integrated tax system; reducing the personal income tax; providing for revenue replacement measures; relating to the severance tax imposed on the privilege of severing coal, oil, and natural gas for sale, profit or commercial use; specifying classifications of certain natural resources; specifying tiered rates for certain classifications of natural resources; changing the rate of the consumer sales and service tax and use tax; modifying tax on prepared foods; relating to the imposition of the consumers sales and service and the use tax upon the provision of certain professional services; providing for an excise tax on professional legal, engineering, architectural, and accounting services; providing for an excise tax on legal settlements based on a contingency fee agreement; relating to the imposition of the consumer sales and service and use tax on advertising services, electronic data processing, personalized fitness services, and certain high technology services and equipment; modifying the use tax; relating to increasing the excise tax on cigarettes, other tobacco products, and e-cigarette liquid; to phase in a reduction in the rate of personal income tax; to provide that further action of the Legislature is necessary to raise the personal income tax following a reduction; to provide for elimination of the personal income tax upon the occurrence of certain events; providing findings; requiring notification to taxpayers of changes to personal income tax; requiring reporting to the legislature; allowing for inoperability of certain statutory provisions upon complete elimination of the personal income tax; to provide for tax liabilities that existed prior to elimination of personal income tax; providing a tax credit for low income households to offset the sales tax increase; providing for early payment of the credit; to establish Stabilization and Future Economic Reform Fund; to dedicate certain funding sources to fund; allowing fund to be invested; reallocating surplus revenues to fund upon the occurrence of certain events; to allow budget surplus to be deposited into fund upon obtaining a certain balance in the state revenue shortfall funds; to provide for uses of fund following the elimination of the personal income tax; to provide that Secretary of Tax and Revenue has authority over fund; to allow Secretary of Tax and Revenue to deposit additional amounts into fund upon obtaining a specified balance in the fund; to allow for a reduction in personal income tax brackets upon occurrence of unappropriated revenue; providing for dollar for dollar reduction in personal income tax brackets upon increases in general

revenue related to specified events; to allow Legislature to transfer from fund to General Revenue Fund upon the fund reaching a certain balance; to allow fund to be invested; to reallocate budget surplus at the end of a fiscal year; to allow a percentage of budget surplus to be directed to the fund; to require the Lottery Commission develop a new instant lottery scratch-off game; creating a special revenue account at the Lottery Commission; providing for a transfer of funds from the special revenue account to Stabilization and Future Economic Reform Fund; to allow Lottery Commission to change new instant lottery scratch-off game to allow it to remain competitive; making technical corrections; specifying effective dates; authorizing promulgation of rules; and defining terms.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 563**), and there were—yeas none, nays 100, absent and not voting none.

So, a majority of the members present having voted in the negative, the motion was rejected.

The Speaker referred the bill to the Committee on Finance.

At 2:29 p.m., the House of Delegates recessed until 3:15 p.m.

* * * * *

Afternoon Session

* * * * *

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

Special Calendar

-continued-

Com. Sub. for S. B. 641, Allowing counties to use severance tax proceeds for litter cleanup programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 564**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Criss, Foster, J. Jeffries and Kimes.

Absent and Not Voting: Hamrick, Hornbuckle, Maynard and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 641) passed.

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

On this question, the yeas and nays were taken (**Roll No. 565**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries.

Absent and Not Voting: Hamrick, Hornbuckle, Maynard and Thompson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 641) takes effect July 1, 2021.

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

Com. Sub. for S. B. 642, Requiring legal advertisements by State Auditor be posted to central website; on third reading, coming up in regular order, was read a third time.

Delegate Skaff requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 566**), and there were—yeas 64, nays 34, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barach, Barnhart, Boggs, Brown, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hanna, Hansen, Hornbuckle, D. Kelly, J. Kelly, Longanacre, Lovejoy, Miller, Nestor, Paynter, Pethtel, Pushkin, Queen, Reynolds, Rowe, Skaff, Storch, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Maynard and Thompson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 642) passed.

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

Com. Sub. for S. B. 655, Eliminating sunset and legislative audit provisions for certain PSC rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 567**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Maynard and Thompson.

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

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

Com. Sub. for S. B. 657, Relating to free expression on state institution of higher education campuses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 568**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Maynard and Thompson.

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

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

Com. Sub. for S. B. 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 569**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Maynard and Thompson.

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

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

At 3:52 p.m., the House of Delegates recessed until 5:00 p.m.

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Evening Session

* * * * *

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

Special Calendar

-continued-

Com. Sub. for S. B. 660, Providing for cooperation between law-enforcement agencies and military authorities; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

There being two strike and insert amendments explained on yesterday, Delegate Steele asked and obtained unanimous consent that his amendment offered yesterday be reformed as follows:

On page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-7. Cooperation with military authorities.

(a) Unless otherwise prohibited by this code, 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 to provide assistance, cooperation, and information to the National Guard of this state or any service component of the United States Department of Defense located in this state upon the written request of the Adjutant General or the commanding officer of the unit or facility.

(b) The assistance authorized by subsection (a) of this section may be provided for:

(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 when those involve military property and personnel;

(3) Investigations and other actions related to reports of sexual assault or sexual harassment, to include any cases of reprisal or retaliation; and

(4) Violations of military directives, regulations, or instruction.

(c) The purpose of this section is to support the military by providing it objective, qualified, law-enforcement services.

(d) It shall be unlawful for any law enforcement officer employed by the State of West Virginia, or, by any municipality, or political subdivision, of the same, to cooperate with the National Guard of this state, or any other service component of the United States Department of Defense, to investigate, or enforce, any crimes relating to any federal act, law, order, rule, or regulation regarding a firearm, firearm accessory, or ammunition if the act, law, order, rule, or regulation does not exist does under the laws of this state or is not substantially similar to a law of this state.

§15-10-8 Non-commandeering of civilian law enforcement agencies by military authorities.

(a) Other than compliance with an order of a court of this state, notwithstanding any law, regulation, rule, or order to the contrary, no agency of this state, political subdivision of this state, or employee of an agency or political subdivision of this state acting in his or her official capacity may not use agency or department moneys or personnel to investigate, interrogate, detain, detect, or aid the National Guard of this state, or any other service component of the United States Department of Defense in whole or in part or arrest persons for federal law enforcement purposes, including any of the following:

(1) Inquiring into an individual's ownership regarding a firearm, firearm accessory, or ammunition, if the act, law, order, rule, or regulation for which the individual is suspected to be in violation does not exist under the laws of this state nor is substantially similar to a law of this state;

(2) Detaining an individual on the basis of a hold request related solely to an alleged federal firearm violation;

(3) Providing personal information about an individual, including, but not limited to, the individual's home address or work address if that information is required for the purpose of furthering a federal firearm investigation into a violation of federal firearm law that is not otherwise unlawful in West Virginia, unless that information is available to the public;

(4) Making or intentionally participating in arrests based strictly on a federal firearm law that differs from or is not substantially similar to a West Virginia law;

(5) Performing the functions of an agent or officer of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, whether pursuant to any other law, regulation, or policy, whether formal or informal, if such function is to knowingly and willingly participate in any way in the enforcement of any federal act, law, order, rule, or regulation regarding a firearm accessory or ammunition if the act, law, order, rule or regulation does not exist in the laws of the State of West Virginia or is not substantially similar to a law of West Virginia;

(6) Placing law enforcement officers under the supervision of the National Guard of this state, or any other service component of the United States Department of Defense or employ law enforcement officers deputized as special federal officers or special federal deputies for purposes of federal firearm law enforcement unless the act, law, order, rule, or regulation for which such enforcement is sought is the same as or substantially similar to a law of West Virginia. All law enforcement officers remain subject to West Virginia law governing conduct of law enforcement officers and the policies of the employing agency;

(7) Providing office space exclusively dedicated for federal authorities for use within a municipal or county law enforcement facility for the purpose of federal firearms regulation enforcement; or

(8) Utilizing any assets, state funds, or funds allocated by the state to local entities on or after the effective date of this article, in whole or in part, to engage in any activity that aids the National Guard of this state, or any other service component of the United States Department of Defense in the enforcement or any investigation pursuant to the enforcement of any federal act, law, order, rule, or regulation regarding a firearm, firearm accessory, or ammunition if the act, law, order, rule, or regulation does not exist under the laws of this state or is not substantially similar to a law of this state.

(b) Notwithstanding the limitations in subsection (a) of this section, this section does not prevent any West Virginia law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of state law that is detected during an unrelated law enforcement activity.

(2) Responding to a request from the National Guard of this state, or any other service component of the United States Department of Defense for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information, or where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies, including the National Guard of this state, or any other service component of the United States Department of Defense for purposes of task force investigations, and shall serve as immunity for involved officers against prosecution so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not federal firearm law enforcement; and

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to federal firearm law enforcement.

§15-10-9 Severability.

If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article, and to this end the provisions of this article are declared to be severable.

The question being on the adoption of the strike and insert amendment recommended by the Committee on the Judiciary, the same was put and did not prevail.

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

The yeas and nays having been ordered, they were taken (**Roll No. 570**), and there were—yeas 78, nays 22, absent and not voting none, with the nays being as follows:

Nays: Barach, Bates, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, D. Kelly, Lovejoy, Pushkin, Rowe, Skaff, Storch, Thompson, Walker, Westfall, Williams, Young and Zukoff.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 571**), and there were—yeas 82, nays 18, absent and not voting none, with the nays being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Garcia, Griffith, Hansen, Hornbuckle, D. Kelly, Lovejoy, Pushkin, Rowe, Skaff, Walker, Westfall, Williams, Young and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 660) passed.

S. B. 661, Permitting retailers to assume sales or use tax assessed on tangible personal property; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 572**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Jennings.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 661) passed.

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

On this question, the yeas and nays were taken (**Roll No. 573**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 661) takes effect July 1, 2021.

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

S. B. 674, Clarifying that unpaid restitution does not preclude person from obtaining driver's license; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 574**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Burkhammer, Cooper, Fast, Foster, Griffith, Martin, Pinson, Steele and B. Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 674) passed.

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

Com. Sub. for S. B. 677, Relating generally to miners' safety, health, and training standards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 575**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 677) passed.

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

Second Reading

Com. Sub. for S. B. 344, Relating to credit for qualified rehabilitated buildings investment; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted on page 1, following the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

“§11-21-8a. Credit for qualified rehabilitated buildings investment.

A credit against the tax imposed by the provisions of this article is allowed as follows:

~~(a) *Certified historic structures.* – For certified historic structures, the credit is equal to ten percent of qualified rehabilitation expenditures as defined in §47(c)(2), Title 26 of the United States Code, as amended: *Provided*, That for qualified rehabilitation expenditures made after December 31, 2017, pursuant to an historic preservation certification application, Part 2 – Description of Rehabilitation, received by the state historic preservation office after December 31, 2017, the credit allowed by this section is equal to twenty-five percent of the qualified rehabilitation expenditure, subject to the limitations and other provisions of ~~section twenty-three-a, article twenty-four of this chapter~~ §11-24-23a of this code: *Provided, however*, That the credit authorized by this section for qualified rehabilitation expenditures made after December 31, 2017, may not be used to offset tax liabilities of the taxpayer prior to the tax year beginning on or after January 1, 2020: *Provided further*, That the taxpayer is not entitled to this credit if, when the applicant begins to claim the credit and throughout the time period within which the credit is claimed, the taxpayer is in arrears in the payment of any tax administered by the Tax Division or the taxpayer is delinquent in the payment of any local or municipal tax, or the taxpayer is delinquent in the payment of property taxes on the property containing the certified historic tax structure when the applicant begins to claim the credit and throughout the time period within which the credit is claimed. The Tax Commissioner shall promulgate procedural rules in accordance with ~~article three, chapter twenty-nine-a~~ §29A-3-1 et seq. of this code that provide what information must accompany any claim for the tax credit for the determination that the taxpayer is not in arrears in the payment of any tax administered by the Tax Division, is not delinquent in the payment of any local or municipal tax, nor is the taxpayer delinquent in the payment of property taxes on the property containing the certified historic tax structure, and such other administrative requirements as the Tax Commissioner may specify. This credit is available for both residential and nonresidential buildings located in this state, that are reviewed by the West Virginia Division of Culture and History and designated by the National Park Service, United States Department of the Interior as ‘certified historic structures,’ and further defined as a ‘qualified rehabilitated building,’ as defined under §47(c)(1), Title 26 of the United States Code, as amended.~~

~~(b) The tax credit allowed by this section is eliminated after December 31, 2022: *Provided*, That any tax credits authorized by the state historic preservation officer and eligible to be claimed prior to January 1, 2023, shall continue to be eligible to be claimed subject to the provisions of law governing those tax credits that were in effect prior to January 1, 2023.~~

§11-24-23a. Credit for qualified rehabilitated buildings investment.

(a) A credit against the tax imposed by the provisions of this article shall be allowed as follows:

Certified historic structures. – For certified historic structures, the credit is equal to ten percent of qualified rehabilitation expenditures as defined in §47(c)(2), Title 26 of the United States Code, as amended: *Provided*, That for qualified rehabilitation expenditures made after December 31, 2017, pursuant to an historic preservation certification application, Part 2 – Description of Rehabilitation, received by the state historic preservation office after December 31, 2017, the credit allowed by this section is equal to twenty-five percent of the qualified rehabilitation expenditure: *Provided, however*, That the credit authorized by this section for qualified rehabilitation expenditures made after December 31, 2017, may not be used to offset tax liabilities of the taxpayer prior to the tax year beginning on or after January 1, 2020: *Provided further*, That the taxpayer is not entitled to this credit if, when the applicant begins to claim the credit and

throughout the time period within which the credit is claimed, the taxpayer is in arrears in the payment of any tax administered by the Tax Division or the taxpayer is delinquent in the payment of any local or municipal tax, or the taxpayer is delinquent in the payment of property taxes on the property containing the certified historic tax structure when the applicant begins to claim the credit and throughout the time period within which the credit is claimed. The Tax Commissioner shall promulgate procedural rules in accordance with ~~article three, chapter twenty-nine-a~~ §29A-3-1 et seq. of this code that provide what information must accompany any claim for the tax credit for the determination that the taxpayer is not in arrears in the payment of any tax administered by the Tax Division, is not delinquent in the payment of any local or municipal tax, nor is the taxpayer delinquent in the payment of property taxes on the property containing the certified historic tax structure, and such other administrative requirements as the Tax Commissioner may specify. This credit is available for both residential and nonresidential buildings located in this state that are reviewed by the West Virginia Division of Culture and History and designated by the National Park Service, United States Department of the Interior as 'certified historic building', and further defined as a 'qualified rehabilitated building', as defined under §47(c)(1), Title 26, of the United States Code, as amended.

(b) Allocations and maximum amounts of tax credits per project and per fiscal year -

(1) No more than \$10 million of the tax credits authorized by this section and section eight-a, article twenty-one of this chapter may be allocated, reserved or issued by the state historic preservation officer to any single certified rehabilitation.

(2) No more than \$30 million of the tax credits authorized by this section and section eight-a, article twenty-one of this chapter cumulatively may be issued by the state historic preservation officer for use in any given West Virginia state fiscal year, and any amount remaining up to \$30 million may not be carried over to a subsequent West Virginia state fiscal year.

(3) At the beginning of each fiscal year, no less than \$5 million of the tax credits authorized by this section and ~~section eight-a, article twenty-one of this chapter~~ §11-21-8a of this code shall be set aside for reservation and the issuance of tax credits for certified rehabilitation projects with proposed tax credits of \$500,000. The balance of any amount set aside for these projects that has not been reserved pursuant to the procedures in subsection (c) of this section by the end of the fiscal year shall be allocated by the state historic preservation officer for the projects in any amount of other pending applicants otherwise eligible for the issuance of tax credits under this section and ~~section eight-a, article twenty-one of this chapter~~ §11-21-8a of this code in the order that the applications for those projects were received.

(c) Procedure for issuance of tax credits reservations and certificates by the state historic preservation officer –

(1) Any claim for the tax credits authorized pursuant to this section and ~~section eight-a, article twenty-one of this chapter~~ §11-21-8a of this code shall be accompanied by a tax credit certificate issued by the state historic preservation officer.

(2) The tax credits will be awarded on a first come, first served basis. At the time the historic preservation certification application, Part 2 – Description of Rehabilitation, is received by the state historic preservation office, the project will be placed on a reservation list, which will reserve the tax credit amount listed on the application. The historic preservation certification application, Part 2 – Description of Rehabilitation, will be reviewed by the state historic preservation office for completion and submitted to the National Park Service for full review. At the time the historic

preservation certification application, Part 2 – Description of Rehabilitation, is submitted to the National Park Service, the state historic preservation officer shall send a request for the fee prescribed in subsection (e) of this section to the property owner. Upon approval of the historic preservation certification application, Part 2 – Description of Rehabilitation, from the National Park Service, including approval with conditions, that the project will meet the Secretary of the Interior's standards for rehabilitation, the owner of the building will receive guarantee of the tax credits from the state historic preservation office.

(3) The state historic preservation officer shall issue tax credit certificates for certified rehabilitation projects that the National Park Service has determined have met the Secretary of the Interior standards for rehabilitation based on the issuance of an approved historic preservation certification application, Part 3 – Request for Certification of Completed Work.

(4) Once the state historic preservation officer has allocated and reserved the maximum tax credits authorized for any given West Virginia state fiscal year, the state historic preservation officer then shall allocate and reserve tax credits against the maximum tax credits authorized for use in the succeeding West Virginia state fiscal year.

(5) If an applicant for tax credits that receives a reservation for tax credits for any given West Virginia state fiscal year fails to submit an approved historic preservation certification application, Part 3 – Request for Certification of Completed Work in the instance of a certified rehabilitation within thirty-six (36) months of the date of the approved historic preservation certification application, Part 2 – Description of Rehabilitation, therefor or in the instance of a phased project as determined by the National Park Service within sixty (60) months of the date of the advisory determination by the National Park Service therefor that such phase has been completed in accordance with the Secretary of the Interior standards for rehabilitation then the state historic preservation officer may reallocate part or all of the tax credits reserved therefor to other applicants in the order their applications were received.

(d) The state historic preservation officer shall prescribe and publish a form and instructions for an application for reservation and issuance of the tax credits authorized by this section and ~~section eight-a, article twenty-one of this chapter~~ §11-21-8a of this code.

(e) *Application fee* - Each application for tax credits authorized pursuant to this section and ~~section eight-a, article twenty-one of this chapter~~ §11-21-8a of this code shall require a fee payable to the state historic preservation officer equal to the lesser of (1) 0.5% of the amount of the tax credits requested for in such application and (2) \$10,000. The state historic preservation officer shall review and act on all such applications within thirty days of receipt.

Fees collected under this subsection shall be deposited into a special revenue account which is hereby created. The fund shall be administered by the state historic preservation officer and expended for the purposes of administering the provisions of this section and section eight-a, article twenty-one of this chapter.

~~(f) The tax credit allowed by this section is eliminated after December 31, 2022: *Provided*, That any tax credits authorized by the state historic preservation officer and eligible to be claimed prior to January 1, 2023, shall continue to be eligible to be claimed subject to the provisions of law governing those tax credits that were in effect prior to January 1, 2023."~~

The bill was then ordered to third reading.

Com. Sub. for S. B. 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-11. Solid waste assessment fee; penalties.

(a) *Imposition.* —

(1) A solid waste assessment fee is hereby imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of \$1.75 per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(2) Effective July 1, 2021, in addition to the fee set forth in subdivision (1) of this subsection, an additional solid waste assessment fee shall be levied and imposed upon the disposal of solid waste at any solid waste landfill disposal facility in this state. This additional fee shall be in the amount of 20 cents per ton beginning July 1, 2021, 40 cents per ton beginning July 1, 2022, 60 cents per ton beginning July 1, 2023, 80 cents per ton beginning July 1, 2024, and \$1.00 per ton beginning July 1, 2025, thereafter or like ratio on any part of a ton of solid waste. The additional fee set forth in this subdivision shall be distributed as follows:

(A) 25% of the additional fee shall be distributed equally to each county or regional solid waste authority; and

(B) 75% of the additional fee shall be distributed on a per capita basis to each county or regional solid waste authority based on the most recent population projections from the United States Census Bureau.

The proceeds from this fee are to be expended for the reasonable costs of administration of the county or regional solid waste authority including the necessary and reasonable expenses of its members, and any other expenses incurred from refuse cleanup, recycling programs, litter control programs, or any other locally important solid waste programs deemed necessary to fulfill its duties. The Tax Commissioner may promulgate interpretive rules to provide for the distribution of funds as provided by this subdivision.

(b) *Collection, return, payment, and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the ~~fee~~ fees imposed by this section, whether or not such person owns the solid waste, and the ~~fee~~ fees shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner.

(1) The ~~fee~~ fees imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the ~~fee~~ fees imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the ~~fee~~ fees accrued. Upon remittance of the ~~fee~~ fees, the operator is required to file returns on forms and in the manner as prescribed by the Tax Commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until remitted to the Tax Commissioner.

(4) If any operator fails to collect the ~~fee~~ fees imposed by this section, he or she is personally liable for such amount as he or she failed to collect, plus applicable additions to tax, penalties, and interest imposed by §11-10-1 *et seq.* of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the ~~fee~~ fees, or file returns with the ~~fee~~ fees as required in this section, the Tax Commissioner may serve written notice requiring such operator to collect the fees which become collectible after service of such notice, to deposit such fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner and to keep the amount of such fees in such account until remitted to the Tax Commissioner. Such notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the ~~fee~~ fees imposed by this section and the owner is secondarily liable for remittance of the ~~fee~~ fees imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the ~~fee~~ fees imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the ~~fee~~ fees and any additions to tax, penalties, and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the ~~fee~~ fees imposed by this section shall keep complete and accurate records in such form as the Tax Commissioner may require in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The ~~fee~~ fees imposed by this section and §7-5-22 of this code is considered a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter 24A of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of said ~~fee~~ fees in said motor carrier's rates for solid waste removal service. In calculating the amount of said ~~fee~~ fees to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of 'solid waste disposal facility'.* — For purposes of this section, the term "solid waste disposal facility" means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste disposal facility within this state that collects the ~~fee~~ fees imposed by

this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the ~~fee~~ fees imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by~~ (A) By the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by that person in his or her regular business or personal activities; ~~or~~ (B) by persons utilizing the facility on a cost-sharing or nonprofit basis; or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30-day aggregate basis;

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the secretary is exempt from the solid waste assessment ~~fee~~ fees; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. Such records must be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* — Notwithstanding §11-10-3 of this code, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 *et seq.* of this code shall apply to the ~~fee~~ fees imposed by this section with like effect as if said act were applicable only to the ~~fee~~ fees imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 of this code, sections three through seventeen, article nine, chapter eleven of this code shall apply to the ~~fee~~ fees imposed by this section with like effect as if said sections were applicable only to the ~~fee~~ fees imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* — Except as provided in subdivision (2), subsection (a) of this section, ~~The~~ the net proceeds of the ~~fee~~ fees collected by the Tax Commissioner pursuant to this section shall be deposited at least monthly in an account designated by the secretary. The secretary shall allocate \$0.25 for each ton of solid waste disposed of in this state upon which the ~~fee~~ fees imposed by this section is collected and shall deposit the total amount so allocated into the Solid Waste Reclamation and Environmental Response Fund to be expended for the purposes hereinafter specified. The first \$1 million dollars of the net proceeds of the ~~fee~~ fees imposed by this section collected in each fiscal year shall be deposited in the Solid Waste Enforcement Fund and expended for the purposes hereinafter specified. The next \$250,000 of the net proceeds of the ~~fee~~ fees imposed by this section collected in each fiscal year shall be deposited in the Solid Waste Management Board Reserve Fund, and expended for the purposes hereinafter specified: *Provided,* That in any year in which the Water Development Authority determines that the Solid Waste Management Board Reserve Fund is adequate to defer any contingent liability of the fund, the Water Development Authority shall so certify to the secretary and the secretary shall then cause no less than \$50,000 nor more than \$250,000 to be deposited

to the fund: *Provided, however,* That in any year in which the Water Development Authority determines that the Solid Waste Management Board Reserve Fund is inadequate to defer any contingent liability of the fund, the Water Development Authority shall so certify to the secretary and the secretary shall then cause not less than \$250,000 nor more than \$500,000 to be deposited in the fund: *Provided further,* That if a facility owned or operated by the State of West Virginia is denied site approval by a county or regional solid waste authority, and if such denial contributes, in whole or in part, to a default, or drawing upon a reserve fund, on any indebtedness issued or approved by the Solid Waste Management Board, then in that event the Solid Waste Management Board or its fiscal agent may withhold all or any part of any funds which would otherwise be directed to such county or regional authority and shall deposit such withheld funds in the appropriate reserve fund. The secretary shall allocate the remainder, if any, of said net proceeds among the following three special revenue accounts for the purpose of maintaining a reasonable balance in each special revenue account, which are hereby continued in the State Treasury:

(1) The Solid Waste Enforcement Fund which shall be expended by the secretary for administration, inspection, enforcement, and permitting activities established pursuant to this article;

(2) The Solid Waste Management Board Reserve Fund which shall be exclusively dedicated to providing a reserve fund for the issuance and security of solid waste disposal revenue bonds issued by the solid waste management board pursuant to §22C-3-1 *et seq.* of this code;

(3) The Solid Waste Reclamation and Environmental Response Fund which may be expended by the secretary for the purposes of reclamation, cleanup, and remedial actions intended to minimize or mitigate damage to the environment, natural resources, public water supplies, water resources and the public health, safety, and welfare which may result from open dumps or solid waste not disposed of in a proper or lawful manner.

(i) *Findings.* — In addition to the purposes and legislative findings set forth in §22-15-1 of this code, the Legislature finds as follows:

(1) In-state and out-of-state locations producing solid waste should bear the responsibility of disposing of said solid waste or compensate other localities for costs associated with accepting such solid waste;

(2) The costs of maintaining and policing the streets and highways of the state and its communities are increased by long distance transportation of large volumes of solid waste; and

(3) Local approved solid waste facilities are being prematurely depleted by solid waste originating from other locations.

(j) The Gas Field Highway Repair and Horizontal Drilling Waste Study Fund is hereby created as a special revenue fund in the State Treasury to be administered by the West Virginia Division of Highways and to be expended only on the improvement, maintenance, and repair of public roads of three lanes or less located in the county where the waste is generated watershed from which the revenue was received through the Division of Highways county office in that county that are identified by the Commissioner of the Division of Highways as having been damaged by trucks and other traffic associated with horizontal well drilling sites or the disposal of waste generated by such sites, and that experience congestion caused, in whole or in part, by such trucks and traffic that interferes with the use of said roads by residents in the vicinity of such roads: *Provided,*

That up to \$750,000 from such fund shall be made available to the Department of Environmental Protection from the same fund to offset contracted costs incurred by the Department of Environmental Protection while undertaking the horizontal drilling waste disposal studies mandated by the provisions of §22-15-8(j) of this code. Any balance remaining in the special revenue account at the end of any fiscal year shall not revert to the General Revenue Fund but shall remain in the special revenue account and shall be used solely in a manner consistent with this section. The fund shall consist of the fee provided for in subsection (k) of this section.

(k) *Horizontal drilling waste assessment fee.* — An additional solid waste assessment fee is hereby imposed upon the disposal of drill cuttings and drilling waste generated by horizontal well sites in the amount of \$1 per ton, which fee is in addition to all other fees and taxes levied by this section or otherwise and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility: *Provided*, That the horizontal drilling waste assessment fee shall be collected and administered in the same manner as the solid waste assessment fee imposed by this section, but shall be imposed only upon the disposal of drill cuttings and drilling waste generated by horizontal well sites.

ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL ACTION PLAN.

§22-15A-1. Legislative findings and purpose.

(a) The Legislature finds that litter is a public nuisance and distracts from the beauty of the state and its natural resources. It is therefore necessary to establish and implement a litter control program to coordinate public and private litter control efforts; to establish penalties for littering; to provide for litter pickup programs; to create education programs; and to provide assistance to local solid waste authority litter control efforts.

(b) The Legislature further finds that the improper management of commercial and residential solid waste and the unlawful disposal of such waste ~~creates~~ create open dumps that adversely ~~impacts~~ impact the state's natural resources, public water supplies, and the public health, safety, and welfare of the citizens of the state. It is therefore necessary to establish a program to promote pollution prevention and to eliminate and remediate open dumps.

(c) The Legislature further finds that waste tire piles are a direct product of state citizens' use and enjoyment of state roads and highways, and proper tire waste disposal is a necessary component of maintenance of the transportation system. The accumulation of waste tires has also become a significant environmental and public health hazard to the state, and the location and number of waste tires are directly related to the efficiency of travel, by citizens, visitors, and commerce, along public highways in West Virginia. In particular, the Legislature recognizes that waste tires are widespread in location and in number throughout the state; waste tires physically touch and concern public highways, including, but not limited to, state roads, county roads, park roads, secondary routes, and orphan roads, all of which interferes with the efficiency of public highways; and further that the existence of waste tires along and near public highways is sometimes accompanied by other hazards and, in turn, adversely impacts the proper maintenance and efficiency of public highways for citizens.

(d) The Legislature also recognizes and declares that waste tires are a public nuisance and hazard; that waste tires serve as harborage and breeding places for rodents, mosquitoes, fleas, ticks, and other insects and pests injurious to the public health, safety, and general welfare; that waste tires collected in large piles pose an excessive risk to public health, safety, and welfare

from disease or fire; that the environmental, economic, and societal damage resulting from fires in waste tire piles can be avoided by removing the piles; and that tire pile fires cause extensive pollution of the air and surface and groundwater for miles downwind and downstream from the fire.

(e) Therefore, in view of the findings relating to waste tires, the Legislature declares it to be the public policy of the State of West Virginia to eliminate the present danger resulting from discarded or abandoned waste tires and to eliminate the visual pollution resulting from waste tire piles and that in order to provide for the public health, safety, welfare, and quality of life, and to reverse the adverse impacts to the proper maintenance and efficiency of public highways, it is necessary to enact legislation to those ends by providing expeditious means and methods for effecting the disposal of waste tires.

(f) The Legislature further finds that abandoned and dilapidated structures statewide have become a significant hazard and can result in the formation of open dumps or solid waste not disposed of in a proper or lawful manner. In particular, the Legislature recognizes that damage to the environment, natural resources, and the public health, safety, and welfare may result from abandoned and dilapidated structures. Abandoned and dilapidated structures are widespread in location and in number throughout the state; and further, that the existence of abandoned and dilapidated structures along and near public highways is sometimes accompanied by other hazards and, in turn, adversely impacts the proper maintenance and efficiency of public highways for citizens.

(g) In view of the findings relating to abandoned and dilapidated structures, the Legislature declares it to be the public policy of the State of West Virginia to establish a program to eliminate and remediate abandoned and dilapidated structures.

(f) (h) The Legislature finds that many citizens desire a recycling program in order to conserve limited natural resources, reduce litter, recycle valuable materials, extend the useful life of solid waste landfills, reduce the need for new landfills, and create markets for recyclable materials. It is therefore necessary to establish goals for recycling solid waste; to require certain municipalities to implement recycling programs; to authorize counties to adopt comprehensive recycling programs; to encourage source separation of solid waste; to increase the purchase of recycled products by the various agencies and instrumentalities of government; and to educate the public concerning the benefits of recycling.

~~(g)~~ (i) The Legislature finds that the effectiveness of litter control, open dump, tire cleanup programs and recycling programs have been made less efficient by fragmented implementation of the various programs by different agencies. It is therefore necessary to coordinate all such programs under one program managed by the department to ensure that all current and future litter, open dump, waste tire, and recycling issues are managed and addressed efficiently and effectively.

~~(h)~~ (j) This article implements the A. James Manchin Rehabilitation Environmental Action Plan, a coordinated effort to address litter, waste, open dump, tire cleanup, and recycling programs.

§22-15A-19. Recycling assessment fee; regulated motor carriers; dedication of proceeds; criminal penalties.

(a) *Imposition.* — A recycling assessment fee is hereby levied and imposed upon the disposal of solid waste at all solid waste disposal facilities in this state, to be collected at the rate of \$2 per

ton or part of a ton of solid waste. The fee imposed by this section is in addition to all other fees levied by law.

(b) *Collection, return, payment, and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not that person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner:

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility;

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator shall file returns on forms and in the manner as prescribed by the Tax Commissioner;

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner;

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount that he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code;

(5) Whenever any operator fails to collect, truthfully account for, remit the fee or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the Tax Commissioner. The notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner;

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section;

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers of the association or corporation are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them and against the association or corporation which they represent; and

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form required by the Tax Commissioner in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under §24A-1-1 *et seq.* of this code. Notwithstanding any provision of law to the

contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of the fee in the motor carrier's rates for solid waste removal service. In calculating the amount of the fee to the motor carrier, the Commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition.* — For purposes of this section, "solid waste disposal facility" means any approved solid waste facility or open dump in this state and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section.

Nothing in this section authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by (A) By~~ the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by that person in his or her regular business or personal activities; ~~or (B) by~~ persons utilizing the facility on a cost-sharing or nonprofit basis; or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30-day aggregate basis;

(2) Reuse or recycling of any solid waste; and

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times designated by the secretary by rule as exempt from the fee imposed pursuant to §22-15-11 of this code.

(f) *Procedure and administration.* — Notwithstanding the provisions of §11-10-3 of this code, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect as if the act were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 ~~of this code~~ and §11-9-3 through §11-9-17, inclusive, of this code apply to the fee imposed by this section with like effect as if the sections were the only fee imposed by this section and were set forth in extenso in this section.

(h) *Dedication of proceeds.* — The proceeds of the fee collected pursuant to this section shall be deposited by the Tax Commissioner, at least monthly, in a special revenue account designated as the Recycling Assistance Fund which is hereby continued and transferred to the Department of Environmental Protection. The secretary shall allocate the proceeds of the fund as follows:

(1) Fifty percent of the total proceeds shall be provided in grants to assist municipalities, counties, and other interested parties in the planning and implementation of recycling programs, public education programs and recycling market procurement efforts, established pursuant to this article. The secretary shall promulgate rules, in accordance with ~~§29A-1-1 et seq.~~ §29A-3-1 et seq. of this code, containing application procedures, guidelines for eligibility, reporting

requirements, and other matters considered appropriate: *Provided*, That persons responsible for collecting, hauling, or disposing of solid waste who do not participate in the collection and payment of the solid waste assessment fee imposed by this section in addition to all other fees and taxes levied by law for solid waste generated in this state which is destined for disposal, are not eligible to receive grants under the provisions of this article;

(2) Twelve and one-half percent of the total proceeds shall be expended for personal services and benefit expenses of full-time salaried natural resources police officers;

(3) Twelve and one-half percent of the total proceeds shall be directly allocated to the solid waste planning fund;

(4) Twelve and one-half percent of the total proceeds shall be transferred to the Solid Waste Reclamation and Environmental Response Fund, established pursuant to §22-15-11 of this code, to be expended by the Department of Environmental Protection to assist in the funding of the pollution prevention and open dumps program (PPOD) which encourages recycling, reuse, waste reduction, and clean-up activities; and

(5) Twelve and one-half percent of the total proceeds shall be deposited in the Hazardous Waste Emergency Response Fund established in §22-19-1 *et seq.* of this code.

§22-15A-30. Reclamation of Abandoned and Dilapidated Properties Program.

(a) To assist county commissions or municipalities in their efforts to remediate abandoned and dilapidated structures as provided by §7-1-3ff and §8-38-5 of this code, the Department of Environmental Protection may develop a program called the Reclamation of Abandoned and Dilapidated Properties Program. Using the fund established in subsection (b) of this section, the Department of Environmental Protection may work with county commissions or municipalities and implement redevelopment plans which will, at a minimum, establish prioritized inventories of structures eligible to participate in the program, offer reuse options for high-priority sites, and recommend actions county commissions or municipalities may take to remediate abandoned and dilapidated structures in their communities.

(b) There is created in the State Treasury a special revenue fund known as the Reclamation of Abandoned and Dilapidated Properties Program Fund. The fund shall be comprised of any money granted by charitable foundations, allocated by the Legislature, allocated from federal agencies, and earned from the investment of money held in the fund, and all other money designated for deposit to the fund from any source, public or private. The fund shall operate as a special revenue fund and all deposits and payments into the fund do not expire to the General Revenue Fund but shall remain in the account and be available for expenditure in succeeding fiscal years.

(c) The fund, to the extent that money is available, may be used solely to assist county commissions or municipalities in remediating abandoned and dilapidated structures in their communities by demolishing or deconstructing them and other activities as authorized by a charitable grant or legislative appropriation. The fund may also be used to defray costs incurred by the Department of Environmental Protection in administering the provisions of this section. However, no more than five percent of money transferred from the Solid Waste Facility Closure Cost Assistance Fund may be used for administrative purposes.

(d) The Department of Environmental Protection may promulgate rules, in accordance with the provisions of §29A-3-1 et seq. of this code, to govern the disbursement of money from the fund, establish the Reclamation of Abandoned and Dilapidated Properties Program, direct the distribution of money from the fund, and establish criteria for eligibility to receive money from the fund.

(e) Nothing in this section shall be construed to limit, restrain, or otherwise discourage this state and its political subdivisions from disposing of abandoned and dilapidated structures in any other manner provided by the laws of this state.

ARTICLE 16. SOLID WASTE LANDFILL CLOSURE ASSISTANCE PROGRAM.

§22-16-4. Solid waste assessment fee; penalties.

(a) *Imposition.* — A solid waste assessment fee is levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state in the amount of ~~\$3.50~~ \$3.30 per ton beginning July 1, 2021, \$3.10 per ton beginning July 1, 2022, \$2.90 per ton beginning July 1, 2023, \$2.70 per ton beginning July 1, 2024, and \$2.50 per ton beginning July 1, 2025, and thereafter or like ratio on any part of a ton of solid waste, except as provided in subsection (e) of this section: *Provided*, That any solid waste disposal facility may deduct from this assessment fee an amount, not to exceed the fee, equal to the amount that the facility is required by the Public Service Commission to set aside for the purpose of closure of that portion of the facility required to close by article fifteen of this chapter. The fee imposed by this section is in addition to all other fees and taxes levied by law and shall be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility.

(b) *Collection, return, payment, and records.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not that person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner:

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility;

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator shall file returns on forms and in the manner prescribed by the Tax Commissioner;

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner;

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for the amount he or she failed to collect, plus applicable additions to tax, penalties, and interest imposed by §11-10-1 et seq. of this code;

(5) Whenever any operator fails to collect, truthfully account for, remit the fee, or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring the operator to collect the fees which become collectible after service of the notice, to deposit the fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of the fees in the account until remitted to the

Tax Commissioner. The notice shall remain in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner;

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section;

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers of the association or corporation are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them as against the association or corporation which they represent; and

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in the form required by the Tax Commissioner in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under chapter 24A of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of the fee in the motor carrier's rates for solid waste removal service. In calculating the amount of the fee to the motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States environmental protection agency.

(d) *Definitions.* — For purposes of this section, the term "solid waste disposal facility" means any approved solid waste facility or open dump in this state, and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing in this section authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by (A) By~~ the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by that person in his or her regular business or personal activities; ~~or (B) by~~ persons utilizing the facility on a cost-sharing or nonprofit basis; ~~or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30-day aggregate basis;~~

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on the days and times designated by the director as exempt from the solid waste assessment fee; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler shall keep accurate records of incoming and outgoing waste by weight. The records shall be made available to the appropriate inspectors from the division, upon request.

(f) *Procedure and administration.* — Notwithstanding §11-10-3 of this code, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect as if the act were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 of this code, and §11-9-3 through §11-9-17 of this code apply to the fee imposed by this section with like effect as if the sections were applicable only to the fee imposed by this section and were set forth in extenso in this section.

(h) *Dedication of proceeds.* — (1) The proceeds of the fee collected pursuant to this section shall be deposited in the closure cost assistance fund established pursuant to §22-16-12 of this code: *Provided*, That the director may transfer up to 50 cents for each ton of solid waste disposed of in this state upon which the fee imposed by this section is collected on or after July 1, 1998, to the solid waste enforcement fund established pursuant to §22-15-11 of this code.

(2) Fifty percent of the proceeds of the fee collected pursuant to this article in excess of 30,000 tons per month from any landfill which is permitted to accept in excess of 30,000 tons per month pursuant to §22-15-9 of this code shall be remitted, at least monthly, to the county commission in the county in which the landfill is located. The remainder of the proceeds of the fee collected pursuant to this section shall be deposited in the closure cost assistance fund established pursuant to §22-16-12 of this code.

§22-16-12. Solid Waste Facility Closure Cost Assistance Fund; closure extension; reporting requirements.

(a) The Solid Waste Facility Closure Cost Assistance Fund continues as a special revenue account in the State Treasury. The fund operates as a special fund in which all deposits and payments do not expire to the General Revenue Fund, but remain in the account and are available for expenditure in the succeeding fiscal year. Separate subaccounts may be established within the special account for the purpose of identification of various revenue resources and payment of specific obligations.

(b) Interest earned on any money in the fund shall be deposited to the credit of the fund.

(c) The fund consists of the following:

(1) Moneys collected and deposited in the State Treasury which are specifically designated by Acts of the Legislature for inclusion in the fund, including moneys collected and deposited into the fund pursuant to §22-16-4 of this code;

(2) Contributions, grants, and gifts from any source, both public and private, which may be used by the secretary for any project or projects;

(3) Amounts repaid by permittees pursuant to §22-15-18 of this code; and

(4) All interest earned on investments made by the state from moneys deposited in this fund.

(d) The Solid Waste Management Board, upon written approval of the secretary, has the authority to pledge all or part of the revenues paid into the Solid Waste Facility Closure Cost Assistance Fund as needed to meet the requirements of any revenue bond issue or issues of the Solid Waste Management Board authorized by this article, including the payment of principal of, interest and redemption premium, if any, on the revenue bonds and the establishing and maintaining of a reserve fund or funds for the payment of the principal of, interest and redemption premium, if any, on the revenue bond issue or issues where other moneys pledged may be insufficient. Any pledge of moneys in the Solid Waste Facility Closure Cost Assistance Fund for revenue bonds is a prior and superior charge on the fund over the use of any of the moneys in the fund to pay for the cost of any project on a cash basis. Expenditures from the fund, other than for the retirement of revenue bonds, may only be made in accordance with this article.

(e) The amounts deposited in the fund may be expended only on the cost of projects as provided in §22-16-3 and §22-16-15 of this code, as provided in subsection (f) of this section, and for payment of bonds and notes issued pursuant to §22-16-5 of this code. No more than two percent of the annual deposits to the fund may be used for administrative purposes.

(f) Notwithstanding any provision of this article, upon request of the Solid Waste Management Board, and with the approval of the projects by the Secretary of the Department of Environmental Protection, the secretary may pledge and place into escrow accounts up to an aggregate of \$2 million of the fund to satisfy two years debt service requirement that ~~permitees~~ permittees of publicly owned landfills and transfer stations are required to meet in order to obtain loans. Pledges shall be made on a project-by-project basis, may not exceed \$500,000 for a project, and are made available after loan commitments are received. The secretary may pledge funds for a loan only when the following conditions are met:

(1) The proceeds of the loan are used only to perform construction of a transfer station or a composite liner system that is required to meet Title 47, Series 38, Solid Waste Management Rules;

(2) The permittee dedicates all yearly debt service revenue, as determined by the Public Service Commission, to meet the repayment schedule of the loan, before it uses available revenue for any other purpose; and

(3) That any funds pledged may only be paid to the lender if the permittee is in default on the loan.

(g) Notwithstanding any provision of this code to the contrary, the Elkins-Randolph County Landfill, located in Randolph County, and the Webster County Landfill, located in Webster County, are eligible for funds from the Solid Waste Facility Closure Cost Assistance Fund necessary to complete their closure upon the filing of appropriate application. Upon the filing of an appropriate application, the Department of Environmental Protection shall work with the applicant to ensure the application meets the department's requirements.

(h) The Department of Environmental Protection is required to file, by January 1 of each year, an annual report with the Joint Committee on Government and Finance providing details on the manner in which the landfill closure assistance funds were expended for the prior fiscal year.

(i) The Prichard Landfill in Wayne County is eligible for funds from the Solid Waste Facility Closure Cost Assistance Fund necessary to complete post-closure maintenance and monitoring upon the filing of an appropriate application. In the event of a permit transfer, neither the state nor the Wayne County Economic Development Authority or entity may assume any liability from the private landfill other than post-closure maintenance and monitoring costs.

(i)(1) Notwithstanding any other provision of this code, upon completion of the landfill closure-related services at all eligible landfills pursuant to §22-16-3 of this code, the secretary may transfer excess money from the Solid Waste Facility Closure Cost Assistance Fund to the Reclamation of Abandoned and Dilapidated Properties Program Fund created by §22-15A-30 of this code. However, the secretary may not transfer moneys from the Solid Waste Facility Closure Cost Assistance Fund that are required to be maintained so that the department can conduct post-closure activities authorized by this article and the legislative rules promulgated thereunder. The department shall maintain in the Solid Waste Facility Closure Cost Assistance Fund a minimum balance of twice the total cost of post-closure expenses projected for the fiscal year as a buffer for unanticipated necessary post-closure activities.

(2) Contingent upon the Department of Environmental Protection securing private foundation funding to establish the Reclamation of Abandoned and Dilapidated Properties Program, and prior to the completion of the landfill closure-related services at all eligible landfills, the secretary may expend money from the Solid Waste Facility Closure Cost Assistance Fund for pilot projects conducted by the Department of Environmental Protection demonstrating the function of the Reclamation of Abandoned and Dilapidated Properties Program.

CHAPTER 22C. ENVIRONMENTAL RESOURCES; BOARDS, AUTHORITIES, COMMISSIONS, AND COMPACTS.

ARTICLE 4. COUNTY AND REGIONAL SOLID WASTE AUTHORITIES.

§22C-4-30. Solid waste assessment interim fee; regulated motor carriers; dedication of proceeds; criminal penalties.

(a) *Imposition.* — Effective July 1, 1989, a solid waste assessment fee is hereby levied and imposed upon the disposal of solid waste at any solid waste disposal facility in this state to be collected at the rate of \$1 per ton or part thereof of solid waste. The fee imposed by this section is in addition to all other fees levied by law.

(b) *Collection, return, payment, and record.* — The person disposing of solid waste at the solid waste disposal facility shall pay the fee imposed by this section, whether or not such person owns the solid waste, and the fee shall be collected by the operator of the solid waste facility who shall remit it to the Tax Commissioner.

(1) The fee imposed by this section accrues at the time the solid waste is delivered to the solid waste disposal facility.

(2) The operator shall remit the fee imposed by this section to the Tax Commissioner on or before the 15th day of the month next succeeding the month in which the fee accrued. Upon remittance of the fee, the operator is required to file returns on forms and in the manner as prescribed by the Tax Commissioner.

(3) The operator shall account to the state for all fees collected under this section and shall hold them in trust for the state until they are remitted to the Tax Commissioner.

(4) If any operator fails to collect the fee imposed by this section, he or she is personally liable for such amount as he or she failed to collect, plus applicable additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code.

(5) Whenever any operator fails to collect, truthfully account for, remit the fee, or file returns with the fee as required in this section, the Tax Commissioner may serve written notice requiring such operator to collect the fees which become collectible after service of such notice, to deposit such fees in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner, and to keep the amount of such fees in such account until remitted to the Tax Commissioner. Such notice remains in effect until a notice of cancellation is served on the operator or owner by the Tax Commissioner.

(6) Whenever the owner of a solid waste disposal facility leases the solid waste facility to an operator, the operator is primarily liable for collection and remittance of the fee imposed by this section and the owner is secondarily liable for remittance of the fee imposed by this section. However, if the operator fails, in whole or in part, to discharge his or her obligations under this section, the owner and the operator of the solid waste facility are jointly and severally responsible and liable for compliance with the provisions of this section.

(7) If the operator or owner responsible for collecting the fee imposed by this section is an association or corporation, the officers thereof are liable, jointly and severally, for any default on the part of the association or corporation, and payment of the fee and any additions to tax, penalties and interest imposed by §11-10-1 *et seq.* of this code may be enforced against them as against the association or corporation which they represent.

(8) Each person disposing of solid waste at a solid waste disposal facility and each person required to collect the fee imposed by this section shall keep complete and accurate records in such form as the Tax Commissioner may require in accordance with the rules of the Tax Commissioner.

(c) *Regulated motor carriers.* — The fee imposed by this section and §7-5-22 of this code is a necessary and reasonable cost for motor carriers of solid waste subject to the jurisdiction of the Public Service Commission under §24A-1-1 *et seq.* of this code. Notwithstanding any provision of law to the contrary, upon the filing of a petition by an affected motor carrier, the Public Service Commission shall, within 14 days, reflect the cost of said fee in said motor carrier's rates for solid waste removal service. In calculating the amount of said fee to said motor carrier, the commission shall use the national average of pounds of waste generated per person per day as determined by the United States Environmental Protection Agency.

(d) *Definition of solid waste disposal facility.* — For purposes of this section, the term "solid waste disposal facility" means any approved solid waste facility or open dump in this state and includes a transfer station when the solid waste collected at the transfer station is not finally disposed of at a solid waste facility within this state that collects the fee imposed by this section. Nothing herein authorizes in any way the creation or operation of or contribution to an open dump.

(e) *Exemptions.* — The following transactions are exempt from the fee imposed by this section:

(1) Disposal of solid waste at a solid waste facility: ~~by (A) By~~ the person who owns, operates, or leases the solid waste disposal facility if it is used exclusively to dispose of waste originally produced by that person in his or her regular business or personal activities; ~~or (B) by persons~~ utilizing the facility on a cost-sharing or nonprofit basis; ~~or (C) by a mixed waste processing and resource recovery facility as those facilities are defined in code or rule and which processes a minimum of 70 percent of the material brought to the facility on any given day on a 30-day aggregate basis;~~

(2) Reuse or recycling of any solid waste;

(3) Disposal of residential solid waste by an individual not in the business of hauling or disposing of solid waste on such days and times as designated by the director of the Division of Environmental Protection as exempt from the fee imposed pursuant to §22-15-11 of this code; and

(4) Disposal of solid waste at a solid waste disposal facility by a commercial recycler which disposes of 30 percent or less of the total waste it processes for recycling. In order to qualify for this exemption each commercial recycler must keep accurate records of incoming and outgoing waste by weight. Such records must be made available to the appropriate inspectors from the Division of Environmental Protection of solid waste authority, upon request.

(f) *Procedure and administration.* — Notwithstanding §11-10-3 of this code, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 *et seq.* of this code applies to the fee imposed by this section with like effect as if said act were applicable only to the fee imposed by this section and were set forth in extenso herein.

(g) *Criminal penalties.* — Notwithstanding §11-9-2 and §11-9-3 through §11-9-17, inclusive, of this code apply to the fee imposed by this section with like effect as if said sections were the only fee imposed by this section and were set forth in extenso herein.

(h) *Dedication of proceeds.* — The net proceeds of the fee collected by the Tax Commissioner pursuant to this section shall be deposited, at least monthly, in a special revenue account known as the Solid Waste Planning Fund which is hereby continued. The solid waste management board shall allocate the proceeds of the said fund as follows:

(1) Fifty percent of the total proceeds shall be divided equally among, and paid over, to, each county solid waste authority to be expended for the purposes of this article: *Provided*, That where a regional solid waste authority exists, such funds shall be paid over to the regional solid waste authority to be expended for the purposes of this article in an amount equal to the total share of all counties within the jurisdiction of said regional solid waste authority; and

(2) Fifty percent of the total proceeds shall be expended by the solid waste management board for:

(A) Grants to the county or regional solid waste authorities for the purposes of this article; and

(B) Administration, technical assistance, or other costs of the solid waste management board necessary to implement the purposes of this article and §22C-3-1 *et seq.* of this code.

(i) *Effective date.* — This section is effective on July 1, 1990. The amendment and reenactment of this section in 2021 is effective on July 1, 2021.

CHAPTER 24. PUBLIC SERVICE COMMISSION.**ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.****§24-2-1m. Commission jurisdiction does not extend to materials recovery facilities, mixed waste processing facilities, and ~~oil and natural gas solid waste disposal~~ certain mixed waste processing and resource recovery facilities.**

Notwithstanding any other provision of this code, the jurisdiction of the commission does not extend to materials recovery facilities or mixed waste processing facilities as defined by §22-15-2 of this code, except within a 35 mile radius of a facility sited in a county that is, in whole or in part, within a karst region as determined by the West Virginia Geologic and Economic Survey that has been permitted and classified by the ~~WVDEP~~ West Virginia Department of Environmental Protection as a mixed waste processing resource recovery facility and has received a certificate of need by July 1, 2016: *Provided*, That nothing in this section shall affect the requirements of §24A-2-5 and §24A-3-3 of this code: *Provided, however*, That the jurisdiction of the commission does not extend to any mixed waste processing and resource recovery facility that processes a minimum of 70 percent of the material brought to the facility on any given day on a 30-day aggregate basis."

The bill was ordered to third reading.

S. B. 718, Relating generally to Coal Severance Tax Rebate; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Unanimous consent having been obtained, the House returned to further consideration of **Com. Sub. for S. B. 660**, Providing for cooperation between law-enforcement agencies and military authorities.

An amendment to the title of the bill, offered by Delegate Capito, was reported by the Clerk.

Whereupon,

Delegate Capito obtained unanimous consent that the amendment be withdrawn.

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

Com. Sub. for S. B. 660 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §15-10-7, §15-10-8, and §15-10-9, all relating generally to providing for cooperation between civilian law-enforcement agencies and military authorities to facilitate objective independent investigations of possible offenses; authorizing assistance for certain instances; prohibiting any civilian law enforcement officer from assisting military authorities to investigate or enforce crimes relating to federal firearms laws; prohibiting civilian law enforcement from being commandeered by military authorities to investigate certain crimes relating to firearms; permitting local law enforcement to enforce policies of the law enforcement agency and any local law or policy; and clarifying that the provisions are severable."

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

Third Reading

Com. Sub. for S. B. 492, Establishing program for bonding to reclaim abandoned wind and solar generation facilities; on third reading coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.

On motion of Delegate Summers the bill was postponed one day.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 105, Requesting the Joint Committee on Government and Finance study the current process of involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes,

H. C. R. 106, Requesting the Joint Committee on Government and Finance study the effect of empowering the West Virginia Sentencing Commission to study the effect of a criminal code rewrite,

H. R. 26, Requesting the Joint Committee on Government and Finance to study the extent to which the COVID-19 pandemic has revealed efficiencies and/or inefficiencies in the executive branch of government in West Virginia,

And,

S. C. R. 53, Encouraging certain facilities improve palliative care programs,

And reports the same back with the recommendation that they each be adopted.

Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 9th day of April, 2021, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 3292, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health.

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 3317, Making supplementary appropriation to West Virginia Commuter Rail Access Fund,

And reports the same back with the recommendation that it do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 3317) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 576**), and there were—yeas 92, nays 8, absent and not voting none, with the nays being as follows:

Nays: Howell, J. Jeffries, Jennings, Kimes, McGeehan, Paynter, Phillips and Zatezalo.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to engrossment and third reading. Having been engrossed, the bill was read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 577**), and there were—yeas 92, nays 8, absent and not voting none, with the nays being as follows:

Nays: Dean, Hamrick, Howell, J. Jeffries, Kimes, McGeehan, Paynter and Phillips.

So, a majority of the members present and voting in the affirmative, the Speaker declared the bill (H. B. 3317) passed.

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

On this question, the yeas and nays were taken (**Roll No. 578**), and there were—yeas 94, nays 6, absent and not voting none, with the nays being as follows:

Nays: Dean, Howell, J. Jeffries, Kimes, McGeehan and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3317) takes effect from its passage.

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

Messages from the Senate

A message from the Senate, by

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

H. B. 3288, Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR.

On motion of Delegate Kessinger the House concurred in the following amendment of the bill by the Senate, with further title amendment:

On page one, 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, 2021, to fund 0101, fiscal year 2021, organization 0100, be supplemented and amended by decreasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

EXECUTIVE

5 – Governor’s Office

(WV Code Chapter 5)

Fund 0101 FY 2021 Org 0100

	Appro-	General
	priation	Revenue
		Fund
2 Current Expenses (R)	13000	65,000

And, That the total appropriation for the fiscal year ending June 30, 2021, to fund 0101, fiscal year 2021, organization 0100, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

EXECUTIVE

5 – Governor’s Office

(WV Code Chapter 5)

Fund 0101 FY 2021 Org 0100

Appro-	General
priation	Revenue
	Fund

3a Equipment..... 07000 65,000

And, That the total appropriation for the fiscal year ending June 30, 2021, to fund 0403, fiscal year 2021, organization 0511, be supplemented and amended by decreasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

61 – Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2021 Org 0511

			General
	Appro-		Revenue
	priation		Fund
5 Medical Services.....	18900	\$	4,660,595

And, That the total appropriation for the fiscal year ending June 30, 2021, to fund 0407, fiscal year 2021, organization 0506, be supplemented and amended by decreasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

57 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2021 Org 0506

			General
	Appro-		Revenue
	priation		Fund
19 Primary Care Support	62800	\$	3,040,040

And, That the total appropriation for the fiscal year ending June 30, 2021, to fund 0403, fiscal year 2021, organization 0511, be supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

61 –Division of Human Services –

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2021 Org 0511

	Appro-		General
	priation		Revenue
			Fund
25 Medical Services Administrative Costs.....	78900	\$	7,700,635

With the further title amendment, sponsored by Delegates Summers and Householder, being as follows:

H. B. 3288 - “A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and adding a new item of appropriation to Executive, Governor’s Office, fund 0101, fiscal year 2021, organization 0100, by decreasing existing items of appropriation from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511 and from the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2021, organization 0506 and increasing an existing item of appropriation to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2021, organization 0511, by supplementing and amending appropriations for the fiscal year ending June 30, 2021.”

The bill, as amended by the Senate, and further amended by the House of Delegates, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 579**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Booth.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3288) passed.

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

On this question, the yeas and nays were taken (**Roll No. 580**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3288) takes effect from its passage.

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

A message from the Senate, by

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

Com. Sub. for H. B. 3293, Relating to single-sex participation in interscholastic athletic events.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25d. Clarifying participation for sports events to be based on biological sex of the athlete at birth.

(a) The Legislature hereby finds:

(1) There are inherent differences between biological males and biological females, and that these differences are cause for celebration, as determined by the Supreme Court of the United States in *United States v. Virginia* (1996);

(2) These inherent differences are not a valid justification for sex-based classifications that make overbroad generalizations or perpetuate the legal, social, and economic inferiority of either sex. Rather, these inherent differences are a valid justification for sex-based classifications when they realistically reflect the fact that the sexes are not similarly situated in certain circumstances, as recognized by the Supreme Court of the United States in *Michael M. v. Sonoma County, Superior Court* (1981) and the Supreme Court of Appeals of West Virginia in *Israel v. Secondary Schools Act. Com'n* (1989);

(3) In the context of sports involving competitive skill or contact, biological males and biological females are not in fact similarly situated. Biological males would displace females to a substantial extent if permitted to compete on teams designated for biological females, as recognized in *Clark v. Ariz. Interscholastic Ass'n* (9th Cir. 1982);

(4) Although necessarily related, as concluded by the United States Supreme Court in *Bostock v. Clayton County* (2020), gender identity is separate and distinct from biological sex to the extent that an individual's biological sex is not determinative or indicative of the individual's gender

identity. Classifications based on gender identity serve no legitimate relationship to the State of West Virginia's interest in promoting equal athletic opportunities for the female sex; and

(5) Classification of teams according to biological sex is necessary to promote equal athletic opportunities for the female sex.

(b) Definitions. - As used in this section, the following words have the meanings ascribed to them unless the context clearly implies a different meaning:

(1) 'Biological sex' means an individual's physical form as a male or female based solely on the individual's reproductive biology and genetics at birth.

(2) 'Female' means an individual whose biological sex determined at birth is female. As used in this section, 'women' or 'girls' refers to biological females.

(3) 'Male' means an individual whose biological sex determined at birth is male. As used in this section, 'men' or 'boys' refers to biological males.

(c) Designation of Athletic Teams. —

(1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by any public secondary school or a state institution of higher education, including a state institution that is a member of the National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletics (NAIA), or National Junior College Athletic Association (NJCAA), shall be expressly designated as one of the following based on biological sex:

(A) Males, men, or boys;

(B) Females, women, or girls; or

(C) Coed or mixed.

(2) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

(3) Nothing in this section shall be construed to restrict the eligibility of any student to participate in any interscholastic, intercollegiate, or intramural athletic teams or sports designated as 'males,' 'men,' or 'boys' or designated as 'coed' or 'mixed': *Provided*, That selection for a team may still be based on those who try out and possess the requisite skill to make the team.

(d) Cause of Action. —

(1) Any student aggrieved by a violation of this section may bring an action against a county board of education or state institution of higher education alleged to be responsible for the alleged violation. The aggrieved student may seek injunctive relief and actual damages, as well as reasonable attorney's fee and court costs, if the student substantially prevails.

(2) In any private action brought pursuant to this section, the identity of a minor student shall remain private and anonymous.

(e) The State Board of Education shall promulgate rules, including emergency rules, pursuant to §29A-3B-1 et. seq. of this code to implement the provisions of this section. The Higher Education Policy Commission and the Council for Community and Technical College Education shall promulgate emergency rules and propose rules for legislative approval pursuant to §29A-3A-1 et. seq. of this code to implement the provisions of this section.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 3293 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25d, relating to designation of athletic teams or sports sponsored by any public secondary school or state institution of higher education according to biological sex; providing legislative findings; defining ‘biological sex’, ‘female’, and ‘male’; providing for designation of athletic teams as ‘males, men, or boys’, ‘females, women, or girls’, or ‘coed or mixed’; prohibiting biological males from participating on athletic teams or sports designated for biological females where competitive skill or contact is involved; clarifying that eligibility of any student to participate on athletic teams or sports designated for biological males is not restricted; providing cause of action for student aggrieved by violation of this section; requiring identity of minor student related to such action to remain anonymous; requiring promulgation of rules by the State Board of Education; and requiring proposal of legislative rules by the Higher Education Policy Commission and Council for Community and Technical College Education.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 581**), and there were—yeas 80, nays 20, absent and not voting none, with the nays being as follows:

Nays: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3293) passed.

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

A message from the Senate, by

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

H. B. 3310, Relating to the jurisdiction of the Public Service Commission.

On motion of Delegate Kessinger, the House concurred in the following amendment of the bill by the Senate:

“ARTICLE 1. GENERAL PROVISIONS.

§24-1-1c. Legislative findings.

The Legislature finds:

(1) Helping retail electric customers invest in and install solar photovoltaic energy facilities of their choice on their properties is in the public interest;

(2) Free-market financing may provide more customers with opportunities to install solar photovoltaic energy facilities;

(3) Installation of solar photovoltaic energy facilities will stabilize long-term energy costs making the state more attractive for industry and commercial investment;

(4) Financing arrangements, including those in which payments are based on the performance and output of the solar photovoltaic energy facility installed on the property of a retail electric customer, will help reduce or eliminate upfront costs involved in the investments and installation by the customers; and

(5) Individuals and entities which offer or receive these types of financing arrangements should not be considered or treated as public utilities.

§24-1-2. Definitions.

Except where a different meaning clearly appears from the context, the words “public utility”, when used in this chapter, shall mean and include any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in any business, whether herein enumerated or not, which is, or shall hereafter be held to be, a public service: *Provided*, That “public utility” does not include individuals or entities owning a solar photovoltaic energy facility located on and designed to meet only the electrical needs of the premises of a retail electric customer, the output of which is subject to a power purchase agreement with the retail electric customer, subject to §24-2-1(a) of this code. Whenever in this chapter the words “commission” or “Public Service Commission” occur, such word or words shall, unless a different intent clearly appears from the context, be taken to mean the Public Service Commission of West Virginia. Whenever used in this chapter, “customer” shall mean and include any person, firm, corporation, municipality, public service district or any other entity who purchases a product or services of any utility and shall include any such person, firm, corporation, municipality, public service district or any other entity who purchases such services or product for resale. Whenever in this chapter the words “governing body” occur, such word or words shall, unless a different intent clearly appears from the context, be taken to mean the municipal body charged with the authority and responsibility of enacting ordinances of the municipality, as defined in section two, article one, chapter eight §8-1-2 of this code, or a public service board of a public service district, as defined in section three, article thirteen-a, chapter sixteen §16-13A-3 of this code.

Except where a different meaning clearly appears from the context, the following words when used in this chapter, shall mean:

“Commission” or “Public Service Commission” means the Public Service Commission of West Virginia.

“Customer” means any person, firm, corporation, municipality, public service district, or any other entity who purchases a product or services of any utility and shall include any person, firm,

corporation, municipality, public service district, or any other entity who purchases the services or product for resale.

“Governing body” means the municipal body charged with the authority and responsibility of enacting ordinances of the municipality, as defined in §8-1-2 of this code, or a public service board of a public service district, as defined in §16-13A-3 of this code.

“Public utility” means any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in any business, whether herein enumerated or not, which is, or shall hereafter be held to be, a public service: *Provided*, That “public utility” does not include individuals or entities owning a solar photovoltaic energy facility located on and designed to meet only the electrical needs of the premises of a retail electric customer, the output of which is subject to a power purchase agreement with the retail electric customer, subject to §24-2-1(a) of this code.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1. Jurisdiction of commission; waiver of jurisdiction.

(a) The jurisdiction of the commission shall extend extends to all public utilities in this state and shall include includes any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water, or air, whether wholly or partly by land, water, or air; transportation of oil, gas, or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph, or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas, or electricity by municipalities or others; sewer systems servicing 25 or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of §16-13A-1 *et seq.* of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of the residential service: *Provided further*, That upon request of any of the customers of the natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates, and charges of the producer and for such length of time as the commission may consider to be proper.

(1) common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water, or air, whether wholly or partly by land, water, or air;

(2) transportation of oil, gas, or water by pipeline;

(3) transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline;

(4) sleeping car or parlor car services;

(5) transmission of messages by telephone, telegraph, or radio;

(6) generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility;

(7) supplying water, gas, or electricity by municipalities or others: (A) *Provided*, That natural gas producers who provide natural gas service to not more than 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of the residential service; (B) *Provided however*, That upon request of any of the customers of the natural gas producers, the commission may, upon good cause being shown, exercise authority as the commission may consider appropriate over the operation, rates, and charges of the producer and for the length of time determined proper by the commission; (C) *Provided further*, That the provision of a solar photovoltaic energy facility located on and designed to meet only the electrical needs of the premises of a retail electric customer, the output of which is subject to a power purchase agreement (PPAs) with the retail electric customer, shall not constitute a public service, subject to the following conditions and limitations:

(i) PPAs must be 11 point font or larger.

(ii) the aggregate of all PPAs and net metering arrangements in the state for any utility shall not exceed three percent (3%) of the utility's aggregate customer peak demand in the state during the previous year;

(iii) there shall be individual customer on-site generator limits of designing the photovoltaic energy facility to meet only the electrical needs of the premises of the retail electric customer and which in no case shall exceed 25kW for residential customers, 500 kW for commercial customers, and 2,000 kW for industrial customers;

(iv) customers who enter into PPAs relating to photovoltaic facilities are to notify the utility of its intent to enter into a transaction. In response, the utility shall notify within 30 days if any of the caps have been reached. If the utility does not respond within 30 days, the generator may proceed and the caps will be presumed not to have been reached; and

(v) the Public Service Commission may promulgate rules to govern and implement the provisions of interconnections for PPAs, except the PSC does not have authority over the power rates for the arrangements between the on-site generator and the customer;

(8) sewer systems servicing 25 or more persons or firms other than the owner of the sewer systems; *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission, regardless of the number of customers served by the innovative, alternative method;

(9) any public service district created under the provisions of §16-13A-1 et seq. of this code, except that the Public Service Commission has no jurisdiction over the provision of stormwater services by a public service district;

(10) toll bridges located more than five miles from a toll-free bridge which crosses the same body of water or obstacle, wharves, ferries; solid waste facilities;

(11) and any other public service.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in §24-2-5 of this code;

(2) Regulation of measurements, practices, acts, or services, as granted and described in §24-2-7 of this code;

(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in §24-2-8 of this code;

(4) Submission of information to the commission regarding rates, tolls, charges, or practices, as granted and described in §24-2-9 of this code;

(5) Authority to subpoena witnesses, take testimony, and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in §24-2-10 of this code; and

(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees, and charges, service areas and contested utility combinations: *Provided*, That any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said the dispute within 120 days of filing. The 120-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the rates, fees, and charges or other information as required by the commission considers necessary is filed: *Provided, however*, That the disputed rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or, amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints: *Provided*, That any formal complaint filed under this section that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission complained of and the commission shall resolve the complaint within 180 days of filing. The 180-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the matter complained of is filed by the political subdivision: *Provided, however*, That whenever

the commission finds any regulations, measurements, practices, acts, or service to be unjust, unreasonable, insufficient, or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or finds that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed, and followed in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate, or otherwise in violation of this chapter, and shall make such other an order respecting the same as shall be that is just and reasonable: *Provided further*, That if the matter complained of would affect rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services, the rates, fees, or charges shall remain in full force and effect until set aside, altered, or amended by the commission in an order to be followed in the future.

(8) If a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such any redress as that will bring the accounts to current status or otherwise resolve the breached covenant, and the The commission shall have has jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) The area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to may charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such the facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, is subject to §24-2-11c(e) through §24-2-11c(j) of this code as if the certificate of public convenience and necessity for the facility were a siting certificate issued under §24-2-11c of this code, and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(2) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial

operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, is not subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility, regardless of whether the facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That the owner or operator is subject to §24-2-1(d)(5) of this code if a material modification of the facility is made or constructed.

(4) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code, and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of §24-2-11c of this code, in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of §24-2-11 of this code and, except for the provisions of §24-2-11c of this code, is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to §24-2-11 of this code, to construct an electric generating facility

described in this subsection or to make or construct a material modification of the electric generating facility as an application for a siting certificate pursuant to §24-2-11c of this code if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection do not affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of the facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission does not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) "Internet protocol-enabled service" means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data, or video.

(2) "Voice-over Internet protocol service" means any service that:

(i) Enables real-time, two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term "voice-over Internet protocol service" includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission has does not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject to §24-2-12 and §24-2-12a of this code, if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission has does not have jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code."

And,

By amending the title of the bill to read as follows:

On page one, by striking out the title and substituting therefor a new title, to read as follows:

H. B. 3310 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code; all generally relating to jurisdiction of the Public Service

Commission; making legislative findings; defining terms; creating exception to the term public utility for certain solar photovoltaic energy facilities on the premises of a retail electric customer, the output of which is subject to solar power purchase agreements; providing for rulemaking; and limiting jurisdiction of the Public Service Commission.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 582**), and there were—yeas 87, nays 13, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Brown, Burkhammer, Dean, J. Jeffries, Kimes, Martin, McGeehan, Miller, Paynter, Phillips, Reynolds and Zatezalo.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3310) passed.

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

On this question, the yeas and nays were taken (**Roll No. 583**), and there were—yeas 94, nays 6, absent and not voting none, with the nays being as follows:

Nays: Bridges, Brown, Burkhammer, Dean, J. Jeffries and Paynter.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3310) takes effect from its passage.

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

At 6:36 p.m., the House of Delegates recessed for fifteen minutes.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2022, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On motion of Delegate Summers, the House concurred in the following amendment by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the 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 2022.

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 2022” shall mean the period from July 1, 2021, through June 30, 2022.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a “personal services and employee benefits” appropriation unless the source funds are also wholly from a “personal services and employee benefits” line, or unless the

source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to “personal services and employee benefits,” “current expenses,” “repairs and alterations,” “equipment,” “other assets,” “land,” and “buildings” to other appropriations within the same account and no funds from other appropriations shall be transferred to the “personal services and employee benefits” or the “unclassified” appropriation except that during Fiscal Year 2022, and upon approval from the State Budget Office, agencies with the appropriation “Salary and Benefits of Cabinet Secretary and Agency Heads” may transfer between this appropriation and the appropriation “Personal Services and Employee Benefits” an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2022, 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 surplus accrued.
- SECTION 10. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 11. Special revenue appropriations.
- SECTION 12. State improvement fund appropriations.
- SECTION 13. Specific funds and collection accounts.
- SECTION 14. Appropriations for refunding erroneous payment.
- SECTION 15. Sinking fund deficiencies.
- SECTION 16. Appropriations for local governments.
- SECTION 17. Total appropriations.
- SECTION 18. 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 2022.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2022 Org 2100

	Appro-	General
	priation	Revenue
		Fund
Compensation of Members (R)	00300	\$ 1,010,000
Compensation and Per Diem of Officers and Employees (R).....	00500	4,011,332
Current Expenses and Contingent Fund (R)	02100	276,392
Repairs and Alterations (R).....	06400	35,000
Computer Supplies (R).....	10100	80,000
Computer Systems (R).....	10200	0
Printing Blue Book (R).....	10300	125,000
Expenses of Members (R)	39900	370,000
BRIM Premium (R).....	91300	<u>44,482</u>
Total.....		\$ 5,952,206

The appropriations for the Senate for the fiscal year 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances so reappropriated may be transferred and credited to the fiscal year 2021 accounts.

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

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

The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by the Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the President, or the President of the

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

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

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

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

2 - House of Delegates

Fund 0170 FY 2022 Org 2200

Compensation of Members (R)	00300	\$	3,000,000
Compensation and Per Diem of Officers and Employees (R).....	00500		575,000
Current Expenses and Contingent Fund (R)	02100		4,399,031
Expenses of Members (R)	39900		1,350,000
BRIM Premium (R).....	91300		<u>80,000</u>
Total.....		\$	9,404,031

The appropriations for the House of Delegates for the fiscal year 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances so reappropriated may be transferred and credited to the fiscal year 2021 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*

(WV Code Chapter 4)

Fund 0175 FY 2022 Org 2300

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

The appropriations for the Joint Expenses for the fiscal year 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances reappropriated may be transferred and credited to the fiscal year 2021 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 2022 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$ 115,126,000
Current Expenses (R)	13000	19,911,000
Repairs and Alterations (R).....	06400	40,000
Equipment (R).....	07000	1,800,000
Military Service Members Court (R)	09002	300,000
Judges' Retirement System (R)	11000	742,000
Buildings (R)	25800	10,000
Other Assets (R).....	69000	200,000
BRIM Premium (R).....	91300	<u>834,000</u>
Total.....		\$ 138,963,000

The appropriations to the Supreme Court of Appeals for the fiscal years 2019, 2020 and 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances so reappropriated may be transferred and credited to the fiscal year 2022 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*

(WV Code Chapter 5)

Fund 0101 FY 2022 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 3,250,758
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Current Expenses (R)	13000	800,000
Repairs and Alterations.....	06400	25,000
National Governors Association	12300	60,700
Herbert Henderson Office of Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	596,157
BRIM Premium.....	91300	<u>183,645</u>
Total.....		\$ 6,312,986

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000) and Office of Resiliency (fund 0101, appropriation 18600) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

6 - Governor's Office –

Custodial Fund

(WV Code Chapter 5)

Fund 0102 FY 2022 Org 0100

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

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2022 Org 0100

Public Health Emergency Response Fund	21201	\$	0
Milton Flood Wall (R).....	75701		<u>7,000,000</u>
Total		\$	7,000,000

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), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 105, appropriation 75799) and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

8 - Auditor's Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2022 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,377,589
Current Expenses (R)	13000		13,429
BRIM Premium.....	91300		<u>12,077</u>
Total		\$	2,403,095

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2022 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,570,242
Unclassified	09900		31,463
Current Expenses (R)	13000		572,684
Abandoned Property Program.....	11800		41,794
Other Assets	69000		10,000
ABLE Program.....	69201		150,000
BRIM Premium.....	91300		<u>59,169</u>
Total		\$	3,435,352

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	6,298,229
Current Expenses (R)	13000		848,115
Animal Identification Program	03900		131,942
State Farm Museum.....	05500		87,759
Gypsy Moth Program (R)	11900		1,003,440
WV Farmers Market.....	12801		150,467
Black Fly Control.....	13700		453,698
HEMP Program.....	13701		350,000
Donated Foods Program.....	36300		45,000

2021]	HOUSE OF DELEGATES	1933
Veterans to Agriculture Program (R)	36301	255,624
Predator Control (R).....	47000	176,400
Bee Research	69100	70,634
Microbiology Program	78500	99,828
Moorefield Agriculture Center.....	78600	975,284
Chesapeake Bay Watershed.....	83000	112,427
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	638,554
Threat Preparedness	94200	73,122
WV Food Banks	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total		\$ 12,400,083

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	794,191
Unclassified	09900		77,059
Current Expenses (R)	13000		317,848
Soil Conservation Projects (R)	12000		9,634,709
BRIM Premium.....	91300		<u>34,428</u>
Total		\$	10,858,235

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000) and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2022 Org 1400

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

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

13 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

Fund 0136 FY 2022 Org 1400

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

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2022 Org 1400

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

15 - Attorney General

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

Fund 0150 FY 2022 Org 1500

Personal Services and Employee Benefits (R).....	00100	\$	2,818,788
Unclassified (R).....	09900		24,428
Current Expenses (R)	13000		687,795
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Criminal Convictions and Habeas Corpus Appeals (R)	26000		946,078
Better Government Bureau	74000		279,412
BRIM Premium.....	91300		<u>120,654</u>
Total		\$	4,879,155

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

16 - Secretary of State

(WV Code Chapters 3, 5, and 59)

Fund 0155 FY 2022 Org 1600

Personal Services and Employee Benefits.....	00100	\$	118,794
Unclassified (R).....	09900		8,352
Current Expenses (R)	13000		781,584
BRIM Premium.....	91300		<u>34,500</u>
Total.....		\$	943,230

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

17 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2022 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

(WV Code Chapter 5F)

Fund 0186 FY 2022 Org 0201

Personal Services and Employee Benefits.....	00100	\$	438,584
Salary and Benefits of Cabinet Secretary and			

2021] HOUSE OF DELEGATES 1937

Agency Heads	00201	168,000
Unclassified	09900	9,177
Current Expenses	13000	85,009
Repairs and Alterations.....	06400	100
Equipment.....	07000	1,000
Financial Advisor (R).....	30400	27,546
Lease Rental Payments	51600	14,850,000
Design-Build Board	54000	4,000
Other Assets	69000	100
BRIM Premium.....	91300	<u>6,736</u>
Total		\$ 15,590,252

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2022 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2022 Org 0209

Personal Services and Employee Benefits.....	00100	\$ 64,696
Unclassified	09900	1,400
Current Expenses	13000	60,721

GAAP Project (R).....	12500	612,666
BRIM Premium.....	91300	<u>13,517</u>
Total.....		\$ 753,000

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2022 Org 0211

Personal Services and Employee Benefits.....	00100	\$ 2,722,499
Unclassified	09900	20,000
Current Expenses	13000	1,148,349
Repairs and Alterations.....	06400	500
Equipment.....	07000	5,000
Fire Service Fee.....	12600	14,000
Preservation and Maintenance of Statues and Monuments		
on Capitol Grounds	37100	68,000
Capital Outlay, Repairs and Equipment (R).....	58900	23,174,656
BRIM Premium.....	91300	<u>129,983</u>
Total.....		\$ 27,282,987

Any unexpended balances remaining in the appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2022 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,039,163
Unclassified	09900		144
Current Expenses	13000		1,285
Repairs and Alterations.....	06400		200
BRIM Premium.....	91300		<u>6,922</u>
Total		\$	1,047,714

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

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2022 Org 0215

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

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2022 Org 0217

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

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2022 Org 0219

Personal Services and Employee Benefits.....	00100	\$	969,627
Unclassified	09900		1,000
Current Expenses	13000		145,295
Equipment.....	07000		50
BRIM Premium.....	91300		<u>8,740</u>
Total		\$	1,124,712

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2022 Org 0220

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

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2022 Org 0221

Personal Services and Employee Benefits.....	00100	\$	1,780,483
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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	21,188,435
Appointed Counsel Fees (R)	78800	12,148,048
BRIM Premium.....	91300	<u>10,575</u>
Total.....		\$ 35,592,581

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

*28 - Committee for the Purchase of**Commodities and Services from the Handicapped*

(WV Code Chapter 5A)

Fund 0233 FY 2022 Org 0224

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

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2022 Org 0225

PEIA Subsidy	80100	\$ 20,620,366
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The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the public employees health insurance cost for their respective divisions.

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

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2022 Org 0228

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

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2022 Org 0233

Personal Services and Employee Benefits.....	00100	\$	681,101
Unclassified	09900		1,000
Current Expenses	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500
BRIM Premium.....	91300		<u>9,784</u>
Total		\$	831,866

DEPARTMENT OF COMMERCE

32 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2022 Org 0305

Personal Services and Employee Benefits.....	00100	\$	4,579,781
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		111,674
Unclassified	09900		21,435
Current Expenses	13000		555,963
Repairs and Alterations.....	06400		80,000
Equipment (R).....	07000		2,061
BRIM Premium.....	91300		<u>98,754</u>
Total.....		\$	5,449,668

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

33 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2022 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,575,695
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		112,753
Unclassified	09900		27,678
Current Expenses	13000		51,524
Repairs and Alterations.....	06400		968
Mineral Mapping System (R).....	20700		1,090,234
BRIM Premium.....	91300		<u>24,486</u>
Total.....		\$	2,883,338

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

34 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 0260 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,537,028
Current Expenses	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment.....	07000		15,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	1,815,528

35 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$	16,618,675
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		113,188
Unclassified	09900		184,711
Current Expenses	13000		140,236
Repairs and Alterations.....	06400		100
Equipment.....	07000		100
Buildings (R)	25800		100
Capital Outlay – Parks (R)	28800		3,000,000
Litter Control Conservation Officers	56400		144,781
Upper Mud River Flood Control.....	65400		162,319
Other Assets	69000		100

2021] HOUSE OF DELEGATES 1945

Land (R).....	73000	100
Law Enforcement.....	80600	2,514,699
BRIM Premium.....	91300	<u>45,141</u>
Total.....		\$ 22,924,250

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

(WV Code Chapter 22)

Fund 0277 FY 2022 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 9,375,243
Unclassified	09900	111,016
Current Expenses	13000	1,396,141
Coal Dust and Rock Dust Sampling.....	27000	315,990
BRIM Premium.....	91300	<u>80,668</u>
Total.....		\$ 11,279,058

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

(WV Code Chapter 22)

Fund 0280 FY 2022 Org 0319

Personal Services and Employee Benefits.....	00100	\$ 233,981
Unclassified	09900	3,480
Current Expenses	13000	<u>112,804</u>

Total		\$	350,265
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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

(WV Code Chapter 23)

Fund 0572 FY 2022 Org 0323

Personal Services and Employee Benefits.....	00100	\$	51,433
Unclassified	09900		593
Current Expenses	13000		<u>6,447</u>
Total		\$	58,473

39 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2022 Org 0327

Personal Services and Employee Benefits.....	00100	\$	465,122
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		153,750
Unclassified	09900		1,490
Current Expenses	13000		131,847
Directed Transfer	70000		<u>500,000</u>
Total		\$	1,252,209

The above appropriation for Directed Transfer (fund 0606, appropriation 70000) shall be transferred to the Broadband Enhancement Fund (fund 3013).

40 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2022 Org 0932

2021]	HOUSE OF DELEGATES		1947
Personal Services and Employee Benefits.....	00100	\$	11,459,977
Current Expenses	13000		558,815
Independent Living Services	00900		429,418
Workshop Development.....	16300		1,817,427
Supported Employment Extended Services	20600		77,960
Ron Yost Personal Assistance Fund	40700		333,828
Employment Attendant Care Program.....	59800		131,575
BRIM Premium.....	91300		<u>77,464</u>
Total.....		\$	14,886,464

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

DEPARTMENT OF TOURISM

41 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2022 Org 0304

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

Any unexpended balances remaining in the appropriations for Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), and State Parks and Recreation Advertising (fund

0246, appropriation 61900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

(WV Code Chapter 5B)

Fund 0256 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,500,420
Unclassified	09900		108,055
Current Expenses	13000		3,381,014
National Youth Science Camp	13200		241,570
Local Economic Development Partnerships (R)	13300		1,250,000
ARC Assessment.....	13600		152,585
Guaranteed Work Force Grant (R).....	24200		976,579
Directed Transfer	70000		0
Mainstreet Program	79400		167,467
Local Economic Development Assistance (R).....	81900		0
BRIM Premium.....	91300		3,157
Hatfield McCoy Recreational Trail.....	96000		<u>198,415</u>
Total.....		\$	10,979,262

Any unexpended balances remaining in the appropriations for Sales and Marketing Enhancement – Surplus (fund 0256, appropriation 05099, Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), and Industrial Park Assistance (fund 0256, appropriation 48000), at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000) \$50,000 shall be used for the Western Potomac Economic Partnership.

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.Va. 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 \$34,000 per county served by an economic development or redevelopment corporation or authority.

43 - Department of Economic Development –

Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2022 Org 0328

Personal Services and Employee Benefits.....	00100	\$	198,299
Unclassified	09900		12,395
Current Expenses	13000		1,011,015
BRIM Premium.....	91300		<u>3,894</u>
Total		\$	1,225,603

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

DEPARTMENT OF EDUCATION

44 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2022 Org 0402

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

45 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,598,523
Unclassified (R).....	09900		420,000
Current Expenses (R)	13000		4,580,000
Teachers' Retirement Savings Realized.....	09500		34,747,000
Center for Professional Development (R).....	11500		150,000
Increased Enrollment	14000		22,800,000
Safe Schools.....	14300		4,550,424
Attendance Incentive Bonus (R).....	15001		2,056,717
National Teacher Certification (R)	16100		300,000
Jobs & Hope – Childhood Drug Prevention Education	21901		5,000,000
Allowance for County Transfer	26400		119,087
Technology Repair and Modernization	29800		951,003
HVAC Technicians.....	35500		516,791
Early Retirement Notification Incentive.....	36600		300,000
MATH Program.....	36800		336,532
Assessment Programs (R)	39600		3,865,593
Benedum Professional Development Collaborative (R).....	42700		429,775
Governor's Honors Academy (R)	47800		1,059,270
21 st Century Fellows.....	50700		274,899
English as a Second Language.....	52800		96,000
Teacher Reimbursement.....	57300		297,188
Hospitality Training	60000		272,775

2021]	HOUSE OF DELEGATES	1951
Youth in Government	61600	100,000
High Acuity Special Needs (R)	63400	1,500,000
Foreign Student Education	63600	100,294
State Board of Education Administrative Costs	68400	277,403
IT Academy (R)	72100	500,000
Early Literacy Program	75600	5,705,624
School Based Truancy Prevention (R)	78101	2,032,238
Communities in Schools (R)	78103	4,900,000
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program	86401	415,500
21 st Century Learners (R)	88600	1,756,470
BRIM Premium	91300	342,859
21 st Century Assessment and Professional Development	93100	2,006,978
21 st Century Technology Infrastructure Network		
Tools and Support (R)	93300	9,636,586
Special Olympic Games	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total		\$ 116,438,193

The above appropriations include funding for the state board of education and their 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), Assessment Programs (fund 0313, appropriation 39600), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor’s Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund

0313, appropriation 88600), and 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000 shall be for assisting low-income students with AP exam fees.

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

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for 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

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2022 Org 0402

Special Education – Counties	15900	\$	7,271,757
Special Education – Institutions	16000		3,968,631
Education of Juveniles Held in Predispositional			
Juvenile Detention Centers.....	30200		662,300
Education of Institutionalized Juveniles and Adults (R)	47200		<u>20,520,405</u>
Total.....		\$	32,423,093

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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

47 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2022 Org 0402

Other Current Expenses	02200	\$ 161,739,678
Advanced Placement	05300	670,151
Professional Educators	15100	869,082,617
Service Personnel.....	15200	291,835,429
Fixed Charges.....	15300	101,669,823
Transportation.....	15400	69,193,341
Improved Instructional Programs	15600	51,974,496
Professional Student Support Services	65500	59,608,039
21 st Century Strategic Technology Learning Growth	93600	26,443,757
Teacher and Leader Induction	93601	<u>5,478,876</u>
Basic Foundation Allowances		1,637,540,693
Less Local Share		(476,260,743)
Adjustments		<u>(3,254,844)</u>
Total Basic State Aid.....		1,158,025,106
Public Employees' Insurance Matching.....	01200	206,938,256
Teachers' Retirement System	01900	60,784,000
School Building Authority (R)	45300	24,000,000
Retirement Systems – Unfunded Liability.....	77500	<u>302,844,000</u>
Total		\$ 1,752,591,362

Any unexpended balances remaining in the appropriations for School Building Authority (fund 0317, appropriation 45300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

48 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,339,713
Unclassified	09900		268,800
Current Expenses	13000		883,106
Wood Products – Forestry Vocational Program.....	14600		81,252
Albert Yanni Vocational Program	14700		132,123
Vocational Aid	14800		24,443,275
Adult Basic Education	14900		5,365,530
Jobs & Hope	14902		0
Program Modernization.....	30500		884,313
High School Equivalency Diploma Testing (R)	72600		803,397
FFA Grant Awards	83900		11,496
Pre-Engineering Academy Program.....	84000		<u>265,294</u>
Total		\$	34,478,299

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0390, appropriation 14901) and High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18, and 18A)

Fund 0320 FY 2022 Org 0403

Personal Services and Employee Benefits.....	00100	\$	11,379,675
Unclassified	09900		110,000
Current Expenses	13000		2,250,696
Repairs and Alterations.....	06400		164,675
Equipment.....	07000		77,000
Buildings (R)	25800		45,000
Capital Outlay and Maintenance (R)	75500		520,000

BRIM Premium.....	91300	<u>130,842</u>
Total		\$ 14,677,888

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2022 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 3,343,487
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	120,106
Unclassified (R).....	09900	28,483
Current Expenses	13000	600,609
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	1
WV Humanities Council	16800	250,000
Mountain Stage.....	24900	0
Buildings (R)	25800	1
Other Assets	69000	1
Educational Enhancements.....	69500	573,500
Land (R).....	73000	1
Culture and History Programming	73200	231,573
Capital Outlay and Maintenance (R)	75500	19,600
Historical Highway Marker Program.....	84400	57,548
BRIM Premium.....	91300	<u>39,337</u>
Total		\$ 5,565,147

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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 Code.

From the above appropriation for Educational Enhancements (fund 0293, appropriation 69500), \$500,000 shall be used for Save the Children and \$73,500 shall be used for the Clay Center.

51 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2022 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,070,613
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		112,000
Current Expenses.....	13000		139,624
Repairs and Alterations.....	06400		6,500
Services to Blind & Handicapped.....	18100		161,717
BRIM Premium.....	91300		<u>18,205</u>
Total.....		\$	1,508,659

52 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2022 Org 0439

Personal Services and Employee Benefits.....	00100	\$	3,144,106
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		120,106
Current Expenses.....	13000		118,344

2021]	HOUSE OF DELEGATES	1957
Mountain Stage.....	24900	295,500
Capital Outlay and Maintenance (R)	75500	49,250
BRIM Premium.....	91300	<u>47,727</u>
Total		\$ 3,775,033

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2022 Org 0311

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

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 4,005,460
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	168,000
Unclassified	09900	0
Current Expenses	13000	85,816
Repairs and Alterations.....	06400	0

Water Resources Protection and Management.....	06800	576,278
Dam Safety	60700	237,824
West Virginia Stream Partners Program.....	63700	77,396
Meth Lab Cleanup.....	65600	91,888
WV Contributions to River Commissions.....	77600	148,485
Office of Water Resources Non-Enforcement Activity	85500	<u>1,009,855</u>
Total.....		\$ 6,401,002

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2022 Org 0325

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

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2022 Org 0501

Personal Services and Employee Benefits.....	00100	\$ 384,638
Unclassified	09900	6,459
Current Expenses	13000	50,613
Commission for the Deaf and Hard of Hearing.....	70400	<u>215,534</u>

Total \$ 657,244

Any unexpended balance remaining in the appropriation for the Women's Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

57 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 12,544,773
Unclassified	09900	671,795
Current Expenses	13000	5,343,444
Chief Medical Examiner (R)	04500	8,714,647
State Aid for Local and Basic Public Health Services	18400	14,160,490
Safe Drinking Water Program (R).....	18700	1,891,323
Women, Infants and Children.....	21000	38,621
Early Intervention	22300	8,134,060
Cancer Registry	22500	206,306
Office of Drug Control Policy (R)	35401	545,153
Statewide EMS Program Support (R).....	38300	1,695,271
Office of Medical Cannabis (R)	42001	1,459,989
Black Lung Clinics.....	46700	170,885
Vaccine for Children.....	55100	338,235
Tuberculosis Control	55300	314,256
Maternal and Child Health Clinics, Clinicians		
Medical Contracts and Fees (R)	57500	5,892,707
Epidemiology Support.....	62600	1,497,192
Primary Care Support	62800	1,223,666

Sexual Assault Intervention and Prevention	72300	800,000
Health Right Free Clinics	72700	4,250,000
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles.....	77800	890,000
Maternal Mortality Review	83400	49,933
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System	91800	1,889,212
WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
Total.....		\$ 73,771,816

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical Cannabis Surplus (fund 0407, appropriation 42099), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay, Repairs and Equipment Surplus (fund 0525, appropriation 67700), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; and \$1,000,000 shall be used for the administration of the Telestroke program.

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

58 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,632,588
Current Expenses	13000		14,113
Jobs & Hope	14902		0
Behavioral Health Program (R)	21900		71,671,175
Institutional Facilities Operations (R).....	33500		147,729,180
Substance Abuse Continuum of Care (R)	35400		1,840,000
Capital Outlay and Maintenance (R)	75500		950,000
BRIM Premium.....	91300		<u>1,296,098</u>
Total		\$	225,133,154

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0525, appropriation 14901), Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

Additional funds have been appropriated in fund 5156, fiscal year 2022, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

59 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2022 Org 0506

West Virginia Drinking Water Treatment

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

60 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2022 Org 0510

Personal Services and Employee Benefits.....	00100	\$	961,553
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		112,000
Unclassified	09900		4,024
Current Expenses	13000		331,304
BRIM Premium.....	91300		<u>10,764</u>
Total		\$	1,419,645

61 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	50,342,424
Salary and Benefits of Cabinet Secretary and			

Agency Heads	00201	87,031
Unclassified	09900	5,688,944
Current Expenses	13000	11,583,240
Child Care Development	14400	3,102,718
Medical Services	18900	312,973,309
Social Services	19500	226,138,785
Family Preservation Program	19600	1,565,000
Family Resource Networks	27400	1,762,464
Domestic Violence Legal Services Fund	38400	400,000
James "Tiger" Morton Catastrophic Illness Fund	45500	18,664
I/DD Waiver	46600	108,541,736
Child Protective Services Case Workers	46800	27,843,073
Title XIX Waiver for Seniors	53300	13,593,620
WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
In-Home Family Education	68800	1,000,000
WV Works Separate State Program	69800	135,000
Child Support Enforcement	70500	6,458,806
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	25,819,096
Child Care – Maintenance of Effort Match	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth	75900	1,000,000
Medical Services Administrative Costs	78900	43,568,141
Traumatic Brain Injury Waiver	83500	800,000

Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	700,000
CHIP Services.....	85602	6,390,665
BRIM Premium.....	91300	892,642
Rural Hospitals Under 150 Beds	94000	2,596,000
Children’s Trust Fund – Transfer.....	95100	220,000
PATH	95400	<u>7,162,452</u>
Total.....		\$ 876,495,421

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

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

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

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

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), 50% of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition

Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

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

DEPARTMENT OF HOMELAND SECURITY

62 - Department of Homeland Security –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2022 Org 0601

Personal Services and Employee Benefits.....	00100	\$	516,426
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		168,000
Unclassified (R).....	09900		30,000
Current Expenses.....	13000		145,886
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Fusion Center (R).....	46900		2,683,140
Other Assets.....	69000		500
Directed Transfer.....	70000		32,000
BRIM Premium.....	91300		22,563
WV Fire and EMS Survivor Benefit (R).....	93900		<u>200,000</u>
Total.....		\$	3,799,515

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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).

63 - Division of Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2022 Org 0606

Personal Services and Employee Benefits.....	00100	\$	2,128,644
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		61,250
Unclassified	09900		21,022
Current Expenses	13000		51,065
Repairs and Alterations.....	06400		600
Radiological Emergency Preparedness	55400		17,052
SIRN.....	55401		600,000
Federal Funds/Grant Match (R)	74900		1,409,145
Mine and Industrial Accident Rapid			
Response Call Center	78100		451,911
Early Warning Flood System (R).....	87700		1,220,448
BRIM Premium.....	91300		<u>96,529</u>
Total.....		\$	6,057,666

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

64 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$	307,843
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2021]	HOUSE OF DELEGATES	1967
Unclassified	09900	10,000
Current Expenses	13000	344,440
Salaries of Members of West Virginia Parole Board	22700	707,056
BRIM Premium.....	91300	<u>6,149</u>
Total		\$ 1,365,488

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

65 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 450,577
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	126,000
Current Expenses	13000	<u>2,400</u>
Total		\$ 578,977

66 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2022 Org 0608

Employee Benefits	01000	\$ 1,258,136
Unclassified	09900	1,578,800
Current Expenses (R)	13000	47,751,798
Children's Protection Act (R)	09000	838,437
Facilities Planning and Administration (R)	38600	1,274,200
Charleston Correctional Center	45600	3,400,402

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Beckley Correctional Center.....	49000	2,518,874
Anthony Correctional Center	50400	6,096,779
Huttonsville Correctional Center.....	51400	21,920,001
Northern Correctional Center	53400	8,018,685
Inmate Medical Expenses (R)	53500	21,226,064
Pruntytown Correctional Center	54300	8,597,911
Corrections Academy.....	56900	1,925,980
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	4,348,990
Parole Services.....	68600	5,850,564
Special Services	68700	6,477,777
Investigative Services	71600	3,394,070
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center	77400	11,455,381
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center.....	82800	3,927,845
St. Mary's Correctional Center	88100	14,497,534
Denmar Correctional Center	88200	5,189,043
Ohio County Correctional Center	88300	2,147,492
Mt. Olive Correctional Complex.....	88800	22,357,432
Lakin Correctional Center	89600	10,711,864
BRIM Premium.....	91300	<u>2,527,657</u>
Total.....		\$ 234,456,553

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital

Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

67 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2022 Org 0608

Statewide Reporting Centers	26200	\$	7,358,529
Robert L. Shell Juvenile Center.....	26700		2,519,068
Resident Medical Expenses (R).....	53501		3,604,999
Central Office.....	70100		2,167,320
Capital Outlay and Maintenance (R)	75500		250,000
Gene Spadaro Juvenile Center	79300		2,692,984
BRIM Premium.....	91300		115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000		5,808,523
Vicki Douglas Juvenile Center.....	98100		2,389,494
Northern Regional Juvenile Center	98200		2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300		2,422,880
Sam Perdue Juvenile Center	98400		2,614,497
Tiger Morton Center.....	98500		2,633,060

Donald R. Kuhn Juvenile Center	98600	5,060,657
J.M. "Chick" Buckbee Juvenile Center	98700	<u>2,527,617</u>
Total.....		\$ 45,041,897

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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).

68 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 62,115,935
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	139,300
Children's Protection Act.....	09000	1,009,529
Current Expenses	13000	10,384,394
Repairs and Alterations.....	06400	450,523
Trooper Class	52100	3,207,832
Barracks Lease Payments	55600	237,898
Communications and Other Equipment (R).....	55800	1,070,968
Trooper Retirement Fund.....	60500	9,592,923
Handgun Administration Expense	74700	77,892
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded Liability.....	77500	19,156,000
Automated Fingerprint Identification System	89800	2,211,693
BRIM Premium.....	91300	<u>5,743,921</u>

Total \$ 115,648,808

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

69 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2022 Org 0619

Current Expenses 13000 \$ 63,061

70 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2022 Org 0622

Personal Services and Employee Benefits.....	00100	\$	2,972,946
Unclassified (R).....	09900		21,991
Current Expenses	13000		422,981
Repairs and Alterations.....	06400		8,500
Equipment (R).....	07000		64,171
BRIM Premium.....	91300		<u>32,602</u>
Total		\$	3,523,191

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

71 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 0546 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$	570,979
Current Expenses	13000		233,360

Repairs and Alterations.....	06400	1,804
Child Advocacy Centers (R).....	45800	2,206,954
Community Corrections (R).....	56100	4,595,222
Statistical Analysis Program.....	59700	49,819
Sexual Assault Forensic Examination Commission (R).....	71400	77,525
Qualitative Analysis and Training for Youth Services (R)	76200	163,724
Law Enforcement Professional Standards.....	83800	164,272
Justice Reinvestment Initiative (R).....	89501	2,332,101
BRIM Premium.....	91300	<u>2,123</u>
Total.....		\$ 10,397,883

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200) and Justice Reinvestment Initiative (fund 0546, appropriation 89501) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

72 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 2,306,255
Current Expenses	13000	<u>305,000</u>
Total.....		\$ 2,611,255

DEPARTMENT OF REVENUE

73 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2022 Org 0701

Personal Services and Employee Benefits.....	00100	\$	348,906
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		168,000
Unclassified.....	09900		437
Current Expenses.....	13000		81,594
Repairs and Alterations.....	06400		1,262
Equipment.....	07000		8,000
Other Assets.....	69000		<u>500</u>
Total.....		\$	608,699

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

74 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2022 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$	18,136,041
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		136,500
Unclassified (R).....	09900		174,578
Current Expenses (R).....	13000		5,823,635
Repairs and Alterations.....	06400		10,150
Equipment.....	07000		54,850
Tax Technology Upgrade.....	09400		3,700,000
Multi State Tax Commission.....	65300		77,958
Other Assets.....	69000		10,000
BRIM Premium.....	91300		<u>15,579</u>

Total \$ 28,139,291

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

75 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2022 Org 0703

Personal Services and Employee Benefits.....	00100	\$	794,942
Unclassified (R).....	09900		9,200
Current Expenses	13000		<u>119,449</u>
Total		\$	923,591

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

76 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2022 Org 0709

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

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

77 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2022 Org 0933

2021]	HOUSE OF DELEGATES		1975
Personal Services and Employee Benefits.....	00100	\$	7,200
Current Expenses	13000		<u>29,611</u>
Total.....		\$	36,811

DEPARTMENT OF TRANSPORTATION

78 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2022 Org 0804

Personal Services and Employee Benefits.....	00100	\$	361,627
Current Expenses	13000		287,707
Other Assets (R)	69000		1,270,019
BRIM Premium.....	91300		<u>201,541</u>
Total.....		\$	2,120,894

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

79 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2022 Org 0805

Equipment (R).....	07000	\$	25,000
Current Expenses (R)	13000		2,104,044
Buildings	25800		50,000
Other Assets (R)	69000		<u>50,000</u>
Total.....		\$	2,229,044

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

80 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2022 Org 0807

Personal Services and Employee Benefits.....	00100	\$	223,740
Current Expenses (R)	13000		579,537
Repairs and Alterations.....	06400		100
BRIM Premium.....	91300		<u>4,438</u>
Total		\$	807,815

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

DEPARTMENT OF VETERANS' ASSISTANCE

81 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2022 Org 0613

Personal Services and Employee Benefits.....	00100	\$	1,931,772
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		110,880
Unclassified	09900		20,000
Current Expenses	13000		161,450
Repairs and Alterations.....	06400		5,000
Veterans' Field Offices	22800		405,550
Buildings (R)	25800		7,000,000
Veterans' Nursing Home (R)	28600		6,861,472
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	80800		389,215
BRIM Premium.....	91300		<u>50,000</u>

Total \$ 17,547,354

Any unexpended balances remaining in the appropriations for Veterans’ Nursing Home (fund 0456, appropriation 28600), Veterans’ Reeducation Assistance (fund 0456, appropriation 32900), Veterans’ Grant Program (fund 0456, appropriation 34200), Veterans’ Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

82 - Department of Veterans’ Assistance –

Veterans’ Home

(WV Code Chapter 9A)

Fund 0460 FY 2022 Org 0618

Personal Services and Employee Benefits.....	00100	\$	1,217,096
Current Expenses (R)	13000		46,759
Veterans Outreach Programs.....	61700		<u>200,740</u>
Total		\$	1,464,595

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0460, appropriation 13000) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

BUREAU OF SENIOR SERVICES

83 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2022 Org 0508

Current Expenses	13000	\$	0
Transfer to Division of Human Services for Health Care			
and Title XIX Waiver for Senior Citizens	53900		<u>29,950,955</u>
Total		\$	29,950,955

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**

84 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2022 Org 0420

West Virginia Council for Community

and Technical Education (R)	39200	\$	3,727,871
Transit Training Partnership	78300		34,293
Community College Workforce Development (R)	87800		2,786,925
College Transition Program.....	88700		278,222
West Virginia Advance Workforce Development (R)	89300		3,118,960
Technical Program Development (R)	89400		1,800,735
WV Invests Grant Program (R)	89401		<u>7,034,748</u>
Total.....		\$	18,781,754

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

85 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2022 Org 0444

Mountwest Community and Technical College.....	48700	\$	6,391,967
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86 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2022 Org 0445

2021]	HOUSE OF DELEGATES		1979
New River Community and Technical College.....	35800	\$	5,776,913
<p style="text-align: center;"><i>87 - Pierpont Community and Technical College</i> (WV Code Chapter 18B) Fund <u>0597</u> FY <u>2022</u> Org <u>0446</u></p>			
Pierpont Community and Technical College.....	93000	\$	7,820,129
<p style="text-align: center;"><i>88 - Blue Ridge Community and Technical College</i> (WV Code Chapter 18B) Fund <u>0601</u> FY <u>2022</u> Org <u>0447</u></p>			
Blue Ridge Community and Technical College.....	88500	\$	7,713,379
<p style="text-align: center;"><i>89 - West Virginia University at Parkersburg</i> (WV Code Chapter 18B) Fund <u>0351</u> FY <u>2022</u> Org <u>0464</u></p>			
West Virginia University – Parkersburg	47100	\$	10,164,495
<p style="text-align: center;"><i>90 - Southern West Virginia Community and Technical College</i> (WV Code Chapter 18B) Fund <u>0380</u> FY <u>2022</u> Org <u>0487</u></p>			
Southern West Virginia Community and Technical College.....	44600	\$	8,118,196
<p style="text-align: center;"><i>91 - West Virginia Northern Community and Technical College</i> (WV Code Chapter 18B) Fund <u>0383</u> FY <u>2022</u> Org <u>0489</u></p>			
West Virginia Northern Community and Technical College	44700	\$	7,176,538
<p style="text-align: center;"><i>92 - Eastern West Virginia Community and Technical College</i> (WV Code Chapter 18B) Fund <u>0587</u> FY <u>2022</u> Org <u>0492</u></p>			
Eastern West Virginia Community and Technical College	41200	\$	2,147,213

93 - *BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2022 Org 0493

BridgeValley Community and Technical College	71700	\$	7,977,329
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HIGHER EDUCATION POLICY COMMISSION94 - *Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2022 Org 0441

Personal Services and Employee Benefits	00100	\$	2,669,502
Current Expenses	13000		1,096,902
RHI Program and Site Support –			
RHEP Program Administration	03700		80,000
Mental Health Provider Loan Repayment (R)	11301		330,000
Higher Education Grant Program	16400		40,619,864
Tuition Contract Program (R)	16500		1,225,120
Underwood-Smith Scholarship Program-Student Awards	16700		628,349
Facilities Planning and Administration	38600		1,760,254
Higher Education System Initiatives	48801		1,630,000
PROMISE Scholarship – Transfer	80000		18,500,000
HEAPS Grant Program (R)	86700		5,014,728
Health Professionals' Student Loan Program	86701		400,000
BRIM Premium	91300		<u>17,817</u>
Total		\$	73,972,536

Any unexpended balances remaining in the appropriations for Tuition Contract Program (fund 0589, appropriation 16500), HEAPS Grant Program (fund 0589, appropriation 86700), Health

Professionals’ Student Loan Program (fund 0589, appropriation 86701), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

95 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2022 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,201,822
WVU – School of Health Sciences	17400		14,830,524
WVU – School of Health Sciences – Charleston Division	17500		2,252,410
Rural Health Outreach Programs (R)	37700		164,517
West Virginia University School of Medicine			
BRIM Subsidy	46000		<u>1,203,087</u>
Total		\$	20,652,360

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

96 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2022 Org 0463

West Virginia University	45900	\$	95,562,690
Jackson's Mill (R).....	46100		491,458
West Virginia University Institute of Technology.....	47900		8,020,938
State Priorities – Brownfield Professional Development (R)	53100		316,556
Energy Express (R).....	86100		382,935
West Virginia University – Potomac State	99400		<u>4,512,711</u>
Total.....		\$	98,742,558

Any unexpended balances remaining in the appropriations for Jackson's Mill (fund 0344, appropriation 46100), State Priorities – Brownfield Professional Development (fund 0344, appropriation 53100), and Energy Express (fund 0344, appropriation 86100) at the close of fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

(WV Code Chapter 18B)

Fund 0347 FY 2022 Org 0471

Marshall Medical School	17300	\$	12,051,542
Rural Health Outreach Programs (R).....	37700		156,022
Forensic Lab (R).....	37701		227,415
Center for Rural Health (R)	37702		157,096
Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>
Total.....		\$	13,464,687

Any unexpended balances remaining in the appropriations for Rural Health Outreach Program (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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

*98 - Marshall University –**General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2022 Org 0471

Marshall University.....	44800	\$	46,059,781
Luke Lee Listening Language and Learning Lab (R).....	44801		149,015
Vista E-Learning (R).....	51900		229,019
State Priorities – Brownfield Professional Development (R)....	53100		309,606
Marshall University Graduate College Writing Project (R).....	80700		25,412
WV Autism Training Center (R).....	93200		<u>1,808,381</u>
Total.....		\$	43,282,632

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

99 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2022 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$	8,746,107
Rural Health Outreach Programs (R)	37700		166,111
West Virginia School of Osteopathic Medicine			
BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support.....	58100		<u>397,592</u>
Total.....		\$	9,463,215

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

100 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2022 Org 0482

1984	JOURNAL OF THE		[APRIL 9
Bluefield State College.....	40800	\$	6,287,473
	<i>101 - Concord University</i>		
	(WV Code Chapter 18B)		
	Fund <u>0357</u> FY <u>2022</u> Org <u>0483</u>		
Concord University.....	41000	\$	10,319,269
	<i>102 - Fairmont State University</i>		
	(WV Code Chapter 18B)		
	Fund <u>0360</u> FY <u>2022</u> Org <u>0484</u>		
Fairmont State University.....	41400	\$	18,600,341
	<i>103 - Glenville State College</i>		
	(WV Code Chapter 18B)		
	Fund <u>0363</u> FY <u>2022</u> Org <u>0485</u>		
Glenville State College.....	42800	\$	6,350,238
	<i>104 - Shepherd University</i>		
	(WV Code Chapter 18B)		
	Fund <u>0366</u> FY <u>2022</u> Org <u>0486</u>		
Shepherd University.....	43200	\$	12,493,572
	<i>105 - West Liberty University</i>		
	(WV Code Chapter 18B)		
	Fund <u>0370</u> FY <u>2022</u> Org <u>0488</u>		
West Liberty University.....	43900	\$	8,966,122
	<i>106 - West Virginia State University</i>		
	(WV Code Chapter 18B)		
	Fund <u>0373</u> FY <u>2022</u> Org <u>0490</u>		
West Virginia State University.....	44100	\$	11,172,374
West Virginia State University Land Grant Match.....	95600		<u>2,950,192</u>

Total		\$	14,122,566
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From the above appropriation for West Virginia State University (fund 0373, appropriation 44100), \$300,000 shall be for the Healthy Grandfamilies program.

107 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B)

Fund 0551 FY 2022 Org 0495

WVNET	16900	\$	1,721,609
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MISCELLANEOUS BOARDS AND COMMISSIONS

108 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2022 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		3,200,000
Military Authority (R).....	74800		6,071,251
Drug Enforcement and Support.....	74801		<u>1,500,000</u>
Total		\$	17,634,268

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), and Military Authority – Surplus (fund 0433, appropriation 74899) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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 \$3,200,000 to the Mountaineer Challenge Academy to meet anticipated program demand.

109 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2022 Org 0603

Personal Services and Employee Benefits.....	00100	\$	100,000
Current Expenses	13000		<u>55,408</u>
Total		\$	155,408

Total TITLE II, Section 1 – General Revenue

(Including claims against the state)..... \$ 4,494,904,337

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 2022.

DEPARTMENT OF TRANSPORTATION

110 - Division of Motor Vehicles

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

Fund 9007 FY 2022 Org 0802

			State
			Road
			Fund
Personal Services and Employee Benefits.....	00100	\$	25,867,939
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		129,500
Current Expenses	13000		16,176,540

2021]	HOUSE OF DELEGATES	1987
Repairs and Alterations.....	06400	144,000
Equipment.....	07000	1,080,000
Buildings	25800	10,000
Other Assets	69000	8,154,000
BRIM Premium.....	91300	<u>89,940</u>
Total		\$ 51,651,919

111 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2022 Org 0803

Salary and Benefits of Cabinet Secretary and

Agency Heads.....	00201	\$ 200,000
Debt Service	04000	89,000,000
Maintenance	23700	540,567,146
Inventory Revolving	27500	4,000,000
Equipment Revolving	27600	22,000,000
General Operations.....	27700	157,300,000
Interstate Construction.....	27800	140,000,000
Other Federal Aid Programs	27900	320,000,000
Appalachian Programs.....	28000	100,000,000
Highway Litter Control.....	28200	1,650,000
Courtesy Patrol	28201	<u>5,000,000</u>
Total		\$ 1,379,717,146

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

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

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

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

112 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2022 Org 0808

Personal Services and Employee Benefits.....	00100	\$	44,600
Current Expenses	13000		100
Repairs and Alterations.....	06400		100
Equipment.....	07000		100
BRIM Premium.....	91300		<u>100</u>
Total		\$	45,000

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state)..... \$ 1,432,035,830

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 2022.

LEGISLATIVE

113 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2022 Org 2300

		Appro-	Other
		priation	Funds
Personal Services and Employee Benefits.....	00100	\$	498,020

2021]	HOUSE OF DELEGATES		1989
Current Expenses	13000		133,903
Repairs and Alterations.....	06400		1,000
Economic Loss Claim Payment Fund.....	33400		2,000,000
Other Assets	69000		<u>3,700</u>
Total		\$	2,636,623

JUDICIAL

114 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2022 Org 2400

Current Expenses	13000	\$	100,000
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115 -

116 - Supreme Court –

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2022 Org 2400

Current Expenses	13000	\$	200,000
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117 -

118 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2022 Org 2400

Current Expenses	13000	\$	1,050,000
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EXECUTIVE

119 - Governor's Office –

Minority Affairs Fund

(WV Code Chapter 5)

Fund 1058 FY 2022 Org 0100

Personal Services and Employee Benefits.....	00100	\$	177,737
Current Expenses	13000		503,200
Martin Luther King, Jr. Holiday Celebration	03100		<u>8,926</u>
Total		\$	689,863

*120 - Auditor's Office –**Land Operating Fund*

(WV Code Chapters 11A, 12, and 36)

Fund 1206 FY 2022 Org 1200

Personal Services and Employee Benefits.....	00100	\$	799,211
Unclassified	09900		15,139
Current Expenses	13000		715,291
Repairs and Alterations.....	06400		2,600
Equipment.....	07000		426,741
Cost of Delinquent Land Sales.....	76800		<u>1,841,168</u>
Total		\$	3,800,150

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

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

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

(WV Code Chapter 6)

Fund 1224 FY 2022 Org 1200

Personal Services and Employee Benefits.....	00100	\$	627,779
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2021]	HOUSE OF DELEGATES	1991
Current Expenses	13000	282,030
Repairs and Alterations.....	06400	6,000
Equipment.....	07000	10,805
Other Assets	69000	50,000
Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
Total		\$ 4,476,614

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

122 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2022 Org 1200

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

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

(WV Code Chapter 12)

Fund 1233 FY 2022 Org 1200

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

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

124 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2022 Org 1200

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

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

125 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2022 Org 1200

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

126 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2022 Org 1200

Volunteer Fire Department

Workers' Compensation Subsidy.....	83200	\$	2,500,000
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*127 - Treasurer's Office –**College Prepaid Tuition and Savings Program**Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2022 Org 1300

Personal Services and Employee Benefits.....	00100	\$	810,372
Unclassified	09900		14,000
Current Expenses	13000		<u>897,559</u>
Total.....		\$	1,721,931

*128 - Department of Agriculture –**Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2022 Org 1400

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

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

(WV Code Chapter 19)

Fund 1408 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	78,251
Unclassified	09900		10,476
Current Expenses	13000		<u>2,200,000</u>
Total		\$	2,288,727

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

(WV Code Chapter 19)

Fund 1409 FY 2022 Org 1400

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

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

*131 - Department of Agriculture –**Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	868,492
Unclassified	09900		15,173
Current Expenses	13000		1,367,464
Repairs and Alterations.....	06400		388,722

2021]	HOUSE OF DELEGATES	1995
Equipment.....	07000	399,393
Other Assets	69000	<u>20,000</u>
Total		\$ 3,059,244

132 - Department of Agriculture –

Capital Improvements Fund

(WV Code Chapter 19)

Fund 1413 FY 2022 Org 1400

Unclassified	09900	20,000
Current Expenses	13000	510,000
Repairs and Alterations.....	06400	250,000
Equipment.....	07000	350,000
Building Improvements.....	25800	670,000
Other Assets	69000	<u>200,000</u>
Total		\$ 2,000,000

133 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 1,030,451
Unclassified	09900	45,807
Current Expenses	13000	3,410,542
Repairs and Alterations.....	06400	128,500
Equipment.....	07000	10,000
Other Assets	69000	27,000
Land	73000	<u>250,000</u>
Total		\$ 4,902,300

*134 - Department of Agriculture –
Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2022 Org 1400

Current Expenses	13000	\$	125,000
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*135 - Department of Agriculture –
West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2022 Org 1400

Current Expenses	13000	\$	500,000
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*136 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2022 Org 1400

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

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	1,218,564
Unclassified	09900		17,000
Current Expenses	13000		1,143,306
Repairs and Alterations.....	06400		82,500
Equipment.....	07000		76,000
Buildings	25800		1,000
Other Assets	69000		10,000

2021] HOUSE OF DELEGATES 1997

Land	73000	<u>1,000</u>
Total		\$ 2,549,370

*138 - Attorney General –
Antitrust Enforcement Fund
(WV Code Chapter 47)*

Fund 1507 FY 2022 Org 1500

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

*139 - Attorney General –
Preneed Burial Contract Regulation Fund
(WV Code Chapter 47)*

Fund 1513 FY 2022 Org 1500

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

*140 - Attorney General –
Preneed Funeral Guarantee Fund
(WV Code Chapter 47)*

Fund 1514 FY 2022 Org 1500

Current Expenses	13000	\$ 901,135
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141 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2022 Org 1600

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

142 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2022 Org 1600

Personal Services and Employee Benefits.....	00100	\$	2,947,630
Unclassified	09900		25,529
Current Expenses	13000		976,716
Technology Improvements.....	59900		<u>720,000</u>
Total.....		\$	4,669,875

DEPARTMENT OF ADMINISTRATION

143 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2022 Org 0201

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

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2022 Org 0201

Current Expenses	13000	\$	33,028,000
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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund 2600).

*145 - Department of Administration –**Division of Finance –**Shared Services Section Fund*

(WV Code Chapter 5A)

Fund 2020 FY 2022 Org 0209

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

146 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2022 Org 0210

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

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

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

147 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2022 Org 0213

Personal Services and Employee Benefits.....	00100	\$	566,589
Unclassified	09900		2,382
Current Expenses	13000		109,115
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		2,500
Other Assets	69000		2,500
BRIM Premium.....	91300		<u>810</u>
Total		\$	688,896

148 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2022 Org 0213

Personal Services and Employee Benefits.....	00100	\$	953,176
Unclassified	09900		5,562
Current Expenses	13000		492,066
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Other Assets	69000		500
BRIM Premium.....	91300		<u>850</u>
Total		\$	1,453,154

*149 - Travel Management –**Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2022 Org 0215

Unclassified	09900	\$	1,000
Current Expenses	13000		149,700
Repairs and Alterations.....	06400		875,237
Equipment.....	07000		1,000
Buildings	25800		100
Other Assets	69000		100
Land	73000		<u>100</u>
Total		\$	1,027,237

150 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2022 Org 0216

Personal Services and Employee Benefits.....	00100	\$	757,145
Unclassified	09900		4,000
Current Expenses	13000		11,630,614
Repairs and Alterations.....	06400		12,000
Equipment.....	07000		800,000
Other Assets	69000		<u>2,000</u>
Total		\$	13,205,759

151 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2022 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,638,183
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Salary and Benefits of Cabinet Secretary and

Agency Heads	00201	122,500
Unclassified	09900	51,418
Current Expenses	13000	1,262,813
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	20,000
Other Assets	69000	<u>60,000</u>
Total.....		\$ 6,159,914

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

152 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2022 Org 0228

Personal Services and Employee Benefits.....	00100	\$ 132,663
Salary and Benefits of Cabinet Secretary and		
Agency Heads	00201	119,000
Unclassified	09900	4,023
Current Expenses	13000	297,528
Repairs and Alterations.....	06400	600
Equipment.....	07000	500
Other Assets	69000	<u>500</u>
Total.....		\$ 554,814

153 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2022 Org 0231

Personal Services and Employee Benefits.....	00100	\$ 414,722
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2021]	HOUSE OF DELEGATES	2003
Unclassified	09900	6,949
Current Expenses	13000	227,116
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	50,000
Other Assets	69000	<u>10,000</u>
Total		\$ 709,787

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

DEPARTMENT OF COMMERCE

154 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2022 Org 0305

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

155 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2022 Org 0305

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

156 - Division of Forestry –

Severance Tax Operations

(WV Code Chapter 11)

Fund 3084 FY 2022 Org 0305

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

*157 - Geological and Economic Survey –**Geological and Analytical Services Fund*

(WV Code Chapter 29)

Fund 3100 FY 2022 Org 0306

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

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

*158 - Division of Labor –**West Virginia Jobs Act Fund*

(WV Code Chapter 21)

Fund 3176 FY 2022 Org 0308

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

*159 - Division of Labor –**HVAC Fund*

2021]

HOUSE OF DELEGATES

2005

(WV Code Chapter 21)

Fund 3186 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	300,000
Unclassified	09900		4,000
Current Expenses	13000		82,000
Repairs and Alterations.....	06400		4,500
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total.....		\$	400,000

160 - Division of Labor –

Contractor Licensing Board Fund

(WV Code Chapter 21)

Fund 3187 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	2,532,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
Repairs and Alterations.....	06400		10,000
BRIM Premium.....	91300		<u>8,500</u>
Total.....		\$	3,071,500

161 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	293,682
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		104,180

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Unclassified	09900		2,261
Current Expenses	13000		94,712
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	506,335

162 - Division of Labor –

Steam Boiler Fund

(WV Code Chapter 21)

Fund 3189 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	77,716
Unclassified	09900		1,000
Current Expenses	13000		20,000
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>1,000</u>
Total		\$	102,716

163 - Division of Labor –

Crane Operator Certification Fund

(WV Code Chapter 21)

Fund 3191 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	191,899
Unclassified	09900		1,380
Current Expenses	13000		51,265
Repairs and Alterations.....	06400		1,500
Buildings	25800		1,000

2021] HOUSE OF DELEGATES 2007

BRIM Premium.....	91300	<u>7,000</u>
Total		\$ 254,044

164 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2022 Org 0308

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

165 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2022 Org 0308

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

166 - Division of Labor –

Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2022 Org 0308

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

167 - Division of Labor –

Bedding and Upholstery Fund

(WV Code Chapter 21)

Fund 3198 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	150,000
Unclassified	09900		2,000
Current Expenses	13000		145,400
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,700</u>
Total.....		\$	309,100

168 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2022 Org 0308

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

License Fund – Wildlife Resources

2021]

HOUSE OF DELEGATES

2009

(WV Code Chapter 20)

Fund 3200 FY 2022 Org 0310

Wildlife Resources	02300	\$	5,200,996
Administration	15500		1,300,249
Capital Improvements and Land Purchase (R).....	24800		1,300,248
Law Enforcement	80600		<u>5,200,996</u>
Total		\$	13,002,489

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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

170 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2022 Org 0310

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

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2022 Org 0310

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

172 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2022 Org 0310

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Personal Services and Employee Benefits.....	00100	\$	457,738
Current Expenses	13000		257,864
Repairs and Alterations.....	06400		15,016
Equipment.....	07000		8,300
Buildings	25800		8,300
Other Assets	69000		1,900,000
Land	73000		<u>31,700</u>
Total.....		\$	2,678,918

173 - Division of Natural Resources –

State Parks and Recreation Endowment Fund

(WV Code Chapter 20)

Fund 3211 FY 2022 Org 0310

Current Expenses	13000	\$	6,000
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		2,000
Buildings	25800		3,000
Other Assets	69000		4,000
Land	73000		<u>2,000</u>
Total.....		\$	20,000

174 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$	67,641
Current Expenses	13000		64,778
Equipment.....	07000		1,297

Buildings	25800	<u>6,969</u>
Total		\$ 140,685

*175 - Division of Natural Resources –
Whitewater Advertising and Promotion Fund
(WV Code Chapter 20)*

Fund 3256 FY 2022 Org 0310

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

*176 - Division of Miners' Health, Safety and Training –
Special Health, Safety and Training Fund
(WV Code Chapter 22A)*

Fund 3355 FY 2022 Org 0314

Personal Services and Employee Benefits	00100	\$ 501,228
Unclassified	09900	40,985
Current Expenses	13000	1,954,557
WV Mining Extension Service	02600	150,000
Buildings	25800	2,481,358
Land	73000	<u>1,000,000</u>
Total		\$ 6,128,128

*177 - Department of Commerce –
Office of the Secretary –
Broadband Enhancement Fund*

Fund 3013 FY 2022 Org 0327

Personal Services and Employee Benefits	00100	\$ 131,682
Current Expenses	13000	<u>51,648,318</u>

Total \$ 51,780,000

*178 - State Board of Rehabilitation –
Division of Rehabilitation Services –
West Virginia Rehabilitation Center Special Account
(WV Code Chapter 18)
Fund 8664 FY 2022 Org 0932*

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

*179 - Department of Economic Development –
Office of the Secretary –
Marketing and Communications Operating Fund
(WV Code Chapter 5B)
Fund 3002 FY 2022 Org 0307*

Personal Services and Employee Benefits.....	00100	\$ 2,069,353
Unclassified	09900	30,000
Current Expenses	13000	1,315,078
Equipment.....	07000	<u>36,000</u>
Total		\$ 3,450,431

*180 - Department of Economic Development –
Office of the Secretary –*

Entrepreneurship and Innovation Investment Fund

(WV Code Chapter 5B)

Fund 3014 FY 2022 Org 0307

Entrepreneurship and Innovation Investment Fund	70301	\$	500,000
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*181 - Department of Economic Development –**Office of the Secretary –**Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2022 Org 0307

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

*182 - Department of Economic Development –**Office of Energy –**Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2022 Org 0328

Energy Assistance – Total	64700	\$	7,211
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DEPARTMENT OF EDUCATION*183 - State Board of Education –**Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2022 Org 0402

Personal Services and Employee Benefits	00100	\$	134,000
Unclassified	09900		1,000

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Current Expenses	13000	<u>765,000</u>
Total		\$ 900,000

184 - State Board of Education –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3952 FY 2022 Org 0404

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

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

185 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2022 Org 0404

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

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

186 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2022 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 226,624
Current Expenses	13000	862,241

2021]	HOUSE OF DELEGATES	2015
Equipment.....	07000	75,000
Buildings	25800	1,000
Other Assets	69000	52,328
Land	73000	<u>1,000</u>
Total		\$ 1,218,193

DEPARTMENT OF ENVIRONMENTAL PROTECTION

187 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2022 Org 0312

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

188 - Division of Environmental Protection –

Hazardous Waste Management Fund

(WV Code Chapter 22)

Fund 3023 FY 2022 Org 0313

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

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

Fund 3024 FY 2022 Org 0313

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

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

Fund 3321 FY 2022 Org 0313

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

*191 - Division of Environmental Protection –
Oil and Gas Reclamation Fund
(WV Code Chapter 22)*

Fund 3322 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	543,906
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2021] HOUSE OF DELEGATES 2017

Current Expenses	13000	<u>1,956,094</u>
Total		\$ 2,500,000

*192 - Division of Environmental Protection –
Oil and Gas Operating Permit and Processing Fund
(WV Code Chapter 22)*

Fund 3323 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 2,141,500
Unclassified	09900	15,700
Current Expenses	13000	932,300
Repairs and Alterations.....	06400	9,500
Equipment.....	07000	500
Other Assets	69000	<u>500</u>
Total		\$ 3,100,000

*193 - Division of Environmental Protection –
Mining and Reclamation Operations Fund
(WV Code Chapter 22)*

Fund 3324 FY 2022 Org 0313

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

*194 - Division of Environmental Protection –
Underground Storage Tank*

Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2022 Org 0313

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

195 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2022 Org 0313

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

196 - Division of Environmental Protection –

Solid Waste Reclamation and

Environmental Response Fund

(WV Code Chapter 22)

Fund 3332 FY 2022 Org 0313

2021]	HOUSE OF DELEGATES	2019
Personal Services and Employee Benefits.....	00100	\$ 825,811
Unclassified	09900	22,900
Current Expenses	13000	3,604,737
Repairs and Alterations.....	06400	25,000
Equipment.....	07000	31,500
Buildings.....	25800	500
Other Assets	69000	<u>1,000</u>
Total.....		\$ 4,511,448

197 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 3,274,054
Unclassified	09900	31,145
Current Expenses	13000	940,229
Repairs and Alterations.....	06400	30,930
Equipment.....	07000	23,356
Other Assets	69000	<u>25,554</u>
Total.....		\$ 4,325,268

198 - Division of Environmental Protection –

Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 5,934,859
Unclassified	09900	70,572
Current Expenses	13000	1,469,467

Repairs and Alterations.....	06400	84,045
Equipment.....	07000	103,601
Other Assets	69000	<u>52,951</u>
Total.....		\$ 7,715,495

199 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 352,834
Unclassified	09900	1,120
Current Expenses	13000	201,146
Repairs and Alterations.....	06400	1,000
Other Assets	69000	<u>163,000</u>
Total.....		\$ 719,100

200 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2022 Org 0313

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

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2022 Org 0313

Current Expenses	13000	\$ 60,000
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*202 - Division of Environmental Protection –**Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	660,575
Unclassified	09900		400
Current Expenses	13000		2,754,258
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Other Assets	69000		<u>2,500</u>
Total		\$	3,419,033

*203 - Division of Environmental Protection –**Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2022 Org 0313

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

204 -

*205 - Division of Environmental Protection –**Wind and Solar Decommissioning Fund*

(WV Code Chapter 22)

Fund 3490 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	53,600
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*206 - Oil and Gas Conservation Commission –**Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2022 Org 0315

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

DEPARTMENT OF HEALTH AND HUMAN RESOURCES*207 - Division of Health –**Ryan Brown Addiction Prevention and Recovery Fund*

(WV Code Chapter 19)

Fund 5111 FY 2022 Org 0506

Current Expenses	13000	\$	10,667,392
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*208 -**209 - Division of Health –**The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2022 Org 0506

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

Total		\$	3,711,772
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210 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2022 Org 0506

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

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

Additional funds have been appropriated in fund 0525, fiscal year 2022, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

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

211 - Division of Health –

Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	936,712
Unclassified	09900		18,114
Current Expenses	13000		<u>2,209,105</u>
Total		\$	3,163,931

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

Fund 5172 FY 2022 Org 0506

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

213 - Division of Health –

Hepatitis B Vaccine

(WV Code Chapter 16)

Fund 5183 FY 2022 Org 0506

Current Expenses	13000	\$	9,740
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214 - Division of Health –

Lead Abatement Account

(WV Code Chapter 16)

Fund 5204 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	19,100
Unclassified	09900		373
Current Expenses	13000		<u>17,875</u>
Total		\$	37,348

215 - Division of Health –

West Virginia Birth-to-Three Fund

(WV Code Chapter 16)

Fund 5214 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	691,978
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2021]	HOUSE OF DELEGATES	2025
Unclassified	09900	223,999
Current Expenses	13000	<u>30,134,400</u>
Total		\$ 31,050,377

216 - Division of Health –

Tobacco Control Special Fund

(WV Code Chapter 16)

Fund 5218 FY 2022 Org 0506

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

Medical Cannabis Program Fund

(WV Code Chapter 16A)

Fund 5420 FY 2022 Org 0506

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

218 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(WV Code Chapter 16)

Fund 5375 FY 2022 Org 0507

Personal Services and Employee Benefits.....	00100	\$ 1,345,380
Unclassified	09900	20,100
Current Expenses	13000	<u>785,445</u>
Total		\$ 2,150,925

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

219 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(WV Code Chapter 16)

Fund 5377 FY 2022 Org 0507

Personal Services and Employee Benefits.....	00100	\$	829,798
Current Expenses	13000		<u>474,967</u>
Total		\$	1,304,765

220 - Division of Human Services –

*Health Care Provider Tax –**Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2022 Org 0511

Medical Services.....	18900	\$	213,594,315
Medical Services Administrative Costs.....	78900		<u>242,287</u>
Total		\$	213,836,602

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

221 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified	09900		380,000
Current Expenses	13000		<u>12,810,491</u>
Total		\$	38,000,000

222 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2022 Org 0511

Medical Services.....	18900	\$	75,000,000
Medical Services Administrative Costs.....	78900		<u>602,486</u>
Total.....		\$	75,602,486

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

223 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2022 Org 0511

Unclassified	09900	\$	7,000
Current Expenses	13000		<u>393,000</u>
Total.....		\$	400,000

224 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2022 Org 0511

Current Expenses	13000	\$	900,000
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225 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2022 Org 0511

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Current Expenses	13000	\$	500,000
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226 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2022 Org 0511

Current Expenses	13000	\$	1,500,000
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227 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2022 Org 0511

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

228 - Department of Homeland Security –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2022 Org 0601

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

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2022 Org 0606

Current Expenses	13000	\$	80,000
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*230 - Division of Emergency Management –**West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2022 Org 0606

Unclassified	09900	\$	20,000
Current Expenses	13000		1,480,000
Repairs and Alterations.....	06400		250,000
Equipment.....	07000		<u>250,000</u>
Total.....		\$	2,000,000

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

*231 - Division of Corrections and Rehabilitation –**Parolee Supervision Fees*

(WV Code Chapter 15A)

Fund 6362 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$	1,118,697
Unclassified	09900		9,804
Current Expenses	13000		758,480
Equipment.....	07000		30,000
Other Assets	69000		<u>40,129</u>
Total.....		\$	1,957,110

*232 - Division of Corrections and Rehabilitation –**Regional Jail and Correctional Facility Authority*

(WV Code Chapter 15A)

Fund 6675 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$	544,798
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Debt Service	04000	9,000,000
Current Expenses	13000	<u>245,472</u>
Total		\$ 9,790,270

233 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 1,907,726
Current Expenses	13000	1,488,211
Repairs and Alterations.....	06400	204,500
Equipment.....	07000	3,770,751
Buildings	25800	534,000
Other Assets	69000	5,000
BRIM Premium.....	91300	<u>302,432</u>
Total		\$ 8,212,620

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

234 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 1,600,000
Current Expenses	13000	90,000
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>545,000</u>
Total		\$ 2,240,000

*235 - West Virginia State Police –
Drunk Driving Prevention Fund
(WV Code Chapter 15)
Fund 6513 FY 2022 Org 0612*

Current Expenses	13000	\$	1,327,000
Equipment.....	07000		3,491,895
BRIM Premium.....	91300		<u>154,452</u>
Total.....		\$	4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

*236 - West Virginia State Police –
Surplus Real Property Proceeds Fund
(WV Code Chapter 15)
Fund 6516 FY 2022 Org 0612*

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

*237 - West Virginia State Police –
Surplus Transfer Account
(WV Code Chapter 15)
Fund 6519 FY 2022 Org 0612*

Current Expenses	13000	\$	225,000
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		250,000

Buildings	25800		40,000
Other Assets	69000		45,000
BRIM Premium.....	91300		<u>5,000</u>
Total		\$	585,000

238 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$	256,629
Current Expenses	13000		376,443
Repairs and Alterations.....	06400		500
Equipment.....	07000		300,500
Other Assets	69000		300,500
BRIM Premium.....	91300		<u>18,524</u>
Total		\$	1,253,096

239 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2022 Org 0612

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

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2022 Org 0612

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

Total \$ 200,000

241 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2022 Org 0619

Personal Services and Employee Benefits.....	00100	\$ 3,480,533
Unclassified	09900	3,800
Current Expenses	13000	1,246,550
Repairs and Alterations.....	06400	58,500
Equipment.....	07000	140,800
BRIM Premium.....	91300	<u>65,000</u>
Total		\$ 4,995,183

242 - Division of Administrative Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 161,923
Unclassified	09900	750
Current Expenses	13000	1,846,250
Repairs and Alterations.....	06400	<u>1,000</u>
Total		\$ 2,009,923

243 - Division of Administrative Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 23,840
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Current Expenses	13000	<u>1,478,135</u>
Total		\$ 1,501,975

*244 - Division of Administrative Services –
Second Chance Driver’s License Program Account
(WV Code Chapter 17B)
Fund 6810 FY 2022 Org 0623*

Current Expenses	13000	\$ 125,000
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DEPARTMENT OF REVENUE

*245 - Division of Financial Institutions
(WV Code Chapter 31A)
Fund 3041 FY 2022 Org 0303*

Personal Services and Employee Benefits.....	00100	\$ 2,584,057
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	119,000
Current Expenses	13000	650,475
Equipment.....	07000	<u>8,500</u>
Total		\$ 3,362,032

*246 - Office of the Secretary –
State Debt Reduction Fund
(WV Code Chapter 29)
Fund 7007 FY 2022 Org 0701*

Retirement Systems – Unfunded Liability.....	77500	\$ 20,000,000
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The above appropriation for Retirement System – Unfunded Liability shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers Retirement System Employers School Aid Formula Funds Holding Account Fund (fund 2606).

*247 - Home Rule Board Operations
(WV Code Chapter 8)
Fund 7010 FY 2022 Org 0701*

2021] HOUSE OF DELEGATES 2035

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

*248 - Tax Division –
Cemetery Company Account
(WV Code Chapter 35)
Fund 7071 FY 2022 Org 0702*

Personal Services and Employee Benefits.....	00100	\$	25,928
Current Expenses	13000		<u>7,717</u>
Total		\$	33,645

*249 - Tax Division –
Special Audit and Investigative Unit
(WV Code Chapter 11)
Fund 7073 FY 2022 Org 0702*

Personal Services and Employee Benefits.....	00100	\$	696,428
Unclassified	09900		8,500
Current Expenses	13000		273,297
Repairs and Alterations.....	06400		7,000
Equipment.....	07000		<u>5,000</u>
Total		\$	990,225

*250 - Tax Division –
Wine Tax Administration Fund
(WV Code Chapter 60)
Fund 7087 FY 2022 Org 0702*

Personal Services and Employee Benefits.....	00100	\$	268,973
Current Expenses	13000		<u>5,406</u>
Total		\$	274,379

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

(WV Code Chapter 47)

Fund 7092 FY 2022 Org 0702

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

*252 - Tax Division –**Local Sales Tax and Excise Tax**Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2022 Org 0702

Personal Services and Employee Benefits.....	00100	\$	1,543,527
Unclassified	09900		10,000
Current Expenses	13000		784,563
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>5,000</u>
Total		\$	2,344,090

*253 - State Budget Office –**Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2022 Org 0703

Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
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The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

254 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2022 Org 0704

Personal Services and Employee Benefits.....	00100	\$	748,764
Current Expenses	13000		1,357,201
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		81,374
Buildings	25800		8,289
Other Assets	69000		<u>11,426</u>
Total		\$	2,210,054

255 - Insurance Commissioner –

Consumer Advocate

(WV Code Chapter 33)

Fund 7151 FY 2022 Org 0704

Personal Services and Employee Benefits.....	00100	\$	571,976
Current Expenses	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		34,225
Buildings	25800		4,865
Other Assets	69000		<u>19,460</u>
Total		\$	837,678

256 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2022 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,032,521
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		136,500
Current Expenses.....	13000		8,797,758
Repairs and Alterations.....	06400		68,614
Equipment.....	07000		1,728,240
Buildings.....	25800		25,000
Other Assets.....	69000		<u>340,661</u>
Total.....		\$	35,129,294

257 - Insurance Commissioner –

Insurance Fraud Prevention Fund

(WV Code Chapter 33)

Fund 7153 FY 2022 Org 0704

Current Expenses.....	13000	\$	15,000
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258 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2022 Org 0704

Employee Benefits.....	01000	\$	50,000
Current Expenses.....	13000		<u>250,500,000</u>
Total.....		\$	250,550,000

259 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2022 Org 0704

Current Expenses 13000 \$ 15,000,000

*260 - Insurance Commissioner –
Self-Insured Employer Guaranty Risk Pool
(WV Code Chapter 23)
Fund 7164 FY 2022 Org 0704*

Current Expenses 13000 \$ 9,000,000

*261 - Insurance Commissioner –
Self-Insured Employer Security Risk Pool
(WV Code Chapter 23)
Fund 7165 FY 2022 Org 0704*

Current Expenses 13000 \$ 14,000,000

*262 - Municipal Bond Commission
(WV Code Chapter 13)
Fund 7253 FY 2022 Org 0706*

Personal Services and Employee Benefits..... 00100 \$ 309,502

Current Expenses 13000 154,344

Equipment..... 07000 100

Total..... \$ 463,946

*263 - Racing Commission –
Relief Fund
(WV Code Chapter 19)
Fund 7300 FY 2022 Org 0707*

Medical Expenses – Total 24500 \$ 57,000

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.

*264 - Racing Commission –**Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2022 Org 0707

Personal Services and Employee Benefits.....	00100	\$	264,564
Current Expenses	13000		85,433
Other Assets	69000		<u>5,000</u>
Total.....		\$	354,997

*265 - Racing Commission –**General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2022 Org 0707

Personal Services and Employee Benefits.....	00100	\$	2,303,863
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		48,443
Current Expenses	13000		497,284
Repairs and Alterations.....	06400		5,000
Other Assets	69000		<u>40,000</u>
Total.....		\$	2,894,590

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

(WV Code Chapter 19)

Fund 7307 FY 2022 Org 0707

Personal Services and Employee Benefits.....	00100	\$	918,781
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2021]	HOUSE OF DELEGATES		2041
Current Expenses	13000		160,099
Other Assets	69000		<u>200,000</u>
Total		\$	1,278,880

267 - Alcohol Beverage Control Administration –

Wine License Special Fund

(WV Code Chapter 60)

Fund 7351 FY 2022 Org 0708

Personal Services and Employee Benefits.....	00100	\$	147,213
Current Expenses	13000		54,186
Repairs and Alterations.....	06400		7,263
Equipment.....	07000		10,000
Buildings	25800		100,000
Transfer Liquor Profits and Taxes	42500		30,750
Other Assets	69000		<u>100</u>
Total		\$	349,512

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

268 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2022 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,668,074
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		122,500
Current Expenses	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment.....	07000		108,000
Buildings	25800		375,100

Purchase of Supplies for Resale	41900	76,500,000
Transfer Liquor Profits and Taxes	42500	21,200,000
Other Assets	69000	125,100
Land	73000	<u>100</u>
Total		\$ 107,080,451

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

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

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

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

269 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2022 Org 0933

Personal Services and Employee Benefits.....	00100	\$ 12,000
Current Expenses	13000	<u>28,000</u>
Total		\$ 40,000

DEPARTMENT OF TRANSPORTATION

270 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2022 Org 0802

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

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2022 Org 0802

2021] HOUSE OF DELEGATES 2043

Personal Services and Employee Benefits.....	00100	\$	3,733,074
Current Expenses	13000		4,357,773
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000
Other Assets	69000		10,000
BRIM Premium.....	91300		<u>89,939</u>
Total		\$	8,281,786

272 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2022 Org 0803

Current Expenses	13000	\$	2,500,000
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273 - State Rail Authority -

West Virginia Commuter Rail Access Fund

(WV Code Chapter 29)

Fund 8402 FY 2022 Org 0804

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

274 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2022 Org 0613

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

275 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2022 Org 0618

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

BUREAU OF SENIOR SERVICES

276 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 29)

Fund 5409 FY 2022 Org 0508

Personal Services and Employee Benefits.....	00100	\$	95,433
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		65,450
Current Expenses	13000		<u>10,348,710</u>
Total		\$	10,509,593

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

277 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2022 Org 0442

Debt Service	04000	\$ 27,713,123
General Capital Expenditures	30600	5,000,000
Facilities Planning and Administration	38600	<u>441,111</u>
Total		\$ 33,154,234

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

278 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2022 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

279 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2022 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

280 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2022 Org 0463

Personal Services and Employee Benefits.....	00100	\$	10,764,347
Current Expenses	13000		4,524,300
Repairs and Alterations.....	06400		425,000
Equipment.....	07000		512,000
Buildings	25800		150,000
Other Assets	69000		<u>50,000</u>
Total.....		\$	16,425,647

MISCELLANEOUS BOARDS AND COMMISSIONS

281 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2022 Org 0505

Personal Services and Employee Benefits.....	00100	\$	543,993
Current Expenses	13000		234,969
Repairs and Alterations.....	06400		<u>5,000</u>
Total.....		\$	783,962

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

282 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2022 Org 0509

Salary and Benefits of Cabinet Secretary and

Agency Heads.....	00201	\$	93,279
Unclassified	09900		1,501

Current Expenses	13000	<u>55,328</u>
Total		\$ 150,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

283 -

*284 - State Armory Board –**General Armory Fund*

(WV Code Chapter 15)

Fund 6057 FY 2022 Org 0603

Personal Services and Employee Benefits.....	00100	\$ 1,681,247
Current Expenses	13000	650,000
Repairs and Alterations.....	06400	385,652
Equipment.....	07000	250,000
Buildings	25800	520,820
Other Assets	69000	350,000
Land	73000	<u>200,000</u>
Total		\$ 4,037,719

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

*285 - WV State Board of Examiners for Licensed Practical Nurses –**Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2022 Org 0906

Personal Services and Employee Benefits.....	00100	\$ 495,505
Current Expenses	13000	<u>107,700</u>
Total		\$ 603,205

286 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2022 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,300,612
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets	69000		<u>4,500</u>
Total		\$	1,645,767

287 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,274,721
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		207,200
Unclassified	09900		147,643
Current Expenses	13000		2,507,202
Repairs and Alterations.....	06400		390,000
Equipment.....	07000		160,000
Buildings	25800		10
PSC Weight Enforcement	34500		4,605,652
Debt Payment/Capital Outlay	52000		350,000
Land	73000		10
BRIM Premium.....	91300		<u>172,216</u>
Total		\$	20,814,654

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

288 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	286,958
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		7,700
Unclassified	09900		3,851
Current Expenses	13000		93,115
Repairs and Alterations.....	06400		<u>4,000</u>
Total.....		\$	395,624

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

289 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,333,484
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		44,030
Unclassified	09900		29,233

Current Expenses	13000	577,557
Repairs and Alterations.....	06400	23,000
Equipment.....	07000	<u>50,000</u>
Total		\$ 3,057,304

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

290 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 876,994
Current Expenses	13000	386,472
Equipment.....	07000	9,872
BRIM Premium.....	91300	<u>4,660</u>
Total		\$ 1,277,998

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

291 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2022 Org 0927

Personal Services and Employee Benefits.....	00100	\$ 607,098
Current Expenses	13000	293,122
Repairs and Alterations.....	06400	2,500
Equipment.....	07000	<u>5,000</u>
Total		\$ 907,720

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

292 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2022 Org 0930

Personal Services and Employee Benefits.....	00100	\$	91,513
Current Expenses	13000		<u>63,499</u>
Total.....		\$	155,012

293 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2022 Org 0935

Personal Services and Employee Benefits.....	00100	\$	85,878
Current Expenses	13000		<u>62,709</u>
Total.....		\$	148,587

294 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2022 Org 0936

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

295 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2022 Org 0938

Personal Services and Employee Benefits.....	00100	\$	109,555
Current Expenses	13000		<u>42,448</u>
Total		\$	152,003

296 - Board of Medicine –

Medical Licensing Board Fund

(WV Code Chapter 30)

Fund 9070 FY 2022 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,378,807
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>
Total		\$	2,495,596

297 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2022 Org 0947

Personal Services and Employee Benefits.....	00100	\$	6,856,239
Unclassified	09900		182,000
Current Expenses	13000		13,662,210
Repairs and Alterations.....	06400		300
Equipment.....	07000		352,000
Buildings	25800		2,000
Other Assets	69000		<u>203,500</u>
Total		\$	21,258,249

298 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2022 Org 0950

2021]	HOUSE OF DELEGATES	2053
Personal Services and Employee Benefits.....	00100	\$ 832,889
Unclassified	09900	14,850
Current Expenses	13000	605,714
BRIM Premium.....	91300	31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800	<u>3,500,000</u>
Total.....		\$ 4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

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

Total TITLE II, Section 3 – Other Funds

(Including claims against the state)..... \$ 1,495,588,382

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

299 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2022 Org 0211

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

*300 - Department of Tourism –**Office of the Secretary*

(WV Code Chapter 5B)

Fund 3067 FY 2022 Org 0304

Tourism – Telemarketing Center.....	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R).....	66200		<u>4,227,938</u>
Total.....		\$	6,732,425

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800) and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

301 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,428,178
Current Expenses	13000		26,900
Pricketts Fort State Park	32400		106,560
Non-Game Wildlife (R).....	52700		386,935
State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>
Total.....		\$	3,443,151

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

302 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2022 Org 0402

FBI Checks	37200	\$	116,548
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2021]	HOUSE OF DELEGATES	2055
Vocational Education Equipment Replacement.....	39300	800,000
Assessment Program (R).....	39600	490,439
Literacy Project.....	89900	350,000
21 st Century Technology Infrastructure		
Network Tools and Support (R).....	93300	<u>12,600,383</u>
Total.....		\$ 14,357,370

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

303 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2022 Org 0404

Debt Service – Total	31000	\$ 15,320,363
Directed Transfer	70000	<u>2,679,637</u>
Total.....		\$ 18,000,000

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

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

304 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2022 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	374,980
Archeological Curation/Capital Improvements (R).....	24600	36,276
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 Children's Chorus	91600	<u>54,554</u>
Total		\$ 4,266,162

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, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council (Barbour) \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company (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) \$8,749, Hardy County Tour and Crafts Association (Hardy) \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway

Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society (Jefferson) \$2,970, Jefferson County Historical Landmark Commission (Jefferson) \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society (Marshall) \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House (Pocahontas) \$3,564, Raleigh County All Wars Museum (Raleigh) \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program (Roane) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum (Raleigh) \$3,393, Summers County Historic Landmark Commission (Summers) \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to the A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansas Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Back Home Festival (Wetzel) \$5,000, Barbour County Fair (Barbour) \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair (Berkeley) \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair (Boone) \$5,940, Boone County Labor Day Celebration (Boone) \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Bramwell Labor Day (Mercer) \$5,000, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair (Braxton) \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival (Braxton) \$1,485, Brooke County Fair (Brooke) \$2,079, Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Auxiliary (Mineral) \$13,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burlington Fire and Rescue Carnival (Mineral) \$4,000, Burnsville Freedom Festival (Braxton) \$1,407, Cabell County Fair (Cabell) \$5,940, Calhoun County Wood Festival (Calhoun) \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Cacapon River Fest (Hampshire) \$2,500, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration of America (Monongalia) \$3,564, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities

(Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival (Clay) \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair (Doddridge) \$4,158, Dorcas Ice Cream Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flemington Days Fair and Festival (Taylor) \$2,079, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$6,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest (Taylor) \$1,500, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show (Gilmer) \$2,376, Grant County Arts Council (Grant) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration (Hampshire) \$11,881, Hampshire County Fair (Hampshire) \$5,002, Hampshire Highlands Art & Music Festival (Hampshire) \$4,252, Hancock County Oldtime Fair (Hancock) \$2,970, Hardy County Commission - 4th of July (Hardy) \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair (Jackson) \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, 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, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival (Lincoln) \$4,752, Lincoln County Winterfest (Lincoln) \$2,970, Linside 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, Malden Salt Fest (Kanawha) \$2,000, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest (Marion) \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show (Marshall) \$1,485, Marshall County Fair (Marshall) \$5,000, Mason County Fair (Mason) \$2,970, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County (McDowell) \$11,881, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer County Fair (Mercer) \$1,188, Mercer County Heritage Festival (Mercer) \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Fair (Mineral) \$1,040, Mineral County Veterans Day Parade (Mineral) \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, 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 Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Fair (Nicholas) \$2,970, Nicholas County Potato Festival (Nicholas) \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Ohio) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend (Pendleton) \$1,188, Pendleton County Committee for Arts (Pendleton) \$8,910, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair (Pleasants) \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days (Pocahontas) \$4,159, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair (Putnam) \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council (Randolph) \$1,782, Randolph County Fair (Randolph) \$4,158, Randolph County Ramp and Rails (Randolph) \$2,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition (Ritchie) \$2,970, Ritchie County Pioneer Days (Ritchie) \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day (Roane) \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival (Wayne) \$684, Spirit of Grafton Celebration (Taylor) \$5,940, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel

Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, 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) \$3,267, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,000, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming (Putnam) \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$16,851, 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 Fair (Tyler) \$3,088, Tyler County Fireworks Celebration (Tyler) \$2,000, Union Community Irish Festival (Barbour) \$648, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, 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, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County (Brooke) \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Rivers and Rails Festival (Pleasants) \$1,099, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest (Wetzel) \$3,267, Wetzel County Town and Country Days (Wetzel) \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wine Festival and Mountain Music Event (Harrison) \$2,970, Wirt County Fair (Wirt) \$1,485, Wirt County Pioneer Days (Wirt) \$1,188, Wyoming County Civil War Days (Wyoming) \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), 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), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2022 Org 0433

Books and Films	17900	\$	360,784
Services to Libraries.....	18000		550,000
Grants to Public Libraries.....	18200		9,439,571
Digital Resources.....	30900		219,992
Infomine Network.....	88400		<u>943,353</u>
Total.....		\$	11,513,700

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

306 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 3587 FY 2022 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

*307 - Higher Education Policy Commission –**Lottery Education –**Higher Education Policy Commission –**Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2022 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,912,491
RHI Program and Site Support –			
RHEP Program Administration	03700		146,653

RHI Program and Site Support – Grad Med

Ed and Fiscal Oversight (R).....	03800	88,913
Minority Doctoral Fellowship (R)	16600	129,604
Health Sciences Scholarship (R).....	17600	225,527
Vice Chancellor for Health Sciences –		
Rural Health Residency Program (R)	60100	62,725
WV Engineering, Science, and		
Technology Scholarship Program.....	86800	<u>452,831</u>
Total		\$ 3,018,744

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

308 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2022 Org 0442

Debt Service – Total	31000	\$ 5,000,000
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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

309 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2022 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R)	03500	\$	1,181,728
MA Public Health Program and			
Health Science Technology (R).....	62300		52,445
Health Sciences Career Opportunities Program (R).....	86900		336,987
HSTA Program (R).....	87000		1,761,948
Center for Excellence in Disabilities (R)	96700		<u>313,517</u>
Total.....		\$	3,646,625

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

*310 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2022 Org 0471

Marshall Medical School –

RHI Program and Site Support (R)	03300	\$	427,075
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		<u>171,361</u>
Total.....		\$	598,436

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

(WV Code Chapter 29)

Fund 5405 FY 2022 Org 0508

Personal Services and Employee Benefits.....	00100	\$	144,190
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		65,450
Current Expenses.....	13000		332,284
Repairs and Alterations.....	06400		1,000
Local Programs Service Delivery Costs.....	20000		2,435,250
Silver Haired Legislature.....	20200		18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens.....	53900		4,615,503
Roger Tompkins Alzheimer's Respite Care.....	64300		2,302,016
WV Alzheimer's Hotline.....	72400		45,000
Regional Aged and Disabled Resource Center.....	76700		425,000
Senior Services Medicaid Transfer.....	87100		16,400,070
Legislative Initiatives for the Elderly.....	90400		9,671,239
Long Term Care Ombudsman.....	90500		297,226
BRIM Premium.....	91300		7,718
In-Home Services and Nutrition for Senior Citizens.....	91700		<u>8,095,941</u>
Total.....		\$	44,856,387

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

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

Total TITLE II, Section 4 – Lottery Revenue.....		\$	<u>125,433,000</u>
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Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

312 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2022 Org 0100

Excess
Lottery
Funds
Appro-
priation

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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

313 - Office of Technology

(WV Code Chapter 5A)

Fund 2532 FY 2022 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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

314 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2022 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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

315 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2022 Org 0310

Current Expenses (R)	13000	\$	23,300
Repairs and Alterations (R)	06400		161,200
Equipment (R)	07000		200,000
Buildings (R)	25800		100,000
Other Assets (R)	69000		<u>1,020,500</u>
Total		\$	1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

316 -

317 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2022 Org 0316

Directed Transfer	70000	\$	46,000,000
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The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

318 - Department of Education –

School Building Authority

Fund 3514 FY 2022 Org 0404

Debt Service - Total	31000	\$	18,999,900
Direct Transfer	70000		<u>100</u>
Total		\$	19,000,000

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

The above appropriation for Direct Transfer (fund 3514, appropriation 7000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects.

319 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2022 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 044) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

320 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2022 Org 0441

Directed Transfer	70000	\$	15,000,000
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The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

321 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2022 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

322 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2022 Org 0511

Medical Services.....	18900	\$	16,302,960
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323 - *Division of Corrections and Rehabilitation –*

Correctional Units

(WV Code Chapter 15A)

Fund 6283 FY 2022 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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

324 - *Lottery Commission –*

General Purpose Account

Fund 7206 FY 2022 Org 0705

General Revenue Fund – Transfer.....	70011	\$	65,000,000
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The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

325 - *Lottery Commission –*

Refundable Credit

Fund 7207 FY 2022 Org 0705

Directed Transfer	70000	\$	10,000,000
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The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner’s request.

326 - *Lottery Commission –*

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2022 Org 0705

Parking Garage Fund – Transfer.....	70001	\$	500,000
2004 Capitol Complex Parking Garage Fund – Transfer.....	70002		216,478
Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252
Development Office Promotion Fund – Transfer	70005		1,298,864

2021] HOUSE OF DELEGATES 2069

Research Challenge Fund – Transfer	70006	1,731,820
Tourism Promotion Fund – Transfer.....	70007	4,808,142
Cultural Facilities and Capitol Resources Matching		
Grant Program Fund – Transfer	70008	1,250,535
State Debt Reduction Fund – Transfer.....	70010	20,000,000
General Revenue Fund – Transfer.....	70011	1,167,799
West Virginia Racing Commission Racetrack		
Video Lottery Account	70012	3,463,637
Historic Resort Hotel Fund	70013	24,010
Licensed Racetrack Regular Purse Fund.....	70014	<u>22,383,247</u>
Total		\$ 61,022,040

327 - Racing Commission

Fund 7308 FY 2022 Org 0707

Special Breeders Compensation

(WVC §29-22-18a, subsection (I)).....	21800	\$ 2,000,000
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328 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2022 Org 0944

Debt Service – Total	31000	\$ 19,000,000
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Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

329 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2022 Org 0944

Debt Service	04000	\$ 2,032,000
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*330 - Economic Development Authority –
State Parks Lottery Revenue Debt Service Fund*

Fund 9068 FY 2022 Org 0944

Debt Service	04000	\$	4,395,000
Total TITLE II, Section 5 – Excess Lottery Funds.....			\$ 290,257,000

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2022.

LEGISLATIVE

331 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2022 Org 2300

	Appro-		Federal
	priation		Funds
Economic Loss Claim Payment Fund.....	33400	\$	1,100,000

JUDICIAL

332 - Supreme Court

Fund 8867 FY 2022 Org 2400

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

EXECUTIVE

333 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,628,780
Unclassified	09900		50,534
Current Expenses	13000		6,828,661
Repairs and Alterations.....	06400		650,000
Equipment.....	07000		910,500
Buildings.....	25800		1,000,000
Other Assets	69000		550,000
Land	73000		<u>500,000</u>
Total.....		\$	13,118,475

*334 - Department of Agriculture –
Meat Inspection Fund
(WV Code Chapter 19)*

Fund 8737 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	658,571
Unclassified	09900		8,755
Current Expenses	13000		136,012
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		<u>114,478</u>
Total.....		\$	923,316

*335 - Department of Agriculture –
State Conservation Committee
(WV Code Chapter 19)*

Fund 8783 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		<u>15,599,974</u>
Total.....		\$	15,697,224

336 - Department of Agriculture –

*Land Protection Authority*Fund 8896 FY 2022 Org 1400

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

337 - Attorney General –

*Medicaid Fraud Unit*Fund 8882 FY 2022 Org 1500

Personal Services and Employee Benefits.....	00100	\$	1,257,042
Unclassified	09900		15,336
Current Expenses	13000		456,638
Repairs and Alterations.....	06400		4,313
Equipment.....	07000		7,500
Other Assets	69000		<u>11,336</u>
Total		\$	1,752,165

338 - Secretary of State –

State Election Fund

(WV Code Chapter 3)

Fund 8854 FY 2022 Org 1600

Personal Services and Employee Benefits.....	00100	\$	210,240
Unclassified	09900		7,484
Current Expenses	13000		415,727
Repairs and Alterations.....	06400		15,000
Other Assets	69000		<u>100,000</u>

Total		\$	748,451
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DEPARTMENT OF COMMERCE*339 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2022 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,640,060
Unclassified	09900		51,050
Current Expenses	13000		5,232,560
Repairs and Alterations.....	06400		155,795
Equipment.....	07000		100,000
Other Assets	69000		<u>1,808,300</u>
Total		\$	8,987,765

340 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2022 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
Unclassified	09900		2,803
Current Expenses	13000		195,639
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		7,500
Other Assets	69000		<u>15,000</u>
Total		\$	280,374

341 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	409,251
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Unclassified	09900	5,572
Current Expenses	13000	167,098
Repairs and Alterations.....	06400	<u>500</u>
Total		\$ 582,421

342 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 10,064,006
Unclassified	09900	107,693
Current Expenses	13000	7,887,660
Repairs and Alterations.....	06400	566,250
Equipment.....	07000	2,126,141
Administration	15500	50,325
Buildings	25800	951,000
Other Assets	69000	7,088,880
Land	73000	<u>2,893,920</u>
Total		\$ 31,735,875

343 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2022 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 642,799
Current Expenses	13000	<u>150,000</u>
Total		\$ 792,799

344 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2022 Org 0323

Unclassified	09900	\$	5,127
Current Expenses	13000		507,530
Reed Act 2002 – Unemployment Compensation.....	62200		2,850,000
Reed Act 2002 – Employment Services	63000		<u>1,650,000</u>
Total		\$	5,012,657

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

*345 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2022 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,725,244
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		138,000
Current Expenses	13000		34,440,940
Repairs and Alterations.....	06400		350,400
Equipment.....	07000		<u>1,275,870</u>
Total.....		\$	47,930,454

*346 - State Board of Rehabilitation –**Division of Rehabilitation Services –**Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2022 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,476,122
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Current Expenses	13000	13,383,206
Repairs and Alterations.....	06400	1,100
Equipment.....	07000	<u>83,350</u>
Total.....		\$ 25,943,778

DEPARTMENT OF ECONOMIC DEVELOPMENT

347 - Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 8705 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 1,039,921
Unclassified	09900	50,000
Current Expenses	13000	<u>4,504,019</u>
Total		\$ 5,593,940

348 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 497,289
Repairs and Alterations.....	06400	250
Equipment.....	07000	6,000
Unclassified	09900	106,795
Current Expenses	13000	<u>10,069,166</u>
Total		\$ 10,679,500

349 - Department of Economic Development –

Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2022 Org 0328

Personal Services and Employee Benefits.....	00100	\$	426,385
Unclassified	09900		7,350
Current Expenses	13000		<u>2,816,076</u>
Total		\$	3,249,811

DEPARTMENT OF EDUCATION

350 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	5,785,359
Unclassified	09900		2,000,000
Current Expenses	13000		1,434,146,008
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		<u>10,000</u>
Total		\$	1,441,961,367

351 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,881,766
Unclassified	09900		1,150,500
Current Expenses	13000		148,281,265
Repairs and Alterations.....	06400		20,000

Equipment.....	07000	100,000
Other Assets	69000	<u>25,000</u>
Total		\$ 151,458,531

352 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,896,249
Unclassified	09900	155,000
Current Expenses	13000	17,820,081
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	<u>10,000</u>
Total		\$ 19,901,330

353 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 3,477,006
Unclassified	09900	1,000,000
Current Expenses	13000	123,346,390
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	<u>10,000</u>
Total		\$ 127,853,396

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*354 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2022 Org 0432

Personal Services and Employee Benefits.....	00100	\$	810,436
Current Expenses	13000		1,947,372
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Buildings	25800		1,000
Other Assets	69000		1,000
Land	73000		<u>360</u>
Total		\$	2,762,168

355 -

356 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2022 Org 0432

Personal Services and Employee Benefits.....	00100	\$	437,040
Current Expenses	13000		5,587,325
Repairs and Alterations.....	06400		<u>1,000</u>
Total		\$	6,025,365

357 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2022 Org 0433

Personal Services and Employee Benefits.....	00100	\$	353,396
Current Expenses	13000		1,076,162
Equipment.....	07000		<u>543,406</u>

Total		\$	1,972,964
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358 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2022 Org 0439

Equipment.....	07000	\$	200,000
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

359 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	31,406,529
Unclassified	09900		1,923,580
Current Expenses	13000		153,850,118
Repairs and Alterations.....	06400		739,783
Equipment.....	07000		1,712,238
Other Assets	69000		2,177,261
Land	73000		80,000
Total		\$	191,889,509

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

360 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,532,219
Unclassified	09900		73,307
Current Expenses	13000		81,583,302
Total		\$	83,188,828

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

(WV Code Chapter 16)

Fund 8802 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	14,610,947
Unclassified	09900		856,614
Current Expenses	13000		69,201,885
Equipment.....	07000		456,972
Buildings	25800		155,000
Other Assets	69000		<u>380,000</u>
Total		\$	85,661,418

*362 - Division of Health –**West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2022 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund – Transfer	68900	\$	16,000,000
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363 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2022 Org 0510

Personal Services and Employee Benefits.....	00100	\$	449,874
Unclassified	09900		5,050
Current Expenses	13000		<u>64,950</u>
Total		\$	519,874

364 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 76,720,133
Unclassified	09900	22,855,833
Current Expenses	13000	112,181,984
Medical Services.....	18900	3,860,302,514
Medical Services Administrative Costs.....	78900	132,247,536
CHIP Administrative Costs.....	85601	4,539,496
CHIP Services.....	85602	49,752,412
Federal Economic Stimulus.....	89100	<u>5,000,000</u>
Total.....		\$ 4,263,599,908

DEPARTMENT OF HOMELAND SECURITY

365 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2022 Org 0601

Unclassified	09900	\$ 5,000
Current Expenses	13000	<u>495,000</u>
Total.....		\$ 500,000

366 - Division of Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2022 Org 0606

Personal Services and Employee Benefits.....	00100	\$ 1,199,172
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	61,250
Current Expenses	13000	20,429,281
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>100,000</u>
Total.....		\$ 21,794,703

367 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2022 Org 0608

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

368 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,480,877
Current Expenses	13000		2,125,971
Repairs and Alterations.....	06400		42,000
Equipment.....	07000		2,502,285
Buildings	25800		750,500
Other Assets	69000		144,500
Land	73000		<u>500</u>
Total		\$	8,046,633

369 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2022 Org 0619

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

(WV Code Chapter 15)

Fund 8803 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$	1,222,258
Unclassified	09900		25,185

Current Expenses	13000	75,381,973
Repairs and Alterations.....	06400	<u>1,750</u>
Total		\$ 76,631,166

DEPARTMENT OF REVENUE*371 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2022 Org 0704

Current Expenses	13000	\$ 3,000,000
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DEPARTMENT OF TRANSPORTATION*372 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2022 Org 0802

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

373 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2022 Org 0805

Personal Services and Employee Benefits.....	00100	\$ 1,010,320
Current Expenses	13000	20,913,149
Repairs and Alterations.....	06400	2,500
Equipment.....	07000	2,801,714
Buildings	25800	1,250,000
Other Assets	69000	<u>100,000</u>
Total		\$ 26,077,683

374 - Aeronautics Commission

(WV Code Chapter 29)

Fund 8831 FY 2022 Org 0807

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

DEPARTMENT OF VETERANS' ASSISTANCE*375 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2022 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,890,365
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		57,120
Current Expenses	13000		2,840,300
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		25,000
Buildings	25800		250,000
Land	73000		500
Veterans' Cemetery	80800		<u>175,000</u>
Total		\$	6,258,285

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

(WV Code Chapter 9A)

Fund 8728 FY 2022 Org 0618

Personal Services and Employee Benefits.....	00100	\$	906,850
Current Expenses	13000		595,700

Repairs and Alterations.....	06400	60,500
Equipment.....	07000	10,500
Buildings	25800	500
Other Assets	69000	6,500
Land	73000	<u>100</u>
Total		\$ 1,580,650

BUREAU OF SENIOR SERVICES

377 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2022 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 761,414
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	5,950
Current Expenses	13000	13,811,853
Repairs and Alterations.....	06400	<u>3,000</u>
Total		\$ 14,582,217

MISCELLANEOUS BOARDS AND COMMISSIONS

378 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2022 Org 0603

Unclassified	09900	\$ 982,705
Mountaineer ChalleNGe Academy.....	70900	7,200,000
Martinsburg Starbase.....	74200	439,622
Charleston Starbase	74300	424,685
Military Authority	74800	<u>91,380,274</u>

Total \$ 100,427,286

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

379 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2022 Org 0603

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

380 -

381 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 1,352,576
Current Expenses	13000	368,953
Repairs and Alterations.....	06400	39,000
Equipment.....	07000	<u>413,400</u>
Total		\$ 2,173,929

382 - Public Service Commission –

Gas Pipeline Division

(WV Code Chapter 24B)

Fund 8744 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	621,039
Unclassified	09900		4,072
Current Expenses	13000		124,628
Equipment.....	07000		<u>3,000</u>
Total		\$	752,739

383 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2022 Org 0941

Personal Services and Employee Benefits.....	00100	\$	163,405
Current Expenses	13000		242,195
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Other Assets	69000		<u>2,000</u>
Total		\$	415,600
Total TITLE II, Section 6 - Federal Funds.....			<u>\$ 6,842,455,104</u>

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2022.

*384 - Department of Economic Development –**Office of the Secretary –**Community Development*Fund 8746 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$	10,658,978
Unclassified	09900		2,375,000
Current Expenses	13000		<u>224,476,883</u>
Total		\$	237,510,861

*385 - Department of Economic Development –**Office of the Secretary –**Office of Economic Opportunity –**Community Services*Fund 8902 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$	362,389
Unclassified	09900		125,000
Current Expenses	13000		12,002,111
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		<u>9,000</u>
Total		\$	12,500,000

*386 - WorkForce West Virginia –**Workforce Investment Act*Fund 8749 FY 2022 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,875,479
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		124,018
Unclassified	09900		23,023
Current Expenses	13000		39,263,511
Repairs and Alterations.....	06400		1,600
Equipment.....	07000		500
Buildings	25800		<u>1,100</u>
Total		\$	42,289,231

*387 - Division of Health –**Maternal and Child Health*Fund 8750 FY 2022 Org 0506

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Personal Services and Employee Benefits.....	00100	\$	2,268,209
Unclassified	09900		81,439
Current Expenses	13000		<u>5,794,267</u>
Total		\$	8,143,915

388 - Division of Health –

Preventive Health

Fund 8753 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	268,337
Unclassified	09900		22,457
Current Expenses	13000		1,895,366
Equipment.....	07000		<u>165,642</u>
Total		\$	2,351,802

389 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	657,325
Unclassified	09900		115,924
Current Expenses	13000		<u>10,853,740</u>
Total		\$	11,626,989

390 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	551,368
Unclassified	09900		33,533
Current Expenses	13000		<u>4,883,307</u>
Total		\$	5,468,208

391 - Division of Human Services –

*Energy Assistance*Fund 8755 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	1,860,574
Unclassified	09900		350,000
Current Expenses	13000		<u>38,182,151</u>
Total		\$	40,392,725

392 - Division of Human Services –

*Social Services*Fund 8757 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	8,806,005
Unclassified	09900		171,982
Current Expenses	13000		<u>8,870,508</u>
Total		\$	17,848,495

393 - Division of Human Services –

*Temporary Assistance for Needy Families*Fund 8816 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	20,604,174
Unclassified	09900		1,250,000
Current Expenses	13000		<u>105,871,588</u>
Total		\$	127,725,762

394 - Division of Human Services –

*Child Care and Development*Fund 8817 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	2,797,226
Unclassified	09900		350,000

Current Expenses	13000	<u>47,000,307</u>
Total		\$ 50,147,533
Total TITLE II, Section 7 – Federal Block Grants		<u>\$ 556,005,521</u>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2022, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$4,310,008, special revenue funds in the amount of \$68,539, and state road funds in the amount of \$621,765 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2022 out of surplus funds only, accrued from the fiscal year ending June 30, 2021, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus as of July 31, 2021 from the fiscal year ending June 30, 2021, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2021, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

395 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2022 Org 0100

Milton Flood Wall - Surplus	75799	\$ 14,000,000
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396 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2022 Org 0511

Medical Services - Surplus	63000	\$ 8,038,904
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397 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2022 Org 0304

2021]	HOUSE OF DELEGATES	2093
Tourism – Brand Promotion - Surplus (R)	61893	\$ 5,000,000
Tourism – Public Relations - Surplus (R).....	61894	750,000
Tourism – Events and Sponsorships - Surplus (R).....	61895	250,000
Tourism – Industry Development – Surplus (R).....	61896	250,000
State Parks and Recreation Advertising – Surplus (R)	61999	<u>750,000</u>
Total.....		\$ 7,000,000

Any unexpended balances remaining in the appropriations for Tourism – Brand Promotion - Surplus (fund 0246, appropriation 61893), Tourism – Public Relations - Surplus (fund 0246, appropriation 61894), Tourism – Events and Sponsorships - Surplus (fund 0246, appropriation 61895), Tourism – Industry Development – Surplus (fund 0246, appropriation 61896), and State Parks and Recreation Advertising - Surplus (fund 0246, appropriation 61999) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

398 - Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2022 Org 0307

Direct Transfer – Surplus (R)	70099	5,000,000
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The above appropriation for Direct Transfer - Surplus (fund 0256, appropriation 70099) shall be transferred to the Economic Development Promotion and Closing Fund (fund 3171).

Total TITLE II, Section 9 – Surplus Accrued.....		<u>\$ 34,038,904</u>
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Sec. 10. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2022 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2021, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2021.

In the event that surplus revenues available from the fiscal year ending June 30, 2021, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

399 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7308 FY 2022 Org 0707

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

Total TITLE II, Section 11 – Surplus Accrued.....		\$	<u>800,000</u>
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Sec. 11. Special revenue appropriations.—There are hereby appropriated for expenditure during the fiscal year 2021 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.Va. 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.Va. Code §12-2-1 *et seq.*, W.Va. Code §12-3-1 *et seq.*, and W.Va. 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.Va. Code §4-11-1, *et seq.* *Provided further*, That federal funds that become available to a spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W. Va. Code §4-11-5(d): *And provided further*, That no provision of this Act may be construed to authorize the expenditure of federal funds except as provided in this section.

Sec. 12. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2022, 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 2022 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. 13. 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. 14. 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. 15. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 16. 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. 17. 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. 18. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

With the further amendment, sponsored by Delegates Summers and Householder, being as follows:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2022.

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 2022” shall mean the period from July 1, 2021, through June 30, 2022.

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

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

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

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

“Personal services” shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual

payments paid to consultants or to independent contractors engaged by the spending unit. "Personal services" shall include "annual increment" for "eligible employees" and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a “personal services and employee benefits” appropriation unless the source funds are also wholly from a “personal services and employee benefits” line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to “personal services and employee benefits,” “current expenses,” “repairs and alterations,” “equipment,” “other assets,” “land,” and “buildings” to other appropriations within the same account and no funds from other appropriations shall be transferred to the “personal services and employee benefits” or the “unclassified” appropriation except that during Fiscal Year 2022, and upon approval from the State Budget Office, agencies with the appropriation “Salary and Benefits of Cabinet Secretary and Agency Heads” may transfer between this appropriation and the appropriation “Personal Services and Employee Benefits” an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2022, 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 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 2022.

LEGISLATIVE

400 - Senate

Fund 0165 FY 2022 Org 2100

	Appro-		General
	priation		Revenue
			Fund
Compensation of Members (R)	00300	\$	1,010,000
Compensation and Per Diem of Officers and Employees (R).....	00500		4,011,332
Current Expenses and Contingent Fund (R)	02100		276,392
Repairs and Alterations (R).....	06400		35,000
Computer Supplies (R).....	10100		80,000
Computer Systems (R).....	10200		0
Printing Blue Book (R).....	10300		125,000
Expenses of Members (R)	39900		370,000
BRIM Premium (R).....	91300		<u>44,482</u>
Total		\$	5,952,206

The appropriations for the Senate for the fiscal year 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances so reappropriated may be transferred and credited to the fiscal year 2021 accounts.

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

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

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

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

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

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

401 - House of Delegates

Fund 0170 FY 2022 Org 2200

Compensation of Members (R)	00300	\$	3,000,000
Compensation and Per Diem of Officers and Employees (R).....	00500		575,000
Current Expenses and Contingent Fund (R)	02100		4,399,031
Expenses of Members (R)	39900		1,350,000
BRIM Premium (R).....	91300		<u>80,000</u>
Total		\$	9,404,031

The appropriations for the House of Delegates for the fiscal year 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances so reappropriated may be transferred and credited to the fiscal year 2021 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.

402 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2022 Org 2300

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

The appropriations for the Joint Expenses for the fiscal year 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances reappropriated may be transferred and credited to the fiscal year 2021 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

403 - Supreme Court –

General Judicial

Fund 0180 FY 2022 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$ 115,126,000
Current Expenses (R)	13000	19,911,000
Repairs and Alterations (R).....	06400	40,000
Equipment (R).....	07000	1,800,000
Military Service Members Court (R)	09002	300,000
Judges' Retirement System (R)	11000	742,000
Buildings (R)	25800	10,000
Other Assets (R).....	69000	200,000
BRIM Premium (R).....	91300	<u>834,000</u>
Total.....		\$ 138,963,000

The appropriations to the Supreme Court of Appeals for the fiscal years 2019, 2020 and 2021 are to remain in full force and effect and are hereby reappropriated to June 30, 2022. Any balances so reappropriated may be transferred and credited to the fiscal year 2022 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

404 - Governor's Office

(WV Code Chapter 5)

Fund 0101 FY 2022 Org 0100

Personal Services and Employee Benefits.....	00100	\$	3,250,758
Current Expenses (R)	13000		800,000
Repairs and Alterations.....	06400		25,000
National Governors Association	12300		60,700
Herbert Henderson Office of Minority Affairs	13400		396,726
Community Food Program	18500		1,000,000
Office of Resiliency	18600		596,157
BRIM Premium.....	91300		<u>183,645</u>
Total.....		\$	6,312,986

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), and Office of Resiliency (fund 0101, appropriation 18600) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

405 - Governor's Office –

Custodial Fund

(WV Code Chapter 5)

Fund 0102 FY 2022 Org 0100

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

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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.

*406 - Governor's Office –**Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2022 Org 0100

Public Health Emergency Response Fund	21201	\$	0
Milton Flood Wall (R).....	75701		<u>3,500,000</u>
Total		\$	3,500,000

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), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), and Local Economic Development Assistance (fund 0105, appropriation 81900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

*407 - Auditor's Office –**General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2022 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,377,589
Current Expenses (R)	13000		13,429
BRIM Premium.....	91300		<u>12,077</u>
Total		\$	2,403,095

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

408 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2022 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,570,242
Unclassified	09900		31,463
Current Expenses (R)	13000		572,684
Abandoned Property Program.....	11800		41,794
Other Assets	69000		10,000
ABLE Program	69201		150,000
BRIM Premium.....	91300		<u>59,169</u>
Total		\$	3,435,352

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

409 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	6,298,229
Current Expenses (R)	13000		848,115
Animal Identification Program	03900		131,942
State Farm Museum.....	05500		87,759
Gypsy Moth Program (R)	11900		1,003,440
WV Farmers Market.....	12801		150,467
Black Fly Control.....	13700		453,698

HEMP Program.....	13701	350,000
Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program (R)	36301	255,624
Predator Control (R).....	47000	176,400
Bee Research	69100	70,634
Microbiology Program	78500	99,828
Moorefield Agriculture Center.....	78600	975,284
Chesapeake Bay Watershed.....	83000	112,427
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	738,554
Threat Preparedness	94200	73,122
WV Food Banks	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
Total		\$ 12,500,083

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

410 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	794,191
Unclassified	09900		77,059
Current Expenses (R)	13000		317,848
Soil Conservation Projects (R)	12000		9,799,709
BRIM Premium.....	91300		<u>34,428</u>
Total.....		\$	11,023,235

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000) and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

*411 - Department of Agriculture –**Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2022 Org 1400

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

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

*412 - Department of Agriculture –**Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2022 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
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413 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2022 Org 1400

Personal Services and Employee Benefits	00100	\$	99,547
Unclassified	09900		950
Total		\$	100,497

414 - Attorney General

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

Fund 0150 FY 2022 Org 1500

Personal Services and Employee Benefits (R)	00100	\$	2,818,788
Unclassified (R)	09900		24,428
Current Expenses (R)	13000		687,795
Repairs and Alterations	06400		1,000
Equipment	07000		1,000
Criminal Convictions and Habeas Corpus Appeals (R)	26000		946,078
Better Government Bureau	74000		279,412
BRIM Premium	91300		120,654
Total		\$	4,879,155

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated

account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

415 - Secretary of State

(WV Code Chapters 3, 5, and 59)

Fund 0155 FY 2022 Org 1600

Personal Services and Employee Benefits.....	00100	\$	118,794
Unclassified (R).....	09900		8,352
Current Expenses (R)	13000		781,584
BRIM Premium.....	91300		<u>34,500</u>
Total.....		\$	943,230

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

416 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2022 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

417 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2022 Org 0201

Personal Services and Employee Benefits.....	00100	\$	438,584
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		168,000
Unclassified	09900		9,177
Current Expenses	13000		85,009
Repairs and Alterations.....	06400		100
Equipment.....	07000		1,000
Financial Advisor (R).....	30400		27,546
Lease Rental Payments.....	51600		14,850,000
Design-Build Board.....	54000		4,000
Other Assets	69000		100
BRIM Premium.....	91300		<u>6,736</u>
Total.....		\$	15,590,252

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

418 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2022 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.

419 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2022 Org 0209

Personal Services and Employee Benefits.....	00100	\$	64,696
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2021]	HOUSE OF DELEGATES	2113
Unclassified	09900	1,400
Current Expenses	13000	60,721
GAAP Project (R).....	12500	612,666
BRIM Premium.....	91300	<u>13,517</u>
Total		\$ 753,000

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

420 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2022 Org 0211

Personal Services and Employee Benefits.....	00100	\$ 2,722,499
Unclassified	09900	20,000
Current Expenses	13000	1,148,349
Repairs and Alterations.....	06400	500
Equipment.....	07000	5,000
Fire Service Fee.....	12600	14,000
Preservation and Maintenance of Statues and Monuments		
on Capitol Grounds	37100	68,000
Capital Outlay, Repairs and Equipment (R).....	58900	23,660,888
BRIM Premium.....	91300	<u>129,983</u>
Total		\$ 27,769,219

Any unexpended balances remaining in the appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

421 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2022 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,039,163
Unclassified	09900		144
Current Expenses	13000		1,285
Repairs and Alterations.....	06400		200
BRIM Premium.....	91300		<u>6,922</u>
Total		\$	1,047,714

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

422 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2022 Org 0215

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

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

423 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2022 Org 0217

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

424 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2022 Org 0219

Personal Services and Employee Benefits.....	00100	\$	969,627
Unclassified	09900		1,000
Current Expenses	13000		145,295
Equipment.....	07000		50
BRIM Premium.....	91300		<u>8,740</u>
Total		\$	1,124,712

425 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2022 Org 0220

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

426 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2022 Org 0221

Personal Services and Employee Benefits.....	00100	\$	1,780,483
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		21,188,435
Appointed Counsel Fees (R).....	78800		12,691,113
BRIM Premium.....	91300		<u>10,575</u>
Total.....		\$	36,135,646

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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).

427 - Committee for the Purchase of

Commodities and Services from the Handicapped

(WV Code Chapter 5A)

Fund 0233 FY 2022 Org 0224

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

428 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2022 Org 0225

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

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

429 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2022 Org 0228

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

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

430 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2022 Org 0233

Personal Services and Employee Benefits.....	00100	\$	681,101
Unclassified	09900		1,000
Current Expenses	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500
BRIM Premium.....	91300		<u>9,784</u>
Total		\$	831,866

DEPARTMENT OF COMMERCE

431 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2022 Org 0305

Personal Services and Employee Benefits.....	00100	\$	4,579,781
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		111,674
Unclassified	09900		21,435
Current Expenses	13000		555,963
Repairs and Alterations.....	06400		80,000
Equipment (R).....	07000		2,061
BRIM Premium.....	91300		<u>98,754</u>
Total.....		\$	5,449,668

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

432 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2022 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,575,695
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		112,753
Unclassified	09900		27,678
Current Expenses	13000		51,524
Repairs and Alterations.....	06400		968
Mineral Mapping System (R).....	20700		1,090,234
BRIM Premium.....	91300		<u>24,486</u>
Total.....		\$	2,883,338

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

433 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 0260 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,537,028
Current Expenses	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment.....	07000		15,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	1,815,528

434 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$	16,868,737
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		113,188
Unclassified	09900		184,711
Current Expenses	13000		196,302
Repairs and Alterations.....	06400		100
Equipment.....	07000		100
Buildings (R)	25800		100
Capital Outlay – Parks (R)	28800		3,000,000
Litter Control Conservation Officers	56400		146,986
Upper Mud River Flood Control.....	65400		164,791
Other Assets	69000		100

Land (R).....	73000	100
Law Enforcement.....	80600	2,552,994
BRIM Premium.....	91300	<u>45,141</u>
Total.....		\$ 23,273,350

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

435 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2022 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 9,375,243
Unclassified	09900	111,016
Current Expenses	13000	1,396,141
Coal Dust and Rock Dust Sampling.....	27000	487,752
BRIM Premium.....	91300	<u>80,668</u>
Total.....		\$ 11,450,820

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

436 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2022 Org 0319

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

Total \$ 355,599

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

437 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2022 Org 0323

Personal Services and Employee Benefits.....	00100	\$	51,433
Unclassified	09900		593
Current Expenses	13000		<u>6,447</u>
Total		\$	58,473

438 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2022 Org 0327

Personal Services and Employee Benefits.....	00100	\$	465,122
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		153,750
Unclassified	09900		1,490
Current Expenses	13000		131,847
Directed Transfer	70000		<u>500,000</u>
Total		\$	1,252,209

The above appropriation for Directed Transfer (fund 0606, appropriation 70000) shall be transferred to the Broadband Enhancement Fund (fund 3013).

439 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2022 Org 0932

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

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

DEPARTMENT OF TOURISM

440 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2022 Org 0304

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

Any unexpended balances remaining in the appropriations for Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), and State Parks and Recreation Advertising (fund 0246, appropriation 61900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

441 - Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,500,420
Unclassified	09900		108,055
Current Expenses	13000		3,681,460
National Youth Science Camp	13200		241,570
Local Economic Development Partnerships (R)	13300		1,250,000
ARC Assessment.....	13600		152,585
Guaranteed Work Force Grant (R).....	24200		976,579
Directed Transfer	70000		0
Mainstreet Program	79400		167,467
Local Economic Development Assistance (R).....	81900		0
BRIM Premium.....	91300		3,157
Hatfield McCoy Recreational Trail	96000		<u>198,415</u>
Total.....		\$	11,279,708

Any unexpended balances remaining in the appropriations for Sales and Marketing Enhancement – Surplus (fund 0256, appropriation 05099, Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), and Local Economic Development Assistance (fund 0256, appropriation 81900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership and \$100,000 shall be used for Advantage Valley.

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.Va. 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 \$34,000 per county served by an economic development or redevelopment corporation or authority.

442 - Department of Economic Development –

Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2022 Org 0328

Personal Services and Employee Benefits.....	00100	\$	238,299
Unclassified	09900		12,395
Current Expenses	13000		1,031,015
BRIM Premium.....	91300		<u>3,894</u>
Total.....		\$	1,285,603

From the above appropriation for Current Expenses (fund 0612, appropriation 13000), \$548,915 is for West Virginia University and \$298,915 is for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

DEPARTMENT OF EDUCATION

443 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2022 Org 0402

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

444 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,598,523
Unclassified (R).....	09900		420,000
Current Expenses (R)	13000		4,580,000
Teachers' Retirement Savings Realized.....	09500		34,747,000
Center for Professional Development (R).....	11500		150,000
Increased Enrollment	14000		22,800,000
Safe Schools.....	14300		4,550,424
Attendance Incentive Bonus (R).....	15001		2,056,717
National Teacher Certification (R)	16100		300,000
Jobs & Hope – Childhood Drug Prevention Education	21901		5,000,000
Allowance for County Transfer	26400		119,087
Technology Repair and Modernization.....	29800		951,003
HVAC Technicians	35500		516,791
Early Retirement Notification Incentive.....	36600		300,000
MATH Program.....	36800		336,532
Assessment Programs (R)	39600		3,865,593
Benedum Professional Development Collaborative (R).....	42700		429,775
Governor's Honors Academy (R)	47800		1,059,270
21 st Century Fellows.....	50700		274,899
English as a Second Language.....	52800		96,000
Teacher Reimbursement.....	57300		297,188
Hospitality Training	60000		272,775
Youth in Government	61600		100,000
High Acuity Special Needs (R).....	63400		1,500,000
Foreign Student Education.....	63600		100,294

State Board of Education Administrative Costs	68400	277,403
IT Academy (R).....	72100	500,000
Early Literacy Program.....	75600	5,705,624
School Based Truancy Prevention (R)	78101	2,032,238
Communities in Schools (R).....	78103	4,900,000
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program	86401	415,500
21 st Century Learners (R).....	88600	1,756,470
BRIM Premium.....	91300	342,859
21 st Century Assessment and Professional Development	93100	2,006,978
21 st Century Technology Infrastructure Network		
Tools and Support (R)	93300	9,636,586
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total.....		\$ 117,661,779

The above appropriations include funding for the state board of education and their 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), Assessment Programs (fund 0313, appropriation 39600), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor’s Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), and 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

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.

445 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2022 Org 0402

Special Education – Counties	15900	\$	7,271,757
Special Education – Institutions	16000		3,968,631
Education of Juveniles Held in Predispositional			
Juvenile Detention Centers.....	30200		662,300
Education of Institutionalized Juveniles and Adults (R)	47200		<u>20,520,405</u>
Total		\$	32,423,093

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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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.

446 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2022 Org 0402

Other Current Expenses	02200	\$	161,739,678
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Advanced Placement	05300	670,151
Professional Educators	15100	869,082,617
Service Personnel.....	15200	291,835,429
Fixed Charges.....	15300	101,669,823
Transportation.....	15400	69,037,827
Improved Instructional Programs	15600	51,974,496
Professional Student Support Services	65500	59,608,039
21 st Century Strategic Technology Learning Growth	93600	26,443,757
Teacher and Leader Induction	93601	<u>5,478,876</u>
Basic Foundation Allowances		1,637,540,693
Less Local Share		(476,260,743)
Adjustments		<u>(3,254,844)</u>
Total Basic State Aid.....		1,158,025,106
Public Employees' Insurance Matching.....	01200	206,938,256
Teachers' Retirement System.....	01900	60,784,000
School Building Authority (R)	45300	24,000,000
Retirement Systems – Unfunded Liability.....	77500	<u>302,844,000</u>
Total.....		\$ 1,752,591,362

Any unexpended balances remaining in the appropriations for School Building Authority (fund 0317, appropriation 45300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

447 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,339,713
Unclassified	09900	268,800

2021]	HOUSE OF DELEGATES	2129
Current Expenses	13000	883,106
Wood Products – Forestry Vocational Program.....	14600	81,252
Albert Yanni Vocational Program	14700	132,123
Vocational Aid	14800	24,443,275
Adult Basic Education	14900	5,365,530
Jobs & Hope	14902	0
Program Modernization.....	30500	884,313
High School Equivalency Diploma Testing (R)	72600	803,397
FFA Grant Awards	83900	11,496
Pre-Engineering Academy Program.....	84000	<u>265,294</u>
Total		\$ 34,478,299

Any unexpended balances remaining in the appropriations for Jim’s Dream (fund 0390, appropriation 14901) and High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

448 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18, and 18A)

Fund 0320 FY 2022 Org 0403

Personal Services and Employee Benefits.....	00100	\$ 11,379,675
Unclassified	09900	110,000
Current Expenses	13000	2,250,696
Repairs and Alterations.....	06400	164,675
Equipment.....	07000	77,000
Buildings (R)	25800	45,000
Capital Outlay and Maintenance (R)	75500	520,000
BRIM Premium.....	91300	<u>130,842</u>
Total		\$ 14,677,888

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

449 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2022 Org 0432

Personal Services and Employee Benefits.....	00100	\$	3,343,387
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		120,106
Unclassified (R).....	09900		28,483
Current Expenses.....	13000		610,843
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1
WV Humanities Council.....	16800		250,000
Buildings (R).....	25800		1
Other Assets.....	69000		1
Educational Enhancements.....	69500		573,500
Land (R).....	73000		1
Culture and History Programming.....	73200		231,573
Capital Outlay and Maintenance (R).....	75500		19,600
Historical Highway Marker Program.....	84400		57,548
BRIM Premium.....	91300		<u>39,337</u>
Total.....		\$	5,275,381

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293,

appropriation 75500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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 Code.

From the above appropriation for Educational Enhancements (fund 0293, appropriation 69500), \$500,000 shall be used for Save the Children and \$73,500 shall be used for the Clay Center.

450 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2022 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,070,613
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		112,000
Current Expenses	13000		139,624
Repairs and Alterations.....	06400		6,500
Services to Blind & Handicapped	18100		161,717
BRIM Premium.....	91300		<u>18,205</u>
Total.....		\$	1,508,659

451 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2022 Org 0439

Personal Services and Employee Benefits.....	00100	\$	3,144,106
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		120,106
Current Expenses	13000		118,344
Mountain Stage.....	24900		295,500
Capital Outlay and Maintenance (R)	75500		49,250

BRIM Premium.....	91300	<u>47,727</u>
Total		\$ 3,775,033

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

452 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2022 Org 0311

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

453 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 4,005,460
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	168,000
Unclassified	09900	0
Current Expenses	13000	85,816
Repairs and Alterations.....	06400	0
Water Resources Protection and Management.....	06800	576,278
Dam Safety	60700	237,824

2021]	HOUSE OF DELEGATES	2133
West Virginia Stream Partners Program.....	63700	77,396
Meth Lab Cleanup.....	65600	91,888
WV Contributions to River Commissions.....	77600	148,485
Office of Water Resources Non-Enforcement Activity	85500	<u>1,009,855</u>
Total		\$ 6,401,002

454 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2022 Org 0325

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

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

455 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2022 Org 0501

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

Any unexpended balance remaining in the appropriation for the Women's Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

456 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	12,544,773
Unclassified	09900		671,795
Current Expenses	13000		5,388,459
Chief Medical Examiner (R)	04500		8,714,647
State Aid for Local and Basic Public Health Services	18400		14,160,490
Safe Drinking Water Program (R).....	18700		1,891,323
Women, Infants and Children.....	21000		38,621
Early Intervention	22300		8,134,060
Cancer Registry	22500		206,306
Office of Drug Control Policy (R)	35401		545,153
Statewide EMS Program Support (R).....	38300		1,695,271
Office of Medical Cannabis (R)	42001		1,459,989
Black Lung Clinics.....	46700		170,885
Vaccine for Children.....	55100		338,235
Tuberculosis Control	55300		329,256
Maternal and Child Health Clinics, Clinicians			
Medical Contracts and Fees (R).....	57500		5,892,707
Epidemiology Support.....	62600		1,497,192
Primary Care Support	62800		1,223,666
Sexual Assault Intervention and Prevention	72300		800,000

2021]	HOUSE OF DELEGATES	2135
Health Right Free Clinics	72700	4,250,000
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles.....	77800	890,000
Maternal Mortality Review.....	83400	49,933
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System	91800	1,921,322
WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
Total.....		\$ 73,863,941

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical Cannabis Surplus (fund 0407, appropriation 42099), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay, Repairs and Equipment Surplus (fund 0525, appropriation 67700), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; and \$1,000,000 shall be used for the administration of the Telestroke program.

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

457 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,632,588
Current Expenses	13000		14,113
Jobs & Hope	14902		0
Behavioral Health Program (R)	21900		71,671,175
Institutional Facilities Operations (R).....	33500		147,729,180
Substance Abuse Continuum of Care (R)	35400		1,840,000
Capital Outlay and Maintenance (R)	75500		950,000
BRIM Premium.....	91300		<u>1,296,098</u>
Total.....		\$	225,133,154

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0525, appropriation 14901), Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

Additional funds have been appropriated in fund 5156, fiscal year 2022, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

(WV Code Chapter 16)

Fund 0561 FY 2022 Org 0506

West Virginia Drinking Water Treatment

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

459 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2022 Org 0510

Personal Services and Employee Benefits.....	00100	\$	961,553
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		112,000
Unclassified	09900		4,024
Current Expenses	13000		331,304
BRIM Premium.....	91300		<u>10,764</u>
Total.....		\$	1,419,645

460 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	50,630,531
Salary and Benefits of Cabinet Secretary and			
Agency Heads	00201		87,031
Unclassified	09900		5,688,944
Current Expenses	13000		11,772,050
Child Care Development.....	14400		3,102,718
Medical Services.....	18900		318,512,213

Social Services	19500	226,138,785
Family Preservation Program.....	19600	1,565,000
Family Resource Networks	27400	1,762,464
Domestic Violence Legal Services Fund	38400	400,000
James "Tiger" Morton Catastrophic Illness Fund	45500	18,664
I/DD Waiver	46600	108,541,736
Child Protective Services Case Workers.....	46800	27,843,073
Title XIX Waiver for Seniors	53300	13,593,620
WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	135,000
Child Support Enforcement.....	70500	6,458,806
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	25,819,096
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
Medical Services Administrative Costs.....	78900	43,568,141
Traumatic Brain Injury Waiver	83500	800,000
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs.....	85601	700,000
CHIP Services.....	85602	6,390,665
BRIM Premium.....	91300	892,642
Rural Hospitals Under 150 Beds	94000	2,596,000

Children's Trust Fund – Transfer.....	95100	220,000
PATH	95400	<u>7,162,452</u>
Total.....		\$ 882,511,249

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

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

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

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

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

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

DEPARTMENT OF HOMELAND SECURITY*461 - Department of Homeland Security –**Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2022 Org 0601

Personal Services and Employee Benefits.....	00100	\$	516,426
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		168,000
Unclassified (R).....	09900		30,000
Current Expenses.....	13000		145,886
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Fusion Center (R).....	46900		2,683,140
Other Assets.....	69000		500
Directed Transfer.....	70000		32,000
BRIM Premium.....	91300		22,563
WV Fire and EMS Survivor Benefit (R).....	93900		<u>200,000</u>
Total.....		\$	3,799,515

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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).

462 - Division of Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2022 Org 0606

2021] HOUSE OF DELEGATES 2141

Personal Services and Employee Benefits.....	00100	\$	2,128,644
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		61,250
Unclassified	09900		21,022
Current Expenses	13000		51,065
Repairs and Alterations.....	06400		600
Radiological Emergency Preparedness	55400		17,052
SIRN.....	55401		600,000
Federal Funds/Grant Match (R)	74900		1,409,145
Mine and Industrial Accident Rapid Response Call Center	78100		469,911
Early Warning Flood System (R).....	87700		1,284,448
BRIM Premium.....	91300		<u>96,529</u>
Total		\$	6,139,666

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

463 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$	307,843
Unclassified	09900		10,000
Current Expenses	13000		334,440
Salaries of Members of West Virginia Parole Board.....	22700		707,056
BRIM Premium.....	91300		<u>6,149</u>
Total		\$	1,365,488

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

464 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$	450,577
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		126,000
Current Expenses	13000		<u>2,400</u>
Total		\$	578,977

465 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2022 Org 0608

Employee Benefits	01000	\$	1,258,136
Unclassified	09900		1,578,800
Current Expenses (R)	13000		52,016,936
Children's Protection Act (R).....	09000		838,437
Facilities Planning and Administration (R).....	38600		1,274,200
Charleston Correctional Center	45600		3,400,402
Beckley Correctional Center.....	49000		2,518,874
Anthony Correctional Center	50400		6,096,779
Huttonsville Correctional Center.....	51400		21,697,029
Northern Correctional Center	53400		7,899,965
Inmate Medical Expenses (R)	53500		21,226,064

2021]	HOUSE OF DELEGATES	2143
Pruntytown Correctional Center	54300	8,562,705
Corrections Academy.....	56900	1,925,980
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	4,348,990
Parole Services.....	68600	5,775,564
Special Services	68700	5,694,768
Investigative Services	71600	3,394,070
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center.....	77400	11,305,381
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center.....	82800	3,927,845
St. Mary's Correctional Center	88100	14,497,534
Denmar Correctional Center	88200	5,189,043
Ohio County Correctional Center	88300	2,147,492
Mt. Olive Correctional Complex.....	88800	22,297,226
Lakin Correctional Center	89600	10,711,864
BRIM Premium.....	91300	<u>2,527,657</u>
Total.....		\$ 237,276,578

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

466 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2022 Org 0608

Statewide Reporting Centers	26200	\$	6,758,529
Robert L. Shell Juvenile Center.....	26700		2,519,068
Resident Medical Expenses (R).....	53501		3,604,999
Central Office.....	70100		1,713,291
Capital Outlay and Maintenance (R)	75500		250,000
Gene Spadaro Juvenile Center	79300		2,659,469
BRIM Premium.....	91300		115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000		5,717,712
Vicki Douglas Juvenile Center.....	98100		2,389,494
Northern Regional Juvenile Center	98200		2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300		2,422,880
Sam Perdue Juvenile Center	98400		2,614,497
Tiger Morton Center.....	98500		2,633,060
Donald R. Kuhn Juvenile Center	98600		5,060,657
J.M. "Chick" Buckbee Juvenile Center	98700		<u>2,527,617</u>
Total.....		\$	43,863,542

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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).

467 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 62,115,935
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	139,300
Children's Protection Act.....	09000	1,009,529
Current Expenses	13000	10,384,394
Repairs and Alterations.....	06400	450,523
Trooper Class	52100	3,207,832
Barracks Lease Payments	55600	237,898
Communications and Other Equipment (R).....	55800	1,070,968
Trooper Retirement Fund	60500	9,592,923
Handgun Administration Expense	74700	77,892
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded Liability.....	77500	17,798,000
Automated Fingerprint Identification System	89800	2,211,693
BRIM Premium.....	91300	<u>5,743,921</u>
Total.....		\$ 114,290,808

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

468 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2022 Org 0619

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

(WV Code Chapter 5F)

Fund 0585 FY 2022 Org 0622

Personal Services and Employee Benefits.....	00100	\$	3,029,459
Unclassified (R).....	09900		21,991
Current Expenses	13000		422,981
Repairs and Alterations.....	06400		8,500
Equipment (R).....	07000		64,171
BRIM Premium.....	91300		<u>32,602</u>
Total		\$	3,579,704

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000) and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

470 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 0546 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$	570,979
Current Expenses	13000		233,360
Repairs and Alterations.....	06400		1,804
Child Advocacy Centers (R).....	45800		2,206,954
Community Corrections (R).....	56100		4,595,222
Statistical Analysis Program.....	59700		49,819
Sexual Assault Forensic Examination Commission (R).....	71400		77,525

2021]	HOUSE OF DELEGATES	2147
Qualitative Analysis and Training for Youth Services (R)	76200	136,278
Law Enforcement Professional Standards.....	83800	164,272
Justice Reinvestment Initiative (R)	89501	2,332,101
BRIM Premium.....	91300	<u>2,123</u>
Total.....		\$ 10,370,437

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), and Justice Reinvestment Initiative (fund 0546, appropriation 89501) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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.

471 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 4,629,723
Current Expenses	13000	<u>605,000</u>
Total.....		\$ 5,234,723

DEPARTMENT OF REVENUE

472 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2022 Org 0701

Personal Services and Employee Benefits.....	00100	\$ 348,906
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	168,000
Unclassified	09900	437

Current Expenses	13000	81,594
Repairs and Alterations.....	06400	1,262
Equipment.....	07000	8,000
Other Assets	69000	<u>500</u>
Total		\$ 608,699

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

473 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2022 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$ 18,136,041
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	136,500
Unclassified (R).....	09900	174,578
Current Expenses (R)	13000	5,823,635
Repairs and Alterations.....	06400	10,150
Equipment.....	07000	54,850
Tax Technology Upgrade	09400	3,700,000
Multi State Tax Commission.....	65300	77,958
Other Assets	69000	10,000
BRIM Premium.....	91300	<u>15,579</u>
Total		\$ 28,139,291

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

474 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2022 Org 0703

Personal Services and Employee Benefits.....	00100	\$	794,942
Unclassified (R).....	09900		9,200
Current Expenses	13000		<u>119,449</u>
Total.....		\$	923,591

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

475 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2022 Org 0709

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

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

(WV Code Chapter 29)

Fund 0523 FY 2022 Org 0933

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

DEPARTMENT OF TRANSPORTATION*477 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2022 Org 0804

Personal Services and Employee Benefits.....	00100	\$	361,627
Current Expenses	13000		287,707
Other Assets (R).....	69000		1,270,019
BRIM Premium.....	91300		<u>201,541</u>
Total.....		\$	2,120,894

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

478 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2022 Org 0805

Equipment (R).....	07000	\$	25,000
Current Expenses (R)	13000		2,137,989
Buildings	25800		50,000
Other Assets (R).....	69000		<u>50,000</u>
Total.....		\$	2,262,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

479 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2022 Org 0807

Personal Services and Employee Benefits.....	00100	\$	223,740
Current Expenses (R)	13000		591,839

2021]	HOUSE OF DELEGATES	2151
Repairs and Alterations.....	06400	100
BRIM Premium.....	91300	<u>4,438</u>
Total.....		\$ 820,117

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

DEPARTMENT OF VETERANS' ASSISTANCE

480 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2022 Org 0613

Personal Services and Employee Benefits.....	00100	\$ 1,931,772
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	110,880
Unclassified	09900	20,000
Current Expenses	13000	161,450
Repairs and Alterations.....	06400	5,000
Veterans' Field Offices.....	22800	405,550
Buildings (R)	25800	7,000,000
Veterans' Nursing Home (R).....	28600	6,861,472
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	80800	389,215
BRIM Premium.....	91300	<u>50,000</u>
Total.....		\$ 17,547,354

Any unexpended balances remaining in the appropriations for Buildings – Surplus (fund 0456, appropriation #####), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans'

Reeducation Assistance (fund 0456, appropriation 32900), Veterans’ Grant Program (fund 0456, appropriation 34200), Veterans’ Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

481 - Department of Veterans’ Assistance –

Veterans’ Home

(WV Code Chapter 9A)

Fund 0460 FY 2022 Org 0618

Personal Services and Employee Benefits.....	00100	\$	1,217,096
Current Expenses (R)	13000		46,759
Veterans Outreach Programs.....	61700		<u>200,740</u>
Total		\$	1,464,595

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0460, appropriation 13000) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

BUREAU OF SENIOR SERVICES

482 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2022 Org 0508

Current Expenses	13000	\$	0
Transfer to Division of Human Services for Health Care			
and Title XIX Waiver for Senior Citizens.....	53900		<u>29,950,955</u>
Total.....		\$	29,950,955

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

*483 - West Virginia Council for
Community and Technical College Education –*

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2022 Org 0420

West Virginia Council for Community

and Technical Education (R)	39200	\$ 727,871
Transit Training Partnership	78300	34,293
Community College Workforce Development (R)	87800	2,786,925
College Transition Program.....	88700	278,222
West Virginia Advance Workforce Development (R)	89300	3,118,960
Technical Program Development (R)	89400	1,800,735
WV Invests Grant Program (R)	89401	<u>7,034,748</u>
Total		\$ 15,781,754

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

484 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2022 Org 0444

Mountwest Community and Technical College.....	48700	\$ 6,391,967
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485 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2022 Org 0445

New River Community and Technical College.....	35800	\$ 5,776,913
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486 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2022 Org 0446

Pierpont Community and Technical College.....	93000	\$	7,820,129
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487 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2022 Org 0447

Blue Ridge Community and Technical College.....	88500	\$	7,713,379
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488 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2022 Org 0464

West Virginia University – Parkersburg	47100	\$	10,164,495
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489 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2022 Org 0487

Southern West Virginia Community and Technical College.....	44600	\$	8,118,196
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490 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2022 Org 0489

West Virginia Northern Community and Technical College	44700	\$	7,176,538
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491 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2022 Org 0492

Eastern West Virginia Community and Technical College.....	41200	\$	2,147,213
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492 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2022 Org 0493

BridgeValley Community and Technical College	71700	\$	7,977,329
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HIGHER EDUCATION POLICY COMMISSION*493 - Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2022 Org 0441

Personal Services and Employee Benefits	00100	\$	2,669,502
Current Expenses	13000		1,096,902
RHI Program and Site Support –			
RHEP Program Administration	03700		80,000
Mental Health Provider Loan Repayment (R)	11301		330,000
Higher Education Grant Program	16400		40,619,864
Tuition Contract Program (R)	16500		1,225,120
Underwood-Smith Scholarship Program-Student Awards	16700		628,349
Facilities Planning and Administration	38600		1,760,254
Higher Education System Initiatives	48801		1,630,000
PROMISE Scholarship – Transfer	80000		18,500,000
HEAPS Grant Program (R)	86700		5,014,728
Health Professionals' Student Loan Program	86701		547,470
BRIM Premium	91300		<u>17,817</u>
Total		\$	74,120,006

Any unexpended balances remaining in the appropriations for Tuition Contract Program (fund 0589, appropriation 16500), HEAPS Grant Program (fund 0589, appropriation 86700), Health Professionals' Student Loan Program (fund 0589, appropriation 86701), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

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

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

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

494 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2022 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,201,822
WVU – School of Health Sciences	17400		14,830,524
WVU – School of Health Sciences – Charleston Division	17500		2,252,410
Rural Health Outreach Programs (R)	37700		164,517
West Virginia University School of Medicine			
BRIM Subsidy	46000		<u>1,203,087</u>
Total		\$	20,652,360

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

495 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2022 Org 0463

2021] HOUSE OF DELEGATES 2157

West Virginia University	45900	\$	79,017,960
Jackson's Mill (R).....	46100		491,458
West Virginia University Institute of Technology.....	47900		8,020,938
State Priorities – Brownfield Professional Development (R)	53100		316,556
Energy Express (R).....	86100		382,935
West Virginia University – Potomac State	99400		<u>4,512,711</u>
Total.....		\$	92,742,558

Any unexpended balances remaining in the appropriations for Jackson's Mill (fund 0344, appropriation 46100), State Priorities – Brownfield Professional Development (fund 0344, appropriation 53100), and Energy Express (fund 0344, appropriation 86100) at the close of fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

496 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2022 Org 0471

Marshall Medical School	17300	\$	12,051,542
Rural Health Outreach Programs (R).....	37700		156,022
Forensic Lab (R).....	37701		227,415
Center for Rural Health (R)	37702		157,096
Marshall University Medical School BRIM Subsidy	44900		<u>872,612</u>
Total.....		\$	13,464,687

Any unexpended balances remaining in the appropriations for Rural Health Outreach Program (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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

497 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2022 Org 0471

Marshall University.....	44800	\$	36,761,199
Luke Lee Listening Language and Learning Lab (R).....	44801		149,015
Vista E-Learning (R).....	51900		229,019
State Priorities – Brownfield Professional Development (R)	53100		309,606
Marshall University Graduate College Writing Project (R)	80700		25,412
WV Autism Training Center (R).....	93200		<u>1,808,381</u>
Total.....		\$	39,282,632

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

498 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2022 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$	8,746,107
Rural Health Outreach Programs (R).....	37700		166,111
West Virginia School of Osteopathic Medicine			
BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support.....	58100		<u>397,592</u>
Total.....		\$	9,463,215

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

499 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2022 Org 0482

Bluefield State College.....	40800	\$	6,287,473
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500 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2022 Org 0483

Concord University.....	41000	\$	10,319,269
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501 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2022 Org 0484

Fairmont State University.....	41400	\$	18,600,341
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502 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2022 Org 0485

Glenville State College.....	42800	\$	6,350,238
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503 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2022 Org 0486

Shepherd University.....	43200	\$	12,493,572
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504 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2022 Org 0488

West Liberty University.....	43900	\$	8,966,122
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505 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2022 Org 0490

West Virginia State University.....	44100	\$	11,172,374
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West Virginia State University Land Grant Match.....	95600		<u>2,950,192</u>
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Total.....		\$	14,122,566
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From the above appropriation for West Virginia State University (fund 0373, appropriation 44100), \$300,000 shall be for the Healthy Grandfamilies program.

506 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B)

Fund 0551 FY 2022 Org 0495

WVNET.....	16900	\$	1,747,826
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MISCELLANEOUS BOARDS AND COMMISSIONS

507 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2022 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		3,200,000
Military Authority (R).....	74800		6,071,251
Drug Enforcement and Support.....	74801		<u>1,500,000</u>
Total.....		\$	17,634,268

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), and Military Authority – Surplus (fund 0433, appropriation 74899) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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 \$4,800,000 to the Mountaineer Challenge Academy to meet anticipated program demand.

508 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2022 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)..... \$ 4,495,032,115

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 2022.

DEPARTMENT OF TRANSPORTATION

509 - Division of Motor Vehicles

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

Fund 9007 FY 2022 Org 0802

			State
	Appro-		Road
	priation		Fund
Personal Services and Employee Benefits.....	00100	\$	26,867,939
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		129,500
Current Expenses	13000		16,576,540
Repairs and Alterations.....	06400		144,000

Equipment.....	07000	1,080,000
Buildings	25800	10,000
Other Assets	69000	8,154,000
BRIM Premium.....	91300	<u>89,940</u>
Total		\$ 53,051,919

510 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2022 Org 0803

Salary and Benefits of Cabinet Secretary and

Agency Heads.....	00201	\$ 200,000
Debt Service	04000	124,000,000
Maintenance	23700	520,000,000
Inventory Revolving	27500	4,000,000
Equipment Revolving	27600	20,000,000
General Operations.....	27700	152,800,000
Interstate Construction	27800	115,000,000
Other Federal Aid Programs	27900	345,000,000
Appalachian Programs.....	28000	100,000,000
Highway Litter Control.....	28200	1,650,000
Courtesy Patrol	28201	<u>0</u>
Total		\$ 1,382,650,000

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

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

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

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

511 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2022 Org 0808

Personal Services and Employee Benefits.....	00100	\$	44,600
Current Expenses	13000		100
Repairs and Alterations.....	06400		100
Equipment.....	07000		100
BRIM Premium.....	91300		<u>100</u>
Total		\$	45,000

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state)..... \$ 1,436,368,684

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 2022.

LEGISLATIVE

512 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2022 Org 2300

Appro-	Other
priation	Funds

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

JUDICIAL

513 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2022 Org 2400

Current Expenses	13000	\$	100,000
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514 -

515 - Supreme Court –

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2022 Org 2400

Current Expenses	13000	\$	200,000
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516 -

517 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2022 Org 2400

Current Expenses	13000	\$	1,050,000
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EXECUTIVE

518 - Governor's Office –

2021]

HOUSE OF DELEGATES

2165

Minority Affairs Fund

(WV Code Chapter 5)

Fund 1058 FY 2022 Org 0100

Personal Services and Employee Benefits.....	00100	\$	177,737
Current Expenses	13000		503,200
Martin Luther King, Jr. Holiday Celebration	03100		<u>8,926</u>
Total		\$	689,863

519 - Auditor's Office –

Land Operating Fund

(WV Code Chapters 11A, 12, and 36)

Fund 1206 FY 2022 Org 1200

Personal Services and Employee Benefits.....	00100	\$	799,211
Unclassified	09900		15,139
Current Expenses	13000		715,291
Repairs and Alterations.....	06400		2,600
Equipment.....	07000		426,741
Cost of Delinquent Land Sales.....	76800		<u>1,841,168</u>
Total		\$	3,800,150

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

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

520 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2022 Org 1200

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

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

521 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2022 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,737,017
Unclassified	09900		31,866
Current Expenses	13000		1,463,830
Repairs and Alterations.....	06400		12,400
Equipment.....	07000		594,700
Other Assets	69000		<u>1,200,000</u>
Total.....		\$	6,039,813

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

(WV Code Chapter 12)

Fund 1233 FY 2022 Org 1200

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

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

523 - Auditor’s Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2022 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,074,837
Current Expenses	13000		2,303,622
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		850,000
Other Assets	69000		508,886
Statutory Revenue Distribution.....	74100		<u>8,000,000</u>
Total		\$	14,742,845

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

524 - Auditor’s Office –

Chief Inspector’s Fund

(WV Code Chapter 6)

Fund 1235 FY 2022 Org 1200

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

525 - Auditor’s Office –

Volunteer Fire Department Workers’

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2022 Org 1200

Volunteer Fire Department

Workers' Compensation Subsidy.....	83200	\$	2,500,000
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*526 - Treasurer's Office –**College Prepaid Tuition and Savings Program**Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2022 Org 1300

Personal Services and Employee Benefits.....	00100	\$	810,372
Unclassified	09900		14,000
Current Expenses	13000		<u>897,559</u>
Total		\$	1,721,931

*527 - Department of Agriculture –**Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2022 Org 1400

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

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

2021] HOUSE OF DELEGATES 2169

(WV Code Chapter 19)

Fund 1408 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	78,251
Unclassified	09900		10,476
Current Expenses	13000		<u>2,200,000</u>
Total		\$	2,288,727

529 - Department of Agriculture –

General John McCausland Memorial Farm Fund

(WV Code Chapter 19)

Fund 1409 FY 2022 Org 1400

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

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

530 - Department of Agriculture –

Farm Operating Fund

(WV Code Chapter 19)

Fund 1412 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	868,492
Unclassified	09900		15,173
Current Expenses	13000		1,367,464
Repairs and Alterations.....	06400		388,722
Equipment.....	07000		399,393

Other Assets	69000	<u>20,000</u>
Total		\$ 3,059,244

531 - Department of Agriculture –

Capital Improvements Fund

(WV Code Chapter 19)

Fund 1413 FY 2022 Org 1400

Unclassified	09900	20,000
Current Expenses	13000	510,000
Repairs and Alterations.....	06400	250,000
Equipment.....	07000	350,000
Building Improvements.....	25800	670,000
Other Assets	69000	<u>200,000</u>
Total		\$ 2,000,000

532 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 1,030,451
Unclassified	09900	45,807
Current Expenses	13000	3,410,542
Repairs and Alterations.....	06400	128,500
Equipment.....	07000	10,000
Other Assets	69000	27,000
Land	73000	<u>250,000</u>
Total		\$ 4,902,300

*533 - Department of Agriculture –
Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2022 Org 1400

Current Expenses	13000	\$	112,500
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*534 - Department of Agriculture –
West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2022 Org 1400

Current Expenses	13000	\$	500,000
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*535 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2022 Org 1400

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

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	1,218,564
Unclassified	09900		17,000
Current Expenses	13000		1,143,306
Repairs and Alterations.....	06400		82,500
Equipment.....	07000		76,000
Buildings	25800		1,000
Other Assets	69000		10,000

Land	73000	<u>1,000</u>
Total		\$ 2,549,370

*537 - Attorney General –**Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2022 Org 1500

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

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

(WV Code Chapter 47)

Fund 1513 FY 2022 Org 1500

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

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

(WV Code Chapter 47)

Fund 1514 FY 2022 Org 1500

Current Expenses	13000	\$ 901,135
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540 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2022 Org 1600

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

541 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2022 Org 1600

Personal Services and Employee Benefits.....	00100	\$	2,947,630
Unclassified	09900		25,529
Current Expenses	13000		976,716
Technology Improvements.....	59900		<u>720,000</u>
Total.....		\$	4,669,875

DEPARTMENT OF ADMINISTRATION

542 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2022 Org 0201

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

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2022 Org 0201

Current Expenses	13000	\$	34,747,000
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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund 2600).

544 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund 2020 FY 2022 Org 0209

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

545 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2022 Org 0210

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

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

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

546 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2022 Org 0213

Personal Services and Employee Benefits.....	00100	\$	566,589
Unclassified	09900		2,382
Current Expenses	13000		109,115
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		2,500
Other Assets	69000		2,500
BRIM Premium.....	91300		<u>810</u>
Total		\$	688,896

547 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2022 Org 0213

Personal Services and Employee Benefits.....	00100	\$	953,176
Unclassified	09900		5,562
Current Expenses	13000		492,066
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Other Assets	69000		500
BRIM Premium.....	91300		<u>850</u>
Total		\$	1,453,154

*548 - Travel Management –**Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2022 Org 0215

Unclassified	09900	\$	1,000
Current Expenses	13000		149,700
Repairs and Alterations.....	06400		875,237
Equipment.....	07000		1,000
Buildings	25800		100
Other Assets	69000		100
Land	73000		<u>100</u>
Total		\$	1,027,237

549 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2022 Org 0216

Personal Services and Employee Benefits.....	00100	\$	757,145
Unclassified	09900		4,000
Current Expenses	13000		11,630,614
Repairs and Alterations.....	06400		12,000
Equipment.....	07000		800,000
Other Assets	69000		<u>2,000</u>
Total		\$	13,205,759

550 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2022 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,638,183
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Salary and Benefits of Cabinet Secretary and

Agency Heads	00201	122,500
Unclassified	09900	51,418
Current Expenses	13000	1,262,813
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	20,000
Other Assets	69000	<u>60,000</u>
Total		\$ 6,159,914

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

551 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2022 Org 0228

Personal Services and Employee Benefits.....	00100	\$ 132,663
Salary and Benefits of Cabinet Secretary and		
Agency Heads	00201	119,000
Unclassified	09900	4,023
Current Expenses	13000	297,528
Repairs and Alterations.....	06400	600
Equipment.....	07000	500
Other Assets	69000	<u>500</u>
Total		\$ 554,814

552 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2022 Org 0231

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

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

DEPARTMENT OF COMMERCE

553 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2022 Org 0305

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

554 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2022 Org 0305

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

555 - Division of Forestry –

Severance Tax Operations

2021] HOUSE OF DELEGATES 2179

(WV Code Chapter 11)

Fund 3084 FY 2022 Org 0305

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

556 - Geological and Economic Survey –

Geological and Analytical Services Fund

(WV Code Chapter 29)

Fund 3100 FY 2022 Org 0306

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

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

557 - Division of Labor –

West Virginia Jobs Act Fund

(WV Code Chapter 21)

Fund 3176 FY 2022 Org 0308

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

558 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund 3186 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	300,000
Unclassified	09900		4,000
Current Expenses	13000		82,000
Repairs and Alterations.....	06400		4,500
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total.....		\$	400,000

*559 - Division of Labor –**Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	2,532,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
Repairs and Alterations.....	06400		10,000
BRIM Premium.....	91300		<u>8,500</u>
Total.....		\$	3,071,500

*560 - Division of Labor –**Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	293,682
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		104,180

2021]	HOUSE OF DELEGATES		2181
Unclassified	09900		2,261
Current Expenses	13000		94,712
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	506,335

561 - Division of Labor –

Steam Boiler Fund

(WV Code Chapter 21)

Fund 3189 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	77,716
Unclassified	09900		1,000
Current Expenses	13000		20,000
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>1,000</u>
Total		\$	102,716

562 - Division of Labor –

Crane Operator Certification Fund

(WV Code Chapter 21)

Fund 3191 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	191,899
Unclassified	09900		1,380
Current Expenses	13000		51,265
Repairs and Alterations.....	06400		1,500
Buildings	25800		1,000

BRIM Premium.....	91300	<u>7,000</u>
Total		\$ 254,044

563 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2022 Org 0308

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

564 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2022 Org 0308

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

565 - Division of Labor –

Weights and Measures Fund

2021] HOUSE OF DELEGATES 2183

(WV Code Chapter 47)

Fund 3196 FY 2022 Org 0308

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

566 - Division of Labor –

Bedding and Upholstery Fund

(WV Code Chapter 21)

Fund 3198 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	150,000
Unclassified	09900		2,000
Current Expenses	13000		145,400
Repairs and Alterations.....	06400		2,000
Buildings	25800		1,000
BRIM Premium.....	91300		<u>8,700</u>
Total.....		\$	309,100

567 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2022 Org 0308

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

License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2022 Org 0310

Wildlife Resources	02300	\$	5,200,996
Administration	15500		1,300,249
Capital Improvements and Land Purchase (R).....	24800		1,300,248
Law Enforcement	80600		<u>5,200,996</u>
Total		\$	13,002,489

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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

*569 - Division of Natural Resources –**Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2022 Org 0310

Current Expenses	13000	\$	125,000
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*570 - Division of Natural Resources –**Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2022 Org 0310

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

*571 - Division of Natural Resources –**Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2022 Org 0310

2021] HOUSE OF DELEGATES 2185

Personal Services and Employee Benefits.....	00100	\$	457,738
Current Expenses	13000		257,864
Repairs and Alterations.....	06400		15,016
Equipment.....	07000		8,300
Buildings	25800		8,300
Other Assets	69000		1,900,000
Land	73000		<u>31,700</u>
Total.....		\$	2,678,918

572 - Division of Natural Resources –
 State Parks and Recreation Endowment Fund
 (WV Code Chapter 20)
 Fund 3211 FY 2022 Org 0310

Current Expenses	13000	\$	6,000
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		2,000
Buildings	25800		3,000
Other Assets	69000		4,000
Land	73000		<u>2,000</u>
Total.....		\$	20,000

573 - Division of Natural Resources –
 Whitewater Study and Improvement Fund
 (WV Code Chapter 20)
 Fund 3253 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$	67,641
Current Expenses	13000		64,778
Equipment.....	07000		1,297

Buildings	25800	<u>6,969</u>
Total		\$ 140,685

574 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2022 Org 0310

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

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

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2022 Org 0314

Personal Services and Employee Benefits	00100	\$ 501,228
Unclassified	09900	40,985
Current Expenses	13000	1,954,557
WV Mining Extension Service	02600	150,000
Buildings	25800	2,481,358
Land	73000	<u>1,000,000</u>
Total		\$ 6,128,128

576 - Department of Commerce –

Office of the Secretary –

Marketing and Communications Operating Fund

(WV Code Chapter 5B)

Fund 3002 FY 2022 Org 0327

Personal Services and Employee Benefits	00100	\$ 2,069,353
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2021]	HOUSE OF DELEGATES	2187
Unclassified	09900	30,000
Current Expenses	13000	1,315,078
Equipment.....	07000	<u>36,000</u>
Total		\$ 3,450,431

577 - Department of Commerce –

Office of the Secretary –

Broadband Enhancement Fund

Fund 3013 FY 2022 Org 0327

Personal Services and Employee Benefits.....	00100	\$ 131,682
Current Expenses	13000	<u>51,648,318</u>
Total		\$ 51,780,000

578 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(WV Code Chapter 18)

Fund 8664 FY 2022 Org 0932

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

579 - Department of Economic Development –

Office of the Secretary –

Entrepreneurship and Innovation Investment Fund

(WV Code Chapter 5B)

Fund 3014 FY 2022 Org 0307

Entrepreneurship and Innovation Investment Fund	70301	\$	500,000
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*580 - Department of Economic Development –**Office of the Secretary –**Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2022 Org 0307

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

*581 - Department of Economic Development –**Office of Energy –**Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2022 Org 0328

Energy Assistance – Total	64700	\$	7,211
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DEPARTMENT OF EDUCATION*582 - State Board of Education –**Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2022 Org 0402

Personal Services and Employee Benefits	00100	\$	134,000
Unclassified	09900		1,000

2021] HOUSE OF DELEGATES 2189

Current Expenses	13000	<u>765,000</u>
Total		\$ 900,000

*583 - State Board of Education –
School Construction Fund
(WV Code Chapters 18 and 18A)
Fund 3952 FY 2022 Org 0404*

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

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

*584 - School Building Authority
(WV Code Chapter 18)
Fund 3959 FY 2022 Org 0404*

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

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

*585 - Division of Culture and History –
Public Records and Preservation Revenue Account
(WV Code Chapter 5A)
Fund 3542 FY 2022 Org 0432*

Personal Services and Employee Benefits.....	00100	\$ 226,624
Current Expenses	13000	862,241

Equipment.....	07000	75,000
Buildings	25800	1,000
Other Assets	69000	52,328
Land	73000	<u>1,000</u>
Total		\$ 1,218,193

DEPARTMENT OF ENVIRONMENTAL PROTECTION

586 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2022 Org 0312

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

587 - Division of Environmental Protection –

Hazardous Waste Management Fund

(WV Code Chapter 22)

Fund 3023 FY 2022 Org 0313

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

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

Fund 3024 FY 2022 Org 0313

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

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

Fund 3321 FY 2022 Org 0313

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

*590 - Division of Environmental Protection –
Oil and Gas Reclamation Fund
(WV Code Chapter 22)*

Fund 3322 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	543,906
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Current Expenses	13000	<u>1,956,094</u>
Total		\$ 2,500,000

591 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 2,141,500
Unclassified	09900	15,700
Current Expenses	13000	932,300
Repairs and Alterations.....	06400	9,500
Equipment.....	07000	500
Other Assets	69000	<u>500</u>
Total		\$ 3,100,000

592 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2022 Org 0313

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

593 - Division of Environmental Protection –

Underground Storage Tank

2021]

HOUSE OF DELEGATES

2193

Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2022 Org 0313

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

594 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2022 Org 0313

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

595 - Division of Environmental Protection –

Solid Waste Reclamation and

Environmental Response Fund

(WV Code Chapter 22)

Fund 3332 FY 2022 Org 0313

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

596 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,274,054
Unclassified	09900		31,145
Current Expenses	13000		940,229
Repairs and Alterations.....	06400		30,930
Equipment.....	07000		23,356
Other Assets	69000		<u>25,554</u>
Total.....		\$	4,325,268

597 - Division of Environmental Protection –

Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	5,934,859
Unclassified	09900		70,572
Current Expenses	13000		1,469,467

2021]	HOUSE OF DELEGATES	2195
Repairs and Alterations.....	06400	84,045
Equipment.....	07000	103,601
Other Assets.....	69000	<u>52,951</u>
Total.....		\$ 7,715,495

598 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 352,834
Unclassified.....	09900	1,120
Current Expenses.....	13000	201,146
Repairs and Alterations.....	06400	1,000
Other Assets.....	69000	<u>163,000</u>
Total.....		\$ 719,100

599 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2022 Org 0313

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

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2022 Org 0313

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

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2022 Org 0313

Personal Services and Employee Benefits.....	00100	\$	660,575
Unclassified	09900		400
Current Expenses	13000		2,754,258
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Other Assets	69000		<u>2,500</u>
Total		\$	3,419,033

602 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2022 Org 0313

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

603 - Division of Environmental Protection –

Wind and Solar Decommissioning Fund

(WV Code Chapter 22)

Fund #### FY 2022 Org 0313

2021] HOUSE OF DELEGATES 2197

Personal Services and Employee Benefits..... 00100 \$ 53,600

604 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2022 Org 0315

Personal Services and Employee Benefits..... 00100 \$ 162,161

Current Expenses 13000 161,225

Repairs and Alterations..... 06400 1,000

Equipment..... 07000 9,481

Other Assets 69000 1,500

Total \$ 335,367

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

605 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2022 Org 0506

Current Expenses 13000 \$ 10,667,392

606 -

607 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2022 Org 0506

Personal Services and Employee Benefits..... 00100 \$ 938,484

Unclassified 09900 15,500

Current Expenses 13000 2,757,788

Total \$ 3,711,772

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

(WV Code Chapter 16)

Fund 5156 FY 2022 Org 0506

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

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

Additional funds have been appropriated in fund 0525, fiscal year 2022, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

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

*609 - Division of Health –**Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	936,712
Unclassified	09900		18,114
Current Expenses	13000		<u>2,209,105</u>
Total.....		\$	3,163,931

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

2021] HOUSE OF DELEGATES 2199

(WV Code Chapter 16)

Fund 5172 FY 2022 Org 0506

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

611 - Division of Health –

Hepatitis B Vaccine

(WV Code Chapter 16)

Fund 5183 FY 2022 Org 0506

Current Expenses	13000	\$	9,740
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612 - Division of Health –

Lead Abatement Account

(WV Code Chapter 16)

Fund 5204 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	19,100
Unclassified	09900		373
Current Expenses	13000		<u>17,875</u>
Total		\$	37,348

613 - Division of Health –

West Virginia Birth-to-Three Fund

(WV Code Chapter 16)

Fund 5214 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	691,978
Unclassified	09900		223,999
Current Expenses	13000		<u>30,134,400</u>

Total		\$	31,050,377
<i>614 - Division of Health – Tobacco Control Special Fund (WV Code Chapter 16) Fund <u>5218</u> FY <u>2022</u> Org <u>0506</u></i>			
Current Expenses	13000	\$	7,579
<i>615 - Division of Health – Medical Cannabis Program Fund (WV Code Chapter 16A) Fund <u>5420</u> FY <u>2022</u> Org <u>0506</u></i>			
Personal Services and Employee Benefits.....	00100	\$	509,658
Current Expenses	13000		<u>2,046,040</u>
Total		\$	2,555,698
<i>616 - West Virginia Health Care Authority – Health Care Cost Review Fund (WV Code Chapter 16) Fund <u>5375</u> FY <u>2022</u> Org <u>0507</u></i>			
Personal Services and Employee Benefits.....	00100	\$	1,345,380
Unclassified	09900		20,100
Current Expenses	13000		<u>785,445</u>
Total		\$	2,150,925

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

*617 - West Virginia Health Care Authority –
Certificate of Need Program Fund
(WV Code Chapter 16)
Fund 5377 FY 2022 Org 0507*

2021] HOUSE OF DELEGATES 2201

Personal Services and Employee Benefits.....	00100	\$	829,798
Current Expenses	13000		<u>474,967</u>
Total		\$	1,304,765

618 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2022 Org 0511

Medical Services.....	18900	\$	213,594,315
Medical Services Administrative Costs.....	78900		<u>242,287</u>
Total		\$	213,836,602

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

619 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified	09900		380,000
Current Expenses	13000		<u>12,810,491</u>
Total		\$	38,000,000

620 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2022 Org 0511

Medical Services.....	18900	\$	77,500,000
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Medical Services Administrative Costs.....	78900	<u>602,486</u>
Total		\$ 78,102,486

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

621 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2022 Org 0511

Unclassified	09900	\$ 7,000
Current Expenses	13000	<u>393,000</u>
Total		\$ 400,000

622 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2022 Org 0511

Current Expenses	13000	\$ 900,000
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623 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2022 Org 0511

Current Expenses	13000	\$ 500,000
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624 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2022 Org 0511

2021] HOUSE OF DELEGATES 2203

Current Expenses 13000 \$ 1,500,000

625 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2022 Org 0511

Personal Services and Employee Benefits..... 00100 \$ 10,000

Current Expenses 13000 25,000

Total \$ 35,000

DEPARTMENT OF HOMELAND SECURITY

626 - Department of Homeland Security –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2022 Org 0601

Current Expenses 13000 \$ 32,000

627 - Division of Emergency Management –

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2022 Org 0606

Current Expenses 13000 \$ 80,000

628 - Division of Emergency Management –

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2022 Org 0606

Unclassified 09900 \$ 20,000

Current Expenses	13000	1,480,000
Repairs and Alterations.....	06400	250,000
Equipment.....	07000	<u>250,000</u>
Total		\$ 2,000,000

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

629 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(WV Code Chapter 15A)

Fund 6362 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 1,118,697
Unclassified	09900	9,804
Current Expenses	13000	758,480
Equipment.....	07000	30,000
Other Assets	69000	<u>40,129</u>
Total		\$ 1,957,110

630 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(WV Code Chapter 15A)

Fund 6675 FY 2022 Org 0608

Personal Services and Employee Benefits.....	00100	\$ 544,798
Debt Service	04000	9,000,000
Current Expenses	13000	<u>245,472</u>
Total		\$ 9,790,270

631 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,907,726
Current Expenses	13000		1,488,211
Repairs and Alterations.....	06400		204,500
Equipment.....	07000		3,770,751
Buildings	25800		534,000
Other Assets	69000		5,000
BRIM Premium.....	91300		<u>302,432</u>
Total		\$	8,212,620

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

*632 - West Virginia State Police –**Forensic Laboratory Fund*

(WV Code Chapter 15)

Fund 6511 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,600,000
Current Expenses	13000		90,000
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>545,000</u>
Total		\$	2,240,000

*633 - West Virginia State Police –**Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2022 Org 0612

Current Expenses	13000	\$	1,327,000
Equipment.....	07000		3,491,895

BRIM Premium.....	91300	<u>154,452</u>
Total		\$ 4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

634 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2022 Org 0612

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

635 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2022 Org 0612

Current Expenses	13000	\$ 225,000
Repairs and Alterations.....	06400	20,000
Equipment.....	07000	250,000
Buildings	25800	40,000
Other Assets	69000	45,000
BRIM Premium.....	91300	<u>5,000</u>
Total		\$ 585,000

636 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2022 Org 0612

2021]	HOUSE OF DELEGATES		2207
Personal Services and Employee Benefits.....	00100	\$	256,629
Current Expenses	13000		376,443
Repairs and Alterations.....	06400		500
Equipment.....	07000		300,500
Other Assets	69000		300,500
BRIM Premium.....	91300		<u>18,524</u>
Total.....		\$	1,253,096

637 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2022 Org 0612

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

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2022 Org 0612

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

639 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2022 Org 0619

Personal Services and Employee Benefits.....	00100	\$	3,480,533
Unclassified	09900		3,800
Current Expenses	13000		1,246,550

Repairs and Alterations.....	06400	58,500
Equipment.....	07000	140,800
BRIM Premium.....	91300	<u>65,000</u>
Total.....		\$ 4,995,183

640 - Division of Administrative Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 161,923
Unclassified	09900	750
Current Expenses	13000	1,846,250
Repairs and Alterations.....	06400	<u>1,000</u>
Total		\$ 2,009,923

641 - Division of Administrative Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 23,840
Current Expenses	13000	<u>1,478,135</u>
Total		\$ 1,501,975

642 - Division of Administrative Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2022 Org 0623

Current Expenses	13000	\$ 125,000
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DEPARTMENT OF REVENUE*643 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2022 Org 0303

Personal Services and Employee Benefits.....	00100	\$	2,584,057
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		119,000
Current Expenses	13000		650,475
Equipment.....	07000		<u>8,500</u>
Total.....		\$	3,362,032

*644 - Office of the Secretary –**State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2022 Org 0701

Retirement Systems – Unfunded Liability.....	77500	\$	20,000,000
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The above appropriation for Retirement System – Unfunded Liability shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers Retirement System Employers School Aid Formula Funds Holding Account Fund (fund 2606).

645 - Home Rule Board Operations

(WV Code Chapter 8)

Fund 7010 FY 2022 Org 0701

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

*646 - Tax Division –**Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2022 Org 0702

Personal Services and Employee Benefits.....	00100	\$	25,928
Current Expenses	13000		<u>7,717</u>
Total		\$	33,645

*647 - Tax Division –**Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2022 Org 0702

Personal Services and Employee Benefits.....	00100	\$	696,428
Unclassified	09900		8,500
Current Expenses	13000		273,297
Repairs and Alterations.....	06400		7,000
Equipment.....	07000		<u>5,000</u>
Total		\$	990,225

*648 - Tax Division –**Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2022 Org 0702

Personal Services and Employee Benefits.....	00100	\$	268,973
Current Expenses	13000		<u>5,406</u>
Total		\$	274,379

*649 - Tax Division –**Reduced Cigarette Ignition Propensity*

Standard and Fire Prevention Act Fund

(WV Code Chapter 47)

Fund 7092 FY 2022 Org 0702

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

*650 - Tax Division –**Local Sales Tax and Excise Tax**Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2022 Org 0702

Personal Services and Employee Benefits.....	00100	\$	1,543,527
Unclassified	09900		10,000
Current Expenses	13000		784,563
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>5,000</u>
Total.....		\$	2,344,090

*651 - State Budget Office –**Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2022 Org 0703

Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
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The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

*652 - Insurance Commissioner –**Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2022 Org 0704

Personal Services and Employee Benefits.....	00100	\$	748,764
Current Expenses	13000		1,357,201
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		81,374
Buildings	25800		8,289
Other Assets	69000		<u>11,426</u>
Total.....		\$	2,210,054

653 - Insurance Commissioner –

Consumer Advocate

(WV Code Chapter 33)

Fund 7151 FY 2022 Org 0704

Personal Services and Employee Benefits.....	00100	\$	571,976
Current Expenses	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		34,225
Buildings	25800		4,865
Other Assets	69000		<u>19,460</u>
Total.....		\$	837,678

654 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2022 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,032,521
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		136,500
Current Expenses	13000		8,797,758

Current Expenses	13000	\$	9,000,000
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*659 - Insurance Commissioner –
Self-Insured Employer Security Risk Pool
(WV Code Chapter 23)
Fund 7165 FY 2022 Org 0704*

Current Expenses	13000	\$	14,000,000
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*660 - Municipal Bond Commission
(WV Code Chapter 13)
Fund 7253 FY 2022 Org 0706*

Personal Services and Employee Benefits.....	00100	\$	309,502
Current Expenses	13000		154,344
Equipment.....	07000		100
Total		\$	463,946

*661 - Racing Commission –
Relief Fund
(WV Code Chapter 19)
Fund 7300 FY 2022 Org 0707*

Medical Expenses – Total	24500	\$	57,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

*662 - Racing Commission –
Administration and Promotion Account
(WV Code Chapter 19)
Fund 7304 FY 2022 Org 0707*

Personal Services and Employee Benefits.....	00100	\$	264,564
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2021]	HOUSE OF DELEGATES	2215
Current Expenses	13000	85,433
Other Assets	69000	<u>5,000</u>
Total		\$ 354,997

663 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2022 Org 0707

Personal Services and Employee Benefits.....	00100	\$ 2,303,863
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	48,443
Current Expenses	13000	497,284
Repairs and Alterations.....	06400	5,000
Other Assets	69000	<u>40,000</u>
Total		\$ 2,894,590

664 - Racing Commission –

Administration, Promotion, Education, Capital Improvement

and Greyhound Adoption Programs

to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2022 Org 0707

Personal Services and Employee Benefits.....	00100	\$ 918,781
Current Expenses	13000	160,099
Other Assets	69000	<u>200,000</u>
Total		\$ 1,278,880

665 - Alcohol Beverage Control Administration –

Wine License Special Fund

(WV Code Chapter 60)

Fund 7351 FY 2022 Org 0708

Personal Services and Employee Benefits.....	00100	\$	147,213
Current Expenses	13000		54,186
Repairs and Alterations.....	06400		7,263
Equipment.....	07000		10,000
Buildings	25800		100,000
Transfer Liquor Profits and Taxes	42500		30,750
Other Assets	69000		<u>100</u>
Total		\$	349,512

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

666 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2022 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,668,074
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		122,500
Current Expenses	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment.....	07000		108,000
Buildings	25800		375,100
Purchase of Supplies for Resale	41900		76,500,000
Transfer Liquor Profits and Taxes	42500		21,200,000
Other Assets	69000		125,100
Land	73000		<u>100</u>
Total		\$	107,080,451

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

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

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

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

667 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2022 Org 0933

Personal Services and Employee Benefits.....	00100	\$	12,000
Current Expenses	13000		<u>28,000</u>
Total		\$	40,000

DEPARTMENT OF TRANSPORTATION

668 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2022 Org 0802

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

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2022 Org 0802

Personal Services and Employee Benefits.....	00100	\$	3,733,074
Current Expenses	13000		4,357,773
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000

Other Assets	69000		10,000
BRIM Premium.....	91300		<u>89,939</u>
Total		\$	8,281,786

670 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2022 Org 0803

Current Expenses	13000	\$	2,500,000
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671 - State Rail Authority -

West Virginia Commuter Rail Access Fund

(WV Code Chapter 29)

Fund 8402 FY 2022 Org 0804

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

672 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2022 Org 0613

Current Expenses	13000	\$	1,654,234
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Other Assets	69000		<u>10,000</u>
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Total		\$	1,664,234
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673 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2022 Org 0618

Current Expenses	13000	\$	289,400
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2021] HOUSE OF DELEGATES 2219

Repairs and Alterations.....	06400	<u>10,600</u>
Total		\$ 300,000

BUREAU OF SENIOR SERVICES

674 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 29)

Fund 5409 FY 2022 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 148,983
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	11,900
Current Expenses	13000	<u>10,348,710</u>
Total		\$ 10,509,593

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

675 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2022 Org 0442

Debt Service	04000	\$ 27,713,123
General Capital Expenditures	30600	5,000,000
Facilities Planning and Administration.....	38600	<u>441,111</u>
Total		\$ 33,154,234

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

676 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2022 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

677 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2022 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

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

678 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2022 Org 0463

Personal Services and Employee Benefits.....	00100	\$	10,764,347
Current Expenses	13000		4,524,300

2021]	HOUSE OF DELEGATES	2221
Repairs and Alterations.....	06400	425,000
Equipment.....	07000	512,000
Buildings	25800	150,000
Other Assets	69000	<u>50,000</u>
Total		\$ 16,425,647

MISCELLANEOUS BOARDS AND COMMISSIONS

679 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2022 Org 0505

Personal Services and Employee Benefits.....	00100	\$ 543,993
Current Expenses	13000	234,969
Repairs and Alterations.....	06400	<u>5,000</u>
Total		\$ 783,962

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

680 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2022 Org 0509

Salary and Benefits of Cabinet Secretary and

Agency Heads.....	00201	\$ 93,279
Unclassified	09900	1,501
Current Expenses	13000	<u>55,328</u>
Total		\$ 150,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

681 -

682 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2022 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,681,247
Current Expenses	13000		650,000
Repairs and Alterations.....	06400		385,652
Equipment.....	07000		250,000
Buildings	25800		520,820
Other Assets	69000		350,000
Land	73000		<u>200,000</u>
Total		\$	4,037,719

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

683 - WV State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2022 Org 0906

Personal Services and Employee Benefits.....	00100	\$	495,505
Current Expenses	13000		<u>107,700</u>
Total		\$	603,205

684 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2022 Org 0907

2021]	HOUSE OF DELEGATES		2223
Personal Services and Employee Benefits.....	00100	\$	1,300,612
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets	69000		<u>4,500</u>
Total		\$	1,645,767

685 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,163,281
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		318,640
Unclassified	09900		147,643
Current Expenses	13000		2,507,202
Repairs and Alterations.....	06400		390,000
Equipment.....	07000		160,000
Buildings	25800		10
PSC Weight Enforcement	34500		4,605,652
Debt Payment/Capital Outlay	52000		350,000
Land	73000		10
BRIM Premium.....	91300		<u>172,216</u>
Total		\$	20,814,654

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

686 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	282,709
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		11,949
Unclassified	09900		3,851
Current Expenses	13000		93,115
Repairs and Alterations.....	06400		<u>4,000</u>
Total		\$	395,624

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

687 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,309,803
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		67,711
Unclassified	09900		29,233
Current Expenses	13000		577,557
Repairs and Alterations.....	06400		23,000
Equipment.....	07000		<u>50,000</u>
Total		\$	3,057,304

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

688 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	876,994
Current Expenses	13000		386,472
Equipment.....	07000		9,872
BRIM Premium.....	91300		<u>4,660</u>
Total		\$	1,277,998

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

689 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2022 Org 0927

Personal Services and Employee Benefits.....	00100	\$	607,098
Current Expenses	13000		293,122
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		<u>5,000</u>
Total		\$	907,720

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

690 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2022 Org 0930

Personal Services and Employee Benefits.....	00100	\$	91,513
Current Expenses	13000		<u>63,499</u>
Total		\$	155,012

*691 - WV Board of Respiratory Care –**Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2022 Org 0935

Personal Services and Employee Benefits.....	00100	\$	85,878
Current Expenses	13000		<u>62,709</u>
Total		\$	148,587

*692 - WV Board of Licensed Dietitians –**Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2022 Org 0936

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

*693 - Massage Therapy Licensure Board –**Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2022 Org 0938

Personal Services and Employee Benefits.....	00100	\$	109,555
Current Expenses	13000		<u>42,448</u>
Total		\$	152,003

*694 - Board of Medicine –**Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2022 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,378,807
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>
Total.....		\$	2,495,596

*695 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2022 Org 0947

Personal Services and Employee Benefits.....	00100	\$	6,856,239
Unclassified	09900		182,000
Current Expenses	13000		13,662,210
Repairs and Alterations.....	06400		300
Equipment.....	07000		352,000
Buildings	25800		2,000
Other Assets	69000		<u>203,500</u>
Total.....		\$	21,258,249

*696 - Board of Treasury Investments –**Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2022 Org 0950

Personal Services and Employee Benefits.....	00100	\$	832,889
Unclassified	09900		14,850

Current Expenses	13000	605,714
BRIM Premium.....	91300	31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800	<u>3,500,000</u>
Total		\$ 4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

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

Total TITLE II, Section 3 – Other Funds

(Including claims against the state)..... \$ 1,551,094,882

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

697 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2022 Org 0211

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

698 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 3067 FY 2022 Org 0304

Tourism – Telemarketing Center	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R).....	66200		<u>4,227,938</u>
Total		\$	6,732,425

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800) and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

699 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,428,178
Current Expenses	13000		26,900
Pricketts Fort State Park	32400		106,560
Non-Game Wildlife (R).....	52700		386,935
State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>
Total		\$	3,443,151

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

700 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2022 Org 0402

FBI Checks	37200	\$	116,548
Vocational Education Equipment Replacement.....	39300		800,000
Assessment Program (R).....	39600		490,439

Literacy Project	89900	350,000
21 st Century Technology Infrastructure		
Network Tools and Support (R)	93300	<u>12,600,383</u>
Total		\$ 14,357,370

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

701 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2022 Org 0404

Debt Service – Total	31000	\$ 15,320,363
Directed Transfer	70000	<u>2,679,637</u>
Total		\$ 18,000,000

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

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

702 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2022 Org 0432

Huntington Symphony	02700	\$ 59,058
Preservation West Virginia (R)	09200	491,921
Fairs and Festivals (R)	12200	1,346,814

2021]	HOUSE OF DELEGATES	2231
Commission for National and Community Service (R).....	19300	374,980
Archeological Curation/Capital Improvements (R).....	24600	36,276
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 Children's Chorus	91600	<u>54,554</u>
Total.....		\$ 4,266,162

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, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$0,891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$0,720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$0,891, 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 \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$0,594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys'

State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, 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) \$0,720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to the A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansas Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Back Home Festival (Wetzel) \$5,000, Barbour County Fair (Barbour) \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$3,340, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair (Berkeley) \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, 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 Fair (Boone) \$5,940, Boone County Labor Day Celebration (Boone) \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Bramwell Labor Day (Mercer) \$5,000, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair (Braxton) \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival (Braxton) \$1,485, Brooke County Fair (Brooke) \$2,079, Bruceon Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest 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, Cabell County Fair (Cabell) \$5,940, Calhoun County Wood Festival (Calhoun) \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Cacapon River Fest (Hampshire) \$2,500, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration of America (Monongalia) \$3,564, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chillifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the

Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival (Clay) \$4,158, Clay District Fair (Monongalia) \$3,341, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair (Doddridge) \$4,158, Dorcas Ice Cream Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flemington Days Fair and Festival (Taylor) \$2,379, 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, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show (Gilmer) \$2,376, Grant County Arts Council (Grant) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration (Hampshire) \$11,881, Hampshire County Fair (Hampshire) \$5,002, Hampshire Highlands Art & Music Festival (Hampshire) \$4,252, Hancock County Oldtime Fair (Hancock) \$2,970, Hardy County Commission - 4th of July (Hardy) \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair (Jackson) \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, 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, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival (Lincoln) \$4,752, Lincoln County Winterfest (Lincoln) \$2,970, Lindsie Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Malden Salt Fest (Kanawha) \$2,000, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion

County FFA Farm Fest (Marion) \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show (Marshall) \$1,485, Marshall County Fair (Marshall) \$5,000, Mason County Fair (Mason) \$2,970, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County (McDowell) \$11,881, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer County Fair (Mercer) \$1,188, Mercer County Heritage Festival (Mercer) \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Fair (Mineral) \$1,040, 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 State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Fair (Nicholas) \$2,970, Nicholas County Potato Festival (Nicholas) \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Ohio) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Osage Street Fair (Monongalia) \$1,000, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend (Pendleton) \$1,188, Pendleton County Committee for Arts (Pendleton) \$8,910, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair (Pleasants) \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days (Pocahontas) \$4,159, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair (Putnam) \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council (Randolph) \$1,782, Randolph County Fair (Randolph) \$4,158, Randolph County Ramps and Rails (Randolph) \$2,188, Randolph County Ramp and Rails (Randolph) \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition (Ritchie) \$2,970, Ritchie County Pioneer Days (Ritchie) \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day (Roane) \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival

(Wayne) \$684, Spirit of Grafton Celebration (Taylor) \$6,240, Spring Mountain Festival (Grant) \$500, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, 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, The Gathering at Sweet Creek (Wood) \$1,782, 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, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$16,851, 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 Fair (Tyler) \$3,088, Tyler County Fireworks Celebration (Tyler) \$2,000, Union Community Irish Festival (Barbour) \$648, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, 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, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County (Brooke) \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Rivers and Rails Festival (Pleasants) \$1,099, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest (Wetzel) \$3,267, Wetzel County Town and Country Days (Wetzel) \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wine Festival and Mountain Music Event (Harrison) \$2,970, Wirt County Fair (Wirt) \$1,485, Wirt County Pioneer Days (Wirt) \$1,188, Wyoming County Civil War Days (Wyoming) \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), 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), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

Any Fairs & 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.

703 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2022 Org 0433

Books and Films	17900	\$	360,784
Services to Libraries.....	18000		550,000
Grants to Public Libraries.....	18200		9,439,571
Digital Resources.....	30900		219,992
Infomine Network.....	88400		<u>943,353</u>
Total.....		\$	11,513,700

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

704 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 3587 FY 2022 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

705 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2022 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,912,491
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RHI Program and Site Support –

RHEP Program Administration	03700	146,653
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RHI Program and Site Support – Grad Med

Ed and Fiscal Oversight (R).....	03800	88,913
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Minority Doctoral Fellowship (R)	16600	129,604
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Health Sciences Scholarship (R).....	17600	225,527
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Vice Chancellor for Health Sciences –

Rural Health Residency Program (R)	60100	62,725
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WV Engineering, Science, and

Technology Scholarship Program.....	86800	<u>452,831</u>
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Total		\$ 3,018,744
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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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

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

706 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2022 Org 0442

Debt Service – Total	31000	\$ 5,000,000
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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

707 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2022 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R)	03500	\$	1,181,728
MA Public Health Program and			
Health Science Technology (R).....	62300		52,445
Health Sciences Career Opportunities Program (R).....	86900		336,987
HSTA Program (R).....	87000		1,761,948
Center for Excellence in Disabilities (R)	96700		<u>313,517</u>
Total		\$	3,646,625

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

*708 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2022 Org 0471

Marshall Medical School –

RHI Program and Site Support (R)	03300	\$	427,075
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		<u>171,361</u>
Total		\$	598,436

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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

709 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2022 Org 0508

Personal Services and Employee Benefits.....	00100	\$	144,190
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		65,190
Current Expenses.....	13000		332,284
Repairs and Alterations.....	06400		1,000
Local Programs Service Delivery Costs.....	20000		2,435,250
Silver Haired Legislature.....	20200		18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens.....	53900		4,615,503
Roger Tompkins Alzheimer's Respite Care.....	64300		2,302,016
WV Alzheimer's Hotline.....	72400		45,000
Regional Aged and Disabled Resource Center.....	76700		425,000
Senior Services Medicaid Transfer.....	87100		16,400,070
Legislative Initiatives for the Elderly.....	90400		9,671,239
Long Term Care Ombudsman.....	90500		297,226
BRIM Premium.....	91300		7,718
In-Home Services and Nutrition for Senior Citizens.....	91700		<u>8,095,941</u>
Total.....		\$	44,856,387

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

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

Total TITLE II, Section 4 – Lottery Revenue..... \$ 125,433,000

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

710 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2022 Org 0100

	Excess
Appro-	Lottery
priation	Funds

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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

711 - Office of Technology

(WV Code Chapter 5A)

Fund 2532 FY 2022 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 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

712 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2022 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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

*713 - Division of Natural Resources –**State Park Improvement Fund*Fund 3277 FY 2022 Org 0310

Current Expenses (R)	13000	\$	23,300
Repairs and Alterations (R).....	06400		161,200
Equipment (R).....	07000		200,000
Buildings (R)	25800		100,000
Other Assets (R)	69000		<u>1,020,500</u>
Total		\$	1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2021 are hereby reappropriated for expenditure during the fiscal year 2022.

*714 -**715 - West Virginia Infrastructure Council –**West Virginia Infrastructure Transfer Fund*Fund 3390 FY 2022 Org 0316

Directed Transfer	70000	\$	46,000,000
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The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

*716 - Department of Education –**School Building Authority*Fund 3514 FY 2022 Org 0404

Debt Service - Total	31000	\$	18,999,900
Directed Transfer	70000		<u>100</u>
Total		\$	19,000,000

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

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

717 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2022 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 044) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

718 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2022 Org 0441

Directed Transfer	70000	\$	15,000,000
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The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

719 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2022 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

720 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2022 Org 0511

Medical Services.....	18900	\$	16,302,960
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721 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 6283 FY 2022 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 2021 is hereby reappropriated for expenditure during the fiscal year 2022.

722 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2022 Org 0705

General Revenue Fund – Transfer.....	70011	\$	65,000,000
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The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

723 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2022 Org 0705

Directed Transfer	70000	\$	10,000,000
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The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner’s request.

724 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2022 Org 0705

Parking Garage Fund – Transfer.....	70001	\$	500,000
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2004 Capitol Complex Parking Garage Fund – Transfer	70002	216,478
Capitol Dome and Improvements Fund – Transfer	70003	1,796,256
Capitol Renovation and Improvement Fund – Transfer	70004	2,381,252
Development Office Promotion Fund – Transfer	70005	1,298,864
Research Challenge Fund – Transfer	70006	1,731,820
Tourism Promotion Fund – Transfer.....	70007	4,808,142
Cultural Facilities and Capitol Resources Matching		
Grant Program Fund – Transfer	70008	1,250,535
State Debt Reduction Fund – Transfer.....	70010	20,000,000
General Revenue Fund – Transfer.....	70011	1,167,799
West Virginia Racing Commission Racetrack		
Video Lottery Account	70012	3,463,637
Historic Resort Hotel Fund	70013	24,010
Licensed Racetrack Regular Purse Fund.....	70014	<u>22,383,247</u>
Total		\$ 61,022,040

725 - Racing Commission

Fund 7308 FY 2022 Org 0707

Special Breeders Compensation

(WVC §29-22-18a, subsection (I)).....	21800	\$ 2,000,000
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726 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2022 Org 0944

Debt Service – Total	31000	\$ 19,000,000
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Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

727 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2022 Org 0944

Debt Service	04000	\$	2,032,000
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728 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2022 Org 0944

Debt Service	04000	\$	4,395,000
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Total TITLE II, Section 5 – Excess Lottery Funds.....		\$	<u>290,257,000</u>
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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 2022.

LEGISLATIVE

729 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2022 Org 2300

	Appro-		Federal
	priation		Funds
Economic Loss Claim Payment Fund.....	33400	\$	1,100,000

JUDICIAL

730 - Supreme Court

Fund 8867 FY 2022 Org 2400

Personal Services and Employee Benefits.....	00100	\$	1,813,000
Current Expenses	13000		1,557,000
Repairs and Alterations.....	06400		100,000
Equipment.....	07000		250,000

Other Assets	69000	<u>280,000</u>
Total		\$ 4,000,000

EXECUTIVE*731 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 2,628,780
Unclassified	09900	50,534
Current Expenses	13000	6,828,661
Repairs and Alterations.....	06400	650,000
Equipment.....	07000	910,500
Buildings.....	25800	1,000,000
Other Assets	69000	550,000
Land	73000	<u>500,000</u>
Total		\$ 13,118,475

*732 - Department of Agriculture –**Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 658,571
Unclassified	09900	8,755
Current Expenses	13000	136,012
Repairs and Alterations.....	06400	5,500
Equipment.....	07000	<u>114,478</u>
Total		\$ 923,316

*733 - Department of Agriculture –**State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2022 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		<u>15,599,974</u>
Total		\$	15,697,224

*734 - Department of Agriculture –**Land Protection Authority*Fund 8896 FY 2022 Org 1400

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

*735 - Attorney General –**Medicaid Fraud Unit*Fund 8882 FY 2022 Org 1500

Personal Services and Employee Benefits.....	00100	\$	1,257,042
Unclassified	09900		15,336
Current Expenses	13000		456,638
Repairs and Alterations.....	06400		4,313
Equipment.....	07000		7,500
Other Assets	69000		<u>11,336</u>
Total		\$	1,752,165

*736 - Secretary of State –**State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2022 Org 1600

Personal Services and Employee Benefits.....	00100	\$	210,240
Unclassified	09900		7,484
Current Expenses	13000		415,727
Repairs and Alterations.....	06400		15,000
Other Assets	69000		<u>100,000</u>
Total.....		\$	748,451

DEPARTMENT OF COMMERCE*737 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2022 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,640,060
Unclassified	09900		51,050
Current Expenses	13000		5,232,560
Repairs and Alterations.....	06400		155,795
Equipment.....	07000		100,000
Other Assets	69000		<u>1,808,300</u>
Total.....		\$	8,987,765

738 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2022 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
Unclassified	09900		2,803
Current Expenses	13000		195,639
Repairs and Alterations.....	06400		5,000

2021]	HOUSE OF DELEGATES		2249
Equipment.....	07000		7,500
Other Assets	69000		<u>15,000</u>
Total		\$	280,374

739 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2022 Org 0308

Personal Services and Employee Benefits.....	00100	\$	409,251
Unclassified	09900		5,572
Current Expenses	13000		167,098
Repairs and Alterations.....	06400		<u>500</u>
Total		\$	582,421

740 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2022 Org 0310

Personal Services and Employee Benefits.....	00100	\$	10,064,006
Unclassified	09900		107,693
Current Expenses	13000		7,887,660
Repairs and Alterations.....	06400		566,250
Equipment.....	07000		2,126,141
Administration	15500		50,325
Buildings	25800		951,000
Other Assets	69000		7,088,880
Land	73000		<u>2,893,920</u>
Total		\$	31,735,875

741 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2022 Org 0314

Personal Services and Employee Benefits.....	00100	\$	642,799
Current Expenses	13000		<u>150,000</u>
Total		\$	792,799

742 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2022 Org 0323

Unclassified	09900	\$	5,127
Current Expenses	13000		507,530
Reed Act 2002 – Unemployment Compensation.....	62200		2,850,000
Reed Act 2002 – Employment Services	63000		<u>1,650,000</u>
Total		\$	5,012,657

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

*743 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2022 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,725,244
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		138,000
Current Expenses	13000		34,440,940
Repairs and Alterations.....	06400		350,400
Equipment.....	07000		<u>1,275,870</u>

2021]

HOUSE OF DELEGATES

2251

Total..... \$ 47,930,454

744 - State Board of Rehabilitation –
Division of Rehabilitation Services –
Disability Determination Services
(WV Code Chapter 18)

Fund 8890 FY 2022 Org 0932

Personal Services and Employee Benefits.....	00100	\$ 12,476,122
Current Expenses	13000	13,383,206
Repairs and Alterations.....	06400	1,100
Equipment.....	07000	<u>83,350</u>
Total.....		\$ 25,943,778

DEPARTMENT OF ECONOMIC DEVELOPMENT

745 - Department of Economic Development –
Office of the Secretary
(WV Code Chapter 5B)

Fund 8705 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 1,039,921
Unclassified	09900	50,000
Current Expenses	13000	<u>4,504,019</u>
Total.....		\$ 5,593,940

746 - Department of Economic Development –
Office of the Secretary –
Office of Economic Opportunity
(WV Code Chapter 5)

Fund 8901 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 497,289
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Repairs and Alterations.....	06400	250
Equipment.....	07000	6,000
Unclassified	09900	106,795
Current Expenses	13000	<u>10,069,166</u>
Total		\$ 10,679,500

747 - Department of Economic Development –

Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2022 Org 0328

Personal Services and Employee Benefits.....	00100	\$ 426,385
Unclassified	09900	7,350
Current Expenses	13000	<u>2,816,076</u>
Total		\$ 3,249,811

DEPARTMENT OF EDUCATION

748 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 5,785,359
Unclassified	09900	2,000,000
Current Expenses	13000	1,434,146,008
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	<u>10,000</u>
Total		\$ 1,441,961,367

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

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,881,766
Unclassified	09900		1,150,500
Current Expenses	13000		148,281,265
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		100,000
Other Assets	69000		<u>25,000</u>
Total		\$	151,458,531

*750 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,896,249
Unclassified	09900		155,000
Current Expenses	13000		17,820,081
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		<u>10,000</u>
Total		\$	19,901,330

*751 - State Board of Education –**Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2022 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,477,006
Unclassified	09900		1,000,000
Current Expenses	13000		123,346,390
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		<u>10,000</u>
Total		\$	127,853,396

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

752 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2022 Org 0432

Personal Services and Employee Benefits.....	00100	\$	810,436
Current Expenses	13000		1,947,372
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Buildings	25800		1,000
Other Assets	69000		1,000
Land	73000		<u>360</u>
Total		\$	2,762,168

753 -

754 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2022 Org 0432

Personal Services and Employee Benefits.....	00100	\$	437,040
Current Expenses	13000		5,587,325
Repairs and Alterations.....	06400		<u>1,000</u>

2021] HOUSE OF DELEGATES 2255

Total \$ 6,025,365

755 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2022 Org 0433

Personal Services and Employee Benefits..... 00100 \$ 353,396

Current Expenses 13000 1,076,162

Equipment..... 07000 543,406

Total \$ 1,972,964

756 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2022 Org 0439

Equipment..... 07000 \$ 200,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

757 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2022 Org 0313

Personal Services and Employee Benefits..... 00100 \$ 31,406,529

Unclassified 09900 1,923,580

Current Expenses 13000 153,850,118

Repairs and Alterations..... 06400 739,783

Equipment..... 07000 1,712,238

Other Assets 69000 2,177,261

Land 73000 80,000

Total \$ 191,889,509

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

758 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 1,532,219
Unclassified	09900	73,307
Current Expenses	13000	<u>81,583,302</u>
Total		\$ 83,188,828

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

(WV Code Chapter 16)

Fund 8802 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 14,610,947
Unclassified	09900	856,614
Current Expenses	13000	69,201,885
Equipment.....	07000	456,972
Buildings	25800	155,000
Other Assets	69000	<u>380,000</u>
Total		\$ 85,661,418

*760 - Division of Health –**West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2022 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund – Transfer	68900	\$ 16,000,000
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761 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2022 Org 0510

2021]	HOUSE OF DELEGATES		2257
Personal Services and Employee Benefits.....	00100	\$	449,874
Unclassified	09900		5,050
Current Expenses	13000		<u>64,950</u>
Total		\$	519,874

762 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	76,720,133
Unclassified	09900		22,855,833
Current Expenses	13000		112,181,984
Medical Services.....	18900		3,860,302,514
Medical Services Administrative Costs.....	78900		132,247,536
CHIP Administrative Costs.....	85601		4,539,496
CHIP Services.....	85602		49,752,412
Federal Economic Stimulus.....	89100		<u>5,000,000</u>
Total		\$	4,263,599,908

DEPARTMENT OF HOMELAND SECURITY

763 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2022 Org 0601

Unclassified	09900	\$	5,000
Current Expenses	13000		<u>495,000</u>
Total		\$	500,000

764 - Division of Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2022 Org 0606

Personal Services and Employee Benefits.....	00100	\$	1,199,172
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		61,250
Current Expenses.....	13000		20,429,281
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>100,000</u>
Total.....		\$	21,794,703

765 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2022 Org 0608

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

766 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2022 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,480,877
Current Expenses.....	13000		2,125,971
Repairs and Alterations.....	06400		42,000
Equipment.....	07000		2,502,285
Buildings.....	25800		750,500
Other Assets.....	69000		144,500
Land.....	73000		<u>500</u>
Total.....		\$	8,046,633

767 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2022 Org 0619

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

(WV Code Chapter 15)

Fund 8803 FY 2022 Org 0623

Personal Services and Employee Benefits.....	00100	\$	1,222,258
Unclassified	09900		25,185
Current Expenses	13000		75,381,973
Repairs and Alterations.....	06400		<u>1,750</u>
Total		\$	76,631,166

DEPARTMENT OF REVENUE*769 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2022 Org 0704

Personal Services and Employee Benefits.....	00100	\$	145,000
Current Expenses	13000		2,825,000
Equipment.....	07000		<u>30,000</u>
Total		\$	2,855,000

DEPARTMENT OF TRANSPORTATION*770 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2022 Org 0802

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

771 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2022 Org 0805

Personal Services and Employee Benefits.....	00100	\$	1,010,320
Current Expenses	13000		20,913,149
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		2,801,714
Buildings	25800		1,250,000
Other Assets	69000		<u>100,000</u>
Total		\$	26,077,683

772 - Aeronautics Commission

(WV Code Chapter 29)

Fund 8831 FY 2022 Org 0807

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

DEPARTMENT OF VETERANS' ASSISTANCE*773 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2022 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,890,365
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		57,120
Current Expenses	13000		2,840,300
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		25,000

2021]	HOUSE OF DELEGATES	2261
Buildings	25800	250,000
Land	73000	500
Veterans' Cemetery	80800	<u>175,000</u>
Total		\$ 6,258,285

774 - Department of Veterans' Assistance -

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2022 Org 0618

Personal Services and Employee Benefits.....	00100	\$ 906,850
Current Expenses	13000	595,700
Repairs and Alterations.....	06400	60,500
Equipment.....	07000	10,500
Buildings	25800	500
Other Assets	69000	6,500
Land	73000	<u>100</u>
Total		\$ 1,580,650

BUREAU OF SENIOR SERVICES

775 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2022 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 761,414
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	5,950
Current Expenses	13000	13,811,853
Repairs and Alterations.....	06400	<u>3,000</u>
Total		\$ 14,582,217

MISCELLANEOUS BOARDS AND COMMISSIONS

776 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2022 Org 0603

Unclassified	09900	\$	982,705
Mountaineer ChalleNGe Academy	70900		7,200,000
Martinsburg Starbase	74200		439,622
Charleston Starbase	74300		424,685
Military Authority	74800		<u>91,380,274</u>
Total		\$	100,427,286

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

777 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2022 Org 0603

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

778 -

779 - Public Service Commission –

2021] HOUSE OF DELEGATES 2263

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,352,576
Current Expenses	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment.....	07000		<u>413,400</u>
Total.....		\$	2,173,929

780 - Public Service Commission –

Gas Pipeline Division

(WV Code Chapter 24B)

Fund 8744 FY 2022 Org 0926

Personal Services and Employee Benefits.....	00100	\$	621,039
Unclassified	09900		4,072
Current Expenses	13000		124,628
Equipment.....	07000		<u>3,000</u>
Total.....		\$	752,739

781 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2022 Org 0941

Personal Services and Employee Benefits.....	00100	\$	163,405
Current Expenses	13000		242,195
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Other Assets	69000		<u>2,000</u>
Total.....		\$	415,600

Total TITLE II, Section 6 - Federal Funds

..... \$ 6,842,455,104

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 2022.

782 - Department of Economic Development –

Office of the Secretary –

Community Development

Fund 8746 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$	10,658,978
Unclassified	09900		2,375,000
Current Expenses	13000		<u>224,476,883</u>
Total		\$	237,510,861

783 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2022 Org 0307

Personal Services and Employee Benefits.....	00100	\$	362,389
Unclassified	09900		125,000
Current Expenses	13000		12,002,111
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		<u>9,000</u>
Total		\$	12,500,000

784 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2022 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,875,479
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Salary and Benefits of Cabinet Secretary and

Agency Heads	00201	124,018
Unclassified	09900	23,023
Current Expenses	13000	39,263,511
Repairs and Alterations	06400	1,600
Equipment.....	07000	500
Buildings	25800	<u>1,100</u>
Total		\$ 42,289,231

785 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 2,268,209
Unclassified	09900	81,439
Current Expenses	13000	<u>5,794,267</u>
Total		\$ 8,143,915

786 - Division of Health –

Preventive Health

Fund 8753 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 268,337
Unclassified	09900	22,457
Current Expenses	13000	1,895,366
Equipment.....	07000	<u>165,642</u>
Total		\$ 2,351,802

787 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	657,325
Unclassified	09900		115,924
Current Expenses	13000		<u>10,853,740</u>
Total.....		\$	11,626,989

788 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2022 Org 0506

Personal Services and Employee Benefits.....	00100	\$	551,368
Unclassified	09900		33,533
Current Expenses	13000		<u>4,883,307</u>
Total.....		\$	5,468,208

789 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	1,860,574
Unclassified	09900		350,000
Current Expenses	13000		<u>38,182,151</u>
Total.....		\$	40,392,725

790 - Division of Human Services –

Social Services

Fund 8757 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$	8,806,005
Unclassified	09900		171,982
Current Expenses	13000		<u>8,870,508</u>
Total.....		\$	17,848,495

*791 - Division of Human Services –**Temporary Assistance for Needy Families*Fund 8816 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 20,604,174
Unclassified	09900	1,250,000
Current Expenses	13000	<u>105,871,588</u>
Total		\$ 127,725,762

*792 - Division of Human Services –**Child Care and Development*Fund 8817 FY 2022 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 2,797,226
Unclassified	09900	350,000
Current Expenses	13000	<u>47,000,307</u>
Total		\$ 50,147,533
Total TITLE II, Section 7 – Federal Block Grants		<u>\$ 556,005,521</u>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2022, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$4,310,008, special revenue funds in the amount of \$68,539, and state road funds in the amount of \$621,765 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2022 out of surplus funds only, accrued from the fiscal year ending June 30, 2021, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus as of July 31, 2021 from the fiscal year ending June 30, 2021, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2021, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

793 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2022 Org 0444

Mountwest Community and Technical College - Surplus..... ##### \$ 97,340

794 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2022 Org 0445

New River Community and Technical College - Surplus ##### \$ 87,973

795 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2022 Org 0447

Blue Ridge Community and Technical College - Surplus ##### \$ 117,463

796 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2022 Org 0464

West Virginia University – Parkersburg - Surplus ##### \$ 154,789

797 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2022 Org 0487

Southern West Virginia Community and

Technical College - Surplus..... ##### \$ 123,627

798 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2022 Org 0489

West Virginia Northern Community and

Technical College - Surplus..... ##### \$ 109,287

799 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2022 Org 0492

Eastern West Virginia Community and

Technical College - Surplus.....	#####	\$	32,699
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800 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2022 Org 0493

BridgeValley Community and Technical College - Surplus.....	#####	\$	121,482
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801 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2022 Org 0463

WVU School of Health Science – Eastern Division - Surplus ..	#####	\$	33,530
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WVU – School of Health Sciences - Surplus	#####		225,846
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WVU – School of Health Sciences –

Charleston Division - Surplus	#####		<u>34,301</u>
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Total		\$	293,677
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802 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2022 Org 0471

Marshall Medical School - Surplus	#####	\$	183,526
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803 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2022 Org 0476

West Virginia School of Osteopathic Medicine - Surplus	#####	\$	133,189
<p style="text-align: center;"><i>804 - Bluefield State College</i> (WV Code Chapter 18B) Fund <u>0354</u> FY <u>2022</u> Org <u>0482</u></p>			
Bluefield State College - Surplus.....	#####	\$	95,748
<p style="text-align: center;"><i>805 - Concord University</i> (WV Code Chapter 18B) Fund <u>0357</u> FY <u>2022</u> Org <u>0483</u></p>			
Concord University - Surplus.....	#####	\$	157,146
<p style="text-align: center;"><i>806 - Glenville State College</i> (WV Code Chapter 18B) Fund <u>0363</u> FY <u>2022</u> Org <u>0485</u></p>			
Glenville State College - Surplus.....	#####	\$	96,704
<p style="text-align: center;"><i>807 - Shepherd University</i> (WV Code Chapter 18B) Fund <u>0366</u> FY <u>2022</u> Org <u>0486</u></p>			
Shepherd University - Surplus.....	#####	\$	190,257
<p style="text-align: center;"><i>808 - West Liberty University</i> (WV Code Chapter 18B) Fund <u>0370</u> FY <u>2022</u> Org <u>0488</u></p>			
West Liberty University – Surplus.....	#####	\$	136,540
<p style="text-align: center;"><i>809 - West Virginia State University</i> (WV Code Chapter 18B) Fund <u>0373</u> FY <u>2022</u> Org <u>0490</u></p>			
West Virginia State University - Surplus.....	#####	\$	170,138

810 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2022 Org 0100

Milton Flood Wall - Surplus 75799 \$ 17,500,000

811 - Department of Tourism-

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2022 Org 0304

Tourism – Brand Promotion – Surplus 61893 \$ 7,000,000

812 - Marshall University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0348 FY 2022 Org 0471

Marshall University - Surplus..... ##### \$ 9,700,000

813 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2022 Org 0420

West Virginia Council for Community

and Technical Education - Surplus ##### \$ 3,000,000

814 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2022 Org 0441

Current Expenses - Surplus ##### \$ 1,600,000

The above appropriation for Current Expense - Surplus (fund 0589, appropriation #####) shall be used for workforce development initiatives.

815 - West Virginia University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0344 FY 2022 Org 0463

West Virginia University - Surplus ##### \$ 16,600,000

816 - Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2022 Org 0307

Directed Transfer - Surplus 70099 \$ 1,000,000

The above appropriation for Directed Transfer - Surplus (fund 0256, appropriation 70099) shall be transferred to the Economic Development Promotion and Closing Fund (fund 3171).

Total TITLE II, Section 9 – Surplus Accrued..... \$ 58,701,585

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following item is hereby appropriated from the lottery net profits, and is to be available for expenditure during the fiscal year 2022 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2021, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2021.

In the event that surplus revenues available from the fiscal year ending June 30, 2021, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

817 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2022 Org 0508

Senior Services Medicaid Transfer – Lottery Surplus 68199 \$ 16,000,000

In-Home Services and Nutrition for

Senior Citizens – Lottery Surplus	76699	<u>750,000</u>
Total		\$ 16,750,000
Total TITLE II, Section 10 – Surplus Accrued.....		<u>\$ 16,750,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2022 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2021, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2021.

In the event that surplus revenues available from the fiscal year ending June 30, 2021, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

818 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7308 FY 2022 Org 0707

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

819 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2022 Org 0511

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

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2022 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.Va. 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.Va. Code §12-2-1 et seq., W.Va. Code §12-3-1 et seq., and W.Va. 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.Va. Code §4-11-1, *et seq.* *Provided further,* That federal funds that become available to a spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W. Va. Code §4-11-5(d): *And provided further,* That no provision of this Act may be construed to authorize the expenditure of federal funds except as provided in this section.

During fiscal year 2022, the following funds are hereby available and are to be transferred to the appropriate funds as specified from available balances per the following:

820 - Attorney General

Consumer Protection Recovery Fund

(WV Code Chapter 46A)

Fund 1509 FY 2022 Org 1500

Directed Transfer	70000	\$	4,500,000
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From the above appropriation for Directed Transfer (fund 1509, appropriation 70000), \$2,500,000 shall be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185) and \$2,000,000 shall be transferred to the Governor’s Office – Civil Contingent Fund – Local Economic Development Assistance (fund 0105, appropriation 81900).

Total TITLE II, Section 12 – Appropriations for Special Revenue

Appropriations		\$	<u>4,500,000</u>
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Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2022, 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 2022 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful

demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 584**), and there were, including pairs—yeas 86, nays 14, absent and not voting none, with the paired, and nays being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Westfall

Nay: Pushkin

Nays: Diserio, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, Kimes, Lovejoy, McGeehan, Thompson, Walker, Williams and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2022) passed.

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

On this question, the yeas and nays were taken (**Roll No. 585**), and there were, including pairs—yeas 97, nays 3, absent and not voting none, with the paired, and nays being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Westfall

Nay: Pushkin

Nays: Kimes and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2022) takes effect from its passage.

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

Miscellaneous Business

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 3198: Delegate Rowe

At 7:49 p.m., the House of Delegates adjourned until 11:00 a.m., Saturday, April 10, 2021.

**HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470**

SPECIAL CALENDAR

Saturday, April 10, 2021

60th Day

11:00 A. M.

UNFINISHED BUSINESS

- S. C. R. 53 - Encouraging certain facilities improve palliative care programs
- H. R. 26 - Requesting the Joint Committee on Government and Finance to study the extent to which the COVID-19 pandemic has revealed efficiencies and/or inefficiencies in the executive branch of government in West Virginia
- H. C. R. 105 - Requesting the Joint Committee on Government and Finance study the current process of involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes
- H. C. R. 106 - Requesting the Joint Committee on Government and Finance study the effect of empowering the West Virginia Sentencing Commission to study the effect of a criminal code rewrite

THIRD READING

- Com. Sub. for S. B. 344 - Relating to credit for qualified rehabilitated buildings investment (HOUSEHOLDER) (JULY 1, 2021)
- Com. Sub. for S. B. 368 - Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program (RILEY) (JULY 1, 2021)
- Com. Sub. for S. B. 492 - Establishing program for bonding to reclaim abandoned wind and solar generation facilities (ANDERSON) (REGULAR) [AMENDMENT PENDING] [RIGHT TO AMEND]
- S. B. 718 - Relating generally to Coal Severance Tax Rebate (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Saturday, April 10, 2021

60th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 7 - Limiting political activity by public employees (CAPITO) (REGULAR)
- Com. Sub. for S. J. R. 9 - Disabled Veterans' Exemption from Ad Valorem Property Taxation Amendment (CAPITO) (JUDICIARY COMMITTEE AMENDMENT PENDING) [RIGHT TO AMEND]
- Com. Sub. for S. J. R. 11 - Constitutional Officer Term Limit Amendment (CAPITO) (JUDICIARY COMMITTEE AMENDMENT PENDING) [RIGHT TO AMEND]
- Com. Sub. for S. B. 702 - Relating to involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2224 - Relating to complaints against public agencies to obtain records through the Freedom of Information Act (CAPITO) (REGULAR) [RIGHT TO AMEND]
- H. B. 2741 - Relating to expansion of the alcohol test and lock program to offenders with a drug related offense (CAPITO) (REGULAR)
- H. B. 3306 - Relating to virtual instruction (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 314 - Regulating pawnbrokers (CAPITO) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 509 - Removing requirement that determination of medical stability be found prior to admission to mental health facility (CAPITO) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 585 - Requiring BOE create and provide course in family and consumer sciences in secondary schools (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 610 - Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV (HOUSEHOLDER) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 710 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR) (EDUCATION COMMITTEE AMENDMENT PENDING)

- Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2177 - Permitting the issuance of a state issued identification card without a photo on the card under certain conditions (STEELE) (REGULAR)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2628 - Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located (CAPITO) (REGULAR)
- H. B. 2721 - Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice (STEELE) (REGULAR)
- Com. Sub. for H. B. 2959 - Relating to the financing of environmental pollution control equipment for coal-fired power plants (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 3009 - Relating to the publication of county board financial statements (ELLINGTON) (REGULAR)
- H. B. 3079 - Relating to exempting recovery residences from certain standards (J. PACK) (REGULAR)
- H. B. 3131 - Relating to correcting internal code references and citations (CAPITO) (REGULAR)
- H. B. 3305 - Relating to required course of study (ELLINGTON) (REGULAR)
- H. B. 3309 - Creating and funding a Video Lottery Terminals Modernization Fund (HOUSEHOLDER) (REGULAR)

FIRST READING

- H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)
- H. B. 2590 - Relating to the West Virginia Employment Law Worker Classification Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2620 - Relating to a departmental study of the child protective services and foster care workforce (J. PACK) (REGULAR)
- H. B. 2719 - Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice (STEELE) (REGULAR)

H. B. 3059 - Making contract consummation with state more efficient (STEELE)
(REGULAR)

Com. Sub. for H. B. 3102 - Requiring Director of transportation to have experience in
transportation department (ELLINGTON) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

SATURDAY, APRIL 10, 2021

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON RULES
10:45 A.M. – ROOM 434 M**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470